

VILLAGE

OF

BUCKEYE LAKE

OFFICIAL

ZONING REGULATIONS

Updated October 2023

BUCKEYE LAKE VILLAGE ZONING REGULATIONS

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PREAMBLE

An ordinance of the Village of Buckeye Lake, Licking County, Ohio, enacted in accordance with a comprehensive plan and the provisions of Chapter 713, Ohio Revised Code; dividing the village into zones and districts, encouraging, regulating and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the orderly development of residential, business, industrial, recreational, and public areas; providing for adequate light, air, and convenience of access to property by regulating the use of land, buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-way; providing for the compatibility of different land uses and the most appropriate use of land; and powers and duties of the administrative officers as provided hereafter, the prescribing of penalties for the violation of the provisions in this ordinance or any amendment thereto; all for the purpose of protecting the public health, safety, comfort, and general welfare.

Therefore, be it resolved by the Council of the Village of Buckeye Lake, Licking County, State of Ohio:

ARTICLE 1
TITLE, INTERPRETATION AND ENACTMENT

SECTION 100 TITLE

This ordinance shall be known and may be cited to as the “Zoning Ordinance of the Village of Buckeye Lake, Ohio.”

SECTION 101 PROVISIONS DECLARED MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general welfare. Wherever the requirements of this ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

SECTION 102 SEPARABILITY CLAUSE

Should any section or provisions of this ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 103 REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE

All ordinances or parts of ordinances in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and affect.

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

ARTICLE 2 DEFINITIONS

SECTION 200 INTERPRETATION OF TERMS OR WORDS

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

1. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
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” include the words “intended, designed or arranged to be used or occupied”.

Accessory use or Structure: A use or structure on the same lot with, and a nature customarily incidental and subordinate to the principal use or structure.

Agriculture: The use of land for farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating or storing the produce, provided, however that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities.
2. The above use shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.

Airport: Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and take-off of aircraft, including all necessary taxiway, aircraft storage and tie-down areas, hangers and other necessary buildings and open spaces.

Alley: See Thoroughfare.

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

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

Automotive, Mobile Home, Travel Trailer, and Farm Implement Sales: The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

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

Basement: A story, all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

Building: Any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

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

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 roofs.

Building Line: See Setback Line

Building, Principal: A building in which is conducted the main or principle use of the lot on which the said building is situated.

Business Convenience: Commercial establishments, which cater to and can be located in close proximity to or within Residential Districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drug store, beauty shops, barber shops, carry-outs, dry cleaning and laundry pick-up facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

Business, General: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections and which tend, in addition to serving day-to-day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores.

Business, Highway: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as filling stations, truck and auto sales and service, restaurants and motels, and commercial recreation.

Business, Office Type: Quasi-commercial uses, which may often be transitional between retail business and/or manufacturing and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices or a charitable, philanthropic, or religious or educational nature are also included in this classification.

Business Services: Any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and business.

Business, Wholesale: Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

Cemetery: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery.

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

Clinic: A place used for the care, diagnosis and treatment of sick, ailing, infirmed or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

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

Commercial Entertainment Facilities: Any profit-making activity, which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities

Comprehensive Development Plan: A plan, or any portion thereof, adopted by the Planning Commission and the legislative authority of the Village of Buckeye Lake 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 general goals, objectives, and policies of the community.

Conditional Uses: A use permitted within a district other than a principally permitted use, requiring

a conditional use permit and approval of the Board of Zoning Appeals.

Conditional uses permitted in each district are listed in the Official Schedule of District Regulations.

Conditional Use Permit: A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Comer Lot: See Lot Types.

Cul-de-Sac: See Thoroughfare.

Dead-End Street: See Thoroughfare.

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

1. Gross Density: The number of dwelling units per acre of the total land to be developed.

2. Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Dwelling: Any building or structure (except a house trailer or mobile home, as defined by Ohio Revised Code 4501.01), which is wholly or partly used or intended to be used, for living or sleeping by one or more human occupants.

Dwelling, Industrialized Unit: An assembly of material or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient, and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit, but not a mobile home.

Dwelling, Multi-Family: A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

Dwelling, Rooming House (Boarding House, Lodging House, Dormitory): A dwelling or part thereof, other than a hotel, motel, or restaurant, where meals and/or lodging are provided for compensation for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Dwelling, Single-Family: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

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

Dwelling, Units: Space within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.

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

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

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, or marriage, no such family shall contain over five persons.

Farm Vacation Enterprises (Profit or Non-Profit): Farms adopted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery and nature recreation areas, hunting areas, hunting preserves, and watershed projects.

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

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

Floodway: That portion of the flood plain, including the channel, required to convey the 100-year floodwaters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floodway Fringe: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

Floor Area of a Non-Residential Building (to be used in calculating parking requirement): The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

Floor Area of a Residential Building: The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential uses, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between the interior faces of walls.

Floor Area, Usable: Measurement of usable floor area shall be the sum of the horizontal areas of several floors of the building, measured from the interior faces of the exterior walls.

Food Processing: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

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 permitted which does not exceed two tons capacity.

Garages, Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sale made:

1. Sales and service of spark plugs, batteries, and distributors, and parts.
2. Tire servicing and repair, but not recapping or regrooving.
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 and polishing, and sale of washing and polishing materials.
6. Greasing, lubrication.
6. Providing and repairing fuel pumps, oil pumps, and lines.
8. Minor servicing, adjusting and repairing brakes.
7. Minor motor adjustment not involving removal of the head or crankcase or racing the motor.
8. Sales of cold drinks, packaged foods, tobacco and similar convenience goods for service station customers, as accessory and incidental to the principle operation.
9. Provision of road maps and other informational material to customers, and provision of restroom facilities.
10. Warranty maintenance and safety inspections. Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of autos not in operational condition, or other work involving noise, glare, fumes, smoke or other characteristics to an extent greater than normally found in filling stations. A filling station is neither a repair garage nor a body shop.

Home Occupation: An occupation conducted in a dwelling unit, provided that:

1. No more than one person other than members of the family residing on the premises shall be engaged in such occupation.
2. The use of a dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of the floor area of the dwelling unit shall be used in conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance, and shall not be located in a required front yard.
5. No equipment or process shall be used in such home occupation, which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Hotel or Motel and Apartment Hotel: A building in which lodging or boarding and lodgings are provided and offered to the public for compensation. As such it is open to the public, in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

Institution: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitation, counseling or other correctional services.

Junk Buildings, Junk Shops, and Junk Yards: Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

Kenel: Any lot or premises on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, or sold and which may offer provisions for minor medical treatment.

LCPC: Licking County Planning Commission

Loading Space, Off-Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking spaces. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Location Map: See Vicinity Map.

Lot: For the purposes 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 & may consist of:

1. A single lot of record.
2. A portion of a lot of record.
3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

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

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.

Lot Line: When adjacent to the street, such line shall be measured from the right-of-way line of the existing street, provided, however, that if the proposed location of the right-of-way line of such street as established on the Thoroughfare Plan or on the “Official Map of the Village of Buckeye Lake” differs from that of the existing street, then the lot line shall be measured from the right-of-way line of such street as designated on said Thoroughfare Plan or Official Map.

Lot Measurements: A lot shall be measured as follows:

1. **Depth:** The distance between the mid-point of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
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.

Lot, Minimum Area of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

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

Lot Types: Terminology used in this ordinance with reference to comer lots, interior lots, and through lots as follows:

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 comer lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 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. A through lot abutting two streets may be referred to as a Double Frontage Lot.
4. **Reversed Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Maintenance and Storage Facilities: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and materials.

Major Thoroughfare Plan: The portion of the comprehensive plan adopted by the Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

Manufacturing, Extractive: Any mining, quarrying, excavating, processing, storing, I separating, cleaning, or marketing of any mineral natural resource.

Manufacturing, Heavy: Processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor or dust; operation and storing within enclosed structures; and generating little industrial traffic and no nuisances.

Mobile Home: A manufactured housing unit built on a chassis and which is a non-self- propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of 4,500 pounds and an overall length of 30 feet (ORC 4501.01).

Mobile Home Park: Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as part of the facilities of such park.

Modular Home: Has the following features and characteristics:

1. Mass production in a factory.
2. Designed and constructed for transportation to a site for installation and use when connected to required utilities.
3. Either an independent, individual building or a module for combination with other elements to form a building on the site.

Modular Housing: A manufactured building or portion of a building designed for long-term residential use, not constructed on a chassis, permanently installed on a foundation.

Nonconformity: A building, structure or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the districts or zone in which it is situated.

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

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

Open Space: An area substantially open to the sky, which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts, and any other recreational facilities that the Planning Commission deems permissible. Streets, parking areas, structures for habitation, and the like shall not be included.

Parking Space, Off-Street: For the purpose of this ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Performance Bond or 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.

Personal Services: Any enterprise conducted for gain, which primarily offers services to the general public such as shoe repair, watch repair, barbershops, beauty parlors, and similar activities.

Planned Unit Development: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles, and landscaping plans.

Professional Activities: The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

Public Service Facilities: The erection, construction, alteration, operation or maintenance of buildings, power plants, or substations, water treatment plants, or pumping stations, sewage disposal or dumping plants, and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water, and sewage services.

Public Uses: Public parks, schools, 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.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, bicycle path, or other way in which the general public or a public entity has a right, or which are dedicated, whether improved or not.

Quasi-Public Use: Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit in nature.

Recreation Camp: An area of land on which two or more travel trailers, campers, tents, or other similar temporary recreation structures are regularly accommodated with or without charge, including any building, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

Recreation Facilities: Public or private facilities that may be classified as either “extensive” or “intensive”, depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, riding clubs and parks. Intensive facilities generally require less land (used more intensively), and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

Research Activities: Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said buildings.

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

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural and related products.

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

Setback Line: A line established by the zoning ordinance generally parallel with and measured from the lot line (defined herein), defining the limits of yard in which no building, accessory building, or structure may be located above ground, except as may be provided in said code.

Sewers, Central or Group: An approved sewage-disposal system, which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

Sewers, On-Site: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

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

Sign: Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

1. **Sign, On-Premises:** Any sign related to a business or a profession conducted, or to a commodity or a service sold or offered upon the premises where such sign is located.
2. **Sign, Off-Premises:** Any sign unrelated to a business or profession conducted, or to a commodity or a service sold or offered upon the premises where such sign is located.
3. **Sign, Illuminated:** Any sign illuminated by electricity, gas or other artificial light, including

reflecting or phosphorescent light.

4. **Sign, Lighting Device:** Any light, string of lights, or group of lights located or arranged so as to cast illumination of a sign.

5. **Sign, Projecting:** Any sign which projects from the exterior of a building.

Story: That part of a building between the surface of a floor and the ceiling immediately above.

Structure: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences, and billboards.

Supply Yards: A commercial establishment storing and offering for sale building supplies, steel supplies, coal heavy equipment, feed and grain, and similar goods.

Swimming Pools: A pool, pond, lake, or open tank containing at least five feet of water 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 multi-family development, or a community, the members and guests of a club or the patrons of a motel or hotel, and -accessory use.

2. **Community:** Operated with a charge for admission; a primary use.

Thoroughfare, Street, or Road: The full width between property lines bounding every 1 public way of whatever nature, with a part thereof to be used for vehicular traffic & designated as follows:

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, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local 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 turn-around.

5. **Dead-End Street:** A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.

6. **Local Street:** A street primarily for providing access to residential or other abutting property.

7. **Loop Street:** A type of local street, each end of which terminates at an f, intersection with the same arterial or collector street, and whose principal radius points \ of the 180-degrees system of turns are not more than 1, 000 feet from each other.

8. **Marginal-Access Street:** A local or collector street, parallels, and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets (also called Frontage Street).

Through Lot: See Lot Types.

Transportation, Director of: The Director of the Ohio Department of Transportation.

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

Variance: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Veterinary Animal Hospital or Clinic: A place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirmed, 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.

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

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

Yard: A required open space other than a court unoccupied and obstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

1. **Yard, Front:** A yard extending between side lot lines across the front of a lot and from the lot line to the front of the principal building.
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.

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.

NOTE: Additional definitions may be found in article 13.

Last Updated: Ordinance 2005-30 effective 10-27-2005

ARTICLE 3 ENFORCEMENT

SECTION 300 ZONING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this ordinance unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use or Development District, as provided by this ordinance.

SECTION 301 CONTENTS OF APPLICATION FOR ZONING PERMIT

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within 90 days or substantially completed within one year. The Village of Buckeye Lake can extend one (1) additional 90 day period at its discretion when warranted for extenuating circumstances. At a minimum, the application shall contain the following information. *Last Updated: Ordinance 2006-14 effective 4-10-2006*

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Existing use.
4. Proposed use.
5. Zoning district.
6. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building or alterations.
7. Building heights.
8. Number of off-street parking spaces or loading berths.
9. Number of dwelling units.
10. Such other matters as may be necessary to determine conformance with, and provide for, the enforcement of this ordinance.

SECTION 302 APPROVAL OF ZONING PERMIT

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this ordinance. All zoning permits shall be conditional upon the commencement of work within six (6) months. 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 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 the ordinance.

SECTION 303 SUBMISSION TO DIRECTOR OF TRANSPORTATION

Before any zoning permit is issued affecting any land within 300 feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail to the Director of Transportation that he shall not issue a zoning permit for

120 days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the zoning inspector that acquisition at this time is not in the public interest or upon the expiration of the 120-day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this ordinance, issue the zoning permit.

SECTION 304 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within one year 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 canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

SECTION 305 CERTIFICATE OF OCCUPANCY

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

SECTION 306 TEMPORARY CERTIFICATION OF OCCUPANCY

The Zoning Inspector may issue a temporary certificate of occupancy for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

SECTION 307 RECORD OF ZONING PERMITS AND CERTIFICATE OF OCCUPANCY

The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished upon request to any person.

SECTION 308 FAILURE TO OBTAIN A ZONING PERMIT OR CERTIFICATE OF OCCUPANCY

Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this ordinance and punishable under Section 311 of this ordinance.

SECTION 309 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLAN, PERMITS, AND CERTIFICATES

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use, and arrangements, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this resolution, and punishable as provided in Section 311 of this ordinance.

SECTION 310 COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a

written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided -by this ordinance.

SECTION 311 PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violation of conditions and safeguards established in various sections of this ordinance or failure to comply with any of its requirements, 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 \$100 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties 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 312 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Buckeye Lake Village Council shall, by ordinance, establish a schedule of fees, charges, and expenses, and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this ordinance, requiring investigations, inspections, legal advertising, postage, and other expenses. 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.

ARTICLE 4 NONCONFORMITIES

SECTION 400 INTENT

If 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 or future amendments, it is the intent of this ordinance that nonconformities 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.

SECTION 401 INCOMPATIBILITY OF NONCONFORMITIES

Nonconformities 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 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 or additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

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 has been carried on 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 NONCONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance. Such lot must be in separate ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, or the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Articles 8 and 10 of this ordinance, other than lot or lot width, shall be obtained only through action of the Board of Zoning Appeals, as provided in sections 508 through 518.

SECTION 404 NONCONFORMING USE OF LAND

Where, at the time 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 remain 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 by such uses 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 one

year (except when government action impedes access to the premises), any subsequent use of land shall conform to the regulations specified by this ordinance for the district in which such land is located.

4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such nonconforming uses of land

SECTION 405 NONCONFORMING 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 restriction on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

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

SECTION 406 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION

If a lawful use involving individual structures, or of 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, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
2. Any nonconforming use may be extended throughout any parts of a building that were manifestly arranged or designed for such 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 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 shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this ordinance.
4. Any structure or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.
5. When a nonconforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than one year (except when government action impedes access to the premises) the structure or structure and land in combination shall not thereafter be used except in conformity with the regulations for the district in which it is located.
6. Where nonconforming use status applies to a structure and land in combination, the owner's willful removal or destruction of the structure shall eliminate the nonconforming status of the land.

SECTION 407 REPAIR 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, fixtures, wires, 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 408 USES UNDER CONDITIONAL USE PROVISIONS NON CONFORMING USES

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

SECTION 409 MOBILE HOMES, MANUFACTURED HOMES AND MANUFACTURED HOUSING

If a lawful use involving a mobile home, manufactured home, manufactured housing, or a mobile home, manufactured home, or manufactured housing 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 or amendment, the lawful use may be continued so long as it remains otherwise lawful. Mobile homes in violation of Ohio Revised Code or Village Ordinances, including zoning and property maintenance ordinances, are unlawful uses and the nonconforming use may be terminated.

Updated: Ordinance 2021-49 effective 9-27-2021 and updated by Ordinance 2023-04 effective 2-13-23

ARTICLE 5 ADMINISTRATION

SECTION 500 OFFICE OF ZONING INSPECTOR CREATED

A Zoning Inspector designated by the Village Council of Buckeye Lake shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the Village Council may direct. The Village Zoning Inspector, before entering upon his duties, shall give a bond similar to the provisions required in 519.161 of the Ohio Revised Code.

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 shall notify in writing the person responsible for such violation ordering the action necessary to correct such violations.
2. Order discontinuance of illegal uses of land, buildings, or structures.
3. Order removal of illegal buildings or structures or illegal additions or structural alternations.
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 violation 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.

SECTION 502 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 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 act which shall be a public record and be immediately filed in the office of the Commission.

SECTION 503 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 and make recommendations to the Village Council as specified in Article 6.
3. Review all Planned Unit Developments and make recommendations to the Village Council as provided in Article 12.

SECTION 504 BOARD OF ZONING APPEALS CREATED

A Board of Zoning Appeals is hereby created, which shall consist of five members to be appointed by the Mayor, each for a term of five years, except the initial appointments shall be one member each for one, two three, four and five-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 for the unexpired term of the member affected.

SECTION 505 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 506 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 as ought to be made, and to that end shall have the powers of the Zoning inspector from whom the appeal is taken. The majority vote of members 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.

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 resolution 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. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article 5 and such additional safeguards as will uphold the intent of this ordinance.

SECTION 507 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY, AND COURTS ON MATTERS OF APPEAL

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions 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. The procedure for deciding such questions shall be as stated in this section of this ordinance. Under this ordinance the Village Council shall have only the duties of considering the adopting or reflecting proposed amendments or the repeal of this ordinance as provided by law, and of establishing schedule of fees and charges as stated in Section 312 of this ordinance. Nothing in this ordinance shall be interpreted to prevent any official of the Village from appealing a decision of the Board to the courts, as provided in Chapter 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within 20 days of the Board's written decision.

SECTION 508 PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

Appeals and variances shall conform to the procedures and requirements of Sections 509 through 518, inclusive, of this ordinance. As specified in Section 506, the Board of Zoning Appeals has appellant jurisdiction relative to appeals and variances.

SECTION 509 APPEALS

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this

ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority or the village affected by any decision of the Zoning Inspector. Such appeals shall be taken within 20 days 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. The Zoning Inspector shall transmit to the Board of Zoning Appeals a notice of appeal specifying the grounds upon which the appeal is being taken. 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 510 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 with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

SECTION 511 VARIANCE

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship, non-conforming use of neighboring lands, structures, or buildings in the immediate neighborhood, may be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this ordinance would result in unnecessary hardship.

SECTION 512 APPLICATION AND STANDARDS FOR VARIANCES

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 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 following standards.
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building in the same district.
 - b. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - c. That special conditions and circumstances do not result from the applicant.
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.

A variance shall not be granted unless the Board makes specific findings for facts based directly on the particular evidence presented to it, which support concluding that the standards and conditions imposed by subsection four of this section have been met by the applicant.

SECTION 513 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 this ordinance. Violation of such conditions and safeguards, when made part of the terms under which the appeal or variance is granted, shall be deemed a violation of this ordinance and punishable under Section 311 of this ordinance.

SECTION 514 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

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

SECTION 515 NOTICE OF PUBLIC HEARING

Before holding the public hearing required in Section 514, notice of such hearing shall be posted in five public places at least ten days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

SECTION 516 NOTICE TO PARTIES IN INTEREST

Before holding the public hearing required in Section 514, written notice of such hearing shall be mailed by the Chairman of the Zoning Board of Appeals, by first class mail, at least ten days before the day of the hearing to all parties in interest. The notice shall consist of the same information as required of public notices specified in Section 515.

SECTION 517 ACTION BY BOARD OF ZONING APPEALS

Within 30 days after the public hearing required in Section 514, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 513, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 507.

SECTION 518 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS

Conditional uses shall conform to the procedures and requirements of Section 519 through 526, inclusive of this resolution.

SECTION 519 GENERAL

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses, as they are conditionally permitted under the provisions of Article 8 shall follow the procedures and requirements set forth in Sections 519 through 526, inclusive.

SECTION 520 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT

An application for conditional use permit shall be filed with the Chairman of the Board of Zoning Appeals by at least one owner, or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Legal description of property.
3. Description of existing use.

4. Zoning district.
5. Description of proposed conditional use.
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and other such information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this ordinance.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.
8. Such other information as may be required in Section 522.

