

Article 1 GENERAL REGULATIONS

Section 101 Title

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

Section 102 Intent

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

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

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

Section 103 Interpretation

In their interpretation and application, the provisions of this Zoning Regulation shall be the minimum requirements adopted for the promotion of the public health, safety, convenience, order, prosperity, and general welfare. Except as otherwise provided in Section 105 Repeal of Conflicting Ordinances, it is not intended by this Zoning Regulation to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law or ordinance, or with any rules, regulations, or permits previously adopted or issued pursuant to law, relating to the use of buildings and land. However, where this Zoning Regulation imposes a greater restriction on the use of buildings or premises, or on the heights of buildings, or requires larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations, or permits, the provisions of this Zoning Regulation shall prevail and control.

Section 104 Separability

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

Section 105 Repeal of Conflicting Ordinances

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

Article 2 DEFINITIONS

Section 201 Construction of Language

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

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

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

Section 202 Definitions

ACCESSORY BUILDING OR STRUCTURE

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

ACCESSORY USE

An object or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal object or structure, and which is subordinate to or serves the principal object or structure, is subordinate in the area to the principal object or structure, and is customarily incidental to the principal object or structure. Among other things, "Accessory Use" includes anything of a subordinate nature not attached to a principal structure, such as antennas,

fences, sheds, solar panel structures, detached garages, detached decks, and carports if not attached. Except as otherwise required in this Zoning Regulation an "Accessory Use" shall be a permitted use.

ADULT ENTERTAINMENT FACILITIES

A facility used for the purpose of adult entertainment as described in Section 520 Adult Entertainment Facilities.

AGRICULTURAL

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

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

ALLEY

(See Thoroughfare)

ALTERATION

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

ANIMAL GROOMING

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

ANIMAL HOSPITAL

Any building or structure used for treatment and care of injured or ailing animals administered by a Doctor of Veterinary Medicine licensed to practice in the state.

ANIMAL LIVESTOCK

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

AUTOMOBILE REPAIR, PAINTING, AND BODY SHOPS

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

AUTOMOBILE SERVICE STATION

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

AUTOMOBILE WASHING FACILITIES

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

BARS, TAVERNS, AND NIGHTCLUBS

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

BASEMENT

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

BED AND BREAKFAST INNS

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

BEGINNING OF CONSTRUCTION

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

BLOCK

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

BOARD OF ZONING APPEALS (BZA)

Village of Versailles Board of Zoning Appeals hereinafter refer to as “BZA”.

BOARDING OR LODGING HOUSES

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

BUILDING

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

BUILDING HEIGHT

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

BUILDING LINE

(See Setback Line)

BUILDING; PRINCIPAL

A building in which conducted is the main or principal use of the lot on which such building is situated. Where a substantial part of the wall of an accessory building is a part of the wall of the principal building, or where an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

BUILDING SERVICES AND SUPPLIES

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

BUSINESS, PROFESSIONAL, AND ADMINISTRATIVE OFFICES

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

CAMPING AND RECREATIONAL EQUIPMENT

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

- A. Boat and Boat Trailer-Boat and boat trailer shall include boats, jet skis, floats, and rafts, plus the normal equipment to transport the same on the highway.
- B. Folding Tent Trailer-A canvas folding structure, mounted on wheels and designed for travel and vacation uses.

- C. Motorized Home-A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- D. Pick-Up Camper-A structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use for travel, recreational, or vacation uses.
- E. Travel Trailer-A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses, permanently identified “travel trailer” by the manufacturer.

CAR WASH

(See Automobile Washing Facilities)

CARRY-OUT

A place of business offering food and beverages, which may include liquor, beer, wine, if licensed by the State of Ohio, where the food and beverages are dispensed at the counter for consumption within the building or off the premises. These can include photo kiosks and freestanding automatic teller machines.

CELLAR

(See Basement)

CEMETERY

Land used or intended to be used for the disposition of deceased persons and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CHILD DAY CARE CENTER; COMMERCIAL OR PROFESSIONAL

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

CLINIC

(See Medical Offices and Clinics)

COMMERCIAL ENTERTAINMENT FACILITIES

Any profit-making activity which is generally related to the entertainment field. These facilities include motion picture theaters; sports arenas; tennis, racquetball, and handball courts; health clubs; bowling alleys; and similar entertainment activities.

COMMERCIAL OUTDOOR RECREATION FACILITIES

Any outdoor profit-making activity which is generally related to the recreation field. These facilities include amusement parks, drive-in theaters, carnivals, fairgrounds, golf driving ranges, golf courses, miniature golf courses, racetracks, skating rinks, and similar outdoor activities.

COMMUNITY-ORIENTED RESIDENTIAL SOCIAL SERVICE FACILITY

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

COMPREHENSIVE PLAN

A plan, which may consist of several maps, data, policies, and other descriptive matter, for the physical development of the Village which has been adopted by the Village to indicate the general location for proposed physical facilities including housing, industrial, and business uses, major streets, parks, schools, public sites, and other similar information.

CONDITIONAL USE

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

CONDOMINIUM

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

CONSTRUCTION TRADE FACILITY

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

CONVENIENCE STORE

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

CORNER LOT

(See Lot)

DAY CARE CENTER

(See Child Day Care Center)

DEVELOPMENT STANDARDS

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

DISTRICT

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

DRIVE-IN

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

DWELLING

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

DWELLING; MULTI-FAMILY

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

DWELLING; SINGLE-FAMILY

A dwelling consisting of a single residential dwelling unit or housekeeping unit only, separated from other dwelling units by open space.

DWELLING; TWO-FAMILY

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

DWELLING UNIT

A building, or a portion thereof, designed for occupancy of one family or housekeeping unit for residential purposes and having living, cooking, sleeping, and sanitation facilities.

EASEMENT

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

EDUCATIONAL INSTITUTIONS, ELEMENTARY, JUNIOR HIGH, AND HIGH SCHOOLS

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

ELDERLY HOUSING FACILITIES

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

ERECTED

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

FACTORY-BUILT HOUSING

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

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

FARM

(See Agricultural)

FAMILY

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

FENCE

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

FINANCIAL ESTABLISHMENTS

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

FLOOR AREA OF A NON-RESIDENTIAL BUILDING**(To be Used in Calculating Parking Requirements)**

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

FLOOR AREA OF A RESIDENTIAL BUILDING

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

FRONT LOT LINE

(See Lot)

FRONT YARD

(See Yard)

FUNERAL HOME

A building or part thereof used for human funeral services. Such building may contain space and facilities for embalming and the performance of other services used in preparation of the dead for burial; the performance of autopsies and other surgical procedures; the storage of caskets, funeral urns, and other related funeral supplies; and the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel and residency shall also be permitted.

GARAGE; PRIVATE

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

GARDEN CENTER

(See Nurseries and Garden Supplies Stores)

GAS STATION

(See Automobile Service Station)

GENERAL MERCHANDISE STORES

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

GRAIN ELEVATORS AND FEED MILLS

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

GREENBELT

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

GREENHOUSE-HOTHOUSE-NURSERY

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

GROUP HOME

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

HALFWAY HOUSE

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

HEAVY EQUIPMENT RENTAL, SALES, SERVICE, AND STORAGE

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

HOME OCCUPATIONS

An activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within a residence without any significant adverse effect upon the surrounding neighborhood.

HOTEL

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

HOUSEHOLD ITEMS REPAIR SHOP

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

INDUSTRIAL; ENCLOSED

Any industrial use conducted entirely within an enclosed building of any size for the manufacturing, fabricating, processing, heavy repair, servicing, or storing of motor vehicles, equipment, raw materials, or manufactured products provided that all such uses comply with the nuisance performance standards as set forth in Section 516 Nuisance Performance Standards, of this Zoning Regulation.

INDUSTRIAL; OPEN

Any industrial use which requires both building and open area for the manufacturing, fabricating, processing, heavy repair, servicing or storing of motor vehicles, equipment, raw materials, or manufactured products provided that all such uses comply with the nuisance performance standards as set forth in Section 516 Nuisance Performance Standards, of this Zoning Regulation.

JUNK

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

JUNK YARD OR SALVAGE YARD

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

KENNELS

Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets.

LANDSCAPING

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

LIBRARIES

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

LIVABILITY SPACE

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

LOADING SPACE

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

LOT

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

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

LOT COVERAGE

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

LOT FRONTAGE

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

LOT LINE

(See Illustration, Exhibit “B” following this Section.)

- A. Front - A street right-of-way line forming the boundary of a lot. On a corner lot, both street right-of-way lines shall serve as front lot lines.
- B. Rear - The lot line that is most distant from, and is or is most nearly parallel to, the front lot line. If a rear lot line is less than forty (40) feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least forty (40) feet long, lying wholly within the lot, parallel to the front lot line. On a corner lot, the rear lot line shall be that lot line most distant from, and most nearly parallel to, the front wall of the principal building located thereon.
- C. Side - A lot line which is neither a front lot line nor a rear lot line.

LOT MEASUREMENTS

A lot shall be measured as follows:

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

LOT; MINIMUM AREA OF

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

LOT OF RECORD

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

LOT TYPES

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

- A. Corner Lot - A lot located at the intersection of two or more streets or upon two (2) parts of the same street, and in either case forming an interior angle of one hundred thirty-five (135) degrees or less. (See Illustration, Exhibit “B” following this Section.)
- B. Interior Lot - A lot with only one front yard on a street. (See Illustration, Exhibit “B” following this Section.)
- C. Through Lot - A lot other than a corner lot with a front yard on more than one non-intersecting street. Through lots abutting two streets may be referred to as double frontage lots. (See Illustration, Exhibit “B” following this Section.)

LUMBER YARDS AND BUILDING MATERIALS SALE AND STORAGE

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

MEDICAL OFFICES AND CLINICS

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

MINI-WAREHOUSE

(See Self-Service Storage Facility)

MANUFACTURED HOME

(See Factory-Built Housing)

MANUFACTURED HOME COURT

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

MANUFACTURING

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

MOBILE HOME

(See Factory-Built Housing)

MOTEL

(See Hotel)

MULTI-FAMILY DWELLING

(See Dwelling)

NIGHTCLUB

(See Bars, Taverns, and Nightclubs)

NONCONFORMITIES

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

NURSERIES AND GARDEN SUPPLIES STORES

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

NURSERY

(See Child Day Care Center)

NURSING HOME, REST HOME, OR CONVALESCENT HOME

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

OFF-STREET PARKING

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

OPEN SPACE

That part of a lot, including courts or yards, which is open and unobstructed by structures from its lowest level to the sky, accessible to all tenants upon the lot.

OPEN STORAGE

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

PARKING LOT

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

PARKING SPACE; OFF-STREET

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

PERSONAL SERVICES

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

PET SHOPS

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

PLACES OF WORSHIP

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

PLANNED UNIT DEVELOPMENT (PUD)

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

PLANNING COMMISSION

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

POOL; SWIMMING

(See Swimming Pool)

PREEEXISTING USE

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

PRINCIPAL USE

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

PRIVATE CLUBS

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

PRIVATE SCHOOLS

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

PROFESSIONAL OFFICES

(See Business, Professional, and Administrative Offices)

PUBLIC OFFICES AND PUBLIC BUILDINGS

Establishments for local, county, regional, state, or federal government agencies.

PUBLIC RECREATION FACILITIES

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

REAR LOT LINE

(See Lot Line)

REAR YARD

(See Yard)

RECONSTRUCTED

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

RECREATION SPACE

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

RECREATION VEHICLE

(See Camping and Recreation Equipment)

RESTAURANT; FAST FOOD

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

RESTAURANT; STANDARD

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

RIGHT-OF-WAY

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

ROADSIDE STAND

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

ROOM, HABITABLE

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

ROOMING HOUSE

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

SATELLITE SIGNAL RECEIVER

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

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

SCREENING

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

SEAT

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

SELF-SERVICE STORAGE FACILITY

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

SERVICE CLUBS

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

SERVICE GARAGE

(See Automobile Repair, Painting, and Body Shops)

SERVICE STATION

(See Automobile Service Station)

SETBACK LINE

A line established by the Zoning Regulation, generally parallel with and measured from the lot line, defining the limits of a yard in which no portion of any principal structure, other than accessory building, may be located except as may be provided in said Zoning Regulation. (See Yard)

SIDE LOT LINE

(See Lot Line)

SIDE YARD

(See Yard)

SIGN

A name, identification, description, display, or illustration which is affixed, painted, or represented, directly or indirectly, upon a building structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. (See Section Article 10 Signage.)

SINGLE-FAMILY DWELLING

(See Dwelling)

STABLE

A structure for the keeping of horses and ponies.

STORY

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

STREET

(See Thoroughfare)

STRUCTURAL ALTERATION

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

STRUCTURE

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

SWIMMING POOL

A structure constructed or placed below ground or above ground, which contains water in excess of 24 inches in depth and is suitable or utilized for swimming or wading.

TAVERN

(See Bars, Taverns, and Nightclubs)

TEMPORARY USE OF BUILDING

The temporary use of land or a building permitted by the Village Administrator during periods of construction, or for special events. (See Section 513 Temporary Uses.)

THOROUGHFARE

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

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

THROUGH LOT

(See Lot)

TRAILER

(See Factory Built Housing)

TRAILER PARK

(See Manufactured Home Court)

TRANSPORTATION TERMINALS

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

TRUCK TERMINAL

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

TWO-FAMILY DWELLING

(See Dwelling)

USE

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

UTILITY SERVICE COMPANIES

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

VARIANCE

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

VEHICLE

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

VEHICLE SALES, RENTAL, AND SERVICE

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

VILLAGE ADMINISTRATOR

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

VISION CLEARANCE ON CORNER LOTS

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

WAREHOUSE

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

WHOLESALE BUSINESS

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

YARD

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

- A. Front Yard - An open space extending in full width of the lot, the depth of which is the minimum permitted horizontal distance between the front lot line and the nearest point of the main building. For corner lots and through lots, all sides of a lot adjacent to streets shall be considered Front Yard.

- B. Rear Yard - An open space extending the full width of the lot, the depth of which is the minimum permitted horizontal distance between the rear lot line and the nearest point of the main building.
- C. Side Yard - An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building.

ZONE

(See “District”)

ZONING MAP

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

ZONING PERMIT

The document issued by the Village Administrator authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

ZONING ENFORCEMENT OFFICER

(See Village Administrator)