SECTION 521 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES

In addition to the specific requirements for conditionally permitted uses as specified in Section 522, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 8 and appears on the Official Schedule of District Regulations adopted for the zoning district involved.
2. Will be harmonious with and in accordance with the general objectives, or with any specific object of the Village comprehensive plan and/or the zoning ordinance.
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services, such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.
6. Will not create excessive additional requirements at public cost for economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any person, property, or the general welfare, by reason of excessive production of traffic, noise, smoke, fumes, glare, or odor.
8. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.

SECTION 522 SPECIFIC CRITERIA FOR CONDITIONALLY PERMITTED USES

Following is a list of specific requirements for conditional use as specified under the Official Schedule of District Regulations:

1. All structures and activity areas should be located at least 100 feet from all property lines.
2. Loud speakers, which cause a hazard or annoyance, shall not be permitted.
3. All points of entrance or exits should be located no closer than 200 feet from the intersection of two arterial thoroughfares or not closer than 100 feet from the intersection of an arterial street and a local or collector street.
4. There shall be no more than one sign oriented to each abutting street identifying the activity.
5. No lighting shall constitute a nuisance and lighting shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties.

6. Structures should have primary access to a collector thoroughfare.
7. Such development should have primary access to arterial and/or collector streets.
8. Such developments should be located adjacent to non-residential uses such as churches, parks, industrial, or commercial uses.
9. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
10. Such uses should be properly landscaped to be harmonious with surrounding residential uses.
11. Such structures should be located adjacent to parks and other non-residential uses such as schools and shopping facilities where use could be made of joint parking facilities.
12. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general.
13. The area of use shall be completely enclosed by a six-foot fence and appropriately landscaped to be harmonious with surrounding properties.
14. Such uses should be located on an arterial thoroughfare, adjacent to non-residential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
15. Truck parking areas, maneuvering lanes, and access ways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks and truck parking shall be limited to the time not to exceed 24 hours.
16. Such developments should be located on or immediately adjacent to state highways.
17. Such uses shall not be conducted closer than 500 feet from any residential district, nor closer than 200 feet from any structure used for human occupancy in any other district.
18. There shall be filed with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features.
19. Information shall be submitted on the anticipated depth of excavations and on depth and probable effect on the existing water table, and coordinated with the Ohio Division of Water.
20. All work conducted in connection with such operations shall be done between the hours of 7:30 a.m. and 5:00 p.m.
21. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the County Engineer.
22. There shall be filed with the Board a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five feet, the type and number per acre of trees or shrubs or grass to be planted, and the location of future roads, drives, drainage courts, or other improvements contemplated.
23. All excavations shall be made either to a water producing depth, such depth to be not less than five feet below the low-water mark, or shall be graded or backfilled with non-noxious, non-flammable, and non-combustible solids to secure:
 - a. That the excavated area shall not collect, nor permit to remain therein, stagnant water.
 - b. That surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, so as to produce a gently running surface that will minimize erosion due to rainfall, and which will be substantial conformity to the adjoining land area. The banks of all excavations not backfilled shall be sloped, which shall not be less than three feet horizontal to one foot vertical and said bank shall be seeded.
24. There shall be filed with the Village Council a bond, payable to the Village and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate of the required bond shall be fixed by ordinance of the Village Council. The bond

shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

SECTION 523 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and -safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under Section 311 of this ordinance.

SECTION 524 PROCEDURE FOR HEARING, NOTICE

Upon receipt of the application for a conditional use permit, specified in Section 520 of .this ordinance, the Board shall hold a public hearing, post a notice in five (5) public places, and give written notice to all parties in interest according to the procedures specified in Sections 514 through 516 of this ordinance.

SECTION 525 ACTION BY THE BOARD OF ZONING APPEALS

Within thirty (30) days after ~he public hearing required in Section 524 of this ordinance, the Board shall either approve, approve with supplementary Conditions as specified in Section 523 of this ordinance, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the -Zoning Inspector to Issue a conditional use permit listing the Conditions specified by the Board for approval. If the application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 507.

SECTION 526 EXPIRATION OF CONDITIONAL USE PERMIT

A conditional use permit shall automatically expire if, for any reason, the conditional use shall cease for more than two years.

ARTICLE 6 AMENDMENT

SECTION 600 PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES

This ordinance may be amended utilizing the procedures specified in Sections 601 through 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 thereon from the Village Planning Commission, and subject to procedures provided by law, amend 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 the filing of an application by at least one owner or 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. Proposed amending ordinance, approved as to form by the Village Legal Advisor.
3. Present use.
4. Present zoning district.
5. Proposed use.
6. Proposed zoning district.
7. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require.
8. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten parcels are to be rezoned.
9. A statement on how the proposed amendment relates to the comprehensive plan.
10. A fee as established by Village Council, according to Section 312.

Applications for amendments proposing to amend, supplement, change, or repeal portions of this ordinance other than the Official Zoning Map shall include items (1), (2), (9) and (10).

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 owner or lessee of property, said ordinance or application shall be submitted to the Planning Commission.

SECTION 605 SUBMISSION TO DIRECTOR OF TRANSPORTATION

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the

centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Commission may proceed as required by law, however, the Village Council shall not approve the amendment for one hundred twenty (120) days from the date the Director of Transportation receives the notice. If the Director of Transportation notifies the Village that he shall proceed to acquire the land needed, then the Village shall refuse to approve the rezoning. If the Director of Transportation notifies the Village that acquisition at this time is not in the public interest or upon the expiration of the 120-day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Village Council shall proceed as required by law.

SECTION 606 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 607 PUBLIC HEARING BY VILLAGE COUNCIL

Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Such hearing shall be not more that forty (40) days from the receipt of the recommendation from the Planning Commission.

SECTION 608 NOTICE OF PUBLIC HEARING

Notice of the public hearing required in Section 607 of this ordinance shall be posted in five (5) public places by Village Council. Said notice shall be posted at least thirty (30) days before the date of the required hearing. The posted notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

SECTION 609 NOTICE TO PROPERTY OWNERS AND PARTIES OF INTEREST BY VILLAGE COUNCIL

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property and parties of interest within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by Village Council. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment and shall contain the same information as required of notices published in newspapers as specified in Section 608 of this ordinance.

SECTION 610 ACTION BY VILLAGE COUNCIL

Within thirty (30) days after the public hearing required in Section 607, Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than three- fourths (3/4) of the members of the full membership of Village Council. No such ordinance shall be passed unless it has been fully and distinctly read on three (3) different days except that such ordinance may demand emergency legislation if three fourths (3/4) of the members of Council vote to dispense with this rule.

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 percent (10%) of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting Village Council to submit the zoning amendment to the electors of the Village for approval or rejection at the next general election. No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

SECTION 612 ANNEXATION

All land annexed to the Village subsequent to the adoption of this ordinance shall remain subject of the previous township zoning district until such time as the Official Zoning Map is amended according to the provisions of this Article. All land annexed to the Village, which, prior to annexation, is not subject to county, or township zoning shall remain un-zoned until the official Zoning Map is amended according to the provisions of this Article.

ARTICLE 7

PROVISIONS FOR OFFICIAL ZONING MAP

SECTION 700 OFFICIAL ZONING MAP

The districts established in Article 8 of this ordinance as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this ordinance.

SECTION 701 IDENTIFICATION OF THE OFFICIAL ZONING MAP

The Official Zoning Map shall be identified by the signature of the Mayor of the Village, attested by the Village Clerk, and bearing the seal of the Village.

SECTION 702 INTERPRETATION OF DISTRICT BOUNDARIES

Where any 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 center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines 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 center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
5. 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.

ARTICLE 8 DISTRICT REGULATIONS

SECTION 800 FLOOD HAZARD DISTRICT (FHD)

Permitted uses, dimensional requirements and other regulations for the FHD, Flood Hazard District, shall be regulated according to Article 8.

SECTION 801 AGRICULTURAL DISTRICT (AG)

Permitted uses, dimensional requirements and other regulations of the AG, Agricultural District; the following regulations shall apply:

Permitted Uses:

1. Agriculture.
2. Single-family dwellings.
3. Public parks and playgrounds.
4. Home occupations.
5. Public and private schools.
6. Churches.
7. Commercial grain storage.
8. Accessory uses and structures.
9. Private swimming pools.
10. Cemeteries.
11. Nursery -plant materials and sales.

Conditionally Permitted Uses: After obtaining a valid conditional use permit, in accordance with Article 5, and the other provisions of these regulations, the following -uses may be conditionally permitted:

1. Quarrying and mining of natural resources.
2. Clubs, golf courses, and recreational camps.

General Requirements of the AG District

Height Limit: None

Lot Area Width and Depth: Every lot shall have a minimum width of one hundred (100) feet and a minimum lot area of not less than twenty thousand (20,000) square feet exclusive of the road right-of-way, and shall be in addition to an easement of record. In areas without public sewer, the approval of the Ohio Environmental Agency or local Health Department will be needed.

Setbacks: Front Yard: There shall be a front yard of not less than thirty-five (35) feet in depth for dwelling structures.

Side Yard: There shall be a side yard of not less than fifteen (15) feet, each side, for dwelling structures.

Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet for dwelling structures.

Dwelling Bulk: Dwellings or structures shall have a minimum area of twelve hundred (1200) square feet of living space by outside dimensions, exclusive of porches, garages and cellars or basements.

Parking Requirements: Parking requirements shall be as regulated in Article 10 of these regulations.

Signs shall be as regulated in Article 11 of these regulations.

802 LOW-DENSITY RESIDENTIAL DISTRICT (R-1)

Permitted uses, dimensional requirements and other regulations of the R-1, Low-Density Residential

District; the following regulations shall apply:

Permitted Uses:

1. Light agricultural uses (not to include livestock, poultry, or horses)
2. Single-family dwellings
3. Churches
4. Public and private schools
5. Public parks and playgrounds
6. Modular Housing
7. Private swimming pools as an accessory use
8. Accessory uses and structures

Updated: Ordinance 2021-49 effective 9-27-2021 and updated by Ordinance 2023-04 effective 2-13-23

Conditionally Permitted Uses:

1. Home occupation

General Requirements of the R-1 District

Height Limit: None

Lot Area, Width and Depth: Each lot must contain not less than fourteen thousand (14,000) square feet exclusive of road right-of-way and easements of record. Minimum frontage of at least seventy (70) feet is required on a public road.

Public sewerage is required to accommodate the R-1 density. Ground water supplies may be adequate to support R-1 density, and public water, therefore, should not be required, but encouraged if a large-size development is proposed.

Setbacks: Front Yard: twenty (20) feet

Side Yard: ten (10) feet on each side.

Rear Yard: fifteen (15) feet.

Dwelling Bulk: Dwellings or structures shall have a minimum area of twelve hundred (1,200) square feet of living space by outside dimensions, exclusive of porches, garages and cellars or basements.

Parking Requirements: Parking requirements shall be as regulated in Article 10 .of these regulations.

Signs: Signs shall be as regulated in Article 11 of these regulations.

SECTION 803 MEDIUM-DENSITY RESIDENTIAL DISTRICT (R-2)

Permitted uses, dimensional requirements and other regulations of the R-2, Medium- Density Residential District; the following regulations shall apply:

Permitted Uses:

1. Light agricultural uses (not to include livestock, poultry, and Horses).
2. Single-family dwellings.
3. Churches.
4. Public and private schools.
5. Public parks and playgrounds.
6. Private swimming pools as an accessory use.
7. Accessory uses and structures.
8. Modular Housing

Updated: Ordinance 2021-49 effective 9-27-2021 and updated by Ordinance 2023-04 effective 2-13-23

Conditionally Permitted Uses:

1. Home occupations.

General Requirements of the R-2 District

Height Limit: None

New Development/Vacant Land -Lot Area, Width and Depth: Every lot for a single-family dwelling shall have a minimum width of at least sixty (60) feet and a minimum lot area of not less than six thousand (6,000) square feet; every lot or tract of land upon which there is erected a two-family dwelling shall have a minimum width of at least seventy (70) feet and a minimum lot area of not less than seven thousand (7,000) square feet. All lot area measurements shall be exclusive of road right-of-way, and shall be in addition to any easement of record.

Public sewerage is required to accommodate the R-2 density. Ground water supplies may be adequate to support R-2 density, and public water, therefore, should not be required, but encouraged if a large-size development is proposed.

Existing Lot of Records (Platted Lots) - Lot Area, Width and Depth: Every lot for a single-family dwelling shall have a minimum lot area of not less than the area originally platted in that addition or subdivision. Those additions are as follows: Neel, Myer, Bounds, Elliot, Worth, The Ohio Electric Railway Company, Buckeye Lake Park Allotment (Carlin Addition), Essex, Rosebraugh, Sturgeon, and Holtsberry.

Setbacks: Front Yard: fifteen (15) feet

Side Yard: five (5) feet; new lot side yards of ten (10) feet, each side.

Rear Yard: ten (10) feet.

Dwelling Bulk: Dwellings or structures shall have a minimum area of eight hundred fifty (850) square feet of living space by outside dimensions, exclusive of porches, garages and cellars or basements for each family.

Parking Requirements: Parking requirements shall be as regulated in Article 10 of these regulations.

SECTION 804 HIGH-DENSITY RESIDENTIAL DISTRICT (R-3)

Permitted uses, dimensional requirements and other regulations of the R-3, High- Density Residential District; the following regulations shall apply:

Permitted Uses:

1. Single- and two-family dwellings
2. Multi-family dwelling units
3. Churches
4. Public and private schools
5. Public parks and playgrounds
6. Accessory uses and structures

Conditionally Permitted Uses:

1. Nursing homes (extended care)
2. Hospitals (extended care)

General Requirements of the R-3 District

Height Limit: None

Lot Area, Width and Depth: Every lot or tract of land upon which there is erected a two-family dwelling or multi-family dwelling shall have a minimum width of at least seventy (70) feet and a minimum lot area of not less than twelve thousand (12,000) square feet. All lot area measurements shall be exclusive of road right-of-way, and shall be in addition to any easement of record.

Setbacks: Front Yard: There shall be a front yard of not less than fifteen (15) feet in depth.

Side Yard: There shall be a side yard of not less than ten (10) feet, each side.

Rear Yard: There shall be a rear yard of not less than fifteen (15) feet.

Dwelling Bulk: Single-family dwelling units shall have a minimum area of eight hundred fifty (850) square feet of living space; two-family and multi-family dwelling units, a minimum area of six hundred (600) square feet of living space per dwelling unit. All dwelling bulk requirements for the R-3 district are to be determined from outside dimensions, exclusive of porches, garages and cellars or basements.

Parking Requirements: Parking requirements shall be as regulated in Article 10 of these regulations.

Signs: Signs shall be as regulated in Article 11 of these regulations. 56.

SECTION 805 WATERFRONT RESIDENTIAL DISTRICT (WR)

Permitted uses, dimensional requirements and other regulations of the WR, Waterfront Residential District are as follows:

Permitted Uses:

1. Single-family dwellings
2. Two-family dwellings
3. Multi-family dwelling units
4. Accessory uses and structures
5. Bed & Breakfast

Conditionally Permitted Uses:

1. Home occupations

General Requirements of the WR District

Height: None

Setback: Front Yard: The front yard of the WR District will be considered a yard extending between side lot lines across the front of a lot, abutting the levee and/or lake front and from the lot line to the front of the principal building. While there is no required front yard for lots abutting the levee and/or lake front, the Village of Buckeye Lake requires that zoning permit applicants follow all current Ohio Department of Natural Resources professional and safety guidelines regarding building in the dam area of the levee. Furthermore, homes constructed lakeward of the toe of the levee shall have the basement wall constructed of reinforced concrete. *Last Updated: Ordinance 2006-14 effective 4-10-2006*

Side Yard: There shall be a side yard of not less than five (5) feet on each side. *Last Updated: Ordinance 2006-09 effective 3-13-2006*

Rear Yard: There shall be a rear yard of not less than fifteen (15) feet

Dwelling Bulk: Single-family dwelling units shall have a minimum area of eight hundred fifty (850) square feet. Multi-family dwelling units shall have a minimum area of six hundred (600) square feet of living space per dwelling unit. All dwelling bulk requirements for the WR District are to be determined from outside dimensions, exclusive of porches, garages and cellars or basements.

Parking Requirements: Parking requirements shall be as regulated in Article 10 of these regulations.

Signs: Signs shall be as regulated in Article 11 of these regulations.

SECTION 806 MOBILE HOME PARK DISTRICT (MHP)

General Requirements of the MHP District

The responsibility for specific regulations concerning layout, construction, sanitation and related

matters for all mobile home parks in Buckeye Lake Village shall be in accordance with Ohio Revised Code § 3733 and Public Health Council Rules HE-27 - 01 and HE-27-31 and amendments thereto.

Mobile Homes shall be permitted only in Mobile Home Park Districts and shall not be permitted in any other district. If this section is in conflict with any other section of this Zoning Code, the requirements of this section shall take precedence over the conflicting sections.

Updated: Ordinance 2021-49 effective 9-27-2021 and updated by Ordinance 2023-04 effective 2-13-23

SECTION 807 GENERAL BUSINESS DISTRICT (GB-COMMERCIAL)

Permitted uses, dimensional requirements and other regulations of the GB, General Business District; the following regulations shall apply:

Permitted Uses:

1. Churches
2. Public and private schools.
3. Public parks and playgrounds
4. Governmental buildings
5. General auto repair (indoor only)
6. Auto and/or farm implement sales
7. Taverns, restaurants or restaurants providing entertainment
8. Hotels, motels
9. Commercial and public entertainment fields, amusements, or establishments similar but not restricted to baseball fields, pool halls, swimming pools, skating rinks, golf driving ranges, miniature golf, bowling alleys
10. Trade or commercial schools
11. Wholesale business or warehousing when no processing, fabrication or assembly is involved, unless conducted entirely in an enclosed building
12. Public garages
13. Boarding houses
14. Building material and sales, if conducted entirely in an enclosed building
15. Accessory buildings structures
16. Local retail business or service including grocery I fruit and vegetable stores, meat market, drug store, barber or beauty shop, clothes cleaning and laundry pickup station, Laundromat, shoe store, mortician and the like, supplying commodities or performing services primarily for the residents of a local community; and professional offices
17. Lodge and fraternal organizations
18. Nursery (plant material) and or greenhouse
19. RESERVED
20. Auto service stations with or without sale of petroleum products
21. Truck stops with or without restaurants and truck service and/or repair
22. Nursing home, medical care or extended care facility
23. Self-operation autowash, commercial autowash, and truck wash
24. Open fruit and vegetable markets
25. Drive-in eating and drinking establishments
26. Bait and tackle shops

Updated by Ordinance 2023-04 effective 2-13-23

Conditionally Permitted Uses: After obtaining a valid conditional use permit, in accordance with Articles 518 et seq., and the other provisions of these regulations, the following uses may be

conditionally permitted:

1. Veterinary hospital clinic, kennel and/or cattery
2. Marinas
3. Watercraft and/or recreational vehicle storage
4. Radio or television broadcasting station and towers
5. Airports-heliports (private and governmental).
6. Private recreational camps.

General Requirements of the GB District

Height Limit: None

Lot Area, Width and Depth: Each lot shall contain at least ten thousand (10,000) square feet exclusive of road right-of-way and easements of record. A minimum frontage of at least fifty (50) feet is required on a public road. Larger minimums will be required to accommodate off-street parking, loading and other requirements as applicable. In the event public sewer is not available to serve the site, a minimum of one (1) full acre of land shall be required unless the circumstances regarding the particular form of sewage disposal is acceptable to local and state sanitation authorities.

Uses in the GB-1 District are required to comply with the provisions for off-street parking, loading, signs, setbacks and buffering, if applicable. These regulations are established elsewhere in the zoning law.

Setbacks: Front Yard: There shall be a front yard of not less than twenty-five (25) feet in depth which may include parking.

Side Yard: There shall be a total side yard area of not less than twenty (20) feet with a minimum for anyone side to be ten feet. The old bus station located on State Route 79 is exempt.

Rear Yard: There shall be a rear yard of not less than fifteen (15) feet. The old bus station on state Rt. 79 is exempt.

SECTION 808 RESERVED

SECTION 809 WATERFRONT BUSINESS DISTRICT (WB)

Permitted uses, dimensional requirements and other regulations of the WB, Waterfront Business District; the following regulations shall apply:

Permitted Uses:

1. Hotels, motels, and seasonal tourist apartments.
2. Commercial and public entertainment similar but not restricted to: swimming, skating and dancing, miniature golf, bowling alley, recreational rentals including boat, car, watercraft, bicycle.
3. Restaurants, bars, taverns, carry-outs.
4. Public and private parks, playgrounds, walkways, bike paths, watercraft launches, marinas, parking lots and the like.
5. Private marinas, yacht clubs, sailing clubs, watercraft sales, service, and storage.
6. Bait and tackle shops.
7. Governmental buildings, essential services, parking facilities and the like.
8. Waterfront residential uses in compliance with Section 805.

Conditionally Permitted Uses: None

General Requirements of the WB District

Height Limit: None

Lot Area, Width and Depth: None

SECTION 810 MANUFACTURING DISTRICT (M-1)

Permitted uses, dimensional requirements and other regulations of the M-1 Manufacturing District; the following regulations shall apply:

Permitted Uses:

1. Agricultural, agricultural equipment sales and service
2. Public parks and playgrounds
3. Small item manufacturing
4. Paper, printing and associated products
5. Cleaning, dyeing and similar services
6. Food products
7. Poultry, horticulture and forestry facilities
8. Machinery , office equipment and furniture manufacturing
9. Fiber and clothing goods and manufacturing
10. Utility facilities
11. Non-metallic goods manufacturing
12. Household appliances and vehicle services, storage and maintenance
13. All permitted uses as specified in the GB-1 District except residential
14. Photo processing

Conditionally Permitted Uses: After obtaining a valid conditional use permit, in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted:

1. Metal cans and containers manufacturing
2. Lumber yards
3. Contract construction storage of machinery and materials
4. Building materials (general retail)
5. Bulk storage of coal, oil, petroleum products, gas, etc.

General Requirements of the M-1 District

Height Limit: None

Lot Area, Width and Depth: Each use shall have a lot area of not less than one (1) full acre of land (43,560 square feet) exclusive of road right-of-way and easement of record. A minimum frontage of at least one hundred twenty-five (125) feet shall be provided on a public street. Minimums may be increased depending on the use and the required number of off-street parking spaces provided.

All future M-1 uses should be isolated from existing or planned residential areas. Buffering and screening should be provided as well as landscaping to improve the appearance and compatibility of the M-1 use. Public water is encouraged, public sewer is required.

Setback: Front yard: There shall be front yard of not less than fifty (50) feet in depth.

Side yard: There shall be a side yard of not less than forty (40) feet with a minimum for anyone side to be twenty (20) feet.

Rear yard: There shall be a rear yard of not less than forty (40) feet.

Parking Requirements: Parking requirements shall be as regulated in Article 10 of these regulations.

Signs: Signs shall be as regulated in Article 11 of these regulations.

ARTICLE 9 SUPPLEMENTARY DISTRICT REGULATIONS

SECTION 900 GENERAL

The purpose of supplementary district regulations is to set specific conditions for various uses, classification of uses, or areas where problems are frequently encountered.

SECTION 901 CONVERSION OF DWELLING TO MORE UNITS

A residence may not be converted to accommodate an increased number of dwelling units unless:

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 requirement
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district.
4. The conversion is in compliance with all other relevant codes and resolutions.

SECTION 902 PRIVATE SWIMMING POOLS

No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet shall be allowed in any commercial or residential district, except as an accessory unless it complies with the following conditions and requirements.

1. The pool is intended and is to be used solely for the enjoyment of occupants of the principal use of the property on which it is located.
2. It may not be located closer than ten (10) feet to any property line.
3. The swimming pool, or the entire property on which it is located shall be fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition with a gate and lock.

SECTION 903 COMMUNITY OR CLUB SWIMMING POOLS

Community and club swimming pools where permitted shall comply with the following conditions and requirements:

1. The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
2. The pool and accessory structures thereto, including the areas used by bathers, shall not be closer than fifty (50) feet to any property line.
3. The swimming pool and all of the area used by the bathers shall be fenced to prevent uncontrolled access by children from the thoroughfare or properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition and locked.

SECTION 904 TEMPORARY BUILDINGS

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work. Storage shall require a zoning permit authorized by the Zoning Inspector.

SECTION 905 PARKING AND STORAGE OF CERTAIN VEHICLES

Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, one boat and one trailer may be stored in the rear yard if the vehicles have a current license.

SECTION 906 REQUIRED TRASH AREAS

All commercial, industrial, and multi-family residential uses which provide trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or fence of at least four (4) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

SECTION 907 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS

In additions to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this ordinance, the provisions of Sections 1008 through 1014 inclusive, shall be used for interpretation and clarification.

SECTION 908 RESERVED

SECTION 909 VISIBILITY AT INTERSECTIONS

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede or restrict vision between a height of two and one-half (2 1/2) and ten (10) feet above the center line grades of the intersection streets in the area bounded by the right-of-way lines of such corner lots and line joining points along said street lines fifty (50) feet from the point of intersection.

SECTION 910 RESERVED

SECTION 911 YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS

Multi-family dwellings shall be considered as one building for the purpose of determining front, side and rear yard requirements. The entire group as a unit shall require one front, one rear, and two 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 912 RESERVED

SECTION 913 SIDE AND REAR YARD REQUIREMENTS FOR NON-RESIDENTIAL USES IN GB-1 DISTRICTS ABUTTING RESIDENTIAL DISTRICTS

Non-residential building or uses shall not be located nor conducted closer than ten (10) feet to any lot line of a Residential District, provided that acceptable landscaping or screening is approved by the Zoning Inspector. Such screening shall be a masonry or solid fence six (6) feet in height maintained in good condition and free of all advertising or other signs. Landscaping shall consist of a strip of land not less than six (6) feet in width with evergreen shrubs not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within fifty (50) feet of any intersection.

SECTION 914 ARCHITECTURAL PROJECTIONS

Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar

architectural projections shall be considered parts of the building to which they are attached and shall not project into the required minimum front, side, or rear yard.

SECTION 915 RESERVED

SECTION 916 SPECIAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL MANUFACTURING USES

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which would adversely affect the surrounding area or adjoining premises, except that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits, are established by the performance requirements in Article 9, inclusive.

SECTION 917 FIRE HAZARD

Any activity involving the use or storage of flammable or explosive material shall be protected by adequate firefighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance, which is compatible with the potential danger involved.

SECTION 918 RADIOACTIVITY OR ELECTRICAL DISTURBANCE

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of a creator of such disturbance.

SECTION 919 NOISE

Objectionable noise, as determined by the Zoning Inspector, which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

SECTION 920 VIBRATION

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

SECTION 921 AIR POLLUTION

Air pollution shall be subject to the requirements and regulations established by the Director of Ohio Environmental Protection Agency.

SECTION 922 GLARE

No direct or reflected glare shall be permitted which is visible from any property outside a Manufacturing District or from any street.

SECTION 923 EROSION

No erosion, by either wind or water, shall be permitted which will carry objectionable substances into neighboring properties.

SECTION 924 WATER POLLUTION

Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

SECTION 925 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 and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

SECTION 926 MEASUREMENT PROCEDURES

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurements/procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists Association Inc., Washington, DC, the United States Bureau of Mines, and the Ohio Environmental Protection Agency.

ARTICLE 10
OFF-STREET PARKING AND LOADING REQUIREMENTS FOR R-3,
GENERAL BUSINESS AND MANUFACTURING DISTRICTS

SECTION 1000 GENERAL REQUIREMENTS

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this ordinance.
2. The provisions of this article, except where there is a change of use, shall not apply to any existing building or structure. Where the new use involves no additions or enlargements, there shall be provided as many of such spaces as may be required by this ordinance.
3. Whenever a building or structure is changed or enlarged in floor area, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this ordinance is enlarged to the extent of fifty percent (50%) or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.

SECTION 1001 PARKING SPACE DIMENSIONS

A parking space shall the following minimum dimensions:

TYPE OF PARKING SPACES	MINIMUM WIDTH	MINIMUM LENGTH
Parallel Parking	9	23
90-Degree Parking	10	19
60-Degree Parking	10	19
45-Degree Parking	12	19

All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1017 of this ordinance. (Effective 4-10-2006 per Ordinance 2006-14)

SECTION 1002 LOADING SPACE REQUIREMENTS AND DIMENSIONS

A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a clearance height of not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot for every separate occupancy requiring delivery of goods and having a modified gross floor area of up to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof.

SECTION 1003 PAVING

The required number of parking and loading spaces as set forth in Section 1002 through 10171 together with driveways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.

SECTION 1004 DRAINAGE

All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

SECTION 1005 MAINTENANCE

The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, track and other debris.

SECTION 1006 LIGHTING

All parking areas, which are intended to be used during non-daylight hours, shall be properly illuminated to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from adjoining property.

SECTION 1007 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 General Business, Manufacturing, and Industrial uses shall be located not more than seven hundred (700) feet from the principal use.

SECTION 1008 SCREENING AND/OR LANDSCAPING

Whenever a parking area is located in or adjacent to a Residential District, except single-family or two-family dwellings, it shall be effectively screened on all sides, which adjoin or face any property used for residential purposes, by an acceptably-designed wall, fence, or planting screen.

Such fence, wall or planting screen shall be not less than four (4) feet, or more than six (6) feet in height, and 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. In the event that terrain or other natural features are such that the erection of such fence, wall, or planting screen will not serve the intended purpose, then no such fence, wall or planting screen and landscaping shall be required.

SECTION 1009 DISABLED VEHICLE

The parking of a disabled vehicle within a Residential or General Business 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. Disabled vehicles will be removed in accordance with Ohio Revised Code § 4513.60 through § 4513.64, and violators may be prosecuted under § 4513.99.

SECTION 1010 MINIMUM DISTANCE AND SETBACK

No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptable designed screen. If on the same lot with a single-family residence, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four feet to any established street or alley right-of-way.

SECTION 1011 JOINT USE

Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Inspector shall be filed with the application for zoning permit.

SECTION 1012 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.

SECTION 1013 WIDTH OF DRIVEWAY AISLE

Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety degree (90°) parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17 1/2) feet for sixty degree (60) parking and thirteen (13) feet for forty-five degree (45°) parking.

SECTION 1014 ACCESS

Any public or multi-family dwelling unit parking area shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Access driveways for parking areas or loading spaces shall be located in such a way that any vehicle entering or leaving such area shall be clearly visible for a reasonable distance to any pedestrian or motorist approaching the access or driveway from a public or private street.

SECTION 1015 WIDTH OF ACCESS DRIVEWAY

The entrances and exits to the parking area shall be clearly marked. Interior vehicular circulation by way of access roads shall maintain the following minimum standards: for one-way traffic the minimum width is fourteen (14) feet, except for forty-five degree (45°) parking, in which case the minimum width of the access road shall be seventeen (17) feet. Access roads for two-way traffic shall have a minimum width of twenty-four (24) feet. Parking areas having more than one aisle or driveway shall have directional signs or markings in each aisle or driveway.

SECTION 1016 STRIPING

All parking areas with a capacity over twelve (12) vehicles shall be striped with double lines (six inches both sides of center) between stalls to facilitate the movement into and out of the parking stalls.

SECTION 1017 PARKING SPACE REQUIREMENTS

For the purpose of this ordinance, the following minimum parking space requirements shall apply:

TYPE OF USE/MINIMUM NUMBER OF PARKING SPACES REQUIRED

Residential:

1. Single-family or two-family dwelling: two spaces per unit.
2. Apartments, or multi-family dwellings: one and one-half spaces per unit.
3. Boarding houses, rooming houses: one space per sleeping room or dormitory room; and fraternity houses; two spaces per permanent occupant. which have sleeping rooms.
4. Mobile homes: two spaces per unit.

General Business:

1. Automobile service garages that also provide repair: two spaces per each gasoline pump and four spaces per each service bay.
2. Hotels, motels: one space per each sleeping room plus one space per each two employees.
3. Funeral parlors, mortuaries, and other similar type uses: one spaces per each 100 square feet of floor area in slumber room, parlors, or service rooms.

Recreational or Entertainment:

1. Dining rooms, restaurants, night clubs, taverns, etc.: one space per each 200 square feet of floor area.
2. Bowling alleys: four spaces per each alley or lane plus one additional space per each 100 square feet of the area used for restaurant, cocktail lounge, or similar use.
3. Dance floors, skating rinks: one space per each 100 square feet of floor area used for the

activity.

4. Outdoor swimming pools, public, or community or club: one space per each five person's capacity, plus one space per each four seats or one space per each 30 square feet of floor area used for seating purposes, whichever is greater.
5. Auditoriums, sports areas, theaters, and similar uses: one space per each four seats.
6. Retail store: one space per each 250 square feet of floor area.
7. Banks, financial institutions, etc.: one space per each 200 square feet of floor area.
8. Offices, public or professional administration, or service buildings: one space per each 400 square feet of floor area.
9. All other types of business or general business uses permitted in any Business District: one space per each 300 square feet of floor area.

Institutional:

1. Churches and other places of religious assembly: one space per five seats.
2. Hospitals: one space per bed.
3. Sanitariums, homes for the aged, nursing homes, asylums, etc.: one space per two beds.
4. Medical and dental clinics: one space per each 200 square feet of floor area of examination/treating room, office, and waiting room.
5. Libraries, museums, and art galleries: one space per each 400 square feet of floor area.

School (Public, Parochial, or Private):

1. Elementary and junior high schools: two spaces per classroom and one space per eight seats in auditorium or assembly halls.
2. High schools: one space per ten students and one space per teacher and employee.
3. Business, technical and trade schools: one space per two students.
4. Colleges, universities: one space per four students.
5. Kindergartens, child care centers nursery schools, etc.: one space per four students.

Manufacturing:

1. All types of manufacturing, storage and wholesale uses permitted in any Manufacturing District: one space for every two employees on the largest shift for which the building is designed, plus one space for each motor vehicle used in the business.
2. Cartage, express, parcel, terminal: one space for every two employees (on the largest shift for which the building is designed), and one space for each motor vehicle maintained on the premises.

SECTION 1018 GENERAL INTERPRETATION OF ARTICLE 10

In the interpretation of Article 10, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this article shall be determined by the Board of Zoning Appeals upon an appeal from a decision of the Zoning Inspector.
2. Fractional numbers shall be increased to the next whole number.
3. Where there is an adequate public transit system or where for any other reason parking demand is unusually low, then the parking space provisions cited above may be reduced proportionally by the Board of Zoning Appeals upon an appeal from a decision of the Zoning Inspector.

ARTICLE 11 SIGNS

1101	Permit Required	1107	Church & Institutional Signs
1102	Signs Allowed Without a Permit	1108	Temporary Signs
1103	Alterations	1109	Miscellaneous Provisions
1104	Existing Signs-Continuance	1110	Maintenance of Signs
1105	General Requirements	1111	Abandoned Signs
1106	Prohibited Signs	1112	Violations, Penalties & Remedies

CROSS REFERENCES

Certificate of Zoning Compliance – see Chapter 1105
Definitions – see Chapter 1103

1101 PERMIT REQUIRED

Except as provided in Section 1102, no display sign, whether permanent or temporary, shall hereafter be erected, constructed or maintained within the limits of the Village of Buckeye Lake by any person, firm or corporation until a permit for the same has been issued by the Zoning Officer. Permit fees are indicated in Appendix A, Schedule of Fees.

1102 SIGNS ALLOWED WITHOUT A PERMIT

A permit shall not be required for the following signs:

1. The flag, pennants or insignia of any nation, state, city or other political unit or jurisdiction.
2. Cornerstones, commemorative tablets and historical signs, not to exceed ten (10) square feet in area.
3. Signs bearing only residential property address or names of occupants of residential premises, not to exceed one (1) square foot in area. Signs bearing only non-residential street number, not to exceed one (1) square foot in area.
4. One wall sign on or over a show window or door of a store or business establishment, announcing only the name of proprietor and the nature of the business, not to exceed three (3) square feet in area.
5. Real estate for sale or sold signs limited to not more than eight (8) square feet in area, no more than four (4) feet in height, and with one (1) sign per lot. Sold signs may be posted for period not to exceed ten (10) days.
6. Sign for the civic promotion of schools, church, or community service activities which may be displayed for a maximum of thirty (30) days. Sign must be labeled in the lower right corner with the contact name(s), contact address, contact phone number, date sign put up and date sign to be taken down (i.e. no more than 30 days after the date sign put up). Failure to label a sign shall result in immediate sign removal.
7. Flags, signs and sources of illumination clearly in the nature of decorations customarily associated with any national, state, local or religious holiday, and containing no advertisement.
8. Signs or posters indicating candidates or issues on the public ballot provided such material is posted no earlier than thirty (30) days prior to an election and is removed within two (2) days following the election. Such signs shall not be placed on public property or within a publicly dedicated right-of-way and shall not be placed so as to interfere with vision across a corner lot.

9. Traffic directional signs indicating points of entry or exit to off-street parking, provided such signs are not larger than four (4) square feet in area. Such signs shall not be located in a public right-of-way and shall not obstruct the view of motorists for the purposes of ingress and egress.
10. Non-conforming duplexes or apartments located in R districts shall be permitted one (1) for rent type unlighted window sign not to exceed two (2) square feet.
11. One (1) sandwich board shall be permitted for each business location not to exceed four (4) feet in height as measured from the sidewalk and shall not exceed three (3) feet in width per side. Such signs shall be limited to five (5) colors, shall be displayed only during daylight hours and shall not be located on a sidewalk less than six (6) feet in width. Damage to sandwich signs and any liability shall be the responsibility of the owner. Sandwich boards shall be placed in such a way as to leave at least four (4) feet to allow for passage.
12. Personal property "For Sale" signs limited to one (1) per residential dwelling, not to exceed four (4) square feet in area and posted not more than seven (70 consecutive days. Off-premises directional signs shall be permitted for a single forty-eight (48) hour period. Sign must be labeled in the lower right corner with the contact name(s), contact address, contact phone number, date sign put up and date sign to be taken down (i.e. no more than 7 days after the date sign put up). Failure to label a sign shall result in immediate sign removal.
13. Home occupation uses may provide one (1) wall or free standing sign not to exceed two (2) square feet in area. Free standing signs are not to exceed four (4) feet in height. As a part of a conditional use application, signage shall be considered by the Planning Commission as a part of the approval process.
14. Signs advertising the sale of platted lots in a subdivision may be erected and displayed in such subdivision provided that not more than one (1) such sign facing on any one (1) street shall be permitted in any subdivision. Such signs may also be used to advertise the sale or lease or lease of multi-family units or store or office space in a commercial development, however, such signs shall not be utilized to advertise the sale, lease, or development of land. Such signs shall be limited to twenty-four (24) square feet in area, be not more than eight (8) feet in height and be located not closer than fifteen (15) feet from any public right-of-way. Such signs shall be permitted for a one year (1) period if ownership of a minimum or eighty (80) percent of the platted lots are transferred.
15. Construction signs announcing the names of contractors, material men, developers, designers and financial institutions participating in the construction of a building shall be permitted only during the actual time of construction and shall be limited to only one (1) sign per building, shall not exceed twenty (20) square feet in area for a residential project and thirty-two (32) square feet for a non-residential project, shall not exceed four (4) feet in height for a residential project and ten (10) feet in height for a non-residential project, and shall be located no closer than fifteen (15) feet from any public right-of-way. Such signs shall be removed within thirty (30) days after the Certificated of Occupancy is issued. Sign must be labeled in the lower right corner with the contact name(s), contact address, contact phone number, date sign put up and date sign to be taken down (i.e. no more than 30 days after the date sign put up). Failure to label a sign shall result in immediate sign removal.
16. A maximum of four (4) directional signs for any bona fide church, religious sect or congregation located within the corporate boundaries of the Village of Buckeye Lake shall be permitted provided that such signs do not exceed four (4) square feet in area, do not exceed six (6) feet in height and are located outside a public right-of-way.
17. A sign(s) located inside a building, whether or not the same are visible from the exterior.
18. Signs of a duly constituted government body.
19. Banners, ribbons, pennants and streamers may be installed as part of window signs provided

such elements are displayed for period of not longer than thirty (30) days. Sign must be labeled in the lower right corner with the contact name(s), contact address, contact phone number, date sign put up and date sign to be taken down (i.e. no more than 30 days after the date sign put up). Failure to label a sign shall result in immediate sign removal.

20. Elevated signs posted to indicate special parking locations for the handicapped, imprinted with the international symbol of accessibility.

1103 ALTERATIONS

No display sign shall hereafter be altered, rebuilt, enlarged, extended or relocated except in conformity with the provisions of this chapter. The repainting of signs shall not be deemed to be an alteration within the meaning of this Ordinance.

1104 EXISTING SIGNS - CONTINUANCE (NON-CONFORMING SIGNS)

Except as otherwise specifically provided, nothing in this chapter shall require removal or discontinuance of an existing on-premises or existing off-premises sign. Such signs shall not be enlarged or extended and the same shall be deemed a nonconforming sign under the terms of this Ordinance.

1105 GENERAL REQUIREMENTS

Outdoor advertising signs shall be limited to signs pertaining to an advertising exclusively for the use established or goods sold or services rendered on the premises. The intent of the ordinance is to prohibit visual obstruction and to maintain a clear view from the roadway. It is preferred that signage be kept to a minimum and that only attached signs be used.

Permitted signs shall meet the following requirements:

1. Colors. Not more than five (5) colors may be used on the sign or signs on any one building. For the purpose of this section, black and white shall be considered colors.
2. Sign Area. The aggregate sign area or display surface of all exterior signs of every nature shall not exceed two (2) square feet for each lineal foot of the street frontage of such building, if a one (1) story building, or three (3) square feet per foot, if more than one (1) story. Street frontage is defined as the total width of that side of the building which faces the street excluding any extension of a building wall beyond the building itself.