Section 203 Illustrations/Exhibits

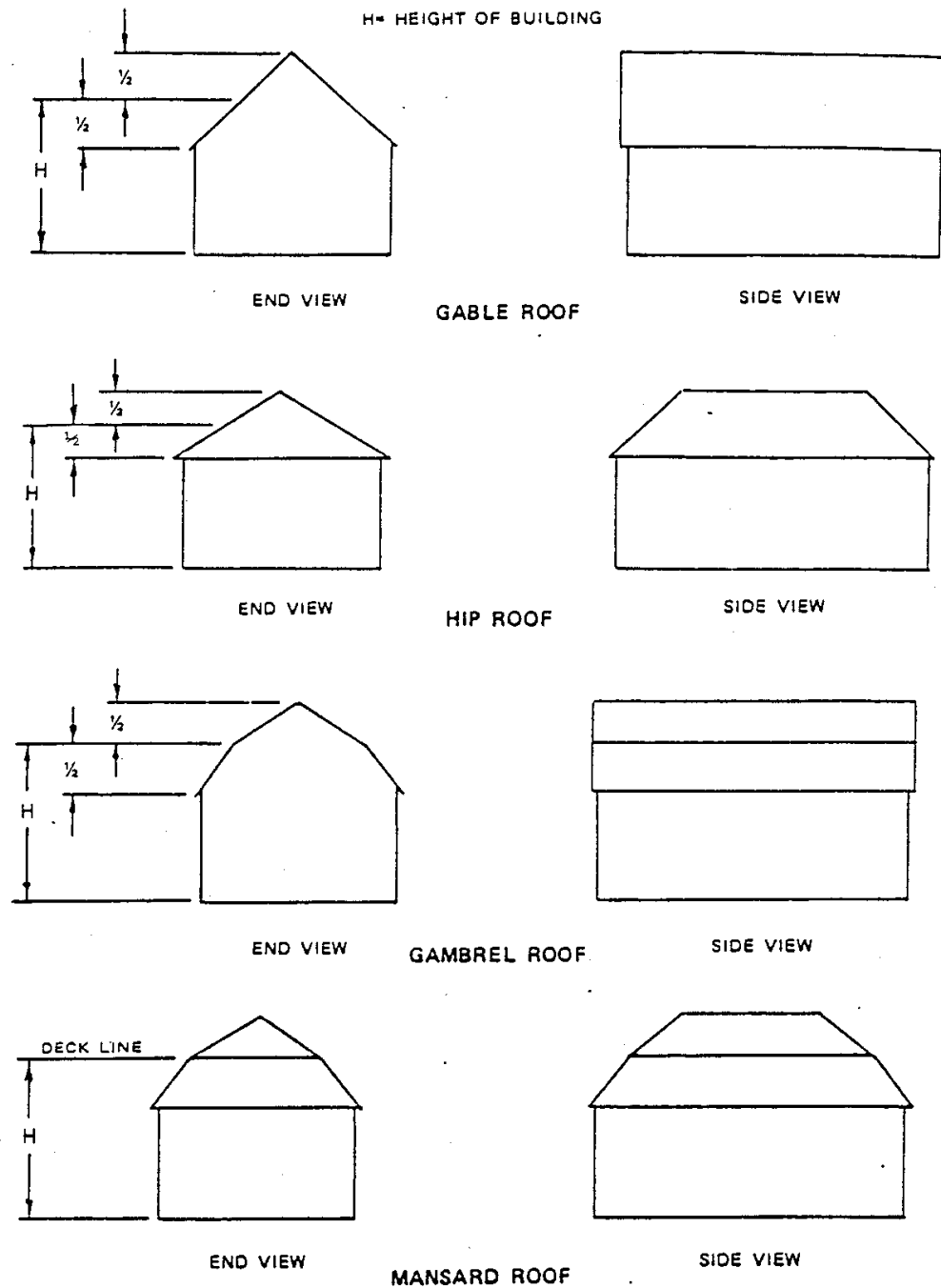


Illustration - Exhibit "A"
Roof Types and Building Height

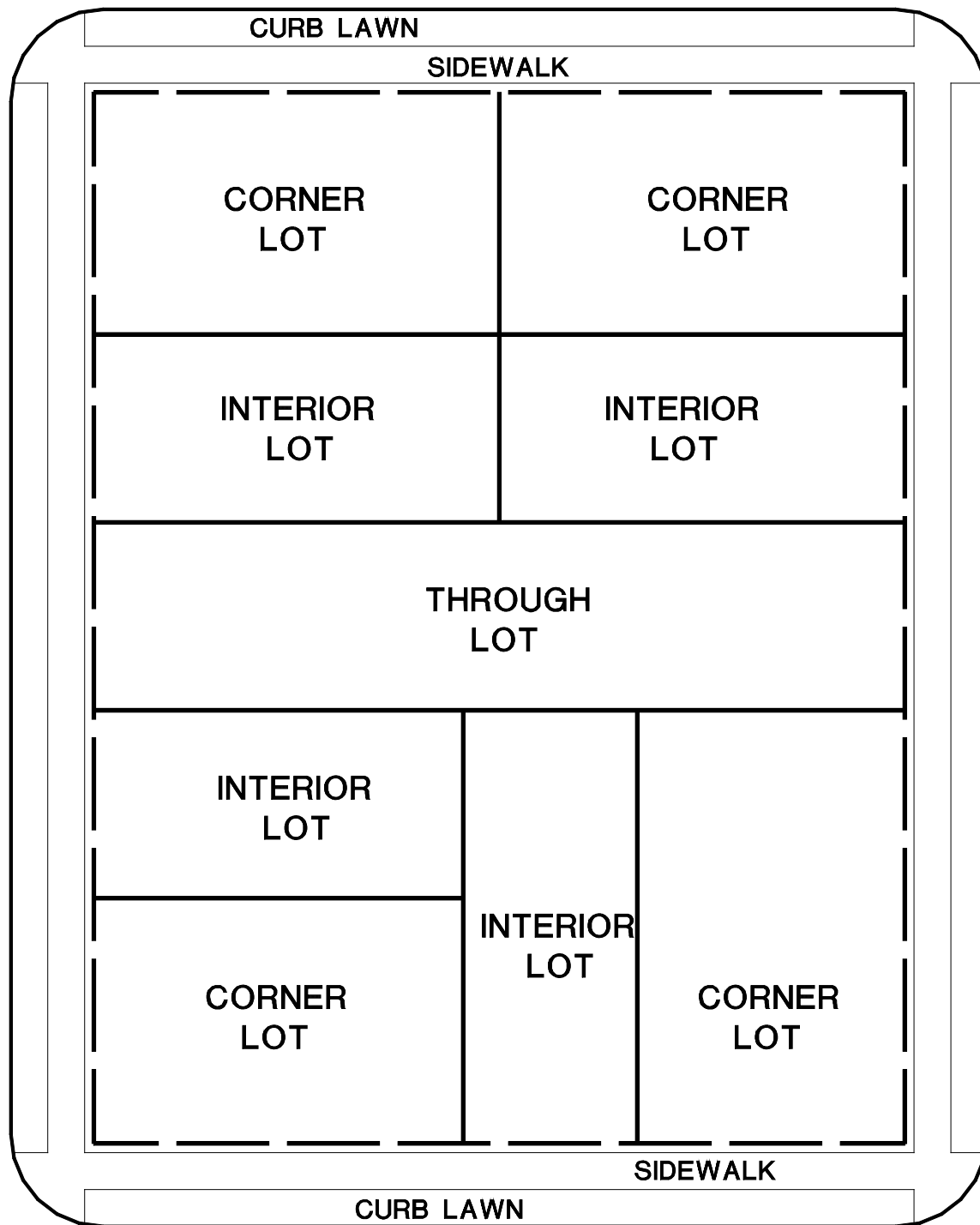
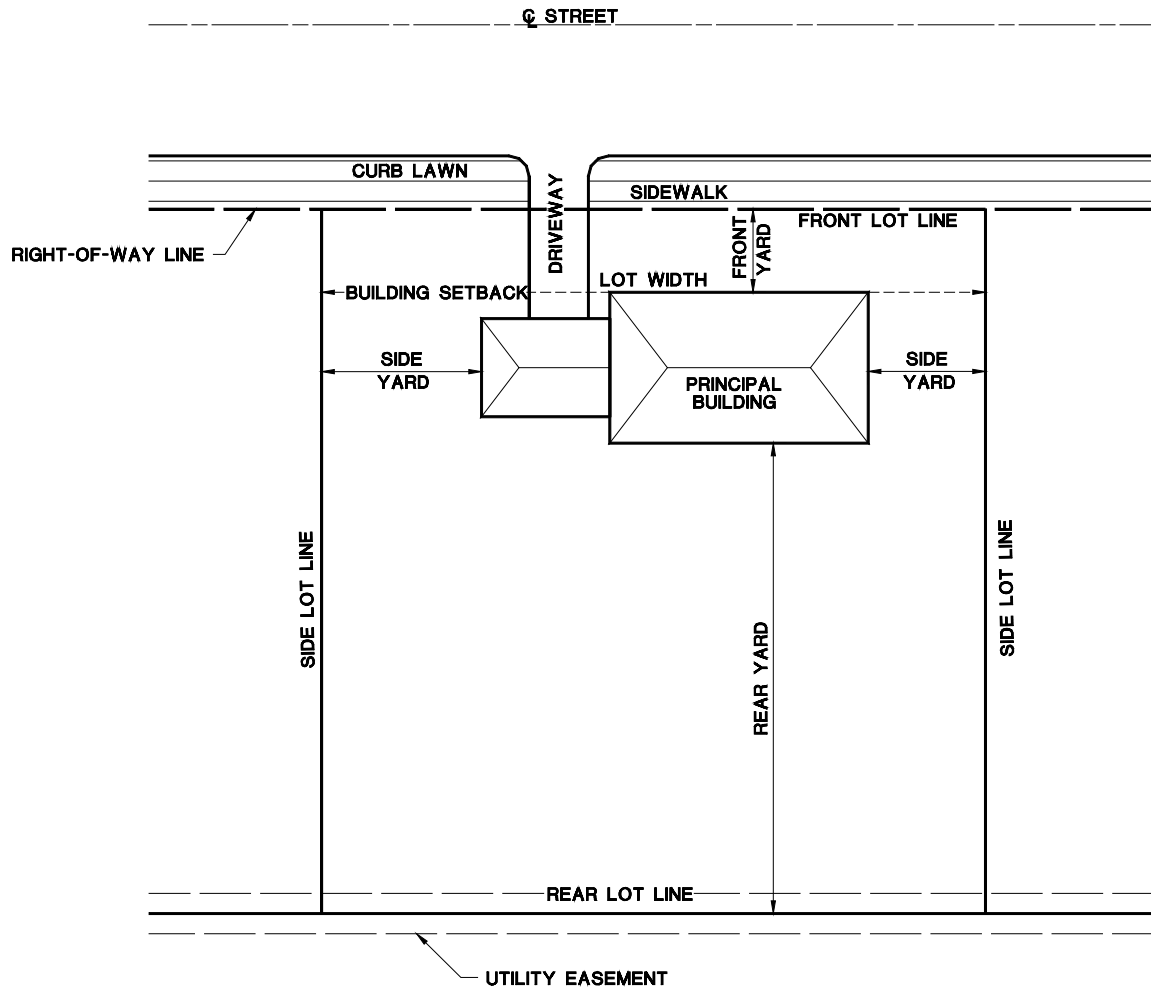
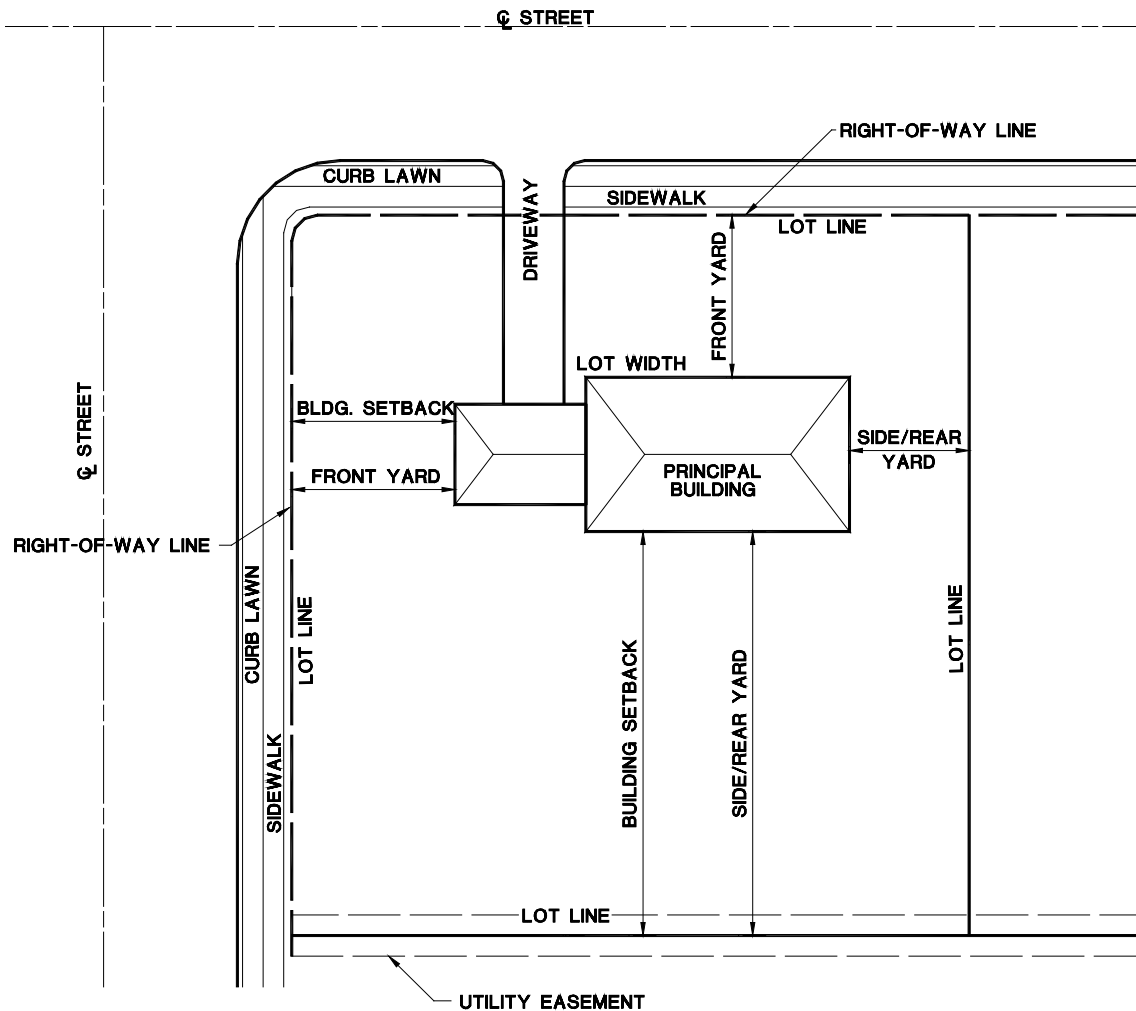


Illustration - Exhibit "B"
Types of Lots



LOT AREA - TOTAL HORIZONTAL AREA NOT INCLUDING ANY RIGHT-OF-WAY
LOT WIDTH - MEASURED AT BUILDING SETBACK LINE

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



LOT AREA - TOTAL HORIZONTAL AREA NOT INCLUDING ANY RIGHT-OF-WAY
LOT WIDTH - MEASURED AT BUILDING SETBACK LINE

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

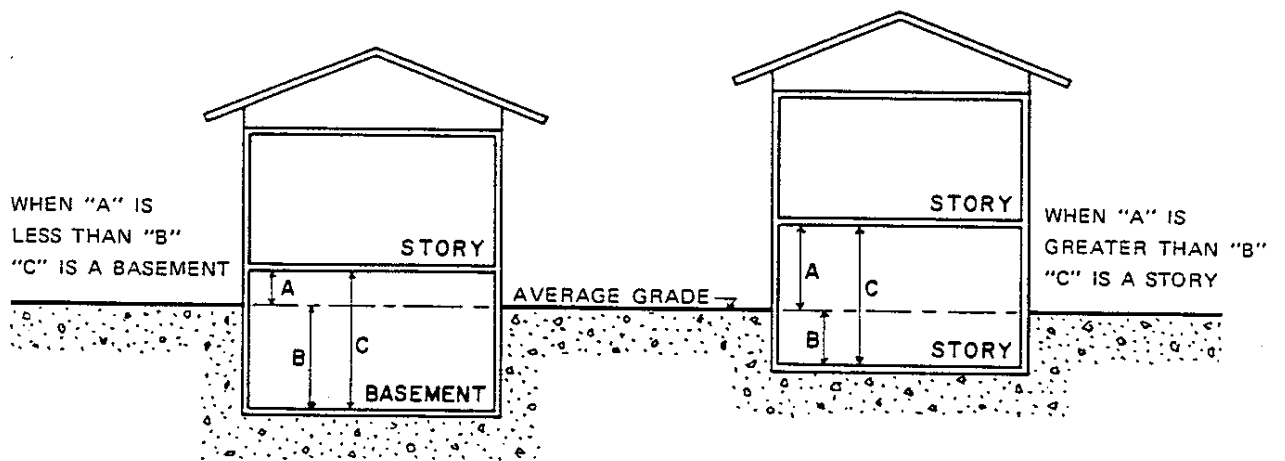


Illustration - Exhibit "E"
Basement and Story

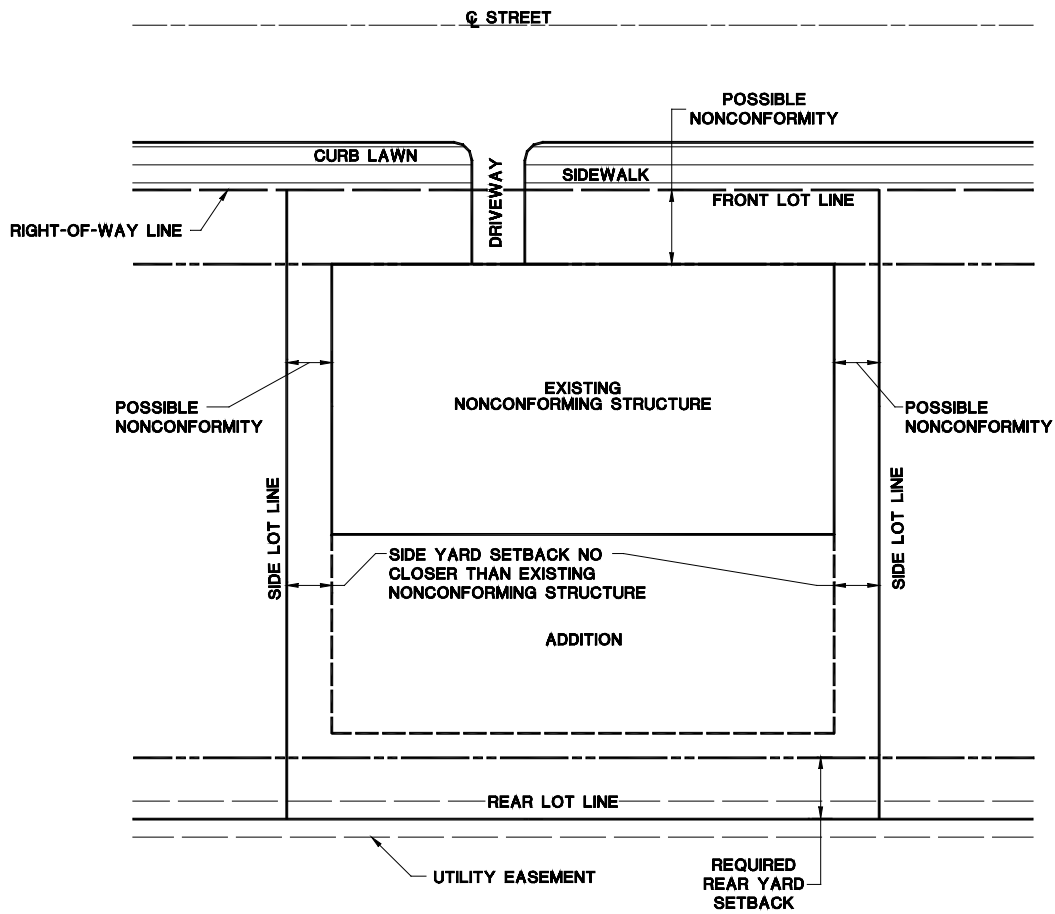


Illustration – Exhibit “F”
Examples For Additions To Nonconforming Structures
See Section 709

Article 3 ESTABLISHING DISTRICTS AND ZONING MAP

Section 301 Intent

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

Section 302 Establishment of Zoning Districts

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

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

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

- A. Flood Plain Overlay
- B. PUD – Planned Unit Development Overlay
- C. Drinking Water Source Protect Plan Zone Overlay

Section 303 Zoning District Map

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

Section 304 Rules for Map Interpretation

- A. When definite distances in feet are not shown on the official zoning district map, the district boundaries on the official zoning district map are intended to be along existing street, alley, or property lines or extensions of or from the same, and if the exact location of such line is not clear it shall be determined by either supplemental detail drawings or rules of interpretation, adopted by the concurring vote of four members of the Board of Appeals.
- B. When the streets or alleys on the ground differ from the streets or alleys on the official zoning district map, the Board of Appeals may apply the district designation of the map to the property on the ground in such manner as to conform to the intent and purposes of this Section in the judgment of said Board.
- C. Whenever any street, alley, railroad right-of-way, or other public way is vacated by official action of the Council, the zoning district adjoining each side of street, alley, railroad right-of-way, or public way shall automatically extend to the center of such vacated way and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts. In the event of a partial vacation, the adjoining district, or district nearest the portion vacated, shall be extended automatically to include all the vacated area. Any vacation of right-of-way or public way shall be subject to Ohio Revised Code, Section 723.041 and the right of permanent easement of any utility located on, over, or under such vacated public way or part thereof shall continue.

Section 305 Interpretation of District Boundaries

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

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

Section 306 Zoning Upon Annexation

- 1. Where land previously zoned by another jurisdiction is annexed to the Village, the same shall be zoned the same zoning district as land that is already within the Village and most closely in accordance with the existing use of the land already within the Village.

2. Land not zoned prior to annexation shall be classified in the same manner into whichever district of the Zoning Ordinance most closely is in accordance with the existing use of the annexed area or in accordance with the comprehensive development plan in the case of vacant land. Zoning/building permits may be issued only after the Village has given the land its permanent zoning classification.

3. In all cases, within three months after the effective date of annexation, the Planning Commission shall recommend the appropriate permanent zoning district for such area to Council, and the official zoning district map shall be amended according to the prescribed procedure set forth in Article Six.

Article 4 DISTRICT REGULATIONS

Section 401 Compliance with Regulations

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

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

Section 402 Summary of Zoning District Requirements**VILLAGE OF VERSAILLES ZONING REGULATION**

| Zoning District | Minimum Lot Area (1) | Minimum Lot Width(2) | Minimum Front Yard Setback (3) | Minimum Side Yard Setback (4) | Minimum Rear Yard Setback (5) | Maximum Height (6) | Floor Area |
|--|---------------------------|----------------------|--------------------------------|-------------------------------|-------------------------------|--------------------|-------------------------|
| R-1 SINGLE FAMILY RESIDENTIAL | 9,000 sq. ft. | 75 feet | 30 feet | 8 feet sum of 18 | 25 feet | 35 feet | 950 feet |
| R-2 SINGLE FAMILY RESIDENTIAL Single Family Dwelling | 7,500 sq. ft. | 60 feet | 25 feet | 5 feet sum of 12 | 25 feet | 35 feet | 800 sq. ft. |
| Two Family Dwelling | 5,000 sq. ft. per unit | 60 feet | 25 feet | 5 feet sum of 12 | 25 feet | 35 feet | 800 sq. ft. per unit |
| R-3 MULTIPLE FAMILY RESIDENTIAL | | | | | | | |
| Single Family | 7,500 sq. ft. | 60 feet | 25 feet | 5 feet sum of 12 | 35 feet | 35 feet | 800 sq. ft. per unit |
| Two Family | 5,000 sq. ft. per unit | 60 feet | 25 feet | 5 feet sum of 12 | 35 feet | 35 feet | 800 sq. ft. per unit |
| Multiple Family | 2,500 sq. ft. per unit | 60 feet | 25 feet | 5 feet sum of 12 | 50 feet | 35 feet | 800 sq. ft. per unit |
| B-1 GENERAL BUSINESS | None (A) | 80 feet | 25 feet | None (B) | (C) | 45 feet | (A) |
| B-2 CENTRAL BUSINESS | None (A) | None | None | None | None | 50 feet | (A) |
| I-1 LIGHT INDUSTRIAL | None | 100 feet | 50 feet | (D) | (E) | 75 feet | |
| I-2 GENERAL INDUSTRIAL | None | 100 feet | 50 feet | (D) | (E) | 75 feet | |

(A) Except for Residential Use same as R-3.

(B) Except when adjacent to a Residential District. In such case, the side yard shall not be less than twenty-five (25) feet. Screening, either planting or fence, six (6) feet in height shall be required.

(C) A rear yard shall be required adjacent to a residential district. Such rear yard shall not be less than twenty-five (25) feet. Screening, either planting or fence, six (6) feet in height shall be required.

(D) If adjacent lots are industrially developed, no side yard is required. A side yard of not less than 50 feet and landscaped screening will be provided when abutting Residential Uses.

(E) If adjacent lots are industrially developed, no rear yard is required. If the use is to be serviced from the rear, the rear yard is at least 50 feet. A rear yard of not less than 50 feet and landscaped screening will be provided when abutting Residential Uses.

(1) Lot, Minimum Area of; also Illustration Exhibits "C" and "D"

(2) Lot Measurement, Width; also Illustration Exhibits "C" and "D"

(3) Yard, Front Yard; also Illustration Exhibits "C" and "D"

(4) Yard, Side Yard; also Illustration Exhibits "C" and "D"

(5) Yard, Rear Yard; also Illustration Exhibits "C" and "D"

(6) Building Heights; also Illustration Exhibits "A"

Section 403 Summary of Permitted and Conditional Uses**VILLAGE OF VERSAILLES ZONING REGULATION**

| USE | ZONING DISTRICT | | | | | | |
|--|--|--|--|----------------------------|----------------------------|----------------------------|------------------------------|
| | R-1 Single Family Residential | R-2 Single Family Residential | R-3 Multiple Family Residential | B-1 General Business | B-2 Central Business | I-1 Light Industrial | I-2 General Industrial |
| P = Principal Permitted Use C = Conditional Use | | | | | | | |
| RESIDENTIAL | | | | | | | |
| Single-Family | P | P | P | P | P | | |
| Two-Family | | P | P | P | P | | |
| Multi-Family | | | P | P | C | | |
| Boarding or Lodging Houses | | | C | | | | |
| Bed and Breakfast Inns | | | C | | | | |
| Residential Planned Unit Developments | C | C | C | C | C | | |
| Elderly Housing Facilities | | | C | | | | |
| Community-Oriented Residential Social Service Facilities | | | C | | | | |
| Manufactured Home* | | | C | | | | |
| Farming or Gardening | P | P | P | P | P | | |
| PUBLIC AND RECREATIONAL | | | | | | | |
| Educational Institutions, Elementary, Jr. High, and High Schools | C | C | C | C | C | | |
| Places of Worship | C | C | C | C | C | | |
| Libraries | C | C | C | C | C | | |
| Public Buildings of all Types | C | C | C | C | C | | |
| Public Parks | C | C | C | C | C | | |
| Cemeteries | | | | | | | |
| Museums | C | C | C | C | C | | |
| Child Day Care Centers | | C | C | C | C | | |
| Nursing Homes | | | C | | | | |
| Hospitals | | | C | P | P | | |
| Private Clubs | | | | P | P | P | P |
| BUSINESS OFFICES | | | | | | | |
| Business, Professional, and Administrative Offices | C | C | C | P | P | P | P |
| Medical Offices and Clinics | C | C | C | P | P | P | P |

* Must also be in a manufactured home park (PUD)

VILLAGE OF VERSAILLES ZONING REGULATION
Summary of Permitted and Conditional Uses

| USE | ZONING DISTRICT | | | | | | |
|---|--|--|--|----------------------------|----------------------------|----------------------------|------------------------------|
| | R-1 Single Family Residential | R-2 Single Family Residential | R-3 Multiple Family Residential | B-1 General Business | B-2 Central Business | I-1 Light Industrial | I-2 General Industrial |
| P = Principal Permitted Use C = Conditional Use | | | | | | | |
| RETAIL COMMERCIAL AND SERVICE | | | | | | | |
| General Merchandise Stores | | | | P | P | P | P |
| Personal Services | | | | P | P | P | P |
| Restaurants, Standard | | | | C | P | P | C |
| Restaurants, Fast Food | | | | P | P | P | C |
| Financial Establishments | | | | P | P | P | C |
| Business Planned Unit Developments | | | | C | C | C | C |
| Funeral Homes | | | | C | | | |
| Animal Hospitals, Veterinary Clinics | | | | C | C | | |
| Pet Shops and Animal Grooming | | | | | C | | |
| Private Schools | | | | P | P | P | P |
| Bowling Alley | | | | C | C | | |
| Arcade, Pool Halls | | | | C | C | | |
| Kennels | | | | C | C | | |
| Household Items Repair Shop | | | | P | P | P | P |
| Vehicle Sales and Rentals | | | | C | P | P | P |
| Printing, Publishing, Lithographing, Binding, and Computer-Based Establishments | | | | C | | P | P |
| Nurseries and Garden Supplies Stores | | | | C | | | |
| ROAD SERVICE AND COMMERCIAL ENTERTAINMENT | | | | | | | |
| Automobile Repair, Painting, and Body Shops | | | | C | C | C | C |
| Automobile Service Stations | | | | C | C | C | C |
| Automobile Washing Facilities | | | | | | C | C |
| Bars, Taverns, Nightclubs, and Dance Clubs | | | | C | P | C | C |
| Drive-Through Carry Outs | | | | | P | P | P |
| Commercial Recreation and Entertainment Facilities | | | | C | | | |
| Convenience Stores | | | | P | P | P | P |
| Motels and Hotels | | | | C | C | | |
| Self-Service Storage Facilities | | | | | | | C |
| Adult Entertainment Facilities | | | | | | | C |

VILLAGE OF VERSAILLES ZONING REGULATION
Summary of Permitted and Conditional Uses

| USE | ZONING DISTRICT | | | | | | |
|---|--|--|--|----------------------------|----------------------------|----------------------------|------------------------------|
| | R-1 Single Family Residential | R-2 Single Family Residential | R-3 Multiple Family Residential | B-1 General Business | B-2 Central Business | I-1 Light Industrial | I-2 General Industrial |
| P = Principal Permitted Use C = Conditional Use | | | | | | | |
| INDUSTRIAL | | | | | | | |
| Farm Implement Sales | | | | C | | | |
| Grain Elevators and Feed Mills | | | | C | C | | C |
| Construction Trades and Offices | | | | C | C | P | P |
| Building Services and Supplies | | | | C | C | P | P |
| Plumbing and Heating Shops | | | | C | | | |
| Wholesale Business | | | | C | | P | P |
| Lumber Yards and Building Materials Sales and Storage | | | | C | C | C | |
| Heavy Equipment Rentals, Sales, Service, and Storage | | | | | | C | C |
| Transportation Terminals | | | | C | | C | C |
| Utility Service Companies | | | | | | | C |
| Wireless Telecommunications Facilities | | | | | | | C |
| Machine Shop | | | | | | P | P |
| Tool and Die | | | | | | P | P |
| Assembly and Manufacturing | | | | | | P | P |
| Warehousing | | | | C | | P | P |
| Garment Manufacturing, Repair and Processing | | | | P | | P | P |
| Planned Industrial Developments | | | | | | C | C |
| Processing Plant | | | | | | | P |
| Laundry and Dry Cleaning plants | | | | | | | C |

Section 404 R-1 Single-Family Residential District

Section 404a Intent

The intent of this district is to provide medium-density, single-family dwellings, plus those public and private facilities serving the residents of the area.