In the case of a corner lot or other situation where the building site abuts more than one public street (not including alleys), the primary frontage is determined to be where the front door of the main structure is located, and signs may be permitted on the basis of the area authorized above for each lineal foot of primary street frontage and one-half (½) thereof for each lineal foot of other street frontage.

The total sign area on any one (1) side of a building shall not exceed the allowable area for such side computed in accordance with the foregoing rules.

In the case of a building which does not front on a public street, as in shopping centers, the drives and parking areas adjacent to such building shall be considered as public streets for the purpose of this chapter, provided that where any such drive or parking area abuts a residential district, the frontage of the building on such drive or parking area shall not be considered as frontage for such purpose if the distance from such building to the nearest private property in said residential district is less than one hundred fifty (150) feet.

3. Illumination and Eye-Catching Devices. All signs and advertising structures may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs. Illuminated signs within a residential district are prohibited.

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 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 from there to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

Display signs illuminated by electricity or equipped in any way with electric devices or appliances shall conform with respect to wiring and appliances to the provisions of the ordinances relating to electric installations. Any external electric supply lines shall be brought to the sign by underground supply.

4. Attached Signs/Wall Signs. All such signs shall be mounted on the building which houses the business establishment advertised by said signs, shall be located on or along a wall of such building which faces a street, parking lot or service drive, and shall not project above the roof line or the cap of parapets of such building, whichever is higher. Signs may be erected on a wall which is an extension of a building wall which faces a street, parking lot or service drive, provided that the design and construction of such extension are architecturally compatible with the building setback line and does not exceed twelve (12) feet in height or the height of the ceiling of the first floor of the building to which such extension wall is attached, whichever is less. The display area of the sign must be located either on the wall or extension; it may not be located on both.

All such signs in shopping centers shall be parallel to the wall on which they are installed and project no more than two (2) feet from the wall.

Signs to be erected in other than shopping centers and projecting outward from the wall at right angles or otherwise over public streets or sidewalks shall not exceed eight (8) square feet. The design, method of attachment, and support shall be reviewed by the village Engineer. Each zoning Certificate issued for the erection or maintenance of a new or existing sign over a public street or sidewalk shall be approved by the Village Engineer and the property owner shall hold the Village of Buckeye Lake harmless from any liability or person.

No part of any sign shall be less than eight (8) feet above the sidewalk or ground level, if such sign projects forward off the wall on which it is mounted to such an extent as to constitute a hazard or inconvenience to pedestrian or vehicular traffic. No part of any sign shall be closer to either end of the building face (including any wall extension) on which it is erected than eighteen (18) inches. Where more than one (1) sign is erected on the same face of a building, there shall be a distance of at least three (3) feet between signs.

5. Free Standing Signs. The Zoning Officer may grant a permit for the erection or maintenance of a free standing sign which meets the requirements of this section, upon written

application, accompanied by a scale drawing of the proposed sign showing its design, color and materials, and a site drawing showing its proposed location, upon a determination by the Zoning Officer that such sign would be in harmony with the building on the site if placed on such building, and such sign meets the following requirements:

- a. Pole signs must be solid structure to be considered “free-standing”. The maximum height thereof does not exceed fifteen (15) feet above the average grade of the site when the sign is located fifteen (15) feet from the primary frontage street right-of-way line.
- b. The maximum display surface area shall not exceed twenty (20) square feet when located ten (10) feet from the street right-of-way line. For each additional one (1) foot setback from the street right-of-way line, an additional ten (10) square feet of display are will be permitted up to a maximum of one-hundred-twenty (120) square feet. – Example: a pole mounted sign measuring eight (8) feet by five (5) feet with a display on both sides shall be considered to have a total display surface of eighty (80) square feet.
- c. The display area of any one surface does not exceed sixty (60) square feet.
- d. Not more than five (5) colors are used. For the purposes of this section, black and white shall be considered colors.
- e. No part of such sign may be located closer to any street right-of-way line than ten (10) feet or closer to any other property line than the applicable building setback line if the adjoining property is in a residential district.
- f. Such sign will be in harmony with the building on the site, and will not detract from the appearance of the general neighborhood in which it is located or adversely affect property values in such neighborhood.
- g. Such sign will not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or by creating a visual distraction for such motorists.
- h. Not more than one (1) free standing sign may be authorized for any one (1) business establishment.

Where more than one (1) business establishment is located on a single tract of land, having an entrance or entrances or parking are or areas used in common by the customers of such establishments, only one (1) free standing sign may be authorized for the entire tract. The existence and boundaries of such tract shall be determined by community use, rather than by the ownership thereof, it being intended by this provision to limit each shopping center or similar joint operation to one (1) free standing sign, except in the case of a shopping center which is contiguous to two (2) streets which do not intersect each other at a point adjacent to such shopping center, in which case, one (1) free standing sign, fronting on each street, may be authorized. Such free standing signs used for identification of joint activities shall comply with the provisions of Comprehensive Development Signage as indicated in this section.

In making a determination, The Zoning Officer shall take into consideration all pertinent factors relating to the compatibility of such sign with the surrounding neighborhood, including, but not limited to, its size, shape, color, brightness, design and its general appearance.

6. Comprehensive Development Signage. Comprehensive Development Signage requires the approval of the Planning Commission before a Sign Permit may be issued by the Zoning Officer, pending compliance with all applicable sections of this Zoning Ordinance. For the

purposes of these sign regulations, Comprehensive Development Signage shall be considered appropriate in the following categories:

- a. Joint Identification Sign. One (1) joint identification free standing sign may be authorized by the Planning Commission to identify a complex or mix of uses as opposed to a single use, provided that such identification sign shall not exceed the following requirements: one hundred (100) total square feet in sign area, a maximum of twenty (20) feet in height, and a minimum setback of fifteen (15) feet from all public right(s)-of-way, and shall have no more than two (2) sides. Joint identification sign shall be permitted in lieu of wall signs.
- b. Comprehensive On-Site Sign System. A comprehensive on-site sign system may be authorized by the Planning Commission in place of a joint identification sign, provided that a written set of graphic design criteria regulations provided by the applicant and applying to present and all future development are approved by the Board, a copy of a standard contractual signage agreement is approved by the board, any changes to the approved system require approval by the board as a conditional use, and meeting the following requirements:
 - 1). One (1) joint identification free standing sign as defined in Subsection 1105 (5a), not to exceed one-hundred-forty (140) square feet in area and twenty (20) feet in height, and meeting a minimum setback of fifteen (15) feet from all right(s)-of-way. Such sign shall not list individual uses but shall only serve as a means of identification of the center of development.
 - 2). One (1) wall sign shall be permitted for each individual use not to exceed one (1) square foot for every lineal foot of the building width of each individual use that fronts any shopping center drive or parking area, not to exceed thirty (30) square feet in sign area (This shall not prohibit a sign as permitted in Subsection 1102 (4)). Where any such drive or parking abuts a residential district, the frontage of the building on such drive or parking area shall not be considered as frontage for location of a wall sign if the distance from the building to the nearest private property in said residential district is less than one hundred fifty (150) feet.
 - 3). No free standing signs other than one (1) joint identification sign shall be permitted within the development.
- c. Single Family Subdivision and Multi-Family Development Signs. Major permanent entrance features indicating the project entrance(s) to a single-family subdivision may be authorized by the Planning Commission. Only one (1) entrance feature is permitted at each subdivision entrance. Such feature should include a free standing sign mounted on a constructed base and supported from substantial construction. Signs shall not exceed forty (40) square feet, be a maximum six (6) feet in height, and shall not be located closer than twenty (20) feet from any right-of-way or property line.
7. Directional Signs. Traffic directional signs indicating points of entry or exit to off-street parking, provided such signs are not larger than five (5) square feet in area per display surface. Such signs may not have more than two (2) display surfaces. Such signs may not be greater than three and one-half (3 ½) feet in height. Such signs shall not be located in a public right-of-way and shall not obstruct the view of motorists for the purposes of ingress and egress.

1106 PROHIBITED SIGNS

The following signs and types of signs shall be prohibited in the Village of Buckeye Lake:

1. All off-premise signs are prohibited.
2. No display signs except those exempted in Section 1102, church sign, comprehensive

subdivision type signage, and temporary signs shall be permitted in any residential district, excluding parcels occupied by commercial uses in PRD.

3. Signs shall not be placed within any public right-of-way.
4. Flashing, moving, rotating, intermittently lighted signs portable or other mechanical devices.
5. Roof signs.
6. Electronic variable message signs and portions of signs, and reader boards (not including “time and temperature” signs).
7. Billboards and all off-premises signs except for church and institutional directional signs provided for in Section 1107, personal property “For Sale” signs, and special event signs provided for in Subsection 1108 (3).
8. Any sign not included under the types of signs permitted in any district regulations or in this Chapter.

1107 CHURCH AND INSTITUTIONAL DIRECTIONAL SIGNS

Any bona fide church, religious sect or congregation, or other public institution such as a school or hospital and which is located in the Village of Buckeye Lake may erect signage subject to the following requirements:

1. Directional Signs. Not more than four (4) directional signs may be erected in the Village of Buckeye Lake provided the following requirements are met:
 - a. Signs are not located within the public right-of-way.
 - b. All church signs shall be of uniform design, size and construction as specified by the Planning Commission.
 - c. The church or institution shall secure in writing permission from the owner of the property on which such signs shall be located. Such permission shall be filed with the Zoning Officer who will issue the required sign permit upon authorization by the Planning Commission.
 - d. No sign shall exceed four (4) square feet in area nor shall it exceed six (6) feet in height.
2. Church and Institutional Bulletin Board. Any bona fide church, religious sect or congregation, community center or public or semi-public similar institutional use may erect and maintain for their own use a bulletin board or announcement sign not over twelve (12) square feet in area located on the same premises upon which such use is located. If not attached flat against a building, such sign shall be at least twelve (12) feet from all street line.

1108 TEMPORARY SIGNS

No sign shall contain more than two (2) faces. The maximum square footage allowed for a temporary sign shall apply to each face.

1. Subdivision Signs. Signs advertising the sale of platted lots in a subdivision may be erected and displayed in such subdivision provided that not more than one (1) such sign facing on any one (1) street shall be permitted in any subdivision. Such signs may also be used to advertise the sale or lease of multi-family units or store or office space in a commercial development, however, such signs shall not be utilized to advertise the sale, lease or development of land. Such signs shall be limited to twenty-four (24) square feet in area, be not more than eight (8) feet in height and be located not closer than fifteen (15) feet from any public right-of-way. Such signs shall be permitted for a one (1) year period if ownership of a minimum of sixty (60) percent of the platted lots are transferred. Sign must be labeled in the lower right corner with the contact name(s), contact address, contact phone number, date sign put up and date sign to be taken down (i.e. no more than one year after the date sign put up). Failure to label a sign shall result in immediate sign removal.
2. Banner Signs. Banner signs may be installed subject to the following requirements:

- a. That the size of the banner sign shall not exceed that allowed for a permanent wall sign.
 - b. That a banner sign shall not be displayed for more than thirty (30) days.
 - c. That a banner sign may only be displayed for a period not to exceed thirty (30) days in any calendar quarter, and no more than four (4) times per calendar year. Sign must be labeled in the lower right corner with the contact name(s), contact address, contact phone number, date sign put up and date sign to be taken down (i.e. no more than 30 days after the date sign put up). Failure to label a sign shall result in immediate sign removal.
 - d. That a banner sign shall not be displayed above the roof line of any structure.
 - e. That a banner sign shall not have more than five (5) colors. For the purpose of this section, black and white shall be considered colors.
 - f. For the purpose of this section, representations of any flag or national, state or local emblem shall be considered as part of the banner sign and not exempt as permitted under Subsection 1102 (1) or Section 1102 (7).
3. Special Event Signs. Special event signs shall be defined as signs which are used to present knowledge regarding some special event of community importance such as a community festival or political issue. Such signs shall be considered as temporary signs, must be authorized by the Planning Commission before erection, and subject to the following requirements:
- a. Not more than four (4) special event signs shall be permitted at any given time regardless of topic.
 - b. No more than five (5) colors shall be included on such sign(s). For the purposes of this section, black and white shall be considered colors.
 - c. Where such signs are proposed to be located in or above a public right-of-way, no solid portion of the sign shall be located within fifteen (15) feet horizontally of any vehicular pavement not less than eighteen (18) feet above such pavement, or not within ten (10) feet horizontally of any sidewalk nor less than twelve (12) feet above such sidewalk. No fastening or tying device shall be located within ten (10) feet horizontally of any vehicular pavement nor less than fifteen (15) feet above such pavement, or not within five (5) feet horizontally of any sidewalk nor less than ten (10) feet above such sidewalk.
 - d. Such signs shall not be illuminated.
 - e. Such signs shall not be displayed for a period more than thirty (30) days before the event and shall be removed within forty-eight (48) hours after the event if located in any public right-of-way or within five (5) days if located elsewhere. Sign must be labeled in the lower right corner with the contact name(s), contact address, contact phone number, date sign put up and date sign to be taken down (i.e. no more than 30 days after the date sign put up). Failure to label a sign shall result in immediate sign removal.
 - f. Flexibly type signs such as banners shall be provided with internal air vents to adequately relieve wind pressure.

Each temporary sign permit issued for the erection or maintenance of any sign located over a public street or sidewalk shall contain a condition that the permit holder furnish a bond set by the Village Council to hold the Village harmless from liability for injury to third persons.

4. Portable Signs. Portable signs shall be limited to unlighted signs and shall be permitted for not more than two (2) weeks per year for each business. Sign must be labeled in the lower right corner with the contact name(s), contact address, contact phone number, date sign put up and date sign to be taken down (i.e. no more than 14 days after the date sign put up). Failure to label a sign shall result in immediate sign removal.

Such signs shall be not more than five (5) feet high and not more than eight (8) feet wide and

mounted such that the overall height is not greater than seven (7) feet above the ground. Portable signs shall not be located in any right-of-way and shall be located such that they do not obstruct the view of motorists for the purposes of ingress and egress.

5. Air Actuated Attraction Devices. Devices used to attract the attention of the public which are either air filled or air floating shall be regulated as temporary signs. Such devices shall be permitted for not more than two (2) weeks per year for each business. Sign must be labeled in the lower right corner with the contact name(s), contact address, contact phone number, date sign put up and date sign to be taken down (i.e. no more than 14 days after the date sign put up). Failure to label a sign shall result in immediate sign removal. Such devices shall be not more than thirty (30) feet in height above the ground and located such that the device is at least the divided height from any public right-of-way, lot lines or overhead utility lines and fastened in such a manner that the device shall not shift more than three (3) feet horizontally under any wind condition.

1109 MISCELLANEOUS PROVISIONS

1. Applicability of this Chapter. The provisions of this chapter shall apply to all advertising or display signs of every nature, whether portable or attached to the realty, except as otherwise provided herein, either specifically or by necessary implication.
2. Attachment of Signs to Other Structures. No display or advertising sign shall be attached to the standards of a free standing sign, other than the display surface originally constructed as a part of such sign. The standard of the free standing sign shall be finished in only one (1) color. No display or advertising sign shall be attached to or painted or otherwise displayed on a light standard, gasoline pump, fence, wall post or other structure, or to any portable supporting device, except as specifically authorized by this Chapter.
3. Bed and Breakfast Inns. One (1) on-premises sign shall be permitted for each bed and breakfast inn. Such sign shall not exceed six (6) square feet in display area per side and shall not exceed four (4) feet in height. A wall sign shall not exceed six (6) square feet in area and shall not exceed eight (8) square feet in height. Wall signs shall not be roof mounted and shall not extend above the eave. Such signs shall not be internally illuminated.
4. Time Limits.
 - a. Construction Thirty (30) days from issuance of Certificate of Occupancy.
 - b. Real Estate Ten (10) days from date of sale.
 - c. Subdivision/Promotional One (1) year or after eighty (80) percent of lots are sold, whichever occurs first.

Sign must be labeled in the lower right corner with the contact name(s), contact address, contact phone number, date sign put up and date sign to be taken down. Failure to label a sign shall result in immediate sign removal.

1110 MAINTENANCE

1. Sign renewal. All signs will be renewed annually with the exception of permanent attached signs. Any sign deemed to be non-conforming to Buckeye Lake Village standards shall be renewed annually and reviewed for any change or alteration. Any sign located upon Village owned property will be re-negotiated for the yearly lease with the Planning Commission.
2. Duty to Keep in Good Repair. The owner of a sign and the owner of the realty upon which the sign is located shall each have the duty to keep such a sign in a state of good repair and to see that the sign is not permitted to deteriorate or fall into disrepair to such an extent that it becomes dangerous or unsightly. Visible rot or rust, falling parts, or broken parts shall be prima facie evidence that a sign is not in a state of good repair.

1111 ABANDONED SIGNS

1. Abandonment Defined. If any sign shall become abandoned, in a manner defined herein, such sign is declared a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and creating a blighting influence on nearby properties. An abandoned sign shall be any sign that meets any of the following conditions:
 - a. Any sign associated with the abandoned nonconforming use.
 - b. Any sign that remains after the termination of a business. A business shall be considered terminated if it has ceased operations for at least two (2) years. Seasonal businesses are exempted from this determination.
 - c. Any sign that is not maintained in accordance with Section 1110.

2. Determination of Abandonment. When the Zoning Officer finds, upon investigation, that a sign has been abandoned, the Zoning Officer shall notify the owner of said sign and the owner of the realty upon which such sign is located, of any findings, in accordance with Section 9607.07. Such notice shall advise the owner of the sign that said sign has been declared abandoned and must be removed within thirty (30) days from the date of mailing said notice. The owner of the sign or the owner of the realty may appeal such decision to the Board of Zoning Appeals as provided in Section 506.

The Zoning Officer shall maintain a photograph of said sign along with a written report of any finding in a permanent file.

3. Village Right to Remove. If the sign is not removed as ordered, the same may be removed by the Village at the expense of the lessee or owner. If the Village is not reimbursed for the cost of removal within thirty (30) days of such removal, the amount thereof shall be certified to the County Auditor for collection as a special assessment against the realty upon which such sign is located.

1112 VIOLATIONS, PENALTIES, AND REMEDIES

Any person, firm or corporation violating any requirement or prohibition of this Chapter shall be considered in violation of this Code. Failure to comply within thirty (30) days of receipt of notification of violation, unless extended by the Zoning Officer, shall render such person, firm or corporation subject to the penalties provided in Section 311 of the Village of Buckeye Lake Zoning Code.

Last Updated: Ordinance 2006-16 effective 6-9-2006

ARTICLE 12
PLANNED DEVELOPMENT DISTRICTS

1201 Purpose and Intent
1202 Permitted Uses
1203 Conditional Uses
1204 Development Standards

1205 Application Procedure
1206 Criteria for Review
1207 Review Procedure

CROSS REFERENCES

Subdivision Design Standards - see Buckeye Lake Subdivision Regulations

Off-Street Parking and Loading - see Article 10

Private Swimming Pools - see Article 9, Section 902

Home Occupations - see Article 8

Signs - see Article 11

Landscaping - see Article 10, Section 1008 & Appendix B

Satellite Ground Stations, Antennas - see Article 8, Section 807

1201 PURPOSE AND INTENT

Planned Developments shall include residential, commercial, industrial, and mixed-use sub-developments: Planned Residential Development (PRD), Planned Commercial Development (PCD), Planned Industrial Development (PID), and Planned Unit Development (PUD).

Further, these Planned Development District provisions shall apply to any development, however zoned, under the following circumstances:

1. When an existing single parcel is being subdivided and,
 - a. The original parcel is three (3) acres or larger in size; or
 - b. The original parcel is being subdivided into five (5) or more parcels, or otherwise having five (5) or more structures planned for the parcel.
2. When an existing platted area:
 - a. consists of five (5) or more platted lots, currently owned by one entity or having been owned by the same entity within ten (10) years of the permit application date;
 - b. Requires the construction of a roadway, either private or public;
 - c. Requires the extension of Village utility services to five (5) or more parcels;
or
 - d. Requires the re-platting or combination of five (5) or more parcels, regardless of total acreage.
3. When, in the opinion of the Service and/or Development Director, the Planned Development District procedure will provide for a more efficient development of the land.

(Revised by Ordinance 2022-43 on October 24, 2022)

It is the intent of the Planned Developments to promote the progressive development of land and construction thereon and to encourage imaginative architectural design and layout, flexibility in building styles and types, and sensitivity to the natural environment.

The Planned Developments are designed to guide development in an orderly, coordinated and comprehensive manner that preserves natural quality and beauty and provides supporting community facilities in the development of diverse, sound urban environments consistent with accepted land planning, landscape architecture practices and engineering principals. Such developments should:

- (A) Provide a more useful pattern of open space and recreation areas.
- (B) Preserve and utilize natural topography and geologic features, scenic vistas, trees and other vegetation, while preventing disruption of normal drainage patterns.
- (C) Provide a more efficient pattern of development that reduces investments in utility lines, streets, and similar infrastructure.
- (D) Promotes a development pattern in harmony with the Village's land use objectives and priorities.