Section 404b Principal Permitted Uses

- A. Residential Uses
 - 1. Single-Family
 - 2. Farming or Gardening

Section 404c Conditional Uses

A building or premises may be used for the following purposes in the R-1 Single-Family Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

Residential Uses

- 1. Residential Planned Unit Developments subject to the provisions of these Regulations - Planned Unit Developments.

B. Public and Recreational Uses

- 1. Educational Institutions, Elementary, Junior High, and High Schools
- 2. Places of Worship
- 3. Libraries
- 4. Public Parks
- 5. Public Buildings of all Types
- 6. Museums

C. Business Offices

- 1. Medical Offices and Clinics
- 2. Business, Professional, and Administrative Offices

Section 404d Prohibited Uses

No building or structure within this district shall be used by any commercial or industrial establishment.

Section 404e Height and Area Regulations

The maximum height and minimum lot requirements within the R-1 Single-Family Residential District shall be as follows:

General Requirements for Dwellings:

| | |
|----------------------------|-----------------------|
| Minimum Lot Area | 9,000 square feet |
| Minimum Lot Width | 75 feet |
| Minimum Front Yard Setback | 30 feet |
| Minimum Side Yard Setback | 8 feet – sum of 18 |
| Minimum Rear Yard Setback | 25 feet |
| Maximum Height | 35 feet or 2½ stories |

Section 404f Cross References

Supplemental District Regulations, Article 5
Conditional Uses; Substantially Similar Uses, Article 6
Planned Unit Developments, Article 8
Off-Street Parking and Loading Facilities, Article 9
Signage, Article 10
Zoning Permit Requirements and Enforcement, Article 14

Section 405 R-2 Single-Family Residential District

Section 405a Intent

The intent of this district is to provide a sound housing mix plus those public and private facilities serving the residents of the area. This district provides for an approximate maximum density of 10 dwelling units per acre and recognizes the development of other than single-family dwelling units.

Section 405b Principal Permitted Uses

- A. Residential Uses
 - 1. Single-Family
 - 2. Two-Family Dwellings
 - 3. Farming or Gardening

Section 405c Conditional Uses

A building or premises may be used for the following purposes in the R-2 Single-Family Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Residential Uses
 - 1. Residential Planned Unit Developments subject to the provisions of these Regulations - Planned Unit Developments.
- B. Public and Recreational Uses
 - 1. Museums
 - 2. Child Day Care Centers
 - 3. Educational Institutions, Elementary, Junior High, and High Schools
 - 4. Places of Worship
 - 5. Libraries
 - 6. Public Buildings of all Types
 - 7. Public Parks
- C. Business Offices
 - 1. Medical Offices and Clinics
 - 2. Business, Professional, and Administrative Offices

Section 405d Prohibited Uses

No building or structure within this district shall be used by any commercial or industrial establishment.

Section 405e Height and Area Regulations

The maximum height and minimum lot requirements- within the R-2 Single-Family Residential District shall be as follows:

General Requirements for Single-Family Dwellings and Other Permitted Uses:

| | |
|----------------------------|-----------------------|
| Minimum Lot Area | 7,500 square feet |
| Minimum Lot Width | 60 feet |
| Minimum Front Yard Setback | 25 feet |
| Minimum Side Yard Setback | 5 feet – sum of 12 |
| Minimum Rear Yard Setback | 25 feet |
| Maximum Height | 35 feet or 2½ stories |
| Floor Area | 800 square feet |

General Requirements for Two-Family Dwellings:

| | |
|----------------------------|----------------------------|
| Minimum Lot Area | 5,000 square feet per unit |
| Minimum Lot Width | 60 feet |
| Minimum Front Yard Setback | 25 feet |
| Minimum Side Yard Setback | 5 feet – sum of 12 |
| Minimum Rear Yard Setback | 25 feet |
| Maximum Height | 35 feet or 2½ stories |
| Floor Area | 800 square feet |

Section 405f Cross References

Supplemental District Regulations, Article 5
 Conditional Uses; Substantially Similar Uses, Article 6
 Planned Unit Developments, Article 8
 Off-Street Parking and Loading Facilities, Article 9
 Signage, Article 10
 Zoning Permit Requirements and Enforcement, Article 14

Section 406 R-3 Multi-Family Residential District

Section 406a Intent

The intent of this district is to provide a full range of residential dwelling types plus those public and private facilities serving residents of the area. The maximum approximate gross density of this district is 15 dwelling units per acre. The requirements allow a more complete use of land in the district and provide more flexible guidelines for development and redevelopment efforts.

Section 406b Principal Permitted Uses

- A. Residential Uses
 - 1. Single-Family Dwellings
 - 2. Two-Family Dwellings
 - 3. Multi-Family Dwellings
 - 4. Farming or Gardening

Section 406c Conditional Uses

A building or premises may be used for the following purposes in the R-3 Multi-Family Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Residential Uses
 - 1. Boarding or Lodging Houses
 - 2. Bed and Breakfast Inns
 - 3. Residential Planned Unit Developments subject to the provisions of these Regulations - Planned Unit Developments.
 - 4. Elderly Housing Facilities
 - 5. Community-Oriented Residential Social Service Facilities
 - 6. Manufactured Home in Manufactured Home Park (PUD)

B. Public and Recreational Uses

1. Museums
2. Child Day Care Centers
3. Nursing Homes
4. Educational Institutions, Elementary, Junior High, and High Schools
5. Places of Worship
6. Libraries
7. Public Buildings of all Types
8. Public Parks
9. Hospitals

C. Business Office Uses

1. Business, Professional, and Administrative Offices
2. Medical Offices and Clinics

D. Retail Commercial and Service Uses

1. Funeral Homes

Section 406d Prohibited Uses

No building or structure within this district shall be used by any commercial or industrial establishment.

Section 406e Height and Area Regulations

The maximum height and minimum lot requirements within the R-3 Multi-Family Residential District shall be as follows:

General Requirements for Single-Family Dwellings:

| | |
|----------------------------|--------------------------|
| Minimum Lot Area | 7,500 square feet |
| Minimum Lot Width | 60 feet |
| Minimum Front Yard Setback | 25 feet |
| Minimum Side Yard Setback | 5 feet – sum of 12 |
| Minimum Rear Yard Setback | 35 feet |
| Maximum Height | 35 feet or 2½ stories |
| Floor Area | 800 square feet per unit |

General Requirements for Two-Family Dwellings:

| | |
|----------------------------|----------------------------|
| Minimum Lot Area | 5,000 square feet per unit |
| Minimum Lot Width | 60 feet |
| Minimum Front Yard Setback | 25 feet |
| Minimum Side Yard Setback | 5 feet – sum of 12 |
| Minimum Rear Yard Setback | 35 feet |

| | |
|----------------|--------------------------|
| Maximum Height | 35 feet or 2½ stories |
| Floor Area | 800 square feet per unit |

General Requirements for Multi-Family Dwellings:

| | |
|----------------------------|----------------------------|
| Minimum Lot Area | 2,500 square feet per unit |
| Minimum Lot Width | 60 feet |
| Minimum Front Yard Setback | 25 feet |
| Minimum Side Yard Setback | 5 feet – sum of 12 |
| Minimum Rear Yard Setback | 50 feet |
| Maximum Height | 35 feet |
| Floor Area | 800 square feet per unit |

General Requirements for Other Permitted Uses:

| | |
|----------------------------|-----------------------|
| Minimum Lot Area | 10,000 square feet |
| Minimum Lot Width | 80 feet |
| Minimum Front Yard Setback | 25 feet |
| Minimum Side Yard Setback | 5 feet – sum of 12 |
| Minimum Rear Yard Setback | 35 feet |
| Maximum Height | 35 feet or 2½ stories |
| Minimum Floor Area | N/A |

Section 406f Cross References

Supplemental District Regulations, Article 5
 Conditional Uses; Substantially Similar Uses, Article 6
 Planned Unit Developments, Article 8
 Off-Street Parking and Loading Facilities, Article 9
 Signage, Article 10
 Zoning Permit Requirements and Enforcement, Article 14

Section 407 B-1 General Business District

Section 407a Intent

This district is intended to provide an integrated collection of structures and uses designed to supply a majority of the daily needs of Village residents.

Section 407b Principal Permitted Uses

- A. Residential Uses
 - 1. Single-Family Dwellings
 - 2. Two-Family Dwellings
 - 3. Multi-Family Dwellings
 - 4. Farming or Gardening
- B. Public and Recreational Uses
 - 1. Hospitals
 - 2. Private, Clubs
- C. Business Office Uses
 - 1. Business, Professional, and Administrative Offices
 - 2. Medical Offices and Clinics
- D. Retail Commercial and Service Uses
 - 1. General Merchandise Stores
 - 2. Personal Services
 - 3. Restaurants, Fast Food
 - 4. Financial Establishments
 - 5. Private Schools
 - 6. Household Items Repair Shops
- E. Road Service and Commercial Entertainment Uses
 - 1. Convenience Stores
- F. Industrial
 - 1. Garment Manufacturing, Repair and Processing

Section 407c Conditional Uses

A building or premises may be used for the following purposes in the B-1 General Business District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

A. Residential Uses

1. Residential Planned Unit Development

B. Public and Recreational Uses

1. Educational Institutions, Elementary, Junior High, and High Schools
2. Child Day Care Centers
3. Places of Worship
4. Libraries
5. Public Buildings of all Types
6. Public Parks
7. Museums

C. Retail Commercial and Service Uses

1. Kennels
2. Restaurants, Standard
3. Business Planned Unit Developments
4. Funeral Homes
5. Animal Hospitals, Veterinary Clinics
6. Bowling Alley
7. Arcade, Pool Halls
8. Vehicle Sales and Rentals
9. Printing, Publishing, Lithographing, Binding, and Computer-Based Establishments

D. Road Service and Commercial Entertainment Uses

1. Automobile Repair, Painting, and Body Shops
2. Commercial Recreational and Entertainment Facilities
3. Automobile Service Stations
4. Bars, Taverns, Nightclubs, and Dance Clubs
5. Motels and Hotels
6. Industrial

E. Industrial

1. Farm Implement Sales
2. Grain Bins and Grain Elevators
3. Construction Trades and Offices
4. Building Services and Supplies
5. Plumbing and Heating Shops
6. Wholesale Distributors
7. Lumber Yards and Building Materials Sales and Storage

- 8. Transportation Terminals
- 9. Warehousing

Section 407d Prohibited Uses

- A. Dwelling Units, except those specifically allowed under the conditionally-permitted uses.
- B. Industrial Establishments

Section 407e Height and Area Regulations

The maximum height and minimum lot requirements within the B-1 General Business District shall be as follows:

General Requirements for All Permitted Uses:

| | |
|----------------------------|---|
| Minimum Lot Area | None, except for Residential Use same as R-3. |
| Minimum Lot Width | 80 feet |
| Minimum Front Yard Setback | 25 feet |
| Minimum Side Yard Setback | None, except when adjacent to a Residential District. In such case, the side yard shall not be less than twenty-five (25) feet. Screening, either planting or fence, six (6) in height shall be required. |
| Minimum Rear Yard Setback | A rear yard shall be required adjacent to a residential district. Such rear yard shall not be less than twenty-five (25) feet. Screening, either planting or fence, six (6) feet in height shall be required. |
| Maximum Height | 45 feet |
| Floor Area | Except for Residential Use same as R-3. |

Section 407f Cross References

Supplemental District Regulations, Article 5
 Conditional Uses; Substantially Similar Uses, Article 6
 Planned Unit Developments, Article 8
 Off-Street Parking and Loading Facilities, Article 9
 Signage, Article 10
 Zoning Permit Requirements and Enforcement, Article 14

Section 408 B-2 Central Business District

Section 408a Intent

This district is intended to provide areas within the Village where commercial uses are compatible with roadside locations and which can serve both the resident population and through traffic. It is the intent that these auto-oriented retail, service, and office uses be located in an area separate and distinct from the central retail area of the Village.

Section 408b Principal Permitted Uses

- A. Residential Uses
 - 1. Single-Family
 - 2. Two-Family
 - 3. Farming or Gardening
- B. Public and Recreational Uses
 - 1. Hospitals
 - 2. Private Clubs
- C. Business Office Uses
 - 1. Business, Professional, and Administrative Offices
 - 2. Medical Offices and Clinics
- D. Retail Commercial and Service Uses
 - 1. General Merchandise Stores
 - 2. Personal Services
 - 3. Restaurants, Standard
 - 4. Restaurants, Fast Food
 - 5. Financial Establishments
 - 6. Private Schools
 - 7. Household Items Repair Shops
 - 8. Vehicle Sales and Rentals
- E. Road Service and Commercial Entertainment Uses
 - 1. Bars, Taverns, Nightclubs, and Dance Clubs
 - 2. Drive-Through Carry Outs
 - 3. Convenience Stores

Section 408c Conditional Uses

A building or premises may be used for the following purposes in the B-2 Central Business District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Residential Use
 - 1. Multi-Family
 - 2. Residential Planned Unit Development
- B. Public and Recreational Uses
 - 1. Educational Institutions, Elementary, Junior High, and High Schools
 - 2. Child Day Care Centers
 - 3. Places of Worship
 - 4. Libraries
 - 5. Public Buildings of all Types
 - 6. Public Parks
 - 7. Museums
- C. Retail Commercial and Service Uses
 - 1. Kennels
 - 2. Business Planned Unit Developments
 - 3. Animal Hospitals, Veterinary Clinics
 - 4. Pet Shops and Animal Grooming
 - 5. Bowling Alley
 - 6. Arcade, Pool Halls
- D. Road Service and Commercial Entertainment Uses
 - 1. Automobile Repair, Painting, and Body Shops
 - 2. Automobile Service Stations
 - 3. Motels and Hotels
- E. Industrial
 - 1. Grain Bins and Grain Elevators
 - 2. Construction Trades and Offices
 - 3. Building Services and Supplies
 - 4. Lumber Yards and Building Materials Sales and Storage

Section 408d Prohibited Uses

No building or structure located within this district shall be used by any industrial establishments.

Section 408e Height and Area Regulations

The maximum height and minimum lot requirements within the B-2 Central Business District shall be as follows:

General Requirements for All Permitted Uses:

| | |
|----------------------------|---|
| Minimum Lot Area | None, except for Residential Use same as R-3. |
| Minimum Lot Width | None |
| Minimum Front Yard Setback | None |

| | |
|---|---|
| Minimum Side Yard Setback | None *** |
| Minimum Rear Yard Set Back | None ***** |
| Maximum Height | 50 feet |
| Floor Area | Except for Residential Use same as R-3. |
| *** Except when abutting an R-District, it must be 25 feet. | |
| ***** Except when abutting an R-District, it must be 50 feet. | |

Section 408f Cross References

Supplemental District Regulations, Article 5
Conditional Uses; Substantially Similar Uses, Article 6
Planned Unit Developments, Article 8
Off-Street Parking and Loading Facilities, Article 9
Signage, Article 10
Zoning Permit Requirements and Enforcement, Article 14

Section 409 I-1 Light Industrial District

Section 409a Intent

The purpose of this district is to provide for industrial manufacturing and related operations and other uses that by virtue of their characteristics should be isolated from residential and commercial uses. These uses perform essential functions for the Village including employment and should be provided for in areas that are best suited for industrial development by reasons of location, topography, soil conditions, and the availability of adequate utilities and transportation systems.

Section 409b Principal Permitted Uses

- A. Public and Recreational Uses
 - 1. Private Clubs
- B. Business Offices
 - 1. Business, Professional, and Administrative Offices
 - 2. Medical Offices and Clinics
- C. Retail Commercial and Services
 - 1. General Merchandise Stores
 - 2. Personal Services
 - 3. Restaurants, Standard
 - 4. Restaurants, Fast Food
 - 5. Financial Establishments
 - 6. Private Schools
 - 7. Household Items Repair Shop
 - 8. Vehicle Sales and Rentals
- D. Road Service and Commercial Entertainment Uses
 - 1. Drive-Through Carry Outs
 - 2. Convenience Stores
- E. Industrial
 - 1. Construction Trades and Offices
 - 2. Building Services and Supplies
 - 3. Wholesale Distributors
 - 4. Machine Shop
 - 5. Tool and Die
 - 6. Assembly and Manufacturing
 - 7. Warehousing
 - 8. Garment Manufacturing, Repair and Processing

Section 409c Conditional Uses

A building or premises may be used for the following purposes in the I-1 Light Industrial District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Retail Commercial and Service
 - 1. Business Planned Unit Developments
- B. Road Service and Commercial Entertainment Uses
 - 1. Automobile Repair, Painting, and Body Shops
 - 2. Automobile Service Stations
 - 3. Automobile Washing Facilities
 - 4. Bars, Taverns, Nightclubs, and Dance Clubs
- C. Industrial
 - 1. Lumber Yards and Building Materials Sales and Storage
 - 2. Heavy Equipment Rentals, Sales, Service, and Storage
 - 3. Transportation Terminals
 - 4. Planned Industrial Developments

Section 409d Height and Area Regulations

The maximum height and minimum lot requirements within the I-1 Light Industrial District shall be as follows:

General Requirements for all Permitted Uses:

| | |
|----------------------------|--|
| Minimum Lot Area | None |
| Minimum Lot Width | 100 feet |
| Minimum Front Yard Setback | 50 feet |
| Minimum Side Yard Setback | If adjacent lots are industrially developed, no side yard is required. A side yard of not less than 50 feet and landscaped screening will be provided when abutting Residential Uses. |
| Minimum Rear Yard Setback | If adjacent lots are industrially developed, no rear yard is required. If the use is to be serviced from the rear, the rear yard is at least 50 feet and landscaped screening will be provided when abutting Residential Uses. |
| Minimum Floor Area | 75 feet |

Section 409e Cross References

Supplemental District Regulations, Article 5
Conditional Uses; Substantially Similar Uses, Article 6
Planned Unit Developments, Article 8
Off-Street Parking and Loading Facilities, Article 9
Signage, Article 10
Zoning Permit Requirements and Enforcement, Article 14

Section 410 I-2 General Industrial District

Section 410a Intent

The purpose of this district is to provide for industrial manufacturing and related operations and other uses that by virtue of their characteristics should be isolated from residential and commercial uses. These uses perform essential functions for the Village including employment and should be provided for in areas that are best suited for industrial development by reasons of location, topography, soil conditions, and the availability of adequate utilities and transportation systems.

Section 410b Principal Permitted Uses

- A. Public and Recreational Uses
 - 1. Private Clubs
- C. Business Offices
 - 1. Business, Professional, and Administrative Offices
 - 2. Medical Offices and Clinics
- C. Retail Commercial and Services
 - 1. General Merchandise Stores
 - 2. Personal Services
 - 3. Restaurants, Standard
 - 4. Restaurants, Fast Food
 - 5. Financial Establishments
 - 6. Private Schools
 - 7. Household Items Repair Shop
 - 8. Vehicle Sales and Rentals
- D. Road Service and Commercial Entertainment Uses
 - 1. Drive-Through Carry Outs
 - 2. Convenience Stores
- E. Industrial
 - 1. Construction Trades and Offices
 - 2. Building Services and Supplies
 - 3. Wholesale Distributors
 - 4. Machine Shop
 - 5. Tool and Die
 - 6. Transportation Terminals
 - 7. Assembly and Manufacturing
 - 8. Warehousing

9. Garment Manufacturing, Repair and Processing
10. Processing Plant

Section 410c Conditional Uses

A building or premises may be used for the following purposes in the I-2 General Industrial District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Retail Commercial and Service
 1. Business Planned Unit Developments
- B. Road Service and Commercial Entertainment Uses
 1. Adult Entertainment Facilities
- C. Industrial
 1. Grain Bins and Grain Elevators
 2. Planned Industrial Developments

Section 410d Height and Area Regulations

The maximum height and minimum lot requirements within the I-2 General Industrial District shall be as follows:

General Requirements for all Permitted Uses:

| | |
|----------------------------|--|
| Minimum Lot Area | None |
| Minimum Lot Width | 100 feet |
| Minimum Front Yard Setback | 50 feet |
| Minimum Side Yard Setback | If adjacent lots are industrially developed, no side yard is required. A side yard of not less than 50 feet and landscaped screening will be provided when abutting Residential Uses. |
| Minimum Rear Yard Setback | If adjacent lots are industrially developed, no rear yard is required. If the use is to be serviced from the rear, the rear yard is at least 50 feet and landscaped screening will be provided when abutting Residential Uses. |
| Minimum Floor Area | 75 feet |

Section 410e Cross References

Supplemental District Regulations, Article 5
 Conditional Uses; Substantially Similar Uses, Article 6
 Planned Unit Developments, Article 8

Off-Street Parking and Loading Facilities, Article 9

Signage, Article 10

Zoning Permit Requirements and Enforcement, Article 14

Article 5 SUPPLEMENTAL DISTRICT REGULATIONS

Section 501 Intent

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

Section 502 Accessory Uses

- A. It is the purpose of this Zoning Regulation to regulate Accessory Uses in order to promote public health, safety, and welfare. It is the intent of these Sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.
- B. Except as otherwise provided in this Zoning Regulation, an accessory use or structure shall be permitted in association with a principal use or structure provided that:
 - 1. It shall not contain or be used as a dwelling unit.
- C. The following accessory uses are permitted in each Residential District:
 - 1. Private garages or carports
 - 2. A structure for storage incidental to a permitted use
 - 3. A guest house (without kitchen facilities) or rooms for guests in an accessory building, provided such facilities are used for the occasional housing of guests of the occupants of the principal building, and not as rental units or for permanent occupancy.
 - 4. A swimming pool, bath house, and other recreational facilities designed for the use of the occupants of a single-family dwelling and their guests. Swimming pools shall comply with this Zoning Regulation Article 5, Section 517.
 - 5. A child's playhouse, tree house, birdhouse
 - 6. Statuary, arbors, trellises, barbecue equipment, flag poles, fences, play equipment, non-mechanical laundry drying equipment, walls and hedges
 - 7. Fallout shelters
 - 8. Any other structure or use customarily found in conjunction with and required for full utilization and enjoyment of the principal use, and which meets the definition of accessory use.