1202 PERMITTED USES

Land and buildings in the Planned Developments (PRD, PCD, PID, and PUD) shall be used only for the following purposes as indicated under each specific sub-development:

(A) Planned Residential Development (PRD).

- (1) Residential Dwellings: single-family, two-family and multi-family dwellings and accessory uses and buildings in association with a permitted dwelling.
- (2) Churches and other similar places of worship.
- (3) Public uses: parks, playgrounds, recreation and community center buildings and grounds, golf courses, public swimming pools, tennis courts and similar recreational uses.
- (4) Home occupations in accordance with Article 8.

(B) Planned Commercial Development (PCD).

- (1) Uses permitted under the General Business District (GB-1) and Waterfront Business District (WB).

(C) Planned Industrial Development (PID).

- (1) Uses permitted under the Manufacturing District (M-1).

(D) Planned Unit Development (PUD).

- (1) Uses permitted under the Planned Residential Development (PRD).
- (2) Uses permitted under the Planned Commercial Development (PCD) but limited to no more than thirty (30) percent of the net developable site.

1203 CONDITIONAL USES

The following uses may be allowed in the Planned Developments (PRD, PCD, PID, and PUD) subject to approval in accordance with Article 5, Section 518 and as indicated under each specific sub-development:

(A) Planned Industrial Development (PID).

- (1) Permitted uses under the General Business District (GB-1) and Waterfront Business District (WB) limited to twenty-five (25) percent of the net developable site.

1204 DEVELOPMENT STANDARDS

(A) Minimum Size Requirements. The table below lists minimum sizes for Planned Developments. However the Planning and Zoning Board understands certain parcels may present unique challenges to development and reserves the right to administer the provisions of this Chapter on

a case by case basis.

DEVELOPMENT STANDARD	Development			
	PRD	PCD	PID	PUD
Minimum area (acres)	5	10	10	20
Minimum area depth (feet)	350	350	500	750
Minimum frontage (feet)	250	250	400	600
Coverage	N/A	45%	50%	N/A
Maximum building height (feet)	35	40	40	40

- (1) For each use the lot and building requirements of the appropriate Zoning District other than the Planned Development shall apply unless superseded herein.
 - (2) Parking areas shall be no closer to the main structure(s) than ten (10) feet.
 - (3) Under PRD and PUD individual home sites or clusters thereof must be designated fewer than one of the Village's single family Zoning Districts and the development standards therein shall apply unless superseded herein. A PRD or PUD may contain more than one classification of single family Zoning District.
 - (4) Upon approval of the Planning and Zoning Board, PRD and PUD lot size per dwelling unit may be reduced by not more than fifteen (15) percent of the minimum lot area of the designated classified Zoning District. The developer must provide sufficient evidence that the overall development demonstrates excellence in design by properly considering ; significant natural and historic features, topography, natural drainage patterns, roadway access and circulation, surrounding land uses, the enhancement of the general welfare of the public, and aesthetically desirable land development.
 - (5) Lot widths may be varied to allow for a variety of structural designs. It is also recommended that varied setbacks be considered. (*Ref. Article 10, Section 1010*)
 - (6) Under PRD and PUD adjacent single family and two-family homes shall not have identical facades relative to style and color, and all residential building front yard setbacks shall meet the applicable Development requirement and be staggered.
- (B) Site Development Standards. The following site development standards shall apply in the Planned Developments (PRD, PCD, PID, and PUD):
- (1) The applicable sections of the Subdivision Regulations and the off-street parking, sign and landscaping regulations of this Zoning Code shall apply.
 - (2) The traffic and parking system shall meet the requirements relative to access as indicated in Article 10. Access points shall be kept to a minimum to reduce traffic congestion and mitigate potential conflict points. Vehicular and pedestrian conflict points shall also be minimized.
 - (3) Under PID and PUD, where applicable, the parking system shall be so designed as to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas should be delineated and accented by landscaped areas. Parking aisles, whenever possible, shall be oriented perpendicular to the building fronts.
 - (4) The PRD and PUD density shall be compatible with the public health, safety, convenience, comfort, prosperity, and general welfare of the occupants of the PRD or PUD and the general public.
 - (5) Under PRD and PUD the Planning and Zoning Board may require that a minimum of twenty (20) percent of the net site (gross site minus publicly dedicated streets and alleys) shall be set aside as public open space. Such open space shall be used for such public purposes as a natural area, recreational area, or the site of a community or school facility. A facility,

constructed by the developer, designed to provide the occupants of the PRD or PUD with an all season multiple use or recreational use building may be considered in lieu of all, or part of, the required set aside open space.

The lands set aside as public open space, or facilities provided in lieu of, shall be held in corporate ownership by owners of the project area for the use of each owner, renter, or lessee within the development and retained as common open space, or facilities provided in lieu of, for parks, recreation and related uses.

The responsibility for the maintenance of all set aside open space, or facilities provided in lieu of, shall be specified by the developer before approval of the final development plan.

- (6) Under PCD and PUD where applicable all service and delivery shall be made to the rear of the structure(s) or use unless special design treatment or circumstances warrant an alternative, but only with the approval of the Planning and Zoning Commission. Landscaping and screening requirements of Article 10, Section 1008 shall apply.
- (7) Under PRD and PUD the location and arrangement of areas of various densities shall be so designed as to balance higher density areas adjacent to open space. Residential densities within PRD and PUD shall equal to or be less than the residential density in adjacent and abutting residential zoning Developments.
- (8) Under PRD and PUD private roads as a common easement may be used to provide access to clustered lots and/or structures serving residential uses in accordance with the following:
 - (a) The easement shall not be counted as required open space.
 - (b) The easement does not serve an area larger than two (2) acres, except that such area will contain six (6) dwellings or less.
 - (c) Approved as a part of the Subdivision Plat as the most appropriate form of access to the lots and/or structures.
 - (d) Private roads and private public accesses are subject to the provisions of the Buckeye Lake Property Maintenance Code.
- (9) Under PRD and PUD off-street parking shall be provided in accordance with Article 10, except residential parking may be provided in group garages or parking lots within one hundred and fifty (150) feet of the dwellings served.
- (10) Under PCD, PID and PUD where appropriate whenever multiple structures are to be located on the site and the site abuts a collector or arterial street, access onto the collector or arterial shall be via interior local streets or marginal access (frontage) roads. All uses within the PCD, PID and PUD shall derive their access from the interior streets in the Development, unless specific exemptions are made as a part of the approved Development Plan. (*Ref. Buckeye Lake Subdivision Regulations*)
- (11) Drainage and runoff from the proposed development shall not cause property damage. All drainage improvements shall be designed in conformance with the requirements of the Village's Subdivision Regulations and shall be approved by the Village Engineer prior to Development Plan approval.
- (12) Details regarding sanitary sewage collection and disposal and water supply techniques to be utilized shall be addressed in the Development Plan, together with letters of approval from the pertinent local, state and, if applicable, private agencies, and approved by the Village Engineer prior to Development Plan approval.
- (13) Under PCD and PUD no unscreened outside storage shall be permitted and no rubbish or debris of any kind shall be placed or permitted to accumulate on any portion of the parcel or lot so as to render any portion of the property unsanitary, unsightly or detrimental to the public health, safety or welfare.
- (14) All utilities shall be placed underground.
- (15) Public nuisance regulations under Article 9 shall apply.

1205 APPLICATION PROCEDURE

- (A) Application to be made. Written application and submittal of a Development Plan for a Planned Development shall be made by the property owner(s) or lessee(s) to the Planning and Zoning Commission.
- (B) Application Fee. A fee as stipulated in Article 3, Section 312 and by ordinance shall be paid by the Applicant to cover the costs of advertising, review, publishing, and reporting of the application, payable to the General Fund.
- (C) Application Contents. The application, on a form to be provided, for a Planned Development shall contain as a minimum:
- (1) Name, address, and phone number of the Applicant(s) and representative(s) if any, and the signature of the property owner(s).
 - (2) A current and accurate legal description of the property(s) in question and a current survey prepared by a licensed surveyor.
 - (3) The proposed zoning Development, the proposed use(s), the present use(s), and the present zoning Development of the property(s).
 - (4) A list of all property owners within 200 feet of all property(s) in question. The list of addresses shall correspond to the County Auditor's current tax list.
 - (5) A statement of the relationship of proposed change or amendment to the general welfare of the community, to appropriate plans for the area, and to the changed or changing conditions behind the request to re-zone.
 - (6) Applicant shall show evidence of sufficient control over the land to effectuate the Development Plan such as property rights, economic resources and engineering feasibility as may be necessary.
 - (7) Evidence that the Applicant has sufficient control over the land to effectuate the proposed development.
- (D) Concept Plan. A Concept Plan drawn to scale shall be prepared by a registered architect, registered engineer and/or a registered landscape architect. Such Concept Plan shall be in map form with accompanying text and shall contain the following information as a minimum:
- (1) Selected uses in accordance with Sections 1202 and 1203 by area or specific building location, allocation of land use by type as measured in acres, adjacent existing land use, right-of-way, and relationship to adjacent land use.
 - (2) General location of thoroughfares, including type, as well as location and size measured in number of parking spaces for all off-street parking areas, including curb cuts.
 - (3) Open space and the intended uses therein and acreage provided.
 - (4) Residential land uses shall be summarized by lot size, dwelling type and density.
 - (5) Topographical contours with two (2) foot intervals.
 - (6) Existing roads, buildings and permanent facilities, easements, right-of-way and abutting property boundaries, and existing and proposed utilities.
 - (7) Jurisdictional boundaries.
 - (8) Physical features & natural conditions of the site including the location of vegetation meeting the size and type requirements of Appendix B and existing tree lines.
 - (9) Surface drainage and areas subject to flooding.
- (E) Development Plan. A Development Plan drawn to scale shall be prepared by a registered architect, registered engineer and/or a registered landscape architect. Such Development Plan shall be in map form with accompanying text and shall contain the following information as a minimum:
- (1) Selected uses in accordance with Sections 1202 and 1203 shall be specified by area or specific building location, and an explanation regarding specific compatibility of each

- proposed use with the immediate area shall be attached.
- (2) A survey map of the boundary of the area being requested for zoning map amendment.
 - (3) A preliminary drainage plan, showing topographical contours in two (2) foot intervals, and general locations of proposed improvements.
 - (4) Stands of existing vegetation meeting the size and type requirements of Appendix B and existing tree lines.
 - (5) Soil types found on the subject tract(s) based upon the applicable county soil survey.
 - (6) Existing roads, streets and easements within the subject tract. Off-site contour and easement locations shall be provided where necessary to determine special off-site circumstances as they relate to the development or off-site features affected by the development.
 - (7) Names and firms of professionals that prepared the Development Plan.
 - (8) Proposed features, including as a minimum:
 - (a) Information that the development concept conforms to all applicable standards of the Planned Development.
 - (b) Proposed location and approximate size of all structures and ancillary uses, except for single family residential structures and related accessory structures.
 - (c) The traffic and parking system shall be shown in detail indicating points of ingress and egress into the property, public and private drives, parking areas and pedestrian walkways. The system shall be responsive to the Village's access controls as addressed in Article 10 and Buckeye Lake Subdivision Regulations.
 - (d) A detailed parking layout, where applicable, shall be provided that includes the number of spaces provided by total number on-site and summed by row, and access points and expected movement through and between separate parking lot areas. Dimensions of the above shall also be provided. For PCD and all commercial uses in another Planned Development, expected pedestrian access routes from parking areas to stores shall be indicated.
 - (e) An Ohio Department of Transportation Traffic Impact Study shall be performed to analyze potential traffic impacts that will result from the proposed development following standard traffic assessment techniques and references, with an estimate of street and other traffic improvements necessitated by the development.
 - (f) A list of specific restrictions applicable to the area being considered for zoning map amendment which are designed to fulfill the concept proposed, including prohibited uses, any additional limiting text, and proposed deed restrictions.
 - (g) Screening, landscaping and other provisions required under Article 10, Section 1008 and Appendix B and other relevant sections.
 - (h) The proposed provision of all utilities, storm drainage collection, trash collection systems, and street lighting system shall be specifically detailed.
 - (I) Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures except single family and two-family structures. Conceptual renderings as an example of single family and two-family structures shall be provided.
 - (j) Under PID a narrative shall be provided indicating the nature of all activities to be carried on and expected levels of noise, dust, smoke, glare, odor or vibration to result from the normal operation of the specific industrial activity. Future uses that are a change from approved uses and any internal expansions shall require the approval of the Planning and Zoning Commission.
 - (k) Proposed signage treatment in accordance with Article 11.
 - (l) Proposed schedule of site development indicating all phases of the Development Plan by phrase, indicating a summary of land use and dwelling units by time frame.

- (m) All deed restrictions and covenants.
- (9) Any other additional information requested by the Planning and Zoning Commission or Village Council.

1206 CRITERIA FOR REVIEW

The Planning and Zoning Commission shall, at a minimum, consider the following factors in the review of the application:

- (A) Compatibility of the proposed amendment to adjacent land use, adjacent zoning and to appropriate plans for the area.
- (B) Relationship of the proposed amendment to access and traffic flow.
- (C) Relationship of the proposed amendment to the public health, safety, convenience, comfort, prosperity and general welfare.
- (D) Relationship of the proposed use(s) to the adequacy of available services and to general expansion plans and planned capital improvements.

1207 REVIEW PROCEDURE

- (A) Filing of Application. Seven (7) copies of a completed application and Concept Plan shall be submitted to the Planning and Zoning Commission at least seven (7) days prior to the Board's next scheduled meeting. Failure to submit a complete application shall result in a refusal to be placed on the Planning and Zoning Commission Agenda.
- (B) Technical Review Group. The Planning and Zoning Commission may request a report from the Technical Review Group on any proposed PUD.
- (C) Concept Plan. The application and Concept Plan shall be submitted to the Planning and Zoning Commission. The Concept Plan shall be forwarded by the Planning and Zoning Commission to the Village Engineer, Village Water Superintendent, Street Superintendent and Fire Department for review and comments.
- (D) Public Hearing. A public hearing of the Planning and Zoning Commission shall be set for not more than forty-five (45) days from the date of acceptance of a complete application and Concept Plan. Nothing in this section shall prevent the Commission from granting a continuance of the public hearing.
- (E) Public Notice for Hearing. At least one (1) notice shall be given at least ten (10) days prior to a scheduled public hearing in one (1) or more newspapers of general circulation in the Village. Such notice shall include time and place of the public hearing, nature of the proposed amendment, and a statement that after the conclusion of such public hearing the Planning and Zoning Commission will render a decision on the Concept Plan and forward same to Village Council for informational purposes.
- (F) Notice to Property Owners. If the proposed amendment intends to re-zone or redevelop ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Village, at least ten (10) days prior to the date of a scheduled public hearing to all property owners within 200 feet of all property(s) lines proposed to be re-zoned or developed. The list of addresses shall correspond to County Auditor's current tax list and shall be provided by the applicant on mailing labels. Notice shall correspond to Subsection (E) hereof in content.
- (G) Action by Planning and Zoning Commission. Within thirty-five (35) days of the public hearing, Planning and Zoning Commission shall review the Concept Plan and reach one of the following actions:
 - (1) Approval of the Concept Plan as requested.
 - (2) Approval of the Concept Plan with modifications.
 - (3) Disapproval of the Concept Plan.

The Planning and Zoning Commission will forward one (1) copy of the Concept Plan and action

thereof to the Village Council for their information.

- (H) Development Plan Submittal. No later than twelve (12) months from the date of the Planning and Zoning Commission's action to approve or approve with modification a submitted Concept Plan, the Applicant may submit fifteen (15) copies of a completed application and Development Plan to the Planning and Zoning Commission at least seven (7) days prior to the Commission's next scheduled meeting. Failure to submit an application and Development Plan within this time frame shall render the approved Concept Plan null and void.

Prior to accepting such submittal, the Planning and Zoning Commission shall review the submittal and determine whether such submittal is complete and meets all submittal requirements. Failure to submit a complete application shall result in refusal of placement on the Planning and Zoning Commission Agenda.

- (I) Public Hearing. A public hearing of the Planning and Zoning Commission shall be set for not more than forty-five (45) days from the date of the acceptance of a complete application and Development Plan to amend the official zoning map. Nothing in this section shall prevent the Commission from granting a continuance of the public hearing.
- (J) Public Notice for Hearing. At least one (1) notice shall be given at least ten (10) days prior to a scheduled public hearing in one (1) or more newspapers of general circulation in the Village. Such notice shall include time and place of the public hearing, nature of the proposed amendment, and a statement that after the conclusion of such public hearing the Planning and Zoning Commission will forward a recommendation on the Development Plan to Village Council for final action.
- (K) Notice to Property Owners. If the proposed amendment intends to re-zone or redevelop ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Village, at least ten (10) days prior to the date of a scheduled public hearing to all property owners within 200 feet of the property(s) lines proposed to be re-zoned or developed. The list of addresses shall correspond to County Auditor's current tax list and shall be provided by the applicant on mailing labels. Notice shall correspond to Subsection (D) hereof in content.
- (L) Action by Planning and Zoning Commission. Within thirty-five (35) days of the public hearing, the Planning and Zoning Commission shall review the application and Development Plan and forward one of the following recommendations to Village Council:
- (1) Recommend amendment be granted as requested
 - (2) Recommend a modification of amendment
 - (3) Recommend amendment not be granted
- (M) Public Hearing of the Council. Upon receipt of such recommendation, Village Council shall schedule a public hearing within forty-five (45) days of said receipt. Nothing in this section shall prevent the Council from continuing a public hearing.
- (N) Public Notice for Hearing. At least one (1) notice shall be given at least thirty (30) days prior to a scheduled public hearing in one (1) or more newspapers of general circulation in the Village. Such notice shall include time and place of the public hearing, nature of the proposed amendment, and a summary of Planning and Zoning Commission recommendation.
- (O) Notice to Property Owners. Written notice of the hearing shall be mailed by the Village, at least twenty (20) days prior to date of public hearing to all property owners within 200 feet of all property(s) lines proposed to be re-zoned or developed. Notice shall correspond to Subsections (J & K) hereof in content and mailing addresses.
- (P) Action by Village Council. Within thirty-five (35) days after public hearing, Council shall adopt or deny the recommendation of Planning and Zoning Commission or adopt a modification thereof. To reverse or modify recommendation of the Commission, three-fourths (3/4) of the full membership of Council is required. No such ordinance shall be passed unless it has been fully

and distinctly read at three (3) different scheduled public hearings, except that such ordinance may become emergency legislation if three-fourths (3/4) of the full membership of Council votes to dispense with this rule.

An application for amending this Ordinance that has been disapproved by Village Council shall not be resubmitted to the Village for reconsideration until after one (1) year of the date of such disapproval by Council.

- (Q) Expiration. Failure to develop a minimum of twenty (20) percent of the approved improvements, including right-of-way, infrastructure, and structures, on the subject property(s) within two (2) years of the date of approval by Village Council or completed within the submitted and approved time frame shall result in a consideration of repeal of the approved zoning by Village Council.
- (R) Platting. The creation of new parcels under any sub-development shall be subject to platting under the Buckeye Lake subdivision regulations. Failure to submit an application for platting no later than twelve (12) months from the effective date of the re-zoning or in accordance with the submitted and approved time frame shall render the zoning null and void and the property shall revert to its previous zoning. Following a show of cause by the applicant, the Village Council may grant an extension beyond the twelve (12) month platting requirement.

To reduce the length of the review and approval process, a preliminary Subdivision Plan can be submitted simultaneously with the Development Plan for re-zoning to the Planned Development to initiate both re-zoning and subdivision processes. A final Subdivision Plat cannot be submitted for review until an amendment to PRD, PCD, PID, or PUD has been approved by Village Council and such amendment has become effective.

Last updated: Ordinance 2004-14 effective 11-8-2004

ARTICLE 13

ADULT ENTERTAINMENT FACILITIES AND GAMING PARLORS

1300 ADULT ENTERTAINMENT FACILITY DEFINITIONS

1. “Adult Entertainment Facility” means any establishment which is involved in one or more of the following listed categories:
 - a. Adult Store—Any establishment having greater than twenty-five percent (25%) of its display area or items for sale, rental or viewing any adult materials, which are distinguished or characterized by their emphasis on matter depicting or related to “specific sexual activities” or “specified anatomical areas,” as herein defined.
 - b. Adult Theater—Any commercial establishment used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “specified anatomical areas” or performances of males or females—which are characterized by an emphasis on salacious conduct appealing to prurient interest for the observation or participation by patrons. Services or products included within the scope of Adult Entertainment Theater are photography, dancing, reading, massage and similar functions that utilize activities as specified herein.
2. “Adult Entertainment Facility Employee” or “Adult Theater Employee” means any individual, including entertainers, who work in or render any services directly related to the operation of an Adult Entertainment Facility; provided, however, that this definition shall not include persons delivering goods, materials (other than adult materials), food and beverages.
3. “Adult Material” means any of the following, whether new or used:
 - a. Books, magazines, periodicals, other printed matter or digitally stored materials that are distinguished or characterized by an emphasis on the exposure, depiction or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.
 - b. Films, motion pictures, video or audio cassettes, slides, computer displays or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction or description of Specified Anatomical Areas or the conduct or simulation of Specified Sexual Activities.
 - c. Instruments, novelties, devices, or paraphernalia that are designed for use in connection with Specified Sexual Activities, or that depict or describe Specified Anatomical Areas.
4. “Fine Art Gallery” means the sexually oriented or explicit showing of nudity including, but not limited to, close-up views, poses or depictions in such manner, present or expose such nudity to prominent, focal or obvious viewing intention.
5. “Harmful to Juveniles” means any material or performance, whether through motion pictures, photographs, drawings, cartoons, slides, depictions or descriptions to which (a), (b) and (c) apply.
 - a. The average adult person, applying contemporary community standards, would find that the material or performance, taken as a whole, is intended to excite lustful or erotic thoughts in juveniles, or is designed or marketed to cater or appeal to prurient interest in nudity, sex or excretion.
 - b. The material or performance depicts or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse or lewd exhibition of the genitals, in a way which is patently offensive to prevailing standards in the adult community with respect to what is suitable for juveniles.
 - c. The material or performance, taken as a whole, lacks serious literary, artistic political, educational or scientific value for juveniles.