D. Exempted Structures

1. Any person constructing one or more accessory structures having an accumulated total floor area of not more than one hundred (100) square feet shall be exempt from the need to obtain a zoning certificate for any such accessory structures. However, the placement of any such accessory structure shall be required to be in conformance with all applicable setbacks and location restrictions contained in this zoning ordinance.

E. Permitted Accessory Uses – Business and Industrial Districts

1. In a Business or Industrial District, any use which is customarily found in conjunction with and required for the full utilization and economic viability of the principle use which meets the definition of accessory use and which complies to the applicable standards of the district in which it is located, is permitted.

F. Accessory Uses Not Permitted – Residential District

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

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

G. Standards

1. Not more than two (2) accessory buildings or structures shall be permitted on a single residential lot.
2. An accessory building may be erected as an integral part of a principal building or it may be connected thereto by a breezeway or other similar structure.
3. An accessory building may be erected, detached from the principal building. Except as provided in Article 5, Section 528B, no detached accessory building shall be erected in any requiring yard or court, except a rear yard, and shall not occupy more than thirty-five (35) percent of the area of the required rear yard.
4. For computing the percentage of occupancy of a rear yard, as required in Subsection (2) hereof, if a detached accessory building by a breezeway, it shall be considered as a part of the accessory building and be included in the computation.
5. A detached accessory building shall not exceed twenty-five (25) feet in height.

6. A detached accessory building shall be at least six (6) feet from the side or rear lot lines.
7. On a corner lot abutting in the rear, the side lot line of a lot in a Residential District, any accessory building or part thereof within twenty-five (25) feet of the common lot line shall not be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street; and in no case shall any part of such accessory building be closer to the side street lot line than the least width of the side yard required for the principal building to which it is accessory.
8. Except as provided in Article 5, Section 531B, any accessory building, if not located in the rear yard, shall be an integral part of, or connected with, the principal building to which it is accessory; and shall be so placed as to meet all yard and court requirements for a principal building of the same height and other dimensions as said accessory building.

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

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

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

- A. No sale may extend for more than four consecutive days (or portion thereof).
- B. No more than two (2) garage sales per dwelling unit may be held on any such zoning lot in any calendar year.
- C. No person conducting a garage sale under the provisions of this Article shall sell or offer for sale and food or beverage for consumption on the premises. Food or beverage may be provided for such consumption at no cost to the consumer, but only if a permit is obtained in advance from the Board of Health of Darke County.
- D. No fee or other charge shall be imposed upon members of the public attending any such sale.
- E. One non-illuminated sign not exceeding four (4) square feet in size, nor more than three (3) feet in height above grade may be displayed on the property where the sale is being held.
- F. Off-premise directional-type signs may be provided if they do not exceed four (4) square feet per sign and not more than three (3) feet in height. All signs shall be removed within twenty-four (24) hours following the conclusion of the garage sale.

- G. Balloons, streamers, special lighting, noise making devices or other similar advertising displays or notices shall not be used to call attention to the garage sale.

Section 504 Satellite Dish Antenna Regulations

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

- A. Ground-mounted satellite dishes installed in residential districts shall be limited to rear yard areas of the rearward portion of the lot or parcel.
- B. Setbacks for all satellite dish installations shall be a minimum of 6 feet from any property line, a minimum of 15 feet from public rights-of-way, and of a sufficient safe distance from all overhead and/or underground power lines as determined by the Village Administrator.
- C. Roof-mounted satellite dishes shall be limited to a maximum diameter of 6 feet or less. Roof installations shall be mounted in accordance with manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.
- D. All satellite dish antennas shall be properly grounded, resistant to lightning strikes, and meet all Electrical Code requirements.
- E. All satellite dish antenna systems shall be noncorrosive, designed, engineered, and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.
- F. Maximum diameter of any satellite dish shall not exceed 12 feet.
- G. Maximum overall height for ground-mounted satellite dish antenna systems shall not exceed 15 feet.
- H. Placement of satellite dish antenna systems within any easement shall be prohibited.
- I. A Zoning Permit shall not be required.

Section 505 Radio and Television Antenna Regulations

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

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

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

Section 506 Principal Building Per Lot

Only one principal building shall be permitted on each lot in any zoning district, subject to the provisions established in each district. However, in all districts permitting enclosed light or heavy industrial uses, it is permissible to erect more than one principal building devoted to such industrial use on the same lot. The development of Planned Unit Developments, as well as approved site plans, shall also be exempt from this provision.

Section 507 Parking and Storage of Vehicles and Trailers

A. Commercial Vehicles

1. No commercial vehicles larger than $\frac{3}{4}$ ton, including, but not limited to commercial tractors, trucks, buses, or manufactured homes, shall be parked or stored within the public right-of-way or parked or stored in front of the building setback line other than on a village approved designated parking area or drive way within a residential zoning district for more than one (1) hour, except those commercial vehicles conveying the necessary tools, materials, and equipment is to be performed during the actual time of parking. No semi-tractor or trailer may be parked or stored for more than one (1) hour on any property within a residential zoning district. No

automotive vehicles or trailers of any type without current license plates or in non-running condition shall be parked or stored on any residential property other than in a completely enclosed building.

B. Non-Commercial Vehicles

1. No non-commercial vehicles including, but not limited to, utility trailer, boat, boat trailer, snowmobile, snowmobile trailer, all-terrain vehicle, aircraft, nor any truck larger than $\frac{3}{4}$ ton, shall be parked on a public right-of-way for more than one (1) hour.
2. No motor home or camper shall be parked or stored in front of the building setback line or within the public right-of-way within a residential zoning district for more than forty-eight (48) hours, which allows for temporary loading and unloading unless in a completely enclosed building. No such recreational equipment shall be connected to electricity, gas, water or sanitary sewer facilities, while parked in the public right-of-way or other than the allotted forty-eight (48) hours, which allows for temporary loading and unloading.
3. No such recreational equipment shall be used as a dwelling in any case.

Section 508 Required Refuse Collection Areas

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

Section 509 Fences

- A. Fences, wall or hedge, constructed within a rear yard shall not be higher than 96 inches. All fences are considered an Accessory Use with the exception of setbacks. Fence setbacks shall be 2 feet unless the permit is accompanied by a letter from adjoining property owners agreeing to allow the fence to be placed on the agreed property line.
- B. No fence, wall, or hedge shall rise over 36 inches in height on any required front yard. No fence, wall, or hedge planting shall interfere with visibility from a driveway or public right-of-way. The Village Administrator is hereby empowered to cause all obstructions to be removed in the interest of public safety.
- C. All support structures shall face to the inside.

D. It shall be the property owner's responsibility to ensure that all fences shall be erected within the property.

E. All fence installation or modification requires a Zoning Permit.

Section 510 Projections into Required Yards

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

A. Into any required front or side yard adjoining a side street:

1. Cornices, canopies, eaves, or other architectural features may project a distance not to exceed two (2) feet, six (6) inches.
2. Fire escapes may project a distance not to exceed four (4) feet, six (6) inches.
3. An open stair and necessary landing may project a distance not to exceed six (6) feet.
4. A front porch may project into a front yard a distance not to exceed (6) feet, providing it is open on three (3) sides, except for railing or banisters.
5. Bay windows, balconies, or chimneys may project into a yard a distance not to exceed five (5) feet; provided, however, that the aggregate width of such projection shall not exceed one-third (1/3) of the length of the wall upon which they are located.

B. Subject to the limitations in the preceding Subsections, the above-named features may project in to any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth (1/5) of the required least width of such side yard, but not exceeding three (3) feet in any case.

C. Subject to the limitation in Paragraph (A), the features named therein may project into any required rear yards or into any required outer court the same distance they are permitted to project into a front yard.

Section 511 Visibility at Intersections

Vision clearance as defined in these Regulations is required on all corner lots at the street corner. The Village Administrator is hereby empowered to cause all obstructions to be removed in the interest of public safety.

In any district on any corner lot, no fence, or planting shall be erected or maintained within twenty (20) feet of the right-of-way line if it interferes with traffic visibility across the corner.

Section 512 Reduction of Area or Space

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

Section 513 Temporary Uses

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

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

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

- A. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of 1 year, except that two extensions not to exceed 6 months each may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the Temporary Use Permit, whichever occurs first.
- B. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of 1 year, except that 6-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the Temporary Use Permit, whichever occurs first.
- C. Temporary sales and services may be permitted within parking areas within any business district. A Zoning Permit valid for a period not to exceed 4 consecutive days shall only be issued three times within any 12-month period to any individual or organization. The application for the Temporary Use Permit shall be accompanied by written permission of the property owners, and shall be prominently displayed at the site. The Village Administrator shall not issue a permit for such temporary use if he determines that it encroaches upon more than 25% of the required parking area.

- D. Temporary retail sales and services, such as the sale of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any business district. A Temporary Use Permit valid for a period not to exceed 2 consecutive days shall only be issued three separate times for any particular lot within any 12-month period, and not more than one permit may be issued at the same time for any lot. The applicant must submit a current solicitor's license, and a written statement from the property owner giving permission for such use. This Section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any case, the Temporary Use Permit shall be prominently displayed at the site.

Section 514 Swimming Pools/Ponds

Swimming pools or ponds in excess of 24 inches in depth shall comply with the following requirements:

- A. The swimming pool/pond is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.
- B. The swimming pool/pond may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than 10 feet to any property line or easement and complies with the side yard requirements of the Zoning District in which it is located and/or directly under any type of electrical wiring.
- C. The swimming pool/pond, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. Fence shall be at least 5 feet in height, and it shall be maintained in good condition with a self-closing, latching gate and lock. Above-ground pools that have integral fences or railings and have a swing up securing/locking ladder is acceptable in lieu of fence.
- D. All swimming pools/ponds require a Zoning Permit.
- E. Ponds required or approved for purpose of retaining and or detaining storm runoff water are exempt from the regulations of Section 514.

Section 515 Home Occupations

- A. Customary Home Occupations: Customary home occupations such as handicraft, dressmaking, millinery, laundering, preserving and home cooking; provided that such occupation shall be conducted solely by resident occupants in their residence.

- B. Home occupations are conditionally permitted in the R-1 and R-2 Districts.
- C. Only members of the immediate family occupying such dwelling shall be employed in such occupation.
- D. The use of the dwelling unit for the home occupation shall be clearly subordinate to its use for residential purposes by its occupants, and only the first floor and not more than 25% of the first floor of the principal structure shall be used in conducting the home occupation.
- E. There shall be no change in the outside appearance of the building or premises, that no such residence shall require internal or external alterations or involve construction features or the use of mechanical equipment not customary in dwellings, and that the entrance to the space devoted to such use shall be from within the dwelling or other visible evidence of conducting the home occupation other than one sign, not exceeding 2 square feet in area, non-illuminated, and not located on or projecting over any right-of-way.
- F. No electrical or mechanical equipment shall be used except such as may be used for domestic or household purposes. In addition, electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuation in line voltage outside the dwelling unit or which creates noise not normally associated with residential uses shall be prohibited.
- G. No offensive noise, vibration, smoke, or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effect shall be produced therein or therefrom.
- H. No additional parking demand shall be created.
- I. The following uses shall be prohibited as home occupations:
 - 1. Appliance repair;
 - 2. Light assembly, manufacturing, or fabricating;
 - 3. Motor vehicle repair, sales, disassembling, part distribution, painting or auto body work, including reupholstery, detailing, or washing;
 - 4. Small engine repair, lawn and garden equipment repair;
 - 5. Veterinary offices, kennels;
 - 6. Warehousing of any type; and welding or machine shop.
- J. All owners of home occupations shall register for Village Income Tax.

Section 516 Nuisance Performance Standards

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

The following minimum standards shall apply to all uses:

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

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

Section 517 Residential Design and Appearance Standards

Single-Family, Two-Family, and Multi-Family residential dwellings, whether of modular or site-built construction, shall comply with the following design and appearance standards:

- A. The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
- B. Minimum roof pitch requirements entailing a 4-inch vertical rise for each 12 inches of horizontal run. (See Illustration - Exhibit "A" in Section - Definitions.)
- C. Roof material shall be either wood shingle, wood shake, synthetic or composite shingle, ceramic tile, concrete tile, asphalt, or fiberglass shingle (no corrugated metal or corrugated fiberglass).
- D. Exterior siding shall be one or a combination of materials such as brick, stone, stucco, clapboard or clapboard-simulated vinyl or metal, wood shingles, shakes, or similar material (no smooth, ribbed, or corrugated metal, fiberglass, or plastic); siding must extend to the ground level, or to the top of the foundation when a solid concrete or masonry perimeter foundation is used.
- E. Structure size shall be a minimum width of 25 feet.
- F. Attached enclosed garages with overhead doors for single-family and two-family residences for each dwelling are required on all new structures.

Section 518 Automobile Filling Station

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

- A. The minimum site shall contain 12,000 square feet.
- B. The minimum yard requirements shall be as follows:

1. Front Yard – 40 feet for all buildings, 15 feet for all gasoline pumps
2. Side Yard – 20 feet
3. Rear Yard – 40 feet

C. The minimum frontage shall be 100 feet.

D. Development Plan shall be submitted with the application.

1. There shall be a minimum of two separate driveways providing ingress and egress to and from the property located not closer than 20 feet from one another.
2. On all corner lots, all vehicular entrances to or exits from, and curb openings, shall be set back a minimum of twenty-five (25) feet from the corner property lines extended. All curb openings whether on a corner lot or not, shall not exceed forty (40) feet in width at the curb line, and thirty (30) feet at the property line.
3. All hydraulic lifts, oil pits and all lubricants, greasing, automobile washing, and repair equipment shall be enclosed entirely within the automobile service station building.
4. The entire lot area, exclusive of the area covered by the building, shall be paved or landscaped. A 4-inch high curb shall separate all paved areas from all landscaped areas.
5. The light from exterior lighting shall be so shaded, shielded or directed that light intensity or brightness shall not be objectionable to surrounding development.
6. A solid fence, wall, or evergreen hedge 6 feet high shall be constructed or planted, and maintained in good condition, where the service station site is located adjacent to Residential zoning districts.
7. No gasoline filling station or public garage shall be permitted where any dispensing pumps, any oil drainage pit or visible appliance for any such purpose, other than filling cars, is located within twelve (12) feet of the established right-of-way line, or within twenty-five (25) feet of any "R" District, except where such appliance or pit is within a building.

F. No outdoor storage of dismantled automobiles shall be permitted.

F. Not more than one pole sign shall be permitted.

Section 519 Animals

No animals, birds, insects, reptiles, livestock, or poultry of any kind shall be raised, bred or kept on any lot except dogs, cats, or other household pets, which are kept for domestic purposes only, and are not kept, bred, or maintained for any commercial purposes. No more than two dogs and two cats may be kept on any lot, except such dogs or cats, in excess of such numbers are less than 6 months of age. All animals must be restrained on the owner's lot and owners shall take all steps necessary to ensure the same.

Section 520 Adult Entertainment Facilities

Section 520a Definitions

- A. Adult Entertainment Facility: A commercial entertainment facility having a significant portion of its function as adult entertainment which includes "Adult book/video store", Adult entertainment theater", or "Adult entertainment business".
- B. Adult Book/Video Store: A facility, in which at least ten (10%) percent of the publicly accessible store area deals in books, magazines, or other periodical, or video materials that display and are distinguished or characterized by an emphasis on depiction of items listed under "Specified Sexual Activities" or "Specified Anatomical Areas". A facility meeting this definition shall meet the requirements of a commercial entertainment facility.
- C. Adult Entertainment Theater: A commercial entertainment facility which devotes at least 10% of its presentation time to the display of material distinguished or characterized by all items listed in "Specified Sexual Activities" or "Specified Anatomical Areas."
- D. Adult Entertainment Business: Any commercial entertainment facility involved in the sale of services of products characterized by salacious conduct appealing to prurient interest for the observation or participation in, by the patrons, the exposure or presentation of specified anatomical areas or physical contact of live males or females. These activities are characterized by, but not limited to, photography, dancing, stripping, reading, massage, male or female impersonation, and similar functions which utilize activities as stated in "Specified Sexual Activities".
- E. Specified Sexual Activities: Activities such as:
 - a. Human genitals in a state of sexual stimulation or arousal;
 - b. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio;
 - c. Fondling or other erotic touching of human genitals, pubic region, buttocks or female breasts.
- F. Specified Anatomical areas: Areas of the human body as follows:

- a. Human genitals, pubic region, buttocks, and the areola area of the female breasts which are less than completely or opaquely covered;
- b. Human male genitals in a discernible turgid state, even if completely or opaquely covered.

Section 520b Location Standards

Adult commercial entertainment facilities, as defined in section 520a, are subject to the following standards regulating their location.

- A. No adult entertainment facility shall be established within one thousand (1,000') feet of any R-1, R-2, R-3, and I district.
- B. No adult entertainment facility shall be established within a radius of one thousand (1,000') feet of any school, library, or teaching facility that is attended by persons under the age of eighteen (18) years of age. No adult entertainment facility shall be established within a radius of one thousand (1,000') feet of any park or recreational facility attended by persons under eighteen (18) years of age.
- C. No adult entertainment facility shall be established within a radius of one thousand (1,000') feet of any permanently established place or religious services.
- D. No adult entertainment facility shall be established within a radius of one thousand (1,000') feet of any day care center or type A or B family day care home as established by the Ohio Revised Code.
- E. No adult entertainment facility shall be established within a radius of one thousand (1,000') feet of any other adult entertainment facility.
- F. No adult entertainment facility shall be established within a radius of one thousand (1,000') feet of any two of the following:
 - a. Cabarets, clubs, or other establishments which feature adult type of entertainment.
 - b. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
 - c. Pool or billiard halls.
 - d. Pinball palaces or halls.
 - e. Dance halls or discotheques.
 - f. Massage parlors.
 - g. Video arcades, or establishments known by other descriptions, which provide video games and/or other games for entertainment attended or participated in by persons under eighteen (18) years of age.

Section 520c Measurement Standards

Distances shall be measured from the property lines of any lot or parcel of land on which an adult entertainment facility is located and the location from which a distance of separation is specified in Section 520b.

Section 520d Advertisement Display Standards

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

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

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

Section 521 Manufactured Homes on Individual Parcels (Lots)

It is the intent of this ordinance that no Manufactured Home shall be permitted in any zoning district except those which exist in other districts prior to the enactment of this ordinance. Manufactured Homes which are in place on individual parcels (lots) at the enactment of this ordinance may continue, provided the following conditions are met:

- A. An existing Manufactured Home is a vehicle or mobile structure more than 40-feet long, on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by motor vehicle on a highway, and designed for living as a one-family dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations, location on permanent foundations, connections to utilities, and the like.
- B. An existing Manufactured Home may be replaced by a newer Manufactured Home of the same or larger size as long as the minimum zoning lot requirements of the district in which it is located are met.

If in so replacing the existing Manufactured Home, it is not physically possible to meet the minimum zoning lot requirements of this ordinance, the replacement will be permitted as long as the yard setbacks of the existing Manufactured Home being replaced are maintained. In no way shall the nonconforming yard setbacks be decreased.

- C. If an existing Manufactured Home is removed from said individual parcel (lot) for a period of 3 months or longer, the use of the parcel (lot) reverts to that for which that district is zoned, and no Manufactured Home will be permitted thereafter.

Section 522 Recreational Vehicles, Water Craft, Dirt Bikes, Motorized Sport Vehicles, and Utility Trailers

- A. Parked or stored camping and recreational equipment as defined by Article 2 shall not be connected for a period of more than forty-eight (48) hours to electricity, water, gas, or sanitary sewer facilities, and at no time shall this equipment be used for living purposes.
- B. If the camping and recreational equipment is parked or stored outside a garage, it shall be parked or stored to the rear of the house and must be at least 3 feet from any lot line.
- C. Notwithstanding the provisions of Subparagraph B, camping and recreational equipment may be parked anywhere on the premises for loading and unloading purposes, for a period of not more than forty-eight (48) hours.

Section 523 Bed and Breakfast Inns

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

- A. The applicant shall provide a site plan showing the lot proposed to contain the Bed and Breakfast Inn, existing structures, proposed improvements, parking, signage, and screening and a floor plan indicating the proposed operations.
- B. The Bed and Breakfast Inn shall maintain a register listing the name, address, phone number, and dates of stay of all paying guests. The registry shall be made available for inspection by the Village.
- C. No more than five persons - two adults and three children- may occupy each guestroom.
- D. There shall be no change in the outside appearance of the building or lot or other visible evidence of the conduct of the Bed and Breakfast Inn that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a single-family dwelling.
- E. Signage shall be permitted as non-illuminated, not to exceed two feet square, and not to be placed above the first story and as indicated in Section Article 10 Signage.
- F. One off-street parking space shall be provided for every guestroom in addition to the off-street parking otherwise required for a one-family dwelling. All off-street parking shall be screened in accordance with Section Article 9 Off-Street Parking and Loading Facilities. Off-street parking for guests may be double-stacked. On-street parking on public rights-of-way (where permitted) adjacent to the lot may be counted to reduce the number of parking spaces required.
- G. No kitchen or cooking facilities shall be permitted within the individual guestrooms.

- H. The percentage of structure occupied by the Bed and Breakfast Inn shall be no more than 50% of the gross floor area of the single-family dwelling.
- I. Rental of the Bed and Breakfast Inn for special gatherings such as wedding receptions and parties shall be prohibited.
- J. The applicant shall submit the proposed Bed and Breakfast Inn to the Darke County Community Development Department for review, and a written certificate of occupancy shall be presented to the Village Administrator prior to the issuance of a Zoning Permit.
- K. The plans for the proposed Bed and Breakfast Inn shall be reviewed by the Village of Versailles Fire Chief, and a Zoning Permit shall not be issued by the Village Administrator until the Fire Chief has inspected the Bed and Breakfast Inn.
- L. The applicant shall submit the proposed Bed and Breakfast Inn to the Darke County Health Department for review.
- M. Other appropriate conditions may be prescribed by the BZA on an individual basis.