6. “Person” means any individual, corporation, company, business partnership association, establishment or other legal entity of any kind.
7. “Sadomasochistic Sexual Abuse” means actual or simulated flagellation, torture or other physical or sexual abuse by or upon a person who is nude or pal denuded to the condition of being fettered, bound for sexual gratification or abuse represented in the context of a sexual gratification or abuse or represented in the context of a sexual relationship.
8. “Sexually Explicit Nudity” means the sexually oriented and explicit showing nudity, including, but not limited to, close-up views, poses or depictions in such place or manner which present or expose such nudity to prominent, focal or obvious vie attention.
9. “Specified Anatomical Areas” mean any of the following:
 - a. Less than completely and opaquely covered human genitals, pubic region, buttocks and female breast below a point immediately above the top of the areola.
 - b. Human male genitals in a discernibly turgid state even if completely and opaquely covered, or covering that, when worn, stimulates human male genitals in a discernibly turgid state.
10. “Specified Sexual Activities” mean any of the following:
 - a. Human genitals in state of sexual stimulation or arousal.
 - b. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio or sadomasochistic sexual abuse.
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breast.
 - d. Excretory functions as part of or in connection with any of the activities set forth in divisions (b) of this division.
11. “Visibly Displayed” means the material is visible on the billboard viewing marquee, newsstand, display rack, window, show case, display case or other display area that is visible from any part of the premises where a juvenile is or allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.

1301 EXCEPTIONS

Nothing in this Article shall be construed to pertain to:

1. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by any accredited museum, library, fine art gallery, school or institution of higher learning.
2. The exhibition and/or performance of any play, drama, tableau or motion picture by any theater, museum, library, fine art gallery, school or institution of higher learning, either supported by the public appropriation or which is an accredited institution supported by private funds.

1302 LOCATIONS RESTRICTED TO ADULT ENTERTAINMENT FACILITY

Adult Entertainment Facilities are specified as a conditional use in the manufacturing zoning district only and are additionally subject to the conditions hereafter set forth in Section 1303.

1303 CONDITIONS

1. Hours of Operation.
 - a. No Adult Entertainment Facility shall be open for business at any time on any State of Ohio or federal holiday.

- b. No Adult Entertainment Facility shall be open for business between the hours of 1:00 a.m. and 9:00 a.m. on any day.
 - c. If an Adult Entertainment Facility holds a liquor license issued by the State of Ohio that permits the establishment to serve alcoholic beverages outside of the time parameters listed in (a) and (b) above, such Adult Entertainment Facility shall not be subject to these time parameters. However, an Adult Entertainment Facility, which allows activities such as live erotic dancing and the display of films and other Adult Material shall be open only during the times permitted in (a) and (b) of this sub-section.
2. No Adult Entertainment Facility shall be established within fifteen hundred feet (1,500) feet of any area zoned for residential use.
 3. No Adult Entertainment Facility shall be established within fifteen hundred (1,500) feet of any school, library or teaching facility, whether private, governmental or General Business, which school library or teaching facility is attended by persons under eighteen (18) years of age.
 4. No Adult Entertainment Facility shall be established within a radius of fifteen hundred (1,500) feet of any park or recreational facility attended by persons less than eighteen (18) years of age.
 5. No Adult Entertainment Facility shall be established within a radius of fifteen hundred (1,500) feet of any other Adult Entertainment Facility.
 6. No Adult Entertainment Facility shall be established within a radius of fifteen hundred (1,500) feet of any church, synagogue, or permanently established place of religious services attended by persons less than eighteen (18) years of age.
 7. No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited to be visible to the public from pedestrian sidewalks, public or private right of way, or any property other than the lot on which the Adult Entertainment Facility is located.
 8. All building openings, including but not limited to doors, entries, and windows, shall be located, covered or serviced in such a manner as to prevent a view into the interior from any public or semi-public areas.
 9. No screens, loudspeakers or sound equipment shall be audible or discernable beyond the Adult Entertainment Facility's premises at any time.
 10. No Adult Entertainment Facility shall contain any video, pinball, slot, bagatelle, pigeon-hole, pool, or any other games, machines, tables, or implements.
 11. Off-street parking shall be provided in accordance with the standards for permitted uses within the manufacturing zoning as appropriate.
 12. The performance area of an Adult Theater shall be limited to one or more stages or platforms permanently anchored to the floor (a "Cabaret Stage"). Each Cabaret Stage shall be elevated above the level of, and separate from, the patron seating areas. Each Cabaret Stage shall be separated by a distance of at least eighteen (18) inches from all areas of the premises to which Adult Theater patrons have access. A continuous barrier at least twenty-four (24) inches in height and located at least eighteen (18) inches from all points of each Cabaret Stage shall separate each Cabaret Stage from all patron seating areas. No Adult Theater patron shall be allowed at any time on any Cabaret Stage.
 13. No Adult Theater patron shall offer, and no Adult Theater Employee having performed on any Cabaret Stage shall accept any form of tip or gratuity offered directly or personally to the Adult Theater Employee by the Adult Theater patron. Rather, all tips and gratuities to Adult Theater Employees performing on any Cabaret Stage shall be placed into a receptacle provided for receipt of such tips and gratuities by the Adult Theater or shall be placed by the Adult Theater patron on the Cabaret Stage on which the Adult Theater Employee is

performing.

14. All restrooms in Adult Entertainment Facility shall be equipped with standard toilets, sinks and other traditional lavatory facilities. No Adult Materials or live performances shall be provided or allowed at any time in the restrooms of an Adult Entertainment Facility. Separate male and female restrooms shall be provided for and used by Adult Entertainment Facility Employees and patrons.
15. No Adult Entertainment Facility patron shall be permitted at any time to enter into any of the non-public portions of any Adult Entertainment Facility, including specifically, but without limitation, any storage areas or dressing or other rooms provided for the benefit of Adult Entertainment Facility's Employees. This shall not apply to persons delivering goods and materials, food and beverages, or performing maintenance or repairs to the Adult Entertainment Facility. These persons shall remain in the non-public areas only for the purposes and to the extent and time necessary to perform their job duties.
16. Any Adult Theater that as a substantial or significant portion of its business features motion pictures, video or audio cassettes, slides or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction or description of Specified Anatomical Areas shall:
 - a. Provide seating only in individual chairs with arms or in seats separated from each other by immovable arms and not on couches, benches or any other multiple person seating structures. The number of seats shall equal the maximum number of persons who may occupy the Adult Theater.
 - b. Have a continuous main aisle alongside the seating area in order that each person seated in the Adult Theater shall be visible from the aisle at all times.
 - c. Have a sign posted in a conspicuous place at or near each entranceway to the auditorium or similar area that lists the maximum number of persons who may occupy the auditorium area, which number shall not exceed the number of seats in the auditorium area.
17. Conditions 2 through 7 above, may be waived by the Planning and Zoning Board provided that the applicant provides affidavits of fifty-one percent (51 %) of the property owners and resident freeholders within the above described radius, giving their consent to the establishment of Adult Entertainment Facility and if the Board determines:
 - a. That the proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this section will be observed.
 - b. That the proposed use will not enlarge or encourage the development of a skid row or similar depressed area.
 - c. That the establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal, residential, General Business reinvestment or renovation of a historical area.
 - d. That all applicable regulations of this section will be observed.

1304 UNLAWFUL EXHIBITION OR DISPLAY OF HARMFUL MATERIAL TO JUVENILES

No person having custody, control or supervision of any business or General Business establishment or premises, with knowledge of character of the material involved, shall do or cause to have done any of the following:

1. Allow, permit or fail to prevent any juvenile who is not accompanied by a parent or lawful guardian to enter or remain on premises, if in that part of the premises where the juvenile is or may be allowed, permitted, or invited as part of the general public or otherwise, there is

visibly displayed all or any part of any book, magazine, newspaper or other form of any material which is either of the following: harmful to juveniles, when taken as a whole; or contains on its cover, package, wrapping or within the advertisements thereof, depictions or photographs of sexually explicit nudity, sexual activity, sadomasochistic sexual abuse or lewd exhibition of the genitals.

2. Visibly display, exhibit or otherwise expose to view, General Business establishment where juveniles, as part of the general public, or otherwise, are, probably be, exposed to view all or any part of such materials from any public place.
3. Hire, employ or otherwise place, supervise, control or allow in any General Business establishment or other place, any juvenile under circumstances which cause, lead or allow such juvenile to engage in the business or activity of selling distributing, disseminating or otherwise engage in the business of dealing or handling such material, either to or for adults or juveniles.

1305 GAMING PARLOR DEFINITIONS

As used in this Article:

1. "Billiard room" means any public place where the game of billiards or pool is played.
2. "Billiards" means any of the several games which are played on a table surrounded by an elastic edge on cushions, with balls which are propelled or moved by means of a rod or cue, and includes the game of pocket billiards popularly called pool.
3. "Game room" means a place of business, within a building or any part of a building, having more than three mechanical or electrically operated amusement devices which are used for the purpose of public entertainment through the operation, use or play of any table game or device commonly known as electronic games, which are operated by placing therein a coin, plate, disc, plug, key or token of any value or by the payment of a fee.
4. "Mechanically or electrically operated amusement device" means any coin-operated machine, device or instrument which, upon the insertion of a coin, token or slug, or upon the payment of a fee, operates or may be operated for use as a game, contest of skill or amusement, of any description, which in no way intends to encourage gambling.
5. "Owner" means any person having possession of any mechanical, or electrical amusement device or electronic game of skill or any person operating an amusement arcade, game room or billiard room or electronic gaming parlor.
6. "Electronic games of skill" means a skill-based electronic, video, or digital amusement device which requires payment for use through a coin or bill validator or other payment of consideration of value to participate in the machines offering or to activate the machine provided that all of the following apply:
 - a. The machine involves a task, game, play, contest, competition, or tournament in which the player actively participates in the task, game, play, contest, competition or tournament.
 - b. The outcome of an individuals play and participation is not determined largely or wholly by chance.
 - c. The outcome of play during a game is not controlled by a person not actively participating in the game.
7. "Electronic gaming parlor" means any business, establishment or location operated for profit which employs the use of one (1) or more electronic games of skill in any one location. The definition of electronic gaming parlor shall not include any location or establishment operated by any charitable organization as defined at O.R.C. Section 2915.01(h), fraternal organization as defined at O.R.C. Section 2915.01(m), or service organization as defined at O.R.C. Section 2915.01(O) provided no such organization has on its premises for use at any

given time ten (10) or more electronic games of skill and provided that all proceeds from such electronic games of skill are applied to the charitable purposes of the organization.

1306 LICENSE REQUIRED

No person shall operate a public billiard room, poolroom or game room, or any other business for profit, which has more than four billiard tables or an electronic gaming parlor without first obtaining a license therefore from the Mayor and/or his or her designee.

1307 LICENSE FEES

1. Any person applying for a license to operate a billiard room, poolroom or game room shall, before the issuance thereof, pay to the Village of Buckeye Lake an annual base fee of twenty-five dollars (\$25.00) for each separately located establishment or place of business of the applicant. In addition to the annual base fee, for each billiard or pool table or mechanical or electrical amusement device, the licensee shall pay an additional seven dollars and fifty cents (\$7.50). When such a license is issued between December 1 and 31 of any year, the license shall not expire until December 31 of the following year.
2. Any person applying for a license to operate an electronic gaming parlor shall, before the issuance thereof, pay to the Village of Buckeye Lake an annual base fee as set forth herein for each separately located electronic gaming parlor:
 - a. More than zero but less than eleven electronic games of skill: \$500.00
 - b. More than ten but less than twenty-five electronic games of skill: \$750.00
 - c. Twenty-five or more electronic games of skill: \$1,000.00.
3. In addition to the annual base fee, for each electronic game of skill, the licensee of a non-exempt electronic gaming parlor shall pay an additional \$250.00. When such a license is issued between December 1 and 31 of any year, the license shall not expire until December 31 of the following year.

1308 LICENSE REVOCATION; APPEALS

1. Any person operating, maintaining or conducting a public billiard room, poolroom, game room or electronic gaming parlor, who knowingly permits persons to congregate in or about such place and, while therein or about, to become noisy or profane or to disturb the public peace, shall be personally responsible for such conduct and may have his or her license revoked by the Mayor and/or his or her designee for permitting such conduct.
2. The Mayor and/or his or her designee may revoke the license granted to any licensee under this Article if such licensee is found guilty of violating any of the laws of the State or the ordinances of the Village. Appeals of decisions by the Director of Public Safety under this Article shall be governed by O.R.C. Chapter 2506.

1309 GROUNDS FOR REFUSAL TO ISSUE LICENSE

The Mayor and/or his or her designee may refuse to issue a license under this Article to any person who has been found guilty of a violation of law of the State or ordinance of the Village, with the exception of minor misdemeanor traffic offenses.

1310 LICENSE EXPIRATION; TRANSFERS

1. Any license issued pursuant to this Article shall terminate on December 31 of the year in which it is issued. Such a license may be transferred during the year and issued to another owner upon application to and approval by the Mayor and/or his or her designee and upon payment of a fifteen-dollar (\$15.00) fee for each transfer.
2. Any license issued pursuant to this Article for a electronic gaming parlor or electronic game

of skill may not be transferred during the year or re-issued to another owner without approval of the Mayor and/or his or her designee.

1311 APPLICATION

1. This Article shall not apply to any pool or billiard table, electronic game of skill, mechanical or electrically operated amusement device operated, maintained or conducted in any bona fide private residence of the Village.
2. This Article shall not apply to any pool or billiard table, electronic game of skill, mechanical or electrically operated amusement device operated, maintained or conducted by any fraternal or benevolent organization authorized to do business in the State.

1312 POSTING COPIES

Upon request, copies of this Article shall be provided by the Village to all persons operating, maintaining or conducting public poolrooms, billiard rooms, electronic gaming parlors or mechanical or electrically operated amusement devices within the Village. When so provided, it shall be the duty of the owner to keep a copy of this Article posted in a conspicuous place in each poolroom, billiard room or electronic gaming parlor.

1313 IMPLIED CONSENT TO SEARCH

Any owner, person, persons, business, corporation or other entity operating an electronic gaming parlor within the Village of Buckeye Lake, Ohio pursuant to a license issued by the Mayor and/or his or her designee under authority of this Article shall be deemed to have given consent to the random and unannounced search of the premises wherein the electronic games of skill are employed and to the search of each individual electronic game of skill by the police department or other Village official designated by the Mayor to ensure that the facility is properly and fully licensed and that each individual device employed meets the definition of an electronic game of skill as set forth herein.

1314 AGE RESTRICTIONS

No owner, person, persons, business, corporation or other entity operating an electronic gaming parlor within the Village of Buckeye Lake, Ohio pursuant to a license issued by the Mayor and/or his or her designee under authority of this Article shall permit any person(s) under the age of eighteen (18) years to engage in the use, operation or play of any electronic game of skill within their electronic gaming parlor or under their control.

1399 PENALTIES

1. Whoever violates, neglects, refuses to comply with, assist or participates in any way in the violation of **§§ 1300, 1301, 1302, 1303, or 1304** herein shall be guilty of a misdemeanor of the first degree. Each day of such a violation may be considered a separate offense.
2. Whoever violates or fails to comply with any of the provisions of this Article regarding the licensing of a billiard room, pool room or game room or with regard to the licensing of a billiard table, pool table or mechanical or electrical amusement device is guilty of a minor misdemeanor for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
3. Whoever violates or fails to comply with any of the provisions of this Article regarding the licensing of an electronic gaming parlor or with regard to the licensing of an electronic game of skill is guilty of a first degree misdemeanor for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

4. Whoever violates or fails to comply with the provision of this Article regarding the minimum age requirement for operating, using or playing any electronic game of skill is guilty of a first degree misdemeanor for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.
5. All ordinances, parts of ordinances, chapters, sections, sub-sections, clauses, phrases or sentences contained in the Village of Buckeye Lake Ordinances that conflict with this Ordinance are hereby repealed.
6. That in order to protect the health, safety and welfare of the citizens of the Village of Buckeye Lake, and to protect the citizens from increased crime, to preserve the current quality of life, to preserve the property values and character of the surrounding neighborhoods, this ordinance is an emergency measure and shall become effective on its passage and signature by the Mayor.

*Last Updated: Ordinance 2005-25 effective 10-10-2005
Ordinance 2007-02 effective 03-15-2007*

PLEASE NOTE: Appendix A has been removed from the Zoning Book and the fees are now part of Village Comprehensive Fee Schedule, established by Ordinance 2023-36. The fees listed in previous Appendix A have been updated; please reference the Village Fee Schedule for the current and correct fees.

APPENDIX B **RECOMMENDED STREET TREES**

Large (45 feet and more): For tree lawns at least 7 feet wide with no overhead wires.

Maple

Norway Maple
 Cleveland
 Emerald Green
 Summershade

Red Maple
 Red Sunset
 Autumn Flame
 October Glory

Sugar Maple
 Legacy
 Green Mountain

Black Alder

Hackberry

 Common Hackberry
 Sugar Hackberry

Katsura Tree

Ash

 White Ash
 Autumn Purple
 Autumn Applause

Green Ash

 Marshall's Seedless
 Summit
 Patmore

Ginkgo (male only)

Common Larch

Oak

 White
 Swamp White
 Scarlet
 Shingle
 Burr
 Red
 Chestnut
 English
 Shumard
 Black

Japanese Pagoda Tree

Bald Cypress

Linden

 Redmond Linden
 Little Leaf Linden

Acer

A. platanoides

A. rubrum

A. saccharum

Alnus glutinosa

Celtis

C. occidentalis
 C. laevigata

Cercidiphyllum japonicum

Fraxinus

F. americana

F. pennsylvanica

Ginkgo biloba

Larix decidua

Quercus

Q. alba
 Q. bicolor
 Q. coccinea
 Q. imbricaria
 Q. macrocarpa
 Q. rubra
 Q. prinus
 Q. robur
 Q. shumardi
 Q. velutina

Sophora japonica

Taxodium distichum

Tilia

T. americana
 T. cordata

Recommended Street Trees (Large) continued

Silver Linden	T. tomentosa
Crimean Linden	T. euchlora
<u>Elm</u>	<u>Ulmus</u>
Lacebark Elm	U. parvifolia
Smooth Leaf - Urban Elm	U. carpinifolia
<u>Sweetgum (limit use)</u>	<u>Liquidambar styraciflua</u>

RECOMMENDED STREET TREES

Medium (25 feet to 45 feet): for tree lawns at least 5 feet wide with no overhead wires.