Section 524 Automobile Washing Facilities

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

- provided for every bay with automatic or assembly-line type washing facilities. Waiting spaces shall not block or otherwise interfere with site circulation patterns.
2. A minimum of two parking spaces shall be provided at the exit end of each washing bay for drying and hand finishing of vehicles.
 3. One parking space for each regular employee of the premises with a minimum of two employee parking spaces for the site.
- H. A solid fence, wall, or evergreen shrubbery at least 6 feet in height shall be required when an automobile washing facility is adjacent to a Residential District, or adjacent to any residential property.
- I. Access shall only be from arterial or commercial collector streets to which the automobile washing facility shall adjoin. Alleys shall not be used for access to or from an automobile washing facility, nor shall alleys be used for maneuvering, waiting, or parking purposes.

Section 525 Wireless Telecommunications Facilities

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

6. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are compatible with surrounding land uses.
7. To the greatest extent feasible, ensure that towers and wireless telecommunications facilities are designed in harmony with natural settings and in a manner consistent with current development patterns.

B. Applicability

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

C. Definitions

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

1. Antenna - Any panel, whip, dish, or other apparatus designed for communications through the sending and/or receiving of electromagnetic waves, excluding any support structure other than brackets.
2. Antenna Support Structure - Any building or other structure other than a tower which can be used for location of wireless telecommunications facilities.
3. Co-location - The use of a wireless telecommunications facility by more than one wireless telecommunications provider.
4. Emergency - A reasonably unforeseen occurrence with a potential to endanger personal safety or health, or cause substantial damage to property, that calls for immediate action.
5. Equipment Shelter- The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.
6. FAA - The Federal Aviation Administration and any legally-appointed, designated, or elected agent or successor.
7. FCC - Federal Communications Commission and any legally-appointed, designated, or elected agent or successor.

8. Monopole - A support structure constructed to a single, self-supporting hollow metal tube securely anchored to a foundation.
9. Person - Any natural person, firm, partnership, association, corporation, or other legal entity, private or public, whether for profit or non-profit.
10. Tower - A self-supporting lattice, guyed, or monopole structure constructed from grade which supports wireless telecommunications facilities. The term tower shall not include amateur radio operator's equipment as licensed by the FCC.
11. Wireless Telecommunications Facility - Any cables, wires, lines, wave guides, antennas, and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC which a person seeks to locate or have installed upon a tower antenna support structure. However, the term wireless telecommunications facilities shall not include:
 - a. Any satellite earth station antenna 2 meters in diameter or less which is located in an area zoned Business or Industrial.
 - b. Any satellite earth station antenna 1 meter or less in diameter, regardless of zoning category.
 - c. Antennas used by amateur radio operators.

D. Standards Applicable to All Wireless Telecommunications Facilities

1. Construction Standards - All wireless telecommunications facilities and support structures shall be certified by an Engineer licensed in the State of Ohio to be structurally-sound and, at a minimum, in conformance with Ohio Basic Building Code.
2. Natural Resource Protection Standards - The location of the wireless telecommunications facility shall comply with all natural resource protection standards established either in this Zoning Ordinance or in other applicable regulations, including those for floodplains, wetlands around water protection, and steep slopes.
3. Historic or Architectural Standards Compliance - Any application to locate a wireless telecommunications facility on a building or structure that is listed on a federal, state, or local historic register, or is in a historic district established by the Village, shall be subject to review by the County Building Commissioner to ensure architectural and design standards are maintained.
4. Color and Appearance Standards - All wireless telecommunications facilities shall be painted a non-contrasting gray or similar color minimizing its visibility unless

otherwise required by the FCC, FAA, and/or by historical or architectural standards imposed. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the Village.

5. Advertising Prohibited - No advertising is permitted anywhere upon or attached to the wireless telecommunications facility.
6. Artificial Lighting Restricted - No wireless telecommunications facility shall be artificially lit except as required by the FAA.
7. Co-Location - All wireless telecommunications facilities shall be subject to the co-location requirements set forth in this Section.
8. Abandonment - All wireless telecommunications facilities shall be subject to the abandonment requirements set forth in this Section.
9. Setback from Edge of Roof - Any wireless telecommunications facility and its appurtenances permitted on the roof of a building shall be set back 1 foot from the edge of the roof for each 1 foot in height of the wireless telecommunications facility. However this setback requirement shall not apply to antennas that are less than 2 inches in thickness mounted to the sides of antenna support structures and do not protrude more than 6 inches from the side of such an antenna support structure. This requirement is subject to change by the Village upon review of the photo simulation provided in compliance with this Section.
10. Security Enclosure Required - All towers and equipment shelters shall be enclosed either completely or individually as determined by the Village. No fencing shall be permitted in a residential zone. The Village and co-locators shall have reasonable access. No fence shall be required on top of a building or other structure if access to the roof or top of the structure or building is secure.
11. Existing Vegetation and Buffer Plantings - Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible. Buffer plantings shall be located around the perimeter of the security enclosure as deemed appropriate by the Village. An evergreen screen may be required around the perimeter of the property in lieu of such buffer plantings.
12. Access Control and Emergency Contact - "No Trespassing" signs shall be posted around the wireless telecommunications facility, along with a telephone number of who to contact in the event of an emergency.

E. Co-Location Requirements

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

F. Wireless Telecommunications Facilities in Residential Districts

1. Permitted Principal Use - No wireless telecommunications facility is permitted as a principal use on a lot.
2. Accessory Use - The following wireless telecommunications facilities are permitted as an Accessory Use on a lot, subject to the following requirements:
 - a. Tower - No wireless telecommunications tower is permitted as an Accessory Use within a residential district without conditional use approval under the guidelines of this Section.

- b. Antenna - An antenna for a wireless telecommunications facility may be attached to an existing residential building four or more stories in height or to an existing nonresidential structure subject to the following conditions:
 - 1) Maximum Height - The antenna shall not extend more than 20 feet above the roof of the existing building or top of the existing structure.
 - 2) Separate Equipment Shelter - If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and not be located aboveground within any required front or side yard.
 - 3) Vehicular Access - Vehicular access to the equipment shelter shall be via the existing circulation system and be paved with asphalt or concrete.
- 3. Conditional Use - The following wireless telecommunications facilities are permitted as a conditional use on a lot, subject to the following requirements:
 - a. Tower - A wireless telecommunications tower may be an Accessory Use to a public or institutional use within a residential zoning district, provided the BZA finds the following standards have been met:
 - 1) Minimum Lot Size for Principal Use - The minimum lot size for principal use for which the tower is accessory shall be 5 acres.
 - 2) Minimum Setback from Property Lines and Residential Structures – The minimum setbacks and yard requirements shall be as per this ordinance.
 - 3) Maximum Height - The height of such tower shall be subject to approval by the BZA and be the minimum height necessary.
 - 4) Equipment Shelter - The minimum setbacks, height limits, bulk requirements, and screening standards shall be established by the BZA during the conditional use process. Such shelter shall not be located aboveground in any required front or side yard.
 - b. Antenna - The BZA may approve the location of an antenna extending more than 20 feet above the roof of an existing building or structure.
 - 1) Attachment to Existing Building - An antenna for a wireless telecommunications facility may be attached to an existing residential building four or more stories in height or to an existing nonresidential structure subject to the following conditions:

- I. Roof Setback - The pole structure supporting such antenna shall be set back 1 foot from the edge of such roof for each 1 foot of height above such roof. This requirement shall not apply to antennas 2 inches or less in thickness without a supporting pole structure.
- II. Separate Equipment Shelter - If the applicant proposes to locate the telecommunications equipment in a separate equipment shelter, not located in or attached to the building, the equipment shelter shall comply with the accessory building regulations of the district and not be located aboveground within any required front or side yard.
- III. Required Buffer- A buffer shall be planted in accordance with this Section.
- IV. Vehicular Access - Vehicular access to the equipment shelter shall be via the existing circulation system and be paved with asphalt or concrete.

G. Wireless Telecommunications Facilities in Business and Professional Districts

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

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

H. Wireless Telecommunications Facilities in Industrial Districts

1. Permitted Principal Use - The following wireless telecommunications facilities are permitted as a principal use on a lot, subject to the following requirements:
 - a. Tower
 - 1) Maximum Height - The maximum height of such tower shall be less than the distance of such tower from the nearest property line.

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

4) Equipment Shelter- The minimum setbacks and yard requirements for principal structures shall apply and such shelter shall not be located above ground in any required front or side yard.

b. Antenna - The antenna shall not be attached to a residential structure unless such structure is four or more stories in height.

I. Abandonment of Tower

1. Required Notification - All providers utilizing towers shall present a report to the Village notifying it of any tower facility located in the Village whose use will be discontinued and the date this use will cease. Such report shall be filed with the Village 30 days prior to the cessation date. If at any time the use of the facility is discontinued for 180 days, the Village Administrator may declare the facility abandoned. The 180-day period excludes any dormancy period between construction and the initial use of the facility. The owner/operator of the facility will receive written notice from the Village Administrator and be instructed to either reactivate use of the facility within 180 days, or dismantle and remove the facility. If reactivation or dismantling does not occur, the Village will either remove the facility or will contract to have the facility removed and assess the owner/operator the costs.
2. Required Notice to Owner - The Village must provide the tower owner a 30-days notice and an opportunity to be heard before the BZA before initiating such action. After such notice has been provided the Village shall have the authority to initiate proceedings to either acquire the tower and its appurtenances attached thereto at the current fair market value at that time or in the alternative, order the demolition of the tower and all appurtenances.
3. Right To Public Hearing By Owner - The Village shall provide the tower owner with the right to a public hearing before the BZA which public hearing shall follow the 30-day notice required in this Section. All interested parties shall be allowed an opportunity to be heard at the public hearing.
4. Order of Abatement or Demolition - After a public hearing is held pursuant to this Section, the Village may order the abatement or demolition of the tower. The Village may require licensee to pay for all expenses necessary to acquire or demolish the tower.

J. Application and Review Requirements

1. Required Information for Applications - All applications for wireless telecommunications facilities including towers shall include the information required under this Section.

2. Plot Plan Required - When a proposed wireless telecommunications facility or antenna support structure is to include a new tower, a plot plan at a scale of not less than 1 inch equals 100 feet shall be submitted. This plot plan shall indicate all building and land uses within 200 feet of the proposed facility. Aerial photos and/or renderings may augment the plot plans.
3. Photo Simulations Required - Photo simulations of the proposed wireless telecommunications facility from affected residential properties and public rights-of-way taken at designated locations shall be provided.
4. Proof Why Nonresidential Tower Location Not Feasible - In applying for authorization to erect a tower within any residential district, the applicant must present sufficient evidence as to why it is not technically-feasible to locate such tower in a more appropriate nonresidential zone. This evidence shall be reviewed by the Village. If the Village refutes the evidence, then the tower is not permitted.
5. Technical Necessity - The applicant shall demonstrate that the telecommunication tower must be located where it is proposed in order to provide adequate coverage to the applicant's service area. There shall be an explanation of why a tower and the proposed site are technically necessary.
6. Land Owner Support and Access - Where the wireless telecommunications facility is located on a property with another principal use, the applicant shall present documentation that the owner of the property supports the application and vehicular access is provided to the facility.
7. Required Site and Landscaping Plan - The applicant shall present a site and landscaping plan showing the following:
 - a. Specific placement of the wireless telecommunications facility on the site.
 - b. The location of existing structures, trees, and other significant site features.
 - c. Type and locations of plant materials used to screen the facilities.
 - d. The proposed color of the facilities.
8. Co-Location and Removal Agreement - The applicant shall present signed statements indicating that:
 - a. The applicant agrees to allow for the potential co-location of additional wireless telecommunications facilities by other providers on the applicant's structure or within the same site location; and

- b. The applicant agrees to remove the facility within 180 days after its use is discontinued.
- 9. Review Procedure - Once an application for the placement or expansion of a wireless telecommunications facility has been submitted and accompanied by a \$100 nonrefundable application fee, the application shall be reviewed by the Planning Commission within 30 days after submission of all necessary information required in this Section.
- 10. Denial by Village - Any decision to deny a request to place, construct, or modify a wireless telecommunications facility and/or tower shall be in writing and supported by evidence contained in a written record.

K. Variances

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

L. Separability

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

Section 526 Height Limits

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

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

however, that all such structures above the heights otherwise permitted in the district shall not occupy more than twenty-five (25) percent of the area of the lot and shall be distanced not less than twenty-five (25) feet in all parts from every lot line.

Section 527 Corner Lots

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

Section 528 Front Yard Exceptions and Modifications

- A. In any Zoning District where the average depth of at least two (2) existing front yards on lots within one hundred (100) feet of the lot in question and within the same block the front is less or greater than the least front yard depth prescribed elsewhere in this Zoning Ordinance, the required depth of the front yard on such lot shall be modified. In such case, this shall not be less than the average depth of said existing front yards, or the average depth of existing front yards of the two (2) lots immediately adjoining, or, in the case of a corner lot, the depth of the front yard on the lot immediately adjoining; provided, however, that the depth of a front yard on any lot shall be at least ten (10) feet including all projections, nor required to be more than fifty (50) feet.
- B. In any Zoning District where the natural grade of a lot within the required front yard has an average slope, normal to the front lot line at every point along said line, of such a degree of percent of slope that it is not practicable to provide a driveway with a grade of twelve (12) percent or less to a private garage conforming to the requirements of this Zoning Ordinance, such garage may be located within such front yard, but not in any case closer than ten (10) feet to the street lines.

Section 529 Double Frontage Lots

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

Section 530 Side Yard Exceptions or Modifications

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

Section 531 Small Wind Energy Project Regulation

A. Intent

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

B. Applicability

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

C. Definitions

In this regulation:

1. Clear Fall Zone

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

2. Megawatt

Unit of power equal to one million watts.

3. Met Tower

A tower, including any anchor, base, base plate, boom, cable, electrical or electronic equipment, guy wire, hardware, indicator, instrument, telemetry device, vane, or wiring, that is used to collect or transmit meteorological data, including wind speed

and wind flow information, in order to monitor or characterize wind resources at or near a small wind energy project.

4. Equipment Owner or Owner

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

5. Participating Landowner

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

6. Non-participating Landowner

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

7. Rotor Diameter

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

8. Small Wind Energy Project

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

9. Total Height

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

10. Tower

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

11. Wind Energy Project

Equipment that converts and then stores or transfers energy from the wind into usable forms of energy (as defined by Ohio R.C. 1551.20) and includes any base,

blade, foundation, generator, nacelle, rotor, tower, transformer, turbine, vane, wire, or other component used in the project.

12. Wind Generator

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

D. Standards – Small Wind Energy Project

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

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

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

2. Sound – The noise generated by the operation of a small wind energy project may not exceed 40 decibels measured from all adjacent non-participating landowners’ property lines.
3. Blade Clearance - The vertical distance from ground level to the tip of a wind generator blade when the blade is at its lowest point shall be at least 30 feet.
4. Access - All ground-mounted electrical and control equipment must be labeled and secured to prevent unauthorized access. A tower may not have step bolts or a ladder within 16 feet of the ground that is readily accessible to the public.
5. Electrical Wires - All electrical wires associated with a small wind energy project, other than wires necessary to connect the wind generator to the tower wiring, the tower wiring to the disconnect junction box, and the grounding wires, must be located underground.

6. Lighting - A wind tower and generator shall be artificially lighted only if lighting is required by the Federal Aviation Administration or Ohio Department of Transportation.
7. Appearance, Color, and Finish - The wind generator and tower shall remain painted or finished. The color cannot be a distractive color which causes a safety issue.
8. Signs - No sign, other than a warning sign or installer, owner, participating landowner, or manufacturer identification sign, may be placed on any component of a small wind energy project.
9. Code Compliance - A small wind energy project, including tower, shall comply with all applicable State construction and electrical codes, and the National Electrical Code.
10. Signal Interference - The owner of a small wind energy project or met tower must take reasonable steps to prevent and eliminate any interference with the transmission and reception of electromagnetic communications, such as microwave, radio, telephone, or television signals.
11. Utility Interconnection - A small wind energy project that connects to the electric utility must comply with all pertinent provisions of the Ohio Revised Code.

E. Standards – Met Tower

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

F. Permit Requirements

1. Conditional Use Permit A Conditional Use permit is required for the installation of a small wind energy project or a met tower.
2. Site Plan Review - The Conditional Use permit application shall be accompanied by a site plan which includes the following:
 - a. Property lines and physical dimensions of the property;
 - b. Location, dimensions, and types of existing major structures on the property;
 - c. Location of the proposed wind project tower;
 - d. Location of any overhead utility lines on or adjacent to the property;
 - e. The right of way of any public road that is contiguous with the property;

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

G. Maintenance

Wind turbines shall be maintained in good working order.

- 1. The equipment owner shall, within 30 days of permanently ceasing operation of a met tower or small wind energy project, provide written Notice of Abandonment to the Zoning Enforcement Officer.
- 2. A small wind energy project or met tower that is out-of-service for a continuous 12 month period will be deemed to have been abandoned. The Zoning Enforcement Officer may issue a Notice of Abandonment to the equipment owner of the small wind energy project or met tower that is deemed to have been abandoned. The equipment owner shall have the right to respond to the Zoning Enforcement Officer's Notice of Abandonment within 30 days from the Notice date. The Zoning Enforcement Officer shall withdraw the Notice of Abandonment and notify the

- equipment owner that the Notice has been withdrawn if the owner provides verification that demonstrates that the small wind energy project or met tower has not been abandoned.
3. If the small wind energy project or met tower is determined to be abandoned or the Zoning Enforcement Officer receives a Notice of Abandonment from the equipment owner, the small wind energy project or met tower must be removed within 90 days of the Notice of Abandonment and the site must be reclaimed. "Reclamation" includes removal of all equipment and apparatuses, supports and/or other hardware associated with the existing wind turbine, including removal of the above mentioned items to a depth of three (3) feet below grade. If the owner fails to remove a small wind energy project or met tower and reclaim the site, the Village may remove or cause the removal of the small wind energy project or met tower and cause the site to be reclaimed. The cost of removal and reclamation shall become a lien upon the property and may be collected in the same manner as property taxes.

H. Conditional Use Permit Procedure

1. An Owner shall submit an application to the Zoning Enforcement Officer for a Conditional Use permit for a small wind energy project. The application shall be on a form approved by the Village and shall be accompanied by three (3) copies of the site plan identified in Section 531.F.2.
2. The Board of Zoning Appeals shall authorize issuance of a permit or deny the application within the time provisions set out in the Zoning Ordinance.
3. The Board of Zoning Appeals may authorize the issuance of a Conditional Use permit for a small wind energy project after a public hearing on the application if the application and supporting materials show that the proposed small wind energy project meets the requirements of this regulation and the use is otherwise authorized by the Board of Zoning Appeals.
4. In the event that the maximum permitted height for a small wind energy system cannot be achieved on a specific property by virtue of setback constraints, the maximum permitted height shall be controlled by the setback constraints. The Board of Appeals shall not issue a variance to the minimum required setbacks for a small wind energy project.
5. The Owner shall conspicuously post the Conditional Use permit on the premises upon issuance so as to be visible to the public at all times until construction or installation of the small wind energy project is complete.

I. Violations

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

J. Enforcement

1. The Zoning Enforcement Officer may enter any property for which a permit has been issued under this regulation to conduct an inspection to determine whether there is any violation of this regulation or whether the conditions stated in the permit have been met.
2. The Zoning Enforcement Officer may issue an order to abate any violation of this regulation.
3. The Zoning Enforcement Officer may issue a citation for any violation of this regulation.
4. The Zoning Enforcement Officer may refer a violation of this regulation to legal counsel for legal action.

K. Relationship to Other Regulations

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

L. Penalty

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

Section 532 Drinking Water Source Protection Plan Zone

A. Purpose

1. Drinking Water Source Protection Plan Zone has been established to prevent contamination and depletion of the groundwater resources within the aquifer area that provides drinking water for municipal wells operated by the Village of

Versailles. The Drinking Water Source Protection Plan Zone is not restricted to any particular zoning district, but overlays other existing districts shown on the Zoning Map. Any uses permitted in the underlying zoning districts shall be permitted in the Drinking Water Source Protection Plan Zone, except where the Drinking Water Source Protection Plan Zone prohibits or imposes greater or additional restrictions and requirements. In any cases where conflicts arise between these requirements and any other existing regulations, the more restrictive regulations shall apply. If a lot or combination of parcels for which a single development is proposed is wholly or partially within the Drinking Water Source Protection Plan Zone, the provisions of the Drinking Water Source Protection Plan Zone shall apply to all property within such lot or combination of parcels.

2. For the purposes of this law, land included in the Drinking Water Source Protection Plan Zone shall be delineated on a map entitled “Village of Versailles Drinking Water Source Protection Plan Zone”.

B. Prohibited Uses And Activities in the Drinking Water Source Protection Plan Zone

1. Establishment of any solid waste management facility, radiological waste facility, pathological or medical waste facility or hazardous waste treatment, storage or disposal facility. The Village of Versailles waste treatment plant is not covered under this statute as a prohibited use.
2. Surface land application of septage, sewage, sludge or human excreta.
3. Disposal of any solid waste, petroleum, radioactive material, hazardous substance, hazardous waste or non-sewage wastewater into or onto land.
4. Outdoor uncovered stockpiling or bulk storage of coal, deicing compounds, pesticides or fertilizers.
5. Underground storage of petroleum products, hazardous substances, hazardous waste, pesticides and fertilizers. All pre-existing, or proposed new underground storage tanks, must meet USEPAS regulations and standards for UST's as found in 40 CFR Part 280 and 40 CFR Part 281.

- C. Except for single-family residential use, any proposed use to be implemented in the Drinking Water Source Protection Plan Zone shall be reviewed by the Village Planning Commission before granting a Zoning Permit.

- D. A Site Development Plan with specific uses located on a map and described in detail shall be submitted to the Village Planning Commission for all uses pursuant to this law. This plan will include details regarding the location of the premises and all features of the system necessary for the satisfactory conveyance, storage, distribution, use and disposal of storm water, processes wastes, wastewater, petroleum, hazardous substances and wastes, solid waste and incidental wastes. In addition, description of the means of water supply will be provided including an estimate of the total daily groundwater

withdrawal rate if applicable.

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

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

Section 533 Outdoor Woodburning Furnaces

A. Purpose

1. It is generally recognized that the type of fuel used, and the scale and duration of burning by outdoor woodburning furnaces, creates noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises. It is the intention of the Village of Versailles to establish and impose restrictions upon the construction and operation of outdoor woodburning furnaces within the limits of the Village for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Village and its inhabitants.