<u>Hedge Maple</u>	<u>Acer campestre</u>
Queen Elizabeth	
<u>Italian Alder</u>	<u>Alnus cordata</u>
<u>American Yellowwood</u>	<u>Cladrastis lutea</u>
<u>Turkish Filbert</u>	<u>Corylus colurna</u>
<u>Hardy Rubber Tree</u>	<u>Eucommia ulmoides</u>
<u>Honey Locust (limit use)</u>	<u>Gleditsia triacanthos inermis</u>
Shademaster	
Skyline	
Moraine	
Green Glory	
Continental	
Imperial	
Sunburst	
<u>Goldenrain</u>	<u>Koelreuteria paniculata</u>
<u>American Hophornbeam</u>	<u>Ostrya virginiana</u>
<u>Parrotia</u>	<u>Parrotia persica</u>
<u>Amur Corktree</u>	<u>Phellodendron amurense</u>
Macho	
<u>Sargent Cherry</u>	<u>Prunus sargentii</u>
<u>Sawtooth Oak</u>	<u>Quercus acutissima</u>

RECOMMENDED STREET TREES

Small (up to 30 feet):

For tree lawns at least 3 feet wide with no overhead lines

Maple

Trident Maple
Amur Maple
Paperbark Maple
Manchurian Maple
Tatarian Maple

Acer

A. buergeranum
A. ginnala
A. griseum
A. mandshuricum
A. tataricum

Serviceberry

Amelanchier

Fringe Tree

Chionanthus virginicus

Hawthorn

Crataegus

Cockspur
Lavalle
Washington
Ohio Pioneer
Winter King

C. crusgalli inermis
C. x lavalley
C. phaenopyrum
C. punctata
C. viridis "Winter King"

Japanese Tree Lilac

Syringa reticulata

Blackhaw Viburnum

Viburnum prunifolium

Crabapple

Malus

Adams
Baskatong
Centurion
Donald Wyman
Harvest Gold
Henningi
Indian Magic
Madonna
Professor Sprenger
Prairie Fire
Red Jewel
Ralph Shay
Robinson
Sentinel
Snowdrift
Sugar Tyme
White Candle
Winter Gold

UNDESIRABLE STREET TREES

Silver Maple	Acer saccharinum
Box Elder	Acer negundo
Buckeye	Aesculus species
Tree of Heaven	Ailanthus
Mimosa	Albizia julibrissin
Birch	BetulaCatalpa
Ginkgo (female)	Catalpa
Osage Orange	Maclura pomifera
Crabapple (except those approved)	Malus
Mulberry	Morus
Cottonwood, Poplar, Aspen	Populus
Bradford Pear	Pyrus calleryana
Pin Oak	Quercus palustris
Black Locust	Robinia pseudoacacia
Willow	Salix
European Mountain Ash	Sorbus aucuparia
Elms (except Parvifolia)	Ulmus
Fruit Trees & Black Walnut Trees	
Evergreens	
Weeping trees	
Limited Usage: Norway Maple, Green Ash, Sweetgum, Gleditsia	

Last Updated: Ordinance 2004-14 effective 11-8-2004

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Article 14 Planned Mixed-Use District

Section 1401 Purpose and Intent

- A. The purpose of the Planned Mixed-Use District (PMUD) ordinance is to create compact, mixed use, walkable developments serving the needs of Buckeye Lake residents and vision. It also recognizes that traditional zoning, with its segregation of uses and rigid dimensional requirements may not be suitable to best achieve the Village's desired use of land and the preservation of its natural resources and character. In order to permit and encourage more creative and innovative land development and to further the vision and goals of the Village of Buckeye Lake's Comprehensive Plan, PMUD's may be permitted as a zoning district to achieve the following purposes:
- (1) Is compact;
 - (2) Is designed for the human scale;
 - (3) Provides a mix of uses, including residential, commercial, civic, and open space uses in close proximity to one another within a neighborhood setting;
 - (4) Provides a mix of housing styles, types, and sizes to accommodate households of all ages, sizes, and incomes;
 - (5) Incorporates a system of relatively narrow, interconnected streets with sidewalks, bikeways, and transit that offer multiple routes for motorists, pedestrians, and bicyclists and provides for the connections of those streets to existing and future developments;
 - (6) Retains existing buildings with historical features or architectural features that enhance the visual character of the community;
 - (7) Incorporates significant environmental features into the design; and,
 - (8) Is consistent with the community, regional, and state master plans.

Section 1402 Qualifying Conditions

- A. At a minimum, all proposed PMUD's shall meet the following qualifying conditions, as applicable, to be considered for approval:
- (1) **PMUD Purpose:** The applicant shall demonstrate that the PMUD will achieve two or more of the purposes listed in Section 1401.
 - (2) **PMUD Size:** The minimum site size for a PMUD is one acre. Churches, public or private schools, public buildings, and recreational amenities such as golf courses and health clubs and their ancillary commercial uses such as club houses and pro shops, shall not be considered non-residential uses for purposes of this condition. Sites containing less than the minimum required acreage may be approved by the Planning Commission, if the Planning Commission determines that the site will advance the purposes of the PMUD and:
 - i. Rezoning the property to PMUD will not result in a significant adverse effect upon nearby properties;
 - ii. The proposed uses will complement the character of the surrounding area;
 - iii. The purpose and qualifying conditions of the PMUD District can be achieved within a smaller area; and
 - iv. PMUD zoning is not being used as a means to circumvent conventional zoning requirements.
 - (3) **Housing Variety:** A Neighborhood PMUD shall contain a variety of housing types and/or lot sizes to provide for varying lifestyles, diversity and affordability, or housing that demonstrates increased architectural standards and/or site amenities that are above and beyond those required by a straight residential zoning district classification.
 - (4) **Housing Type Distribution.**

- i. The development shall include at least two of the following housing types: single-family detached, single-family attached, or multifamily. To qualify as one of the three required housing types, a housing type must comprise at least fifteen percent (15%) of the total housing units in a mixed residential development.
 - ii. No housing type shall exceed the following maximum percentage of the total number of
 - a) Single-family detached 30 percent
 - b) Single-family attached 50 percent
 - c) Multifamily 60 percent
- (5) **Utilities:** The PMUD shall be served by public water and sanitary sewer facilities.
- (6) **Ownership and Control:** The tract(s) of land for which a PMUD application is submitted must be either in single ownership or the subject of an application filed collectively by all owners of the property. Each property owner, or their agent, must sign the PMUD application.
- (7) **Recognizable Public Benefit:** The PMUD shall achieve recognizable and substantial benefits that may not be possible under the existing zoning classification(s). At least two of the following benefits shall be accrued to the community as a result of the proposed PMUD:
- i. Preservation of significant natural features.
 - ii. A complementary mix of land uses or housing types.
 - iii. Preservation of common open space beyond the minimum required.
 - iv. Connectivity of preserved open space with adjacent open space, greenways or public trails.
 - v. Coordinated development of multiple small lots or parcels.
 - vi. Removal or renovation of deteriorating buildings, sites or contamination clean-up.

Section 1403 Permitted Uses

In order to achieve the proximity necessary to make neighborhoods walkable, it is important to provide a mix of land uses, preferably in a vertical configuration. A PMUD should consist of a mix of residential uses or Neighborhoods, a Neighborhood Center or mixed-use area, and open space as listed below.

- A. **Neighborhood Mix.** The following residential types can occur anywhere within the PMUD. For infill development, the mix of residential uses may be satisfied by existing residential uses adjacent to the PMUD. *(Insert graphics here)*
- (1) Single-family detached dwellings, including manufactured homes;
 - (2) Single-family attached dwellings, including duplexes, townhouses, and row houses;
 - (3) Multifamily dwellings, including multiplexes, apartment buildings, and senior housing;
 - (4) Accessory dwelling units within a single-family unit;
 - (5) “Special needs” housing, such as community living arrangements and assisted living facilities.
- B. **Neighborhood Center Mix.** The Neighborhood Center is composed of a mix of commercial, residential, civic or institutional, and open space uses as identified below. The project dimensions should be organized so that residential blocks are within approximately 1/4 mile from the Neighborhood Center. *(Insert graphic here)*
- (1) **Commercial Uses in the Neighborhood Center.** Individual businesses should not exceed 6,000 square feet in size but may be larger for specialty and bulk sales stores. In addition, the following active, pedestrian-oriented uses are desired:
 - i. Food services (neighborhood grocery stores; butcher shops; cafes; coffee shops; bakeries; restaurants, not including drive-throughs; neighborhood bars or pubs);
 - ii. Retail uses (florists or nurseries; clothing and other merchandise sales, marinas, hardware stores; bookstores; studios and shops of artists and artisans).
 - iii. Services (day care centers; music, dance or exercise studios; offices, including professional and medical offices; barber; hair salon; dry cleaning);
 - iv. Accommodations (bed and breakfast establishments, small hotels or inns).

(2) Residential Uses in the Neighborhood Center

- i. Single-family attached dwellings, including duplexes, townhouses, row houses or attached townhomes;
- ii. Multifamily dwellings, including senior housing;
- iii. Residential units located on upper floors above commercial uses or to the rear of storefronts;
- iv. “Live/work” units that combine a residence and the resident’s workplace;
- v. “Special needs” housing, such as community living arrangements and assisted living facilities.

(3) Civic or Institutional Uses in the Neighborhood Center

- i. Municipal offices, fire stations, libraries, museums, community meeting facilities, and post offices;
- ii. Transit shelters;
- iii. Places of worship;
- iv. Educational facilities.

(4) Open Space Uses in the Neighborhood Center

- i. Central square;
- ii. Plaza;
- iii. Green;
- iv. Neighborhood park;
- v. Playground;
- vi. Green Infrastructure.

Section 1404 Development Standards

A. **Form Standards.** In order to create a compact design, the following standards and dimensions will be included in any PMUD proposal.

(1) **Common Open Space .** For purposes of the PMUD requirements, "common open space" is defined as an area of land or water, or a combination of land and water, designed and intended for the perpetual use and enjoyment of the users of the development and/or the general public. Common open space may contain accessory structures and improvements necessary or desirable for educational, noncommercial, recreational, or cultural uses. A variety of open space and recreational areas is encouraged, such as: children's informal play areas in close proximity to individual dwelling units; formal parks, picnic areas and playgrounds; pathways and trails; scenic open areas and communal, noncommercial recreation facilities; and natural conservation areas. At a minimum, the following regulations shall apply to all common open space:

- i. The area of common open space shall not be less than 25 percent of the gross land area of a PMUD containing any residential units and not less than 10 percent of the gross land area in non-residential developments. Land dedicated for recreation shall count toward the common open space requirement. However, fees paid in-lieu-of land dedication shall not satisfy the open space requirement.
- ii. All common open space shown on the Final Development Plan must be reserved or dedicated by conveyance of title to a corporation, association or other legal entity, by means of a restrictive covenant, easement or through other legal instrument. The terms of such legal instrument must include provisions guaranteeing the continued use in perpetuity of such open space for the purposes intended and for continuity of proper maintenance of those portions of the open space requiring maintenance.
- iii. The open space shall meet the following minimum dimensional, contiguity and connectivity requirements:

- a) The required open space shall be centrally located, along the street frontage of the development to protect or enhance views, located to preserve significant natural features, adjacent to dwellings, and/or located to interconnect other open spaces throughout the development or on contiguous properties.
 - b) Required open space areas shall be of sufficient size and dimension and located, configured, or designed in such a way as to achieve the applicable purposes of these regulations and enhance the quality of the development. The open space shall neither be perceived nor function simply as an extension of the rear yard of those lots abutting it.
 - c) If the site contains a lake, stream or other body of water, the Village may require that a portion of the required open space shall abut the body of water.
 - d) All required open space areas shall be configured so the open space is reasonably accessible to and usable by residents, visitors and other users of the development. The minimum size of a required open space area shall be 15,000 square feet; provided, however, that the required open space abutting a public street may be less than 15,000 square feet; and, further provided, that the Planning Commission or Village Council may approve other open space areas of less than 15,000 square feet if these areas are designed and established as pedestrian or bicycle paths or are otherwise determined to be open space reasonably usable by residents, visitors and other users of the development. The minimum average dimension of a required open space area shall be 100 feet.
 - e) Open space areas are encouraged to be linked with any adjacent open spaces, public parks, bicycle paths, or pedestrian paths.
 - f) Grading in the open space shall be minimal, with the intent to preserve existing topography where practical.
 - g) A sign, structure, or building may be erected within the required open space if it is determined to be accessory to a recreation or conservation use or an entryway. These accessory structure(s) and building(s), shall not exceed, in the aggregate, 1 percent of the open space area. Accessory structures or uses of a significantly different scale or character than abutting residential districts shall not be located near the boundary of the development if they may negatively impact the residential use of adjacent lands as determined by the Planning Commission or Village Council.
- iv. The following areas shall not qualify as required common open space for the purposes of this section:
- a) The area within any public street right-of-way.
 - b) The area within private road easements.
 - c) Any easement for overhead utility lines cannot exceed 50 percent of the total open space requirement and cannot count towards parkland dedication.
 - d) Fifty percent of any steep slopes (12 percent or over) and habitats of endangered species.
 - e) Fifty percent of any lakes, streams, detention ponds, wetlands or floodplains that are not generally accessible within the development. Accessible shall mean that the feature is bordered by a substantial open space area, park, playground, pathway or reasonable means of access for enjoyment of all owners, visitors or others, in which case the total area may qualify as required common open space.
 - f) The area within a subdivision lot.
 - g) Land within any required yard or setback area.
 - h) Parking and loading areas.
 - i) Fifty percent of the area of any golf course.

(2) Lot and Block Standards.

- i. **Block and lot size diversity.** Street layouts should provide for development blocks that are generally in the range of 200-400 feet deep by 400-600 feet long, but with no more than 1,600-foot perimeter. A variety of lot sizes should be provided that allow diverse housing choices.

- ii. **Lot Width.** Lot widths should create a relatively symmetrical street cross section that reinforces the public space of the street as a simple, unified public space.
- iii. **Lot Orientation.** Lot design should allow for passive solar designs for buildings. Typically, this will place longer walls along an east-to-west axis.

(3) Building Setbacks

- i. **Building Setback, Front – Residential uses within a Neighborhood.** Single-family detached residences shall have a build-to-zone in the front between 5 and 25 feet. Single-family attached residences, multifamily residences, duplexes, townhouses, row houses or attached townhomes shall have a build-to-zone in the front between 5 and 15 feet.
- ii. **Building Setback, Rear – Residential uses within a Neighborhood.** The principal building on lots devoted to residential development shall be setback no less than 30 feet from the rear lot line.
- iii. **Building Setback, Side – Residential uses within a Neighborhood.** The principal building on lots devoted to residential uses shall be setback no less than 5 feet as measured from the eave or gutter drip line to the side lot line.
- iv. **Building Setback, Front – Neighborhood Center.** Structures in the Neighborhood Center area have no minimum setback. Commercial and civic or institutional buildings should directly abut the public sidewalks in the Neighborhood Center area.

(4) Lot Coverage

- i. **Lot Coverage, Maximum - Single Family within Neighborhood.** 30 percent; with ADU - 40 percent
 - ii. **Lot Coverage, Maximum – Single Family Attached and Multi-Family Residential within Neighborhood.** 60 percent; ADU – 70 percent.
 - iii. **Lot Coverage, Maximum, - Mixed Use within Neighborhood Center.** 90 percent
- (5) **Height:** New structures within a PMUD shall be no more than 3 stories, 36 feet for single-family residential, or 5 stories, 60 feet for commercial, multifamily residential, or mixed use.

B. Architectural Standards

- (1) **Architectural Character.** A variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character but should be consistent with the building materials and historic architectural character existing throughout the community.
- (2) **Existing Structures.** Historically designated structures, or structures within historically designated areas shall be protected from demolition or encroachment by incompatible structures or landscape development. The U.S. Secretary of the Interior’s Standards for Rehabilitation of Historic Properties shall be used as the criteria for renovating historic or architecturally significant properties.
- (3) **New Structures**
 - i. **Entries and Facades.**
 - a) The architectural features, materials, and the articulation of a facade of a building shall be continued on all sides visible from a public street or courtyard.



Figure 1: Illustrating how all four sides of a single-family residence can be treated.

- b) The front facade of the principal building on any lot in a PMUD shall face onto a public street.
- c) The front facade shall not be oriented to face directly toward a parking lot.
- d) Porches, pent roofs, roof overhangs, hooded front doors, or other similar architectural elements shall define the front entrance to all residences.



Figure 2 An example of how to emphasize the front entrance to a residence.

- e) For commercial buildings, a minimum of 50 percent of the front facade on the ground floor shall be transparent, consisting of window or door openings allowing views into and out of the interior.
 - f) New structures on opposite sides of the same street should follow similar height, setback, and lot coverage . This provision shall not apply to buildings bordering civic uses.
- (4) **Garages and Accessory Dwelling Units.** Garages and accessory dwelling units may be placed on a single-family detached residential lot within the principal building or an accessory building provided that the accessory dwelling unit shall not exceed 800 square feet.
- (5) **Exterior signage.** A comprehensive sign program is required for the entire PMUD development to establish a uniform theme. Signs shall share a common style (e.g., size, shape, material). In the mixed-use or Neighborhood Center area signs shall be wall signs or cantilever signs. Cantilever signs shall be mounted perpendicular to the building face and shall not exceed 8 square feet. Wall signs shall be sized and placed to fit within the architectural elements.
- C. **Circulation Standards.** The circulation system shall provide for different modes of transportation. The circulation system shall provide functional links within the Neighborhood areas, Neighborhood Center areas, and open space and shall be connected to existing and proposed external development. The circulation system shall provide adequate traffic capacity, provide connected pedestrian and bicycle routes (especially off-street bicycle or multi-use paths or bicycle lanes on the streets), limit access onto streets of lower traffic volume classification, and promote safe and efficient mobility through the PMUD.
- (1) **Pedestrian Circulation.** Convenient pedestrian circulation systems that minimize pedestrian-motor vehicle conflicts shall be provided continuously throughout the PMUD. Where feasible, any existing pedestrian routes through the site shall be preserved and enhanced. All streets, except for alleys, shall be bordered by sidewalks on both sides. The following provisions also apply:
 - i. **Neighborhood Sidewalks.** Clear and well-lighted sidewalks, [3-5 feet] in width, depending on projected pedestrian traffic, shall connect all dwelling entrances to the adjacent public sidewalk and meet Americans with Disabilities Act requirements.
 - ii. **Neighborhood Center Sidewalks.** Clear and well-lit walkways shall connect building entrances to the adjacent public sidewalk and to associated parking areas. Such walkways shall be [a minimum of 5 feet] in width.
 - iii. **Disabled Accessibility.** Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act

- iv. **Crosswalks.** Intersections of sidewalks with streets shall be designed with clearly defined edges. Crosswalks shall be well lit and clearly marked with contrasting paving materials at the edges or with striping.
- (2) **Bicycle Circulation.** Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non-motorized users) and separate, striped, 4–5-foot bicycle lanes on streets. If a bicycle lane is combined with a lane for parking, the combined width shall be 14 feet.
- (3) **Public Transit Access.** Where public transit service is available or planned, convenient access to transit stops shall be provided. Where transit shelters are provided, they shall be placed in highly visible locations that promote security through surveillance and shall be well-lit.
- (4) **Motor Vehicle Circulation.** Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Traffic calming features such as curb extensions, raised intersection tables, and medians may be used to encourage slow traffic speeds.
- (5) **Street Classification.** Each street within a PMUD shall be classified according to the following:
 - i. **Road.** A road is a medium to high-speed (35-55 mph) connection between two places.
 - ii. **Street or Mixed-Use Street.** A street or mixed-use street is a medium to low speed (25-35 mph) travel way that provides access to commercial or mixed-use buildings, but it is also part of the community’s major street network. On-street parking, whether diagonal or parallel, helps to slow traffic. Additional parking and access is provided in lots to the side or rear of buildings.
 - iii. **Local Street.** This street provides primary access to individual residential properties. Traffic volumes are relatively low, with a design speed of a maximum of 25 mph.
 - iv. **Alley.** These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access or alternate parking access to commercial properties.
- (6) **Street Layout.** The PMUD should maintain the existing street grid, where present, and restore any disrupted street grid where feasible. In addition:
 - i. **Intersections.** Intersections shall be at right angles whenever possible, but in no case less than 75 degrees. Low volume streets may form three-way intersections creating an inherent right-of-way assignment (the through street receives precedence), which significantly reduces accidents without the use of traffic controls.
 - ii. **Corner Radii.** The roadway edge at street intersections shall be rounded by a tangential arc with a maximum radius of 15 feet for streets and 20 feet for intersections involving roads. The intersection of a local street and an access lane or alley shall be rounded by a tangential arc with a maximum radius of 10 feet.
 - iii. **Curb Cuts.** Curb cuts for driveways to individual residential lots shall be prohibited along roads. Curb cuts shall be limited to intersections with other streets or access drives to parking areas for commercial, civic, or multifamily residential uses.
 - iv. **Street Orientation.** The orientation of streets should enhance the visual impact of common open spaces and prominent buildings, create lots that facilitate passive solar design, and minimize street gradients. All streets shall terminate at other streets or at public land, except local streets may terminate in stub streets when such streets act as connections to future phases of the development. Local streets may terminate other than at other streets or public land when there is a connection to the pedestrian and bicycle path network at the terminus.
 - v. **Dedication.** Roads, Streets, Local Streets, and Alleys are to be dedicated as public roadways to the Village of Buckeye Lake after completion and acceptance inspections. Roadways shall be constructed using Village Standard Specifications in place at time of construction.
 - vi. **Access.**

- a) A PMUD of < 60 residential lots or less must provide access to the existing or planned public roadway system via at least one access points.
- b) A PMUD of < 60 residential lots or less must provide access to the existing or planned public roadway system via at least one access points.
- c)
- (7) **Parking Requirements.** Parking areas for shared or community use should be encouraged. In addition:
 - d) In mixed-use area, any parking lot shall be located at the rear or side of a building. If located at the side, screening shall be provided as specified in Section 1404,E.
 - e) A parking lot or garage may not be adjacent to or opposite a street intersection.
 - f) In the mixed-use area, a commercial use must provide one parking space for every 500 square feet of gross building area.
 - g) Parking lots or garages must provide not less than one bicycle parking space for every ten motor vehicle parking spaces.
 - h) Adjacent on-street parking may apply toward the minimum parking requirements.
 - i) In the mixed residential areas, parking may be provided on-site.
 - j) Multi - family uses must provide one parking space for every dwelling unit and 0.5 parking space for each additional bedroom over three bedrooms.
- (8) **Service Access.** Access for service vehicles should provide a direct route to service and loading dock areas, while avoiding movement through parking areas.
 - vii. **Paving.** Reduction of impervious surfaces through the use of interlocking pavers is strongly encouraged for areas such as remote parking lots and parking areas for periodic uses.