B. Definitions

As used in this section, the following terms shall have the meanings indicated:

1. Outdoor Woodburning Furnace – An accessory structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises.

2. Violator or Any Person Who Violates Any Provision of his Section – Any person who owns or occupies the property at the time the outdoor woodburning furnace has been installed and/or operated.

C. Construction and Operation Prohibited

The construction and operation of outdoor woodburning furnaces are hereby prohibited within the Village of Versailles.

D. Penalties for Offenses

1. Any person who shall violate any provision of this section shall be guilty of a violation and shall be subject to a fine of \$500. Each week's continued violation shall constitute a separate and distinct offense.
2. In the event the Village is required to take legal action to enforce this article, the violator will be responsible for any and all necessary costs incurred by the Village relative thereto, including attorney's fees, and such amount shall be determined and assessed by the court. If such expense is not paid in full within 30 days from the date it is determined and assessed by the Court, such expense shall be charged to the property so affected by including such expense in the next annual Village tax levy against the property.

E. Nonconforming Uses

1. Except as hereinafter provided, the lawful use of any outdoor woodburning furnace existing at the time of the adoption of this section may be continued, although such use does not conform with the provisions of this section.
2. No outdoor woodburning furnace existing at the time of the adoption of this section shall therefore be extended or enlarged.
3. Any existing outdoor woodburning furnace which is abandoned or discontinued for a period of seven consecutive months shall not be permitted to be reestablished as a nonconforming use, and must be immediately removed by the property owner from the subject premises.
 - a. If the property owner fails to remove the outdoor woodburning furnace by the end of said seven-consecutive-month period, the Village of Versailles Code shall give written notice by certified mail or personal service to the owner of the property upon which the outdoor woodburning furnace is located. Such notice shall provide that said owner shall remove the outdoor woodburning furnace within 15 days of the date the notice is either postmarked or personally served upon the owner.

- b. Should the outdoor woodburning furnace not be removed within the time specified, the Village of Versailles shall take reasonable steps to effect its removal.
 - c. The costs incurred by the Village to effect said removal (including any attorneys fees incurred by the Village to effect the removal), plus an amount equal to 50% of said costs of removal, shall be charged to the owner of said premises. Said expense shall be paid by the owner of the property so affected within 30 days from the date said costs are presented to the owner. If said expense is not paid within said thirty-day time frame, then said expense shall be charged to the property so affected by including such expense in the next annual Village tax levy against the property.
4. No existing outdoor woodburning furnace which has been damaged by any reason to the extent of more than 75% of its assessed value for Village of Versailles tax purposes shall be repaired or rebuilt.

Article 6 CONDITIONAL USES; SUBSTANTIALLY SIMILAR USES

Section 601 Intent

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

Section 602 General Standards For All Conditional Uses

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

- A. Is in fact a conditional use as established under the provisions of these Regulations and appears on the Schedule of District Regulations adopted for the zoning district involved;
- B. Will be in accordance with the general objectives, or with any specific objective, of the Village's Comprehensive Plan and/or the Zoning Regulation;
- C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- D. Will not be hazardous or disturbing to existing or future neighboring uses;
- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water 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 service;
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- G. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets;
- I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.
- J. Will otherwise be in conformance with all other sections of this ordinance.

Section 603 Action by the Board of Zoning Appeals

Within 30 days after either the receipt of application or the date of the public hearing, if held, the Board shall take one of the following actions:

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

Section 604 Additional Criteria

A. Additional Conditions

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

B. Supplemental Conditions and Safeguards

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

C. Expiration of Conditional Use Permit

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

Section 605 Public Hearing

A public hearing shall be held by the BZA in considering an application for a Conditional Use Permit.

The BZA shall hold a public hearing within 30 days after it receives an application for a Conditional Use Permit submitted by an applicant through the Village Administrator.

Section 606 Notice of Public Hearing in Newspaper

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

Section 607 Notice to Parties of Interest

Prior to conducting a public hearing, written notice of such hearing shall be by first-class mail, at least 10 days before the date of the hearing to all parties of interest, to include all parties adjacent to and abutting the property involved or across the street. The failure to deliver the notification as provided in this Section shall not invalidate any such amendment. The notice shall contain the same information as required in Section 606 Notice of Public Hearing in Newspaper.

Article 7 NONCONFORMITIES

Section 701 Intent

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

Section 702 Uses Under Conditional Use Provisions, Not Nonconforming Uses

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

Section 703 Incompatibility of Nonconformities

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

Section 704 Avoidance of Undue Hardship

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

existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

Section 705 Substitution of Nonconforming Uses

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

Section 706 Single Nonconforming Lots of Record

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

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

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

Section 707 Nonconforming Lots of Record in Combination

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of these Zoning Regulation, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of these Zoning Regulation, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by these Zoning Regulation, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in these Zoning Regulation.

Section 708 Nonconforming Uses of Land

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

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

Section 709 Nonconforming Structures

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

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity. Any such structure may be enlarged, maintained, repaired, or structurally altered; provided, however, that no such enlargement, maintenance, repair or structural alteration shall either create any additional nonconformity or increase the

degree of existing nonconformity of all or any part of such structures. It shall not be considered an increase to its nonconformity if the addition meets all zoning requirements or does not increase its nonconformity. (See Illustration – Exhibit “F” Section Article 2 Definitions.)

- B. The Board of Zoning Appeals may permit a nonconforming building or structure to be extended, expanded, enlarged, or increased in intensity; subject to the following conditions;
 - 1. A nonconforming use may be extended throughout any part of such building or other structure that was lawfully and manifestly designed or arranged for such use on the effective date of this Ordinance.
 - 2. The Board may permit either an expansion of a nonconforming building or structure, or a substitution of a nonconforming use in such a building or structure, but not both.
 - 3. A nonconforming building or structure may be extended or enlarged upon the lot occupied by such building on the effective date of this Ordinance or on an adjoining lot, provided such lot was under the same ownership as the lot in question on the effective date of this Ordinance. Such nonconforming building may be enlarged or extended to an extent not exceeding twenty-five (25) percent of the gross floor area of such nonconforming structure of building lawfully existing at the time of the adoption of this Ordinance.
 - 4. The extension or enlargement of a nonconforming building or structure may not occupy ground space suitable and otherwise available for meeting the off-street parking requirements of this Ordinance.
 - 5. A nonconforming use of land may not be extended, enlarged or increased in intensity.
 - 6. Nothing contained in this section shall in any way prohibit a nonconforming use from acquiring additional off-street parking space.
 - 7. Application for an extension or enlargement in accordance with paragraphs (1) through (6) shall be noticed and heard in the manner prescribed for appeal to the Board of Zoning Appeals.

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

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

- A. No existing structure devoted to a use not permitted by these Zoning Regulation in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

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

Section 711 Termination of Nonconformities

A. Termination of Use Through Discontinuance

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

B. Use by Damage or Destruction

Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction. When such a nonconforming structure is so damaged or destroyed, and not going to be reconstructed as it previously existed, no rebuilding, restoration, or reoccupation shall be permitted except in conformity with all applicable regulations of these Zoning Regulation. In the event that any building or other structure that is devoted in whole or in part to an nonconforming use is damaged or destroyed, by any means, to such an extent that the cost of restoration to the condition in which it was before such damage or destruction exceeds sixty (60) percent of the current replacement cost of the entire building or other structure, exclusive of foundation, such building or other structure

shall not be restored unless such building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located. Moreover, even if such damage is sixty (60) percent or less, no repair or restoration shall be made unless a Zoning Permit is obtained, and restoration is actually begun within on (1) year after the date of such partial destruction and rebuilding shall be diligently pursued to completion.

Section 712 Moving of Nonconformities

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

Section 713 Repairs and Maintenance

1. Work may be done on ordinary maintenance and repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing; provided, however, that this paragraph (1) shall not be deemed to authorize any violation of Sections 709 through 712.
2. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of a building or other structure (other than a damage or destroyed building or other structure subject to the provisions of Subsection 1604.05) in accordance with the order of a public official who is charged with protecting the public safety and who declares such building or other structure to be unsafe and orders its restoration to a safe condition.
3. Nonconforming residential buildings in the Industrial District may be maintained, repaired, improved, modernized or enlarge; provided, however, that no increase in the number of dwelling units shall be permitted.

Section 714 Change of Nonconformities

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

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

Section 715 Nonconforming Accessory Use

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

Article 8 - PLANNED UNIT DEVELOPMENTS (PUD)

Section 801 Intent

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

Section 802 Requirements

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

Section 803 Permitted Uses

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

Section 804 Procedure

A. Preapplication Meeting

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

B. Preliminary Development Plan

The submittal for a commercial, residential, or industrial PUD shall be filed with the Village Administrator. In consideration of the submittal, the Planning Commission shall hold at least one public hearing to be held no later than 30 days after receipt of the submittal by the Planning Commission, unless such time is extended by agreement with the applicant. The Planning Commission shall either approve, approve with amendments, or deny the application within 30 days after the public hearing. The recommendation shall be forwarded to the Village Council.

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

C. Final Development Plan

Within 12 months of approval or approval with amendments of the preliminary development plan, the applicant shall submit a final development plan along with any necessary performance surety to the Planning Commission. The Planning Commission shall evaluate the plan for conformance with the preliminary development plan for the PUD as approved by the Village Council. If the Planning Commission finds the final development plan or the final development plan with amendments is compatible with the preliminary development plan, then such plan shall be approved. When a final plat is necessary for lot creation, it shall also be approved as part of the final development plan. If the final plat contains any right-of-way or easement dedication, it must go to the Village Council for acceptance prior to final approval. Acceptance of any right-of-way or easement dedication is a separate action by the Village Council, and should not affect the overall acceptance of the final development plan. Upon approval of the final development plan and recording of the final plat in the Office of the Darke County Recorder, if necessary, the Village Administrator shall issue the necessary permits.

D. Final Development Plan Effect

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

E. Final Development Plan Changes

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

1. The proposed revision is a minor change, not substantially altering the overall concept of the PUD. Generally, such changes are limited to small site alterations such as realigning a street, shifting a setback, or slight changes in building designs that do not

- result in the loss of open space. Increases of up to 10% of the total development density and any decreases in density may be determined by the Planning Commission to be minor changes. Minor changes shall not involve reductions in required improvements, such as open space, parking areas, pavement widths, etc.
2. The proposed revision is a major change, which will affect the general character and overall concept of the PUD, including substantial relocation or redesign of principal or Accessory Uses, parking, open space areas, and streets. A major change is involved in density increases in excess of 10% of the total development density and/or revisions affecting the land coverage by building, parking, and open space areas.
 3. Where the Planning Commission determines that the proposed revision is a minor change, the proposal may be reviewed as a revised final plan, and action to approve, modify, or deny approval may be taken by the Planning Commission following the public hearing. Minor changes involving or affecting public improvements shall be referred to Village Council for review and action, not requiring a public hearing by Village Council.
 4. Where the Planning Commission determines that the proposed revision is a major change, the proposal shall be reviewed as a revised preliminary development plan as a part of the same public hearing, and the Planning Commission may act to approve, modify, or deny approval for the revised preliminary plan, following the public hearing. The revised preliminary plan shall be reviewed in the same manner as the original plan, including a public hearing review by Village Council.
 5. Upon approval of a revised final development plan as a minor or major change, the original final plan shall be considered void and the revised final plan shall have the same force effect as if it were the original plan.

Section 805 Preliminary Development Plan Application Requirements

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

- A. Names, address, and phone number of owners, developers, and designers of the plan, and proposed name of the development.
- B. Name, address, and phone number of registered surveyor, registered engineer, and/or urban planner assisting in the preparation of the preliminary development plan.
- C. A legal description of the land to be developed under the submittal.
- D. Present use(s).

- E. Present and proposed zoning district.
- F. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within 2 years.
- G. A fee as established by this Zoning Regulation. (See Section 1308 Schedule of Fees.)
- H. A list containing the names and mailing addresses of all owners of property within 200 feet of the property in question.
- I. Verification by at least one owner of property that all information in the submittal is true and correct to the best of their knowledge.
- J. A statement of the objectives to be achieved by the PUD through the particular approach proposed by the applicant and the rationale behind the assumptions and choices made by the applicant.
- K. A development schedule indicating the approximate date when development and construction of the PUD can be expected to begin and be completed.
- L. Quantitative data for the following items:
 - 1. Total number of dwelling units, commercial facilities, industrial buildings, and parcel size.
 - 2. Proposed lot coverage of buildings and structures.
 - 3. Approximate gross and net residential, business, or industrial densities.
 - 4. Total amount of open space including separate figure for usable open space.
 - 5. Economic feasibility study or market analysis where deemed necessary by the Planning Commission.
- M. Site plan and supporting maps. Maps shall be drawn at an appropriate scale to show the following information:
 - 1. Date, north arrow, and scale.
 - 2. Existing zoning district.
 - 3. Existing site conditions including contours at 1-foot intervals, water course, floodplains, unique natural features, and natural cover.

4. Proposed lot lines and plot designs.
5. The location and floor area size and height of all existing and proposed buildings, building elevations, structures, and other improvements including maximum heights, types of dwelling units, density per acre, and nonresidential structures, including commercial facilities.
6. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and public and semi-public uses.
7. The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way.
8. Existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatment of points of conflict.
9. The existing and proposed utility systems including proposed and existing easements for the sanitary sewers; storm sewers; and water, electric, gas, and telephone lines.
10. A general schematic landscape plan indicating the treatment of materials used for private and common open spaces.
11. Information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, unique natural features, and land uses within a half mile of the boundaries of the proposed development.
12. A landscaping and screening plan for all perimeters of the PUD.
13. Phases of development and approximate starting dates.

Section 806 Notice of Public Hearing in Newspaper

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

Section 807 Notice to Parties of Interest

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

Section 808 Planning Commission to Investigate

- A. The Planning Commission shall make a recommendation to the Village Council on the preliminary development plan. In making its recommendation, the Planning Commission shall consider the following:
1. The proposed development can be initiated within 1 year of the date of approval.
 2. The proposed streets with the exception of Manufactured Home parks shall meet requirements of the Village Ordinance for streets. That the internal streets and main thoroughfare that are proposed shall properly interconnect with the surrounding existing street network.
 3. Any proposed commercial or industrial development can be justified at the proposed location.
 4. Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these PUD requirements and the need to provide a variety of housing opportunities with regard to type and price.
 5. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
 6. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.
 7. Amount, design, and uses of open space in the development.
 8. Overall design quality of the development.
 9. Impact of the proposed development on utilities.
 10. Amenities to be provided by the developer, including, but not limited to, recreational facilities, infrastructure improvements, environmental improvements, and land set aside for public purposes.
 11. Relationship of the development to surrounding land uses.

12. Impact of the development in providing housing and other community needs.

- B. The Planning Commission may approve greater densities and smaller lot sizes than those permitted in the zoning district in which the PUD is located. In no case shall the overall density exceed the density permitted in the zone by more than 25%, and no lot size shall be more than 25% smaller than that permitted in the zone.
- C. The Planning Commission may take into account any other factors it deems appropriate to the development under consideration.

Section 809 Final Development Plan Application Requirements

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

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

- A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
- B. All the information required on the preliminary development plan, the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity, and land uses considered suitable for adjacent properties.
- C. A schedule for the development of units to be constructed in progression, and a description of the design principles for buildings and streetscapes, a tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing, estimated non-residential population by type of housing, anticipated construction timing for each unit, and standards for height, open space, building density, parking areas, population density, and public improvements, whenever the applicant proposes any exception from standard zoning districts requirements or other Ordinances governing development.
- D. A fee as established by this Zoning Regulation. (See Section 1308 Schedule of Fees)
- E. Preliminary building plans, including floor plans and exterior elevations.
- F. Any legal agreements stipulating conveyance of public open space to homeowners' or merchants' association and indicating responsibility for maintenance of the open space.

- G. Any restrictive covenants or other conditions which shall apply to any parcel of land in the PUD.
- H. All necessary legal documentation relating to the incorporation of a homeowners' or merchants' association for the purpose of maintaining any common open space included within the PUD.
- I. Final plat for necessary lot creation and right-of-way or easement dedication, if necessary.
- J. Necessary engineer's estimates and performance surety for any public improvements that will eventually be taken over by the Village.
- K. All surveying and legal documents to be recorded shall meet Darke County Standards.
- L. Site plan and supporting maps indicating the following:
 - 1. Survey of land area to be developed showing topography with existing and proposed contours at 1-foot intervals, drainage, vegetation, and natural cover.
 - 2. Detailed construction plans in conformance with the Village of Versailles Design Criteria and Construction Standards and Drawings along with necessary specifications shall at a minimum consist of the following items:
 - a. The location of lot lines, building outlines, and setbacks.
 - b. Pedestrian and vehicular circulation system.
 - c. Street plans including plan and profile and cross-sections.
 - d. All utility systems, including sanitary sewers; storm sewers; water, electric, gas, and telephone lines including plan and profiles.
 - e. Landscaping indicating the specific types of vegetation to be used and their location in the development.
 - f. Location of fire hydrants and fire lanes.
 - g. Any additional information in the form of written documents, plans, and supporting maps required by the Planning Commission and Village Council in consideration of the application.
 - h. Storm water management plan, including detention and erosion control.
 - i. Grading plan.

Section 810 Additional Requirements

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

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

D. Ownership of Common Open Space.

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

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

Section 811 Residential and Business Planned Unit Development Minimum Design Standards

- A. Applicants are encouraged to use innovative design, including varying of lot sizes and building orientation. Proposals which do not reflect these innovations may be rejected by the Planning Commission.
- B. PUDs shall be designed in a manner which promotes harmonious relationships between the development and surrounding land uses.
- C. Open space within a PUD may be required by the Planning Commission and if required shall meet the following criteria:
 - 1. No less than 20% of the total land area, exclusive of streets and street rights-of-way, shall be devoted to common open space. In R-PUDs, this land shall be used for recreation or conservation purposes. This common open space may include such areas as pedestrian walkways, park and open areas, drainage ways, and other lands of an essentially open character, exclusive of off-street parking spaces. In B-PUDs, this land shall be appropriately landscaped and may contain walkways, benches, and the like.
 - 2. In R-PUDs, at least half of the common open space shall be usable for active recreation.
 - 3. The size, location, shape, and character of the open space must be suitable for the designated uses. The common open space shall be usable by the residents of the Planned Unit Development and shall not consist of isolated or fragmented pieces of land which would serve no useful purpose.
 - 4. No more than 20% of the common open space may be devoted to paved areas (such as parking lots, walks, and hard-surfaced play areas) and structures used for or accessory to open space uses.
 - 5. Landscape plans for the common open space must be approved by the Planning Commission.
 - 6. Ownership of this common space either shall be transferred to a legally established Homeowner's Association or, if desired by the village, dedicated to the Village of Versailles, and the proper legal documents necessary for such transfer or dedication, be prepared by the owner(s) of the tract of land.
- D. Townhouses constructed in PUDs must meet the following criteria:
 - 1. No more than 4 contiguous townhouses shall be built in a row with the same or approximately the same front line, and no more than eight townhouses shall be contiguous.

2. Each townhouse shall have its own yard containing no less than 400 square feet, reasonably secluded from view from streets or from neighboring property. These yards shall not be used for off-street parking, garages, storage facilities, driveways, or accessory buildings.
 3. The minimum distance between any two rows of townhouse buildings substantially parallel with each other shall be 60 feet.
 4. The minimum distance between any two abutting ends of townhouse buildings in the same general plan or row shall be 25 feet or greater.
- E. Parking within the PUD shall be regulated in conformance with Section Article 9 Off-Street Parking and Loading Regulations. Parking areas containing more than 40,000 square feet shall be landscaped in accordance with a plan approved by the Planning Commission.
- F. Signs in a PUD shall conform to the requirements with Section Article 10 Signage, except that in addition to the other permitted signs, there may be one sign at each entrance to the development indicating the name of the development. In residential PUDs, the signs shall not exceed 40 square feet in size, and in business PUDs, the signs shall not exceed 80 square feet in size. The Planning Commission may reduce the maximum size of the signs in accordance with the size, design, and location of the PUD.
- G. Street layouts to PUDs shall be designed in a manner to minimize pavement lengths. To the extent possible, streets shall conform to the natural contours of the land. In business PUDs, fire lanes shall be provided and approved as to location and width by the fire department.
- H. Maximum Height
1. No Single-family or two-family dwelling shall exceed thirty-five (35) feet in height.
 2. No multiple-family dwelling shall exceed forty (40) feet in height.
- I. Minimum Lot Area, Width and Maximum Density
1. The tract of land to be developed on a Planned Unit basis shall be a minimum of five (5) acres.
 2. Where the Planned Unit Development includes single-family homes only, the maximum gross density shall not exceed five (5) dwelling units per acre.
 3. Where the Planned Unit Development contains a combination of single-family, two-family, and multiple-family dwelling, the maximum gross density shall not exceed eight (8) dwelling units per acre.

4. Where the Planned Unit Development includes multiple-family dwellings only, the maximum gross density shall not exceed fifteen (15) dwelling units per acre.

Section 812 Manufactured Home Park Planned Unit Development Design Standards

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

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

- M. Shall provide a minimum of 15 feet for a front yard setback and a minimum of 10 feet for a backyard requirement.

Section 813 Industrial Planned Unit Development Minimum Design Standards

- A. All land in contiguous ownership shall be shown on the plans. The entire parcel is to be included, even if the development is to take place in phases.
- B. The development shall be designed in a manner as to provide safe access, harmonious arrangements of land uses, separation of differing modes of transportation, areas for storm water runoff and possible retention, adequate solid waste and sewage disposal, buffers, parking, and other utilities.
- C. All development which abuts land zoned residential or used for residential purposes shall be adequately buffered from residential boundaries. The buffer shall consist of one or more of the following items: fences, berms, mounding, or plantings that are more than 6-feet tall and form a solid barrier. Where the proposed development may produce excessive noise, traffic, dust, glare, or odor, a planted green belt up to 100 feet in depth shall be required, and shall be considered part of the open space.
- D. All areas for outdoor storage of materials, waste, or finished products shall be indicated on the plans. The plans shall state the chemical composition or form of the materials, type of storage, length of storage, and height of materials. All outdoor storage areas shall be enclosed by a wall or fence of solid appearance or a tightly-spaced evergreen hedge to conceal the areas or facilities from view from adjacent land uses and primary access roads.
- E. No raw galvanized or other raw metal sheeting or untreated concrete block may be used for the exterior construction of any building in the I-PUD.
- F. All buildings shall be of designs and materials which will promote a visually harmonious environment.
- G. Outdoor lighting shall not disrupt neighboring land uses by excessive glare.
- H. Not more than 80% of the total land area of an industrial development shall be devoted to structures, Accessory Uses, parking areas, and streets.
- I. All parking areas in an I-PUD shall contain landscaping in accordance with an approved landscaping plan. The landscaping shall be completed as soon as practicable according to weather conditions. Where permanent planting must be delayed due to weather conditions, erosion control measures shall be employed until the landscaping is completed.
- J. Erosion and runoff control measures shall be employed during construction of buildings and improvements in an I-PUD.

K. Access requirements:

1. A paved road shall be provided with adequate frontage for each structure. The road shall be constructed in conformance with standards established by the Village. Roads serving primarily nonresidential traffic, especially truck traffic, shall not normally be extended to the boundary of adjacent land zoned for residential use or in residential use; nor shall primarily residential roads be used for access to industrial developments. No portion of any lot shall be paved unless in accordance with the approved site plan.
2. Loading docks, truck parking, or truck turn-around areas shall be designated through the use of signs and pavement markings. These areas shall be separated from parking and access areas used by automobiles or pedestrians. Roadway shall not be used for truck parking, standing, or backing areas. Parking and loading facilities shall not be located between structures and local access streets.
3. Fire lanes shall be provided at all entrances to and exits from structures and storage areas and at all locations of hydrants. Fire lanes shall be designated by signs and pavement markings.
4. All rail lines, sidings, or switching facilities shall be indicated on the site plan. The Village may require additional vehicular or pedestrian crossings.

L. Industrial Performance Standards - Any applicant for approval of a I-PUD under the provisions of this Section shall comply with all applicable local, state, and federal standards relating to air and water quality, heat, noise, glare, and odor. The applicant also shall comply with any applicable environmental standards which have been approved by the Village Council.

M. Signs - Signs within an I-PUD shall be regulated in conformance with Section Article 10 Signage except that in addition to the other permitted signs, there may be one sign no more than 100 square feet in area at each entrance to the development. Such signs shall be for the purpose of identifying the overall development.

N. Parking and Loading Regulations - Parking within an I-PUD shall be regulated in conformance with Section Article 9 Off-Street Parking and Loading Facilities.

O. Height Regulations - The maximum height of buildings in the I-PUD shall be 40 feet. All other structures shall comply with this Zoning Regulation.

Section 814 Expiration and Extension of Approval Period

The approval of a final development plan for a PUD district shall be for a period not to exceed 3 years to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within 1 year after approval is granted, the approved final development plan shall be void, and the land shall revert to the district regulations of the district in

which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Planning Commission and Village Council finds that such extension is not in conflict with the public interest. No zoning amendment passed during the time period granted for the final approved final development plan shall in any way affect the terms under which approval of the PUD was granted.

Article 9 OFF-STREET PARKING AND LOADING FACILITIES

Section 901 Intent

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

Section 902 General Parking Requirements

In all districts, at any time any building, structure, or use of land is erected, enlarged, increased in capacity, or used, there shall be provided for every use off-street parking spaces for vehicles. A parking plan shall be required for all uses except for single- or two-family residential uses. The parking plan shall be submitted to the Village Administrator as part of the application for a Zoning Permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

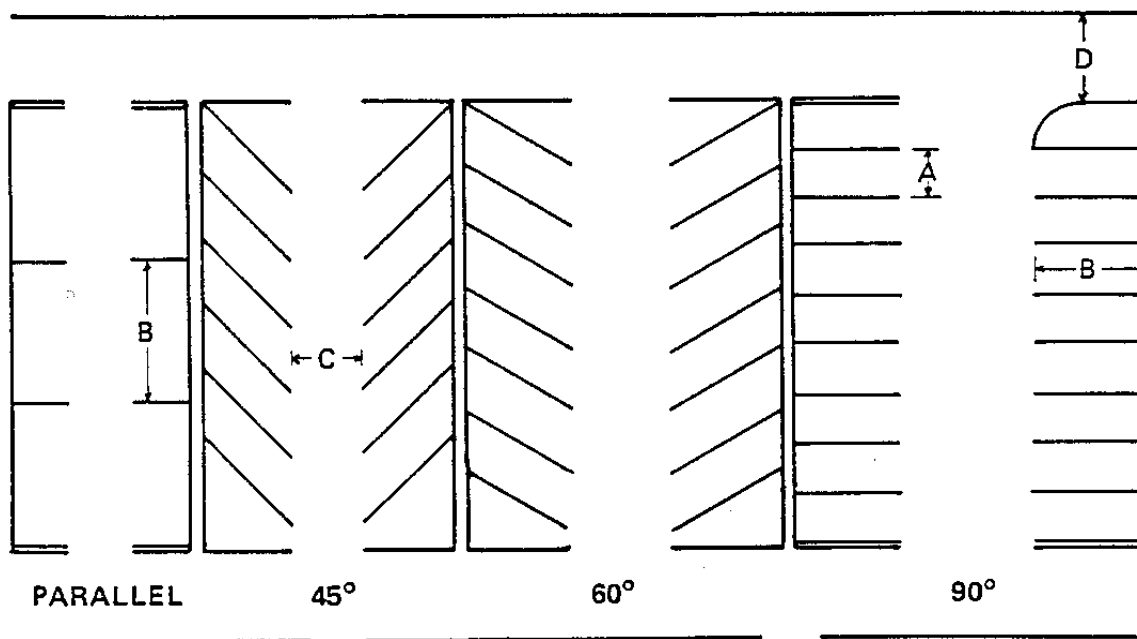
Section 903 Off-Street Parking Design Standards

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

- A. Parking Space Dimensions: Each off-street parking space shall have an area of not less than 171 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
- B. Access: There shall be adequate provisions for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street, an access drive shall be provided, with a dedicated easement of access, as follows:
 - 1. For a single-, two-, or multi-family residential dwelling, the access drive shall be a minimum of 10 feet in width.
 - 2. For all other residential uses and all other uses, the access drive shall be a minimum of 18 feet in width.
 - 3. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve.
 - 4. All parking spaces, except those required for single-, two-, or multi-family dwellings, shall have access to a public street in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.

5. Each required off-street parking space shall have direct access to an aisle or driveway and all required off-street parking areas shall have vehicular access to a street or alley so designed.
- C. Setbacks: In C and I districts, off-street parking spaces may be located in the required front yard on lots where business or industry is located, provided that a 10-foot grass area is located between the parking area and the street right-of-way.
 - D. Screening: In addition to the setback requirements specified in these Zoning Regulation for off-street parking facilities for more than five vehicles, screening shall be provided on each side of a parking area that abuts any Residential District. Parking areas shall be effectively screened by a wall, fence, or densely planted compact hedge, not less than five (5) feet, nor more than eight (8) feet in height.
 - E. Paving: In all R and B Districts, all required parking spaces together with driveways, and other circulation areas, shall be dust-free and of a hard-surface with a pavement having an asphalt or concrete binder, such as concrete, asphalt, double chip and seal, or paver bricks provided; however, that variances for parking related to school auditoriums, assembly areas, sports fields, and other community meeting or recreation areas may be granted, provided that paved areas shall be provided for daily-use parking areas. Where paving is not required, proper dust control measures shall be undertaken and maintained.
 - F. Drainage: All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system. Drainage shall also meet the requirements of the Village of Versailles Design Criteria and Construction Standards and Drawings.
 - G. Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
 - H. Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
 - I. Marking: All parking areas for ten or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Village Administrator, and shall be maintained in a clearly visible condition.

- J. Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without potholes and free of all dust, trash, or other debris.
- K. Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.
- L. Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any R Residential District.
- M. A single-family dwelling unit shall have two off-street parking spaces.
- N. Proximity: Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use. Parking lots farther than seven hundred (700) feet from the principal use shall be subject to approval by the Board. Parking spaces for apartments, dormitories, or similar residential uses shall be located not more than three hundred (300) feet from the principal use. When two or more uses are located within the same building or structure, off-street parking spaces equal in number to the sum of the separate requirements for each use shall be provided. All off-street parking spaces required by this Ordinance shall be used only for the parking of vehicles of occupants, patrons, visitors, or employees, and shall not be used for any kind of leading, sales, servicing, or continuous storage of vehicle for more than forty-eight (48) hours.
- O. A two-family dwelling unit shall have two off-street parking spaces per dwelling unit.
- P. Parking Space Dimensions: The minimum dimensions of parking spaces shall be as illustrated below:



Off-Street Parking Minimum Dimensional Table

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

Section 904 Determination of Required Spaces

In computing the number of parking spaces required by these Zoning Regulation, the following shall apply:

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

Section 905 Joint or Collective Parking Facilities

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

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

Section 906 Off-Street Storage Areas for Drive-In Services

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

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

Section 907 Parking of Disabled Vehicles

The parking of a disabled vehicle within a residential district for a period of more than 48 hours shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

Section 908 Parking Space Requirements

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

A. Residential Uses

- 1. **Single-family detached dwellings:** two spaces per dwelling unit.
- 2. **Two-family dwellings:** two spaces per dwelling unit.

3. **Multi-family dwellings:** two spaces per dwelling unit.
4. **Manufactured Home Courts:** two spaces per Manufactured Home site, plus one space per each five Manufactured Home sites for guest parking.

B. Institutional and Public Uses

1. **Elementary and Junior High Schools:** one space per employee, plus one space per two classrooms.
2. **High Schools:** one space per employee, plus one space per six students at capacity.
3. **Places of Worship:** one space per four seats at maximum capacity of the main sanctuary.
4. **Public Offices and Public Buildings:** One space for every 250 square feet of gross floor area.
5. **Nursing and Convalescent Homes, including Extended Care Facilities and Rest Homes:** one space per six beds, plus one space for each staff and employee on the largest work shift.
6. **Community Centers, Libraries, Museums, and other Establishments of Historical, Educational, and Cultural Interest:** one space per 250 square feet of gross interior floor area, plus one space per employee on the largest work shift.
7. **Child Daycare Centers:** one space per employee, plus one space per five children at capacity, plus a drop-off area as determined by the Zoning Board.

C. Business and Professional Offices

1. **Business, Professional, and Administrative Offices and Offices for Professional Associations:** one space per 300 square feet of gross floor area, but not less than two spaces per office.
2. **Medical Offices and Clinics:** three spaces per treatment or examination room or chair, plus one space per staff and employee, but not fewer than five spaces per practitioner.

D. Commercial Uses

1. **Financial establishments, banks, and savings and loan associations:** one space per 200 square feet of gross floor area, plus one space per employee on the largest work shift, plus five off-street waiting spaces per drive-in window or drive-through teller machine.

2. **General Merchandise Stores:** one for each 150 square feet of gross floor area used for sales and display and one space for every 250 square feet of storage, warehouse, and office area.
3. **Restaurants:** one space per 100 square feet of gross floor area, plus one space per employee on the largest work shift.
4. **Automobile Service Stations and Automobile Repair, Painting, and Body Shops:** two spaces for each service bay, plus one space for each employee and service vehicle, with a minimum of six spaces.
5. **Automobile Washing Facilities:** one space for each employee with a minimum of four spaces, plus five off-street waiting spaces for each car washing device or stall, or fifteen off-street waiting spaces for an assembly line type washing establishment, and two parking spaces at the end of each washing bay for drying and hand-finishing vehicles.
6. **Convenience Food Stores, Carry-Outs, Mini-Markets:** one and one-half spaces for every 200 square feet of floor area, plus one space for each employee.
7. **Drive-Through and Drive-In Stores, and Stand-Alone Automatic Teller Machines:** one space for each employee, plus off-street waiting space for five vehicles per transaction location, plus one space for each 200 square feet of sales area open to the public.
8. **Fraternal and Social Associations, Dance Halls, Bingo Halls, and Private Clubs:** one space for every 50 square feet of floor area in assembly or meeting rooms, plus one space for every 200 square feet of other floor area.
9. **Restaurants, Fast Food:** one space per 50 gross square feet of floor area, plus one space per employee on the largest work shift with a minimum of fifteen total spaces and with off-street automobile waiting space for eight vehicles for each drive-in window, with such automobile waiting space to be located behind the point where a drive-in order is placed.
10. **Bars, Taverns, and Nightclubs:** one space for each three persons of capacity, plus one space for each employee on the largest work shift.
11. **Vehicle Sales, Rental, and Service:** one parking space for each 800 square feet of floor area, plus one space for each 3,000 square feet of open lot area devoted to the sale, rental, and display of motor vehicles.
12. **Animal Hospitals and Veterinary Clinics:** three spaces for each treatment area, plus one space for each staff and employee.

13. **Commercial Schools and Studios:** one space for every three students at capacity and one space for each employee.
14. **Funeral Homes and Mortuaries:** one space for every 50 square feet of public floor area, plus one space for each employee, plus one space for each business vehicle.
15. **Home Furnishings and Home Improvement Stores:** one space for each 400 square feet of indoor and outdoor sales and display area and one space for each 800 square feet of office, storage, and warehouse area.
16. **Nurseries and Garden Supply Stores:** one space for each employee on the largest shift, one space for each 200 square feet of gross floor area of inside sales or display, and one space for each 1,000 square feet of exterior sales and display area.
17. **Business and Cleaning Services:** one space for every 300 square feet of sales and office area, plus one space for every employee on the largest work shift, plus one space for every company or service vehicle regularly stored on the premises.
18. **Bowling Alleys:** five spaces for each alley, plus any additional spaces required for a bar, restaurant, or Accessory Use.
19. **Dance, Bingo, Assembly, and Exhibition Halls:** one space for every 50 square feet of floor area.
20. **Game Rooms and Pool Halls:** one space for every two patrons at a maximum capacity, plus one space for every two employees on the largest work shift.
21. **Miniature Golf:** one and one-half spaces per hole, plus one space per employee on the largest work shift.
22. **Theaters and Concert, Meeting, and Banquet Halls:** one space for every two and one-half seats at capacity.
23. **Hotels and Motels:** one space per room or suite, plus one space for every three employees on the largest work shift, plus one space per three persons to the maximum capacity of each public meeting and/or banquet room, plus 50% of the spaces otherwise required for Accessory Uses (e.g. restaurants and bars).

E. Industrial Uses

1. **Manufacturing Industry and Warehouse:** one space for each employee on the largest work shift, plus one visitor parking space for every 10,000 square feet of floor area, plus one space for every company vehicle regularly stored on the premises, at a minimum of one space for each 1,500 square feet of floor area.

2. **Self-Service Storage Facilities:** one space for every 4,000 square feet of gross floor area, plus one space per employee on the largest work shift.
3. **Wholesaling and Storage Facilities:** one space for every 300 square feet of office and sales area, plus one space for every 4,000 square feet of warehouse and storage area, plus one space per employee on the largest work shift.
4. **Construction Trades, Contractor Offices, and Industrial Craft Shops:** one space for every 300 square feet of floor area, plus one space for every motor vehicle used by the business in its normal business affairs.
5. **Lumberyards and Building Materials; Sales and Storage:** one space for each 800 square feet of floor area, plus one space for every 3,000 square feet of lot area devoted to the storage and display of building materials.
6. **Heavy Equipment Rental, Sales, Service, and Storage:** one space for every 800 square feet of floor area, plus one space for every 3,000 square feet of lot area devoted to the sale and display of vehicles.

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

Section 909 Handicapped Parking

Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows or by current ADA standards:

| <u>Total Spaces in Lot/Structure</u> | <u>Number of Designated Accessible Spaces</u> |
|--|---|
| Up to 100 | 1 space per 25 parking spaces |
| 101 to 200 | 4 spaces, plus 1 per 50 spaces over 100 |
| 201 to 500 | 6 spaces, plus 1 per 75 spaces over 200 |
| Over 500 | 10 spaces, plus 1 per 100 spaces over 500 |

Section 910 Off-Street Loading Space Requirements

There shall be provided off-street loading spaces or berths in connection with every building or part thereof hereafter erected, except dwellings, on the same lot with such buildings, for uses which customarily receive or distribute materials or merchandise by vehicle, in accordance with the following requirements:

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

Section 911 Off-Street Loading Design Standards

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

- A. **Loading Space Dimensions:** Each loading space shall have minimum dimensions not less than 12 feet in width, 65 feet in length, and a vertical clearance of not less than 14 feet.
- B. **Screening:** In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District.
- C. **Access:** All required off-street loading spaces shall have access from a public street in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
- D. **Paving:** All required off-street loading spaces together with driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic or portland cement binder pavement in order to provide a durable or dust-free surface.
- E. **Drainage:** All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system. Drainage shall also meet the requirements of the Village of Versailles Design Criteria and Construction Standards and Drawings.
- F. **Lighting:** Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

Article 10 SIGNAGE

Section 1001 Intent

It is hereby recognized that as signs serve a vital role in a community both as sources of information and as components of the landscape, the establishment of uniform sign standards is necessary to promote and maintain an environment free from the destructive influences of obnoxious and indiscriminate sign displays. The purpose of this Article is to promote the general welfare and safety of the public through the establishment of a comprehensive system of regulating signage within the corporate limits of the Village of Versailles. It is further intended to reduce sign or advertising clutter, distractions, and obstructions that may contribute to traffic accidents; reduce hazards that may be caused by signs projecting into or over public rights-of-way; curb the deterioration of the natural environment; and to support and complement the land use objectives of the community.

Section 1002 General Provisions

The following general provisions are applicable to all signs and zoning districts unless modified by the general requirements or standards of a specific zoning district.

A. Permits

A zoning certificate shall be obtained from the Village of Versailles Zoning Authority before any sign (except a sign exempted from the provisions of this Resolution depicted in Sections 1002.B and in this regulation) is located, erected, constructed, reconstructed, enlarged, structurally modified, or used in any zoning district of the Village of Versailles.

B. Exempted Signs

Except as otherwise provided, the following signs shall not be subject to the provisions of this Resolution:

1. Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public utility companies for the purpose of safety.
2. Flags, emblems, and insignias of any governmental agency or subdivision.
3. Commemorative plaques placed by recognized historical agencies.
4. Signs within a stadium, open-air theatre, building, arena, or other structure, which signs can be viewed only by persons within such stadium, open-air theatre, building, arena, or other structure.

5. Temporary informational signs pertaining to community and/or special local not-for-profit events less than poster-size (11 ½" x 17 ½ ") posted on the kiosk in front of the Village Hall. Allowable display information includes, but is not necessarily limited to, the following: Advertisements or promotions of non-profit organizations; advertisements or promotions of community activities and/or festivals; activities sponsored by the Village of Versailles; welcome messages, such as those for class reunions, conferences, athletic tournament participation, musical plays, and fountain square activities; and promotion of sales and money-raising events for youth organizations for their program support, non-profit and community service organizations.
6. Temporary aerial banners erected above roadways, which banners shall first be approved by the Zoning Enforcement Officer and erected and removed by Village personnel only.
7. Temporary free standing signs not exceeding six (6) square feet per side with no more than 2 sides in residential districts identifying one or more family member of said household for non-commercial purposes.

C. Measurement of Sign Area

1. The surface area of a sign shall be considered as including the entire area within a single continuous perimeter enclosing the extreme limits of writing, representations, emblem, or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed; excluding the necessary supports or uprights on which such sign is placed.
2. When a sign has more than one (1) display surface area readable from adjacent properties and/or public right-of-ways, all surfaces shall be added cumulatively, except for double-faced signs which have the same design/message displayed back-to-back within the same support structure.
3. As street address numerals are encouraged to be displayed in combination with identification signage, an address in numerals not exceeding two (2) square feet in total area shall not be considered as part of the sign area; provided that said address is displayed only one per appropriate road frontage of each individual occupied building or portion thereof. (On a back-to-back double faced sign, such address may be displayed on each of the two display surfaces.)
4. Nameplates not exceeding one (1) square foot in Residential districts, and not exceeding two (2) square feet in size in Non-Residential districts, shall be exempt from consideration as measurable sign surface area when such are displayed either on the wall next to the main entrance to the occupancy, or suspended from a lamp

post or curb-side mailbox serving such occupancy; and providing only one (1) such nameplate is displayed per individual occupancy.

D. Prohibited Signs

1. Signs that are not specifically permitted by this Resolution are hereby prohibited.
2. Pennants, streamers, and similar type devices susceptible to movement by air currents, except as otherwise provided within this Article.
3. Signs which are erected on the roof or building parapet above the roof line and/or receives any of its support from the roof structure, are hereby prohibited.
4. No sign shall employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention; other than electronic message boards of the type specifically permitted within other Sections of this Article.
5. All temporary or portable non-domestic type business/advertising signs, except as otherwise provided for within Section 1104 herein.
6. Except for electronic message boards of the type specifically permitted within other Sections of this Article, all blinking, flashing, or intermittent lightning, and strings of decorative lights for purposes associated with the holiday seasons, except during the holiday seasons (i.e. Christmas decorations).
7. Beacons and searchlights, except for emergency purposes.
8. Any existing sign which is not a legal, non-conforming sign and which has not been previously authorized by the Village of Versailles.
9. Real estate signs displayed at locations other than on the premises offered for sale or rental. (See provisions for specific zoning classifications for additional restrictions.)
10. Signs attached to, painted on, or placed on a motor vehicle, trailer, or other licensed or unlicensed vehicle or conveyance which, in the opinion of the Zoning Enforcement Officer, is parked or located in such a manner as to serve as a portable, temporary, trailer or freestanding, ground-mounted sign.
11. Street light pole banners throughout the community which are not seasonal banners or community festival banners. Permitted seasonal and community festival banners shall first be approved by the Zoning Enforcement Officer and only be erected and removed by Village personnel.
12. The painting or stenciling of any letters, logos, or advertisement on any sidewalk or curb areas (except for public utility purposes) within the road right-of-way areas

within the downtown business district area. The downtown business district area includes the area of Main Street from Steffin Street to Pearl Street; West Street from the CSX Railroad to Wood Street; Center Street from the CSX Railroad to Wood Street; and Second Street from the CSX Railroad to Wood Street.

13. Signs, posters, or advertisements displayed on the kiosk in front of the Village Hall which are larger than poster-size (11 ½" x 17½"), or which promote a for-profit, commercial enterprise activity; or messages of political parties or political groups relating to voting information; or personal messages for family members.
14. Any sign which contains or portrays pornographic, obscene, vulgar or other content in contradiction to general community standards of the Village of Versailles.

E. Sign Locations

Sign locations shall be in accordance with the particular regulations of the zoning district in which the signs are to be located. In addition, the following regulations apply to all signs in all zoning districts of the Village of Versailles.