D. Outdoor Lighting

- (1) Street lighting shall be provided along all streets. Generally, more, smaller lights, as opposed to fewer, high-intensity lights, should be used. Streetlights shall be installed on both sides of the street at intervals of no greater than 75 feet. Street lighting design shall meet the minimum standards developed by the Illumination Engineering Society (IES).
 - i. Exterior lighting shall be directed downward in order to reduce glare onto adjacent properties.

E. Landscaping and Screening Standards. Overall composition and location of landscaping shall complement the scale of the development and its surroundings. In general, larger, well-placed contiguous planting areas shall be preferred to smaller, disconnected areas.

- (1) **General Screening.** Where screening is required by this ordinance, it shall be at least 3 feet in height, unless otherwise specified. Required screening shall be at least 50 percent opaque throughout the year. Required screening shall be satisfied by one or some combination of: a decorative fence not less than 50 percent opaque behind a continuous landscaped area, a masonry wall, or a hedge.
- (2) **Street Trees.** A minimum of one deciduous canopy tree per 40 feet of street frontage, or fraction thereof, shall be required. Trees can be clustered and do not need to be evenly spaced. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk. Appendix B recommends the type of street tree to be planted per tree lawn width.
- (3) **Parking Area Landscaping and Screening.** All parking and loading areas fronting public streets or sidewalks, and all parking and loading areas abutting residential districts or uses, shall provide:
 - i. A landscaped area at least 5 feet wide along the public street or sidewalk.
 - ii. Screening at least 3 feet in height and not less than 50 percent opaque.
 - iii. One tree for each 25 linear feet of parking lot frontage.

- (4) **Parking area interior landscaping.** The corners of parking lots, “islands,” and all other areas not used for parking or vehicular circulation shall be landscaped. Vegetation can include turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
 - (5) **Large Parking Lots.** In large parking lots containing more than 200 spaces, an additional landscaped area of at least 300]square feet shall be provided for each 25 spaces or fraction thereof, containing one canopy tree. The remainder shall be covered with turf grass, native grasses or other perennial flowering plants, vines or shrubs.
 - (6) **Installation and Maintenance of Landscaping Materials.**
 - i. All landscape materials shall be installed to current industry standards, including The Ohio Nursery and Landscape Association (ONLA).
 - ii. Maintenance and replacement of landscape materials shall be the responsibility of the property owner. Landscape maintenance should incorporate environmentally sound management practices, including the use of water- and energy-efficient irrigation systems such as drip irrigation, and pruning primarily for plant health and public safety, replacing dead materials annually.
- F. **Stormwater Management.** The design and development of the PMUD’s should minimize off-site stormwater runoff, promote on-site filtration, and minimize the discharge of pollutants to ground and surface water and follow the requirements of the Village’s Utility Regulations,. Natural topography and existing land cover should be maintained/protected to the maximum extent practicable. New development and redevelopment shall meet the following requirements:
- (1) Untreated, direct stormwater discharges to wetlands or surface waters are not allowed.
 - (2) Post development peak discharge rates should not exceed pre-development peak rates.
 - (3) Erosion and sediment controls must be implemented to remove 80% of the average annual load of total suspended solids.
 - (4) Areas for snow storage should be provided unless the applicant provides an acceptable snow removal plan.
 - (5) Redevelopment stormwater management systems should improve existing conditions and meet standards to the extent practicable.
 - (6) All treatment systems must have Operation and Maintenance Plans to ensure that systems function as designed and must be recorded with the office of the Fairfield or Licking County clerk, depending on which county jurisdiction the property or properties are located.

Section 1405 Application Approval Procedure

- A. **Pre-application Conference.** Prior to submitting a formal application, the applicant shall schedule a meeting with the Zoning Administrator to discuss the zoning classification of the site, the applicable requirements and materials, the qualifying conditions, the review procedures, and the proposed development Concept Plan . The Zoning Administrator shall notify other appropriate staff. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the Village.
- (1) **Contents of Concept Plan.** It is the intent of these regulations that the concept plan shall generally indicate overall design of the proposed project. Information submitted should be comprehensive enough to enable the staff to understand the existing site and concept for the proposed development.
- i. Completed application form along with the application fee.
 - ii. A Vicinity map indicating the location of the site in the Village and the general location of principal thoroughfares.
 - iii. A Regional Concept map indicating the proposed site and all areas within 2,000 feet in all directions showing both the basics of the proposed layout contained in the application and the property lines of the adjacent areas on a drawing that is 11 inches by 17 inches.
 - iv. Map of existing conditions and features drawn to scale, with accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights-of- way and 100 feet of property immediately adjacent thereto, indicating:
 - a) Existing public improvements, permanent facilities, easements and property boundaries;
 - b) General indication of existing structures on the site and abutting properties;
 - c) Physical features and natural conditions of the site including the location of streams, tree masses, open spaces, etc.;
 - d) General topography;
 - e) Existing zoning district boundaries and jurisdictional boundaries;
 - f) Surface drainage and areas subject to flooding;
 - g) Existing public and private utility systems;
 - h) Regional transportation system
 - v. A Concept plan map, drawn to scale with accurate boundaries of the entire project and a north arrow, including the property proposed for development, all adjacent rights-of-way and 100 feet of property immediately adjacent thereto, indicating:
 - a) Depiction of proposed land uses, including open space areas, indicating the approximate acreage by land use and type of buildings or dwelling units;
 - b) The location of any lands to be dedicated to any public agency;
 - c) The general circulation pattern;
 - d) The relationship of the proposed project to the surrounding area.
- B. **Preliminary PMUD Review and Rezoning.** The following procedures shall be followed for the review of any PMUD request. *(Insert flow chart here)*
- (1) **Application.** An application for rezoning to PMUD district shall be submitted to the Zoning Administrator by the owner, owner’s authorized representative or option holder of the property that is the subject of the application. The application shall be filed on a form provided for that purpose, along with a fee established by the Village Council, and a Preliminary Plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Planning Commission . The applicant may, at his/her sole discretion, submit a Final Development Plan, as specified in Section 1405, C in lieu of the Preliminary Plan.
- i. **Preliminary Plan.** A Preliminary Plan shall be submitted and include the following:

- a) Name, address, phone number and email address of the applicant
 - b) Name, address, phone number and email address of the professional or firm that prepared the plan
 - c) Legal description of the property
 - d) North arrow, scale, and title block
 - e) General location map
 - f) Existing zoning on the subject property and all abutting properties
 - g) Property boundary survey
 - h) Adjacent buildings and structures within 100 feet of the property boundaries
 - i) All perimeter streets abutting the property, including right-of-way width
 - j) Existing topographic conditions two-foot intervals
 - k) Existing natural features (woods, ponds, streams, wetlands, slopes greater than 12 percent)
 - l) Approximate location of existing and proposed utilities, including a preliminary utility and drainage preliminary plan. All telephone, cable, and electric distribution wires, conduits, and cables shall be installed underground except as necessary to bring service to the subdivision and except for existing overhead facilities and any arrangement, improvement or additions thereto.
 - m) Proposed uses within the PMUD
 - n) Conceptual layout of the development illustrating the general location of interior streets, access points to abutting streets, common open spaces, areas to be developed by type of use, parking areas and easements
 - o) Perspective sketches or photographs of representative building types, illustrating the proposed architectural style and building materials.
- ii. **Project Narrative.** A written statement shall also be submitted with the application, providing the following information:
- a) Statement of how the PMUD meets each of the Qualifying Conditions specified in Section 1402.
 - b) Identification of the present owners of all land within the proposed project.
 - c) Explanation of the proposed character of the Planned Unit Development, including a summary of acreage by use, number and type of dwelling units, gross residential density, area, and percent of the project to be preserved as common open space, minimum lot sizes by type of use.
 - d) A complete description of any requested deviations, in accordance with Section 1404 from the minimum spatial or other requirements applying to the property.
 - e) A general description of the proposed development schedule and anticipated phases.
 - f) Intended agreements, provisions, and covenants to govern the use of the development, approval of building materials/architectural styles and open space areas to be preserved.
- iii. **Planning Commission Review.** Following receipt of a complete application package, the Zoning Administrator will cause the application materials to be forwarded to the Planning Commission for review. Following receipt of a complete application and all required plans and information, the Planning Commission shall review the request and make a recommendation to the Village Council, as follows:
- a) **Recommendation.** Within 60 days following the Zoning Administrator’s determination that the application is complete, the Commission shall recommend to Council that the Preliminary Plan and PMUD zoning be approved as presented, approved with supplementary conditions, or disapproved. The recommendation shall be based on the standards of Section 1402. However, the Commission may, with the consent of the applicant, extend the 60 day time limit.

- b) **Project representation.** The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled, and the Commission’s 60-day time limit is tolled until the next meeting where the applicant or authorized representative is present.
 - iv. **Village Council Action.** Within 45 days of receiving the recommendation from the Planning Commission, the Village Council shall schedule a public hearing and take final action on the request.
 - a) **Notice of hearing.** Within 45 days of receiving the recommendation from the Planning Commission, the matter shall be scheduled for a public hearing. Public notice of the time, date, location, and purpose of the hearing shall be provided, in accordance with the requirements of Ohio zoning law.
 - b) **Public hearing.** The Village Council shall conduct a public hearing in accordance with its rules of procedure.
 - c) **Action.** Within 45 days of the public hearing, Council shall approve, approve with supplementary conditions or disapprove the Preliminary Plan, or final plan if the applicant chooses that option, and zoning change, based on the standards of Section 1404. Failure of Council to take final action within 45 days of the public hearing shall constitute an approval of the Planning Commission’s recommendation, unless said 45-day period is extended with the consent, or at the request of the applicant. An affirmative vote of the Council majority is needed to approve or modify the Planning Commission’s recommendation. To reverse the Planning Commission’s recommendation requires the affirmative vote of three-fourths of the Council members.
 - d) **Conditions.** Failure of the applicant to comply with any conditions of approval shall be considered a violation of this ordinance and subject to all applicable enforcement, remedies and penalties provided for in this code.
 - e) **Project representation.** The applicant or authorized representative shall be present at all meetings at which the request is to be considered. If the applicant or authorized representative is not present, the matter may be tabled.
- C. **Final PMUD Review:** The following procedures shall be followed for the review of the final development plan.
- (1) **Timing.** An application for Final Development Plan approval shall be filed not later than 24 months after the date of approval of the Preliminary Plan and zoning change, otherwise the Preliminary Plan Approval shall be considered expired. One extension of up to 12 months may be authorized by the Zoning Administrator for reason/cause. The applicant shall submit the request for extension in writing, prior to the expiration of the original approval period, to the Zoning Administrator who shall make a written determination regarding his decision to extend or deny the extension. Both the request and the determination shall be made part of the record.
 - (2) **Pre-application Conference.** Prior to submitting a formal application, the applicant shall schedule a meeting with the Zoning Administrator to discuss the applicable requirements and materials, compliance with conditions that may have been imposed as part of the Preliminary Plan approval, review procedures and conformance of the Final Development Plan with the approved Preliminary Plan. The Zoning Administrator shall notify other appropriate staff. The purpose of this meeting is to discuss the proposed project and provide relevant information to the applicant. However, no statements or representations made at this meeting shall be construed to be a commitment or an assurance of approval on the part of the Village.

- (3) **Application.** An application for approval of the Final Development Plan shall be submitted to the Zoning Administrator by the property owner or owner’s authorized representative. The application shall be filed on a form provided for that purpose, along with a fee established by the Village Council, including a Final Development Plan and narrative containing the information specified in the following subsections. Incomplete applications will not be accepted and will not be processed or forwarded to the Planning Commission .
- i. **Final Plan.** A Final Development Plan, substantially consistent with the approved Preliminary Plan and containing all information required in Section 1405, B, 1_ shall be submitted with the required application form. If required, a plat may be submitted concurrently in accordance with the subdivision requirements of this ordinance.
 - ii. **Project Narrative.** A project narrative shall also accompany the application and Final Development Plan and provide the following:
 - a) Proposed covenants and/or deed restrictions governing the use, design, maintenance, ownership and control of development and common areas;
 - b) Identification of the entity responsible for maintenance of common areas;
 - c) Description of all deviations from the otherwise applicable zoning requirements;
 - d) Net and gross density of any residential component of the project;
 - e) Open space calculations, identifying the gross acreage and percent of lands to be preserved as common open space, including calculations by phase of the development, if applicable.
 - f) Restrictions or requirements regarding architectural style and/or building materials;
 - g) Improvements that would be the responsibility of the developer such as construction of roads, parks, utilities, pathways, sidewalks, and similar elements; and
 - h) An anticipated development schedule by phase, if applicable.
- (4) **Phased Projects.** If a proposed PMUD is to be constructed in two or more phases, Final Development Plan approval may be granted for individual phases; provided, a complete plan for the entire development was first given Preliminary Plan approval and that each subsequent phase shall be submitted for Final Development Plan approval and is consistent with the approved Preliminary Plan. The Planning Commission may require additional information beyond what is otherwise required if, in its judgment, more detailed information is necessary due to the size of the development; number of phases proposed; or the interrelationship of roads, utilities or drainage systems within the total site.
- (5) **Performance Guarantee.** In conjunction with the approval of a final development plan, the petitioner may be required, at the Planning Commission ’s discretion, to provide a performance guarantee for all public and common improvements, in accordance with the Village’s subdivision regulations.
- (6) **Private Covenants and Restrictions.**
- i. Covenants and restrictions for the property within any PMUD district are required and must be recorded with the office of the Fairfield or Licking County Recorder’s Office, depending on which county jurisdiction the property or properties are located prior to the approval of a plat or issuance of a building permit. These restrictions shall run with the land to ensure that, if subdivided or developed in phases, the covenants and restrictions shall still be enforced.
 - ii. Covenants and restrictions shall:
 - a) Be based on the conditions attached to the approved PMUD application;
 - b) Subject each owner or person taking title to land located within the development to the terms and conditions of the covenants and restrictions as well as any other applicable regulations;
 - c) Establish a property owners association (POA) per the Ohio Revised Code Chapter 5312, Ohio Planned Community Law with mandatory membership for each owner or person taking title to land located within the development, and require the collection of assessments from owners in an amount sufficient to pay for its functions; and

- d) Provide for the ownership, development, management, and maintenance of any private open space, private community parking facilities, private community meeting spaces, or other common areas, as required by Section 1404, A, (1).

Section 1406 Commencement of Construction

- A. If construction has not commenced within 12 months after approval of the Final Development Plan, the applicant may request one extension of up to 12 additional months. The request shall be submitted, in writing, to the Planning Commission prior to the expiration of the original 12month time limit and shall provide reasonable evidence to the effect that unforeseen difficulties or special circumstances have been encountered, causing delay in commencement of the PMUD. If an extension is not requested or is not submitted prior to the expiration of the original time limit, the PMUD Final Development Plan shall become null and void.
- B. Following expiration of the time limits, the Village Council may initiate proceedings to rezone the PMUD site to some other district(s).
- C. For purposes of this section, meaningful progress toward completion shall mean, at a minimum, any of the following: site clearing, rough grading, and installation of infrastructure improvements such as underground utilities.

Section 1407 Changes to Approved PMUD

- A. Changes to an approved Final Development Plan shall be permitted only under the following circumstances:
 - (1) The holder of an approved Final Development Plan shall notify the Zoning Administrator of any proposed change to the approved plan.
 - (2) Minor changes may be approved by the Zoning Administrator upon determining that the proposed revision(s) will not alter the basic design nor any specified conditions or commitments imposed as part of the original approval. Minor changes shall include the following:
 - i. Reduction in building size or increase in building size up to five percent of the total approved floor area;
 - ii. Movement of a building or other structure by no more than 10 feet;
 - iii. Replacement of plant material specified in the landscape plan with comparable materials of an equal or greater size;
 - iv. Changes in building materials to a comparable or higher quality;
 - v. Internal changes in floor plans which do not alter the character or intensity of the use;
 - vi. Changes in parking layout do not alter the number of spaces by more than five percent of the total spaces within the parking area and do not change the location of driveways or roads providing access to the parking area.
 - vii. Changes required or requested by a county, state, or federal regulatory agency in order to conform to other laws or regulations.
 - (3) A proposed change to an approved Final Development Plan that is determined by the Zoning Administrator to not be a minor change shall be considered a major change and amendment to the approved Final Development Plan and shall be submitted and reviewed in accordance with the procedures established for the final development plan.
 - (4) When, in the sole judgment of the Planning Commission , the proposed change is a substantial deviation from the approved Preliminary Plan , the change shall be reviewed as a new application, in accordance with the provisions of Sections 1405, B and C; provided, public hearings shall not be required, but may be conducted at the discretion of the Planning Commission and/or the Village Council.

Section 1408 Site Development Requirements.

In addition to the requirements of this Article, all development in the PMUD District shall meet the applicable requirements as listed elsewhere in the Village of Buckeye Lake Official Zoning Regulations; provided, in the event of a conflict, the most restrictive requirement shall apply.

- A. Supplementary District Regulations, see Article 9
- B. Off-Street Parking and Loading Requirements for R-3, Commercial and Manufacturing Districts, see Article 10
- C. Signs, see Article 11

Section 1409 Existing Planned Development Districts

Within the Village, there are existing Planned Developments variously referenced in Article 12, Planned Development Districts as Planned Unit Development (PUD), Planned Residential Development (PRD), Planned Industrial Park District (PID), and Planned Commercial Development (PCD) districts, identified on the zoning map as "PDD."

Any development project or phase of a development project already initiated and permitted shall continue under the existing Article 12. All developments or phases of development filed for permits, approval, or modifications, including

additional phases of developments already initiated after the adoption of this Article, shall proceed according to Article 14.

Section 1410 Definitions

The following definitions apply to this Article only:

- A. **Accessory Dwelling Unit:** Accessory Dwelling Unit (ADU). An attached or detached extension to an existing single-unit dwelling structure that contains one separate, complete dwelling unit with a separate entrance.
- B. **Build-to Zone.** The area on the lot where all or a portion of the street-facing building facade must be located, established as a minimum and maximum setback range
- C. **Bulk Sales Store.** A specialty store where goods are sold in bulk where customers bring their own carrying containers to reduce or eliminate more commonly used packaging (i.e., plastic).
- D. **Concept Plan.** A plan that generally indicates the overall design of a proposed PMUD project with sufficient information to enable the applicant and the city to discuss the concept for the proposed development and to determine if the proposal is generally consistent with the Community Plan.
- E. **Final Development Plan.** A detailed plan showing the location of all site improvements, including easements, utilities, buildings, parking areas, circulation routes, points of ingress and egress, transportation, and other public improvements (both on- and off-site), landscaping, architectural drawings, loading and unloading zones, service areas, ground signage, directional signage, location of refuse containers, lighting, and accessory structures, and may include a subdivision plat. Critical dimensions are shown unless otherwise indicated.
- F. **Live/work Units.** Properties that combine residential and no-residential uses and are typically found in commercial or mixed-use areas or as a transition use between commercial and residential zones. In some cases the work unit should not exceed 50 percent to the total floor area of the live-work unit." I have seen other instances where the commercial use must be conducted entirely within the work unit. This may help differentiate them from the more restrictive (i.e. 25 percent) home occupation requirement
- G. **Multi-Family (2-4 Units).** A building designed for two families, or housekeeping units, living independently of each other in separate dwelling units.
- H. **Multi-Family (2-4 Units).** A building designed for two families, or housekeeping units, living independently of each other in separate dwelling units.
- I. **Preliminary Development Plan.** A plan, submitted at the time of rezoning, outlining permitted and conditional land use development sites, major circulation patterns, critical natural areas to be preserved, open space areas and linkages, buffer areas, entryways, and major utilities and their relationship with surrounding uses. A preliminary development plan shall include a composite plan and any other development plan adopted prior to the effective date of these regulations that are still in force.
- J. **Stub Street.** The purpose of a stub street is connecting subdivisions together as they are developed to allow residents and service vehicles to travel between subdivisions and to develop an interconnected network of local streets, over time. The definition of a stub street is a reasonable future subdivision through-road from one subdivision to another. To be “reasonable,” the stub street must meet the following criteria:
 - (1) The adjoining land that would extend the stub street must have like zoning or is proposed to have like zoning in an area plan; and
 - (2) Said adjoining land must be currently undeveloped; and
 - (3) There is no major physical boundary (e.g., large waterway, large grade differential, etc.) between the properties that would preclude extension of the stub street.
 - (4) At completion, the stub street contains signage that notifies the public of its future extension.
- K. **Zoning Inspector.** A zoning inspector is a municipal or local government official responsible for enforcing and overseeing zoning regulations and involves conducting inspections, reviewing permit applications, and monitoring construction and land use activities to confirm that they adhere to zoning laws.