1. Setback: Unless otherwise specified in this Article, all signs shall be set back a minimum of five (5) feet from the right-of-way as shown on the Official Thoroughfare Plan for the Village of Versailles.
2. Traffic Hazards
 - a. No sign shall be erected in such a manner as to obstruct free and clear vision on any public thoroughfare.
 - b. No sign shall be erected in such a manner as to obstruct traffic flow along a designated parking lot aisle-way for use by the general public.
 - c. No sign shall be located whereby reason of position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or devise; or which makes use of the words, "Stop", "Look", "Danger", or other word or phrase or symbol in such manner as to interfere with, mislead, or confuse traffic.
 - d. Light sources for illuminated signs shall not be placed or directed in such a manner as to cause a glare upon any public right-of-way, or upon any immediate access to or from any public right-of-way.
 - e. No rotating beam, beacon, searchlight, or flashing illumination resembling an emergency light shall be used in connection with any sign display.

3. Fire Escape Obstruction: No sign shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, modified, or used so as to prevent free ingress to or egress from any door, window, fire escape, walkway, or driveway.
4. Prohibited Sign Locations: No sign shall be attached or otherwise applied to trees, rocks, fences, utility poles, supporting structures for street signs and other governmental signs, bus shelters, trash receptacles, newspaper vending machines or boxes, or any other portable or temporary supporting device not expressly permitted in the district in which it is located.

F. Sign Responsibility

1. Maintenance and Repair
 - a. All signs and sign structures, including the component parts of each, shall be kept in repair and in a proper state of preservation by the owners of the premises on which the signs are located.
 - b. All premises immediately surrounding a sign shall be maintained by the owner or person in charge of the premises in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish, and weeds.
2. Removal and Disposal
 - a. Signs which are no longer functional, have been abandoned, or moved to an unauthorized position shall be removed from sight or disposed of in some manner; this requirement to include the total blocking-out of painted wall signs when applicable. Such removal or disposal shall be required of the sign owner or the owner of the premises within thirty (30) days after it is no longer functional, has been abandoned, is moved, or the purpose for which it is displayed no longer exists as originally indicated or promoted.
 - b. Any sign which the Village of Versailles Zoning Authority recognizes as being in a state of disrepair, or any sign deemed unsightly, unsafe or abandoned, which is not properly renovated or removed, shall be condemned. An order for removal shall be issued by the Zoning Authority. This removal shall be at the expense of the owner of the sign or the owner of the property.

G. Signs Permitted in All District and Not Requiring a Permit

1. Constructions Signs identifying the site and the firm responsible for the construction, providing:
 - a. Such signs shall be temporary and shall be displayed no earlier than thirty (30) days prior to the start of said construction or remodeling, and shall be removed

no later than thirty (30) days after the completion of such construction or remodeling work.

- b. Such signs shall be limited in number to only one (1) sign per road frontage of the single lot or project site.
 - c. Such signs shall be limited to the following structural types:
 - 1) Free-standing ground sign
 - 2) Wall-mounted sign
 - d. Such signs shall also be subject to the height, size, setback, and lighting restrictions specified elsewhere within this Article for the respective zoning district classifications. If not otherwise provided for in a specific district, no such sign shall be illuminated nor exceed the height, size, and setback limitations associated with Real Estate signs. (See 1002.F.6.)
2. Directional Signs displaying only the word “Enter” or “Exit” or an appropriate arrow indicating the respective directions of travel; provided any such sign does not exceed two (2) square feet in sign area per face, nor exceeds the maximum height of three and one-half (3½) feet. A maximum of two (2) such directional signs per driveway access shall be permitted; with such signs being set back a minimum of five (5) feet from the respective current road edge of pavement, subject to the provision which deals with Traffic Hazards.
 3. Mailbox Identification when such is made an integral part of such mailbox by its permanent attachment to a free-standing or wall-mounted mailbox of customary size and design; provided that such identification and mailbox is necessary for regular mail delivery by the U.S. Postal Department. Unusual mailbox size or design/illumination characteristics incorporated into the mailbox display for the purpose of attracting attention of bypassing pedestrians or motorists shall be considered excessive and shall be required to be made subject to all respective identification sign restrictions of this Article as a conditional use.
 4. Nameplates which do not exceed two (2) square feet of sign area per face, subject to the quantity and locational restrictions, as specified elsewhere within this Article for the respective zoning district classification. If not otherwise provided for in a specific zoning district, such nameplates are restricted to a maximum of one (1) per establishment, with such to be attached to the front wall of the respective establishment to which it refers.
 5. Promotional Signs for specifically permitted fund-raising or public service clubs, charitable/philanthropic/non-profit health, education or civic organizations or religious groups, such as but not limited to, church revivals, bake sales, rummage sales, car washes, blood donation drives, health fairs or events and public educational programs, providing:

- a. Such signs shall be temporary and shall be displayed no earlier than twenty-one (21) days prior to the date(s) of any such event and shall be removed within three (3) days following the end of the event.
 - b. Such signs shall be limited in number to only one (1) sign per road frontage of the site of such event and one (1) sign per road frontage on property owned, leased or controlled by the qualifying sponsoring organization and one (1) sign per property on any other property other than the property owned, leased, or controlled by the qualifying sponsoring organization provided that consent is first obtained from such property owner or resident thereof.
 - c. Such signs shall be limited to the following structural types, unless otherwise specifically permitted:
 - 1) Free-Standing Ground Signs with a maximum of two (2) sides
 - 2) Wall-Mounted Signs
 - d. Such signs, if not otherwise mounted flush on the wall of a building, shall be subject to a setback of a minimum of twenty (20) feet from the respective edge of street pavement and shall not exceed a height of six (6) feet above grade, nor exceed six (6) square feet per side of display area.
 - e. Such signs shall specify the particular event being promoted and must include the name(s) of the sponsoring entity or entities and the date(s) of the event being promoted.
6. Real Estate Signs advertising the sale, lease, or rental of the premises upon which the sign is located, subject to the particular restrictions of the specific zoning district classification; and providing that any such sign is displayed only during the period of time that such property is actively being marketed for the advertised purpose. If not otherwise provided for, no such sign shall exceed a height of four (4) feet above grade, nor exceed nine (9) square feet in area, nor be located closer than ten (10) feet to the edge of street pavement.
 7. Replacement of a Sign Face which has suffered storm damages; or repair of a permitted or legal non-conforming sign or sign structure, providing such repair costs do not exceed 50 percent of the appraised value of the sign (per replacement material and labor cost).
 8. Street Address Numeral Displays which do not exceed two (2) square feet in total area per respective address, subject to the measurement standards and the location restrictions of the respective zoning district classification. If not otherwise provided for all such displays shall be mounted on the wall of the establishment to which it

refers, or be attached to a decorative residential-type lighting fixture in the front yard of such establishment.

9. Signs Regulating the Use of Property such as, but not limited to, “No Trespassing”, “No Hunting”, or “No Fishing.”
10. Signs Indicating the Operating Hours of a permitted business establishment, including “Open” and “Closed” signs; providing no more than one (1) sign is displayed per business establishment main entryway with such sign limited in area to not more than six (6) feet above the height of the threshold of the main entrance to the business establishment, nor shall any such sign be illuminated unless specifically permitted by the sign provisions of the respective zoning district.
11. Signs displayed accessory to bona fide farm markets, providing:
 - a. Such are limited to only non-illuminated signs.
 - b. Such signs are limited in number to not more than one (1) per road frontage, and limited in area to not more than sixteen (16) square feet per side.
 - c. Such signs shall be set back a minimum of five (5) feet from the right-of-way, and shall not exceed a height of six (6) feet.
12. Temporary Political Signs
 - a. *Location and Duration:* Temporary political signs shall be permitted in all zoning districts for a period of not more than thirty (30) days before and ten (10) days after an election. All signs displayed before or after such shall be removed. However, not more than two (2) signs per candidate or issue may be displayed on a residential lot.
 - b. *Sign Size:* The area of a sign shall not exceed six (6) square feet per side in any residential zoned area, nor more than thirty-two (32) square feet within any other zoned district.
 - c. *Sign Location:* All temporary political signs shall be set back not less than five (5) feet from the public right-of-way or fifteen (15) feet from the pavement edge or curb of a paved road. Political signs shall also be set back so as not to obstruct vision from any access driveway.
 - d. *Sign Display:* No person shall place, maintain, or display upon or in view of any street, any political sign which attempts to direct the movement of traffic, or which hides from the view or interferes with the effectiveness of any traffic control device, or any railroad sign or signal; no person shall place or maintain any political advertisement upon a traffic sign or signal, utility pole, bridge, or

highway overpass. Any such political sign in such a location is a public nuisance and the Zoning Enforcement Officer, Utilities Superintendent, Fire Chief, or Police Officers are authorized to remove the same or cause it to be removed.

- e. *Advertising on Private Property:* No person shall stick or post any temporary political advertisement, poster, sign, handbill, or place card of any description upon any building, vehicle, or upon any tree, post, fence, billboard, or any structure or accessory use being the private property of another individual without the permission of the occupant or owner of the same.
 - f. *Removal of Non-Complying Signs:* Any temporary political sign or advertisement displayed in violation to these provisions shall be removed. However, such political sign or advertisement shall be placed in the custody of the Village, and the political party, candidate, or committee involved notified for the purpose of retrieving the sign or advertisement. Such right of removal shall apply to advertisements by governmental bodies also.
 - g. *Charge (Penalty) for Signs Displayed Before or After Permitted:* Period The owner of any temporary political sign displayed prior to or after such permitted period of sign display shall be subject to a charge of two (2) dollars per political sign removed by the Village Zoning Authority. All signs so removed shall be placed in the custody of the Village Administrator until claimed by the owner, or disposed of after seven (7) days.
13. Temporary Domestic Signs associated with any permitted residential garage sales (including patio, basement, yard, or neighborhood block sale), estate auction, or moving sale, is permitted, provided:
- a. Such signs indicate in large, bold-faced print no more than the type, location, time, and date of such sale; with no listing of items to be sold to be indicated thereon.
 - b. No such sign shall be larger in display area than nine (9) square feet per face.
 - c. No such sign shall be higher than four (4) feet above grade.
 - d. No such sign shall be attached to any structure or vehicle other than its own support posts.
 - e. No such sign shall be permitted to be displayed immediately in front of another person's property without express consent from that property owner or his representative.

- f. Any such sign shall be permitted to be displayed on the site of the domestic sale to which it refers not more than seven (7) days prior to the beginning date of respective sale. Such sign shall be removed within seven (7) days following the last date of said sale.
- g. No such sign which is displayed off of the site of the domestic sale to which it refers shall be permitted to be displayed on any day other than those days when such sale is actually taking place.
- h. It is the responsibility of the adult resident of the location of the sale to see that all signs are displayed in accordance with these provisions, including the removal of all such signs at the time such sale is brought to a close.

H. Message Changes

Message changes are permitted and do not require a permit on any permitted or legal non-conforming changeable copy on-premise sign, non-illuminated window signs, menu boards, bulletin boards, convenience signs, marquees, message centers (including time and/or temperature devices) or outdoor advertising (billboard) signs.

Section 1003 Signs in Residential Districts: R-1, R-2, and R-3

- A. The following structural types of signs are permitted, unless otherwise stated in this Article, in Residential Districts within the Village of Versailles.
 - 1. Free-Standing Ground Signs
 - 2. Wall-Mounted Signs
- B. The following functional types of signs are permitted in Residential Districts within the Village of Versailles, when the listed standards are maintained:
 - 1. Bulletin Boards: changeable copy-type signs located accessory to places of worship, libraries, museums, officially recognized service clubs or societies, or public/private schools for academic instruction; providing:
 - a. Such signs shall not exceed sixteen (16) square feet in area per display face.
 - b. Such signs shall only be permitted to be illuminated from a concealed light source.
 - c. Such signs shall be limited in number to no more than one (1) sign per road frontage of the applicable permitted establishment.
 - d. Such signs shall not exceed a height of five (5) feet when free standing, nor ten (10) feet when displayed as a permitted wall sign.

2. Construction Signs: temporary signs, provided that all such signs are non-illuminated, and with the area of each sign not exceeding nine (9) square feet per face, and the height of any such sign not exceeding four (4) feet; and set back a minimum of ten (10) feet from the edge of road pavement.
3. Directional Signs: as permitted within 1002.F.2, providing no such sign is internally illuminated.
4. Identification Signs:
 - a. One (1) sign identifying the inhabitants and/or address and/or name of the respective residence may be displayed upon the subject premises providing:
 - 1) It is no larger than two (2) square feet in total sign area.
 - 2) For multi-family projects and buildings, one (1) identification sign per road frontage may be displayed based on the computation of one (1) square foot of sign area per dwelling unit, providing:
 - 3) No free-standing ground sign may exceed a height of six (6) feet.
 - 4) No sign may be located closer than twenty (20) feet to the respective road right-of-way, unless specifically approved otherwise through a “Conditional Use” procedure.
 - 5) If illuminated, such lighting fixtures must not produce glare and shall be concealed from view.
5. Temporary Banners for various parades, fund-raising charitable events and other events open to the general community involvement which have been duly recognized by the Administration of the Village of Versailles, providing:
 - a. Only one (1) such banner may be displayed on any separately deeded property.
 - b. No such banner may be illuminated by artificial lighting.
 - c. No such banner may have a total sign area in excess of two hundred (200) square feet.
 - d. No such banner may exceed a height of twenty (20) feet.
 - e. No such banner may be set closer to the road right-of-way than twenty (20) feet, unless specifically permitted otherwise through a “Conditional Use” procedure.
 - f. No such banner may be displayed more than seven (7) days before or after the date of the respective event the banner is displayed for.

Section 1004 Signs in Business and Industrial Districts: B-1, B-2, I-1 and I-2

- A. The following structural types of signs are permitted, unless otherwise stated within this Article, in Business Districts within the Village of Versailles.
1. Canopy-mounted signs, but only in association with identification signage.
 2. Free-standing ground-mounted signs
 3. Marquee signs, but only where specifically permitted via a “Conditional Use” type approval procedure. (See 1004.C.)
 4. Projecting signs, but only in association with identification signage for occupants of commercial or industrial buildings which are set back less than twenty (20) feet from the respective road right of way.
 5. Wall-mounted signs
 6. Banner signs, but only in association with temporary on-premises advertising signage.
- B. The following functional types of signs are permitted in Business Districts within the Village of Versailles when the listed standards are maintained:
1. Bulletin Boards: permanent, changeable-copy type signs located accessory to places of worship, libraries, museums, officially recognized service clubs or societies, or public/private schools for academic instruction, providing:
 - a. Such signs shall not exceed thirty-two (32) square feet in area per display face.
 - b. Such signs shall be permitted to be illuminated only from a concealed light source.
 - c. Such signs shall be limited in number to no more than one (1) sign per principal building with no more than two (2) display faces.
 - d. Such signs shall not exceed a height of six (6) feet when free-standing, nor ten (10) feet when displayed as a permanent wall-mounted or conditionally-approved projecting sign.
 - e. Such signs, when free-standing, may only be displayed in lieu of any free-standing ground identification sign otherwise permitted to be displayed along the same road frontage for the respective principal building.

2. Changeable-Copy Advertising Boards: permanent, changeable-copy type on-premise advertising signs displayed in accordance with the following provisions:
 - a. No such free-standing or projecting changeable-copy advertising board area shall exceed thirty-two (32) square feet per side, nor exceed sixty-four (64) square feet in total area for that particular sign structure.
 - b. Marquee style changeable-copy signs shall not exceed sixty-four (64) square feet per display face, nor exceed one hundred twenty-eight (128) square feet per road frontage of the respective entertainment facility.
 - c. Permanent wall-mounted changeable-copy type on-premise advertising signs shall not exceed one hundred (100) square feet in total sign area per principal building or use.
 - d. No such changeable-copy advertising board shall be displayed separate from (detached from) an identification sign, the combined square footage of a changeable-copy advertising sign used in conjunction with an identification sign shall not collectively exceed the area requirements stated within this functional classification.
 - e. Such changeable-copy advertising board shall only display messages relating to the particular business/office establishment located upon the premises.
 - f. The display of any such changeable-copy advertising board shall be limited to a maximum number of one (1) such sign per respective principal building or use, and no more than two (2) display faces.
 - g. Changeable-copy advertising boards as depicted in this Section are not Shopping Center Signs.
3. Circulation Signs: permanent directional signs possessing only the word “Enter” or “Exit” or an appropriate arrow indicating the respective direction of travel, any of which being displayed in combination with the logo or name or address of the respective establishment, shall be permitted to be displayed in accordance with the following restrictions:
 - a. No such sign may exceed three (3) square feet in area per face, nor exceed six (6) square feet in total sign area.
 - b. No such sign may exceed a maximum height of four (4) feet.
 - c. All such signs shall be setback a minimum of one (1) foot from the respective road right-of-way.

- d. No more than two (2) signs shall be permitted to be displayed per respective driveway access/egress.
 - e. No such sign shall be displayed in addition to any directional sign.
4. Construction Signs: temporary signs as provided for in Section 1002.F.1, providing:
- a. All such signs shall be set back a minimum of fifteen (15) feet from the respective road right-of-way line.
 - b. No such sign shall have an area exceeding thirty-two (32) square feet per sign face, with a maximum of two (2) faces.
 - c. No such sign shall exceed six (6) feet in height.
 - d. Such signs may not be illuminated.
 - e. No such sign may be a projecting sign.
5. Directional Signs: permanent, wall-mounted or free-standing signs as provided for in Section 1002.F.2, providing:
- a. Any sign which is illuminated shall not create a glare upon any public right-of-way or abutting property.
 - b. No such sign shall be displayed in addition to any circulation sign located on the same property.
6. Identification Signs: permanent, on-premise signs displayed for the purpose of identifying a commercial, industrial, or other business establishment, provided:
- a. When such is a free-standing sign:
 - 1) When located closer than fifty (50) feet to any principal building, such sign area shall not exceed fifty (50) square feet per display face, with no more than two (2) display faces per sign. Such sign shall be set back a minimum of fifteen (15) feet from the edge of road right-of-way, or thirty (30) feet from the edge of road pavement, whichever is less.
 - 2) When located more than fifty (50) feet away from any principal building, such sign area shall not exceed one hundred (100) square feet per display face, with no more than two (2) display faces per sign. Such sign shall be set back a minimum of thirty (30) feet from the edge of the road right-of-way, or forty-five (45) feet from the edge of road pavement, whichever is less.

- 3) No such sign shall exceed a maximum height of thirty (30) feet measured from nearest street grade, nor more than ten (10) feet above the height of the tallest building located within fifty (50) feet of the sign, whichever is the more restrictive.
- 4) No more than one (1) sign shall be displayed per principal building frontage, with no more than two (2) such signs per property.
- 5) No such sign shall be displayed in addition to a projecting identification sign located on the same property along the same road frontage.

b. When such is a projecting sign:

- 1) No such sign shall exceed a maximum sign area of thirty-two (32) square feet per display face, with no more than two (2) display faces per sign.
- 2) No such sign shall be set back less than one (1) foot from the edge of street pavement.
- 3) No such sign shall project more than eight (8) feet from the supporting wall of the respective building.
- 4) No such sign shall be less than ten (10) feet above grade located immediately below such sign, nor exceed a maximum height of eighteen (18) feet above nearest street grade.
- 5) No such sign shall be displayed in addition to a free-standing identification sign located on the same property along the same road frontage.

c. When such is a wall-mounted sign:

- 1) No single wall sign shall exceed one hundred (100) square feet in display area.
- 2) No total wall sign area per building frontage shall be restricted to less than fifty (50) square feet per road frontage for any business establishment.
- 3) When displayed within sixteen (16) feet of another business establishment located along the same road frontage, the total area of such signage shall not exceed fifty (50) square feet per business establishment along said road frontage.
- 4) When displayed closer than one hundred (100) feet to the respective public road right-of-way, total area of wall signage displayed along that business establishment's frontage shall not exceed a maximum area which is equal to two (2) square feet times the measured lot frontage, or portion thereof, for that single business establishment. *
- 5) When displayed further back than one hundred (100) feet from the respective public road right-of-way, total area of wall signage shall not exceed a maximum area which is equal to three (3) square feet times the measured lot frontage, or portion thereof, for that single business establishment. *

- 6) No more than two (2) such wall signs shall be displayed per building frontage, except that any business property exceeding one hundred (100) feet in single road frontage may have one (1) additional wall sign per each hundred feet of road frontage so in excess.

*For lots, or portions thereof, with more than one road frontage, wall signage shall be calculated respective to that road frontage most nearly parallel to the wall(s) displaying such signage.

d. When such is a Canopy-Mounted sign:

- 1) No such sign shall be illuminated by internal lighting.
- 2) No such sign shall exceed six (6) square feet per road frontage of such establishment.
- 3) No such sign shall be less than eight (8) feet in height above a public walkway, nor less than twelve (12) feet in height above a public drive.
- 4) No such sign shall extend more than eighteen (18) inches beneath the eave of such canopy.
- 5) No such sign may project out from the face of such canopy structure or its supports.

7. Mailbox Identification: signs of the type permitted in Section 1002.F.3, providing:

- a. Such identification and mailbox is necessary for regular mail delivery by the U.S. Postal Department.
- b. Unusual mailbox size or design/illumination characteristics incorporated into the mailbox display for the purpose of attracting attention of bypassing motorists or pedestrians shall be considered excessive and shall be subject to all respective identification sign restrictions of this Article as a conditional use.

8. Menu Boards: permanent, on-premise, changeable-copy type signs displayed for the purpose of giving information to those customers visiting a business establishment as to the selection of goods and services available at such establishments with respective price listing, may be permitted to be displayed, provided:

- a. Unless specifically approved otherwise through a conditional use procedure, no such Menu Board may be displayed in such a way as to be readable from any public thoroughfare or neighboring property.
- b. Unless specifically approved through a conditional use procedure, such signs shall be limited to one (1) per business establishment.
- c. No such sign shall exceed sixteen (16) square feet, one (1) display face, not be more than six (6) feet in height above the average grade of the subject lot.

- d. No such sign shall be permitted to be located within any required front yard setback.
 - e. The area of such signs shall be exempt from consideration as measurable sign area in calculating total sign area for such premises.
9. Nameplates: signs of the type provided for in Section 1002.F.4, providing each business establishment is limited to only one (1) such sign per major customer entrance.
10. Off-Premise Advertising Signs (Billboards): any sign, other than signs classified as Promotional Signs (Section 1002.F.5) or Temporary Domestic Signs (Section 1002.F.13), which displays a message not specifically related to a commodity, service, or use available at that same premises where such advertising sign is located, providing:
- a. No such sign may be permitted to be displayed in any district other than an I-1 Industrial District.
 - b. Any such sign intending to be displayed nearer than one-thousand (1000) feet to a residential building is subject to review and approval through a conditional use type procedure.
 - c. All such signs shall be required to either be a wall or free-standing type display.
 - d. No such sign shall have the lowest edge of its display face more than ten (10) feet above grade; nor have the highest edge of its display face more than twenty-four (24) feet above street grade.
 - e. All such signs and sign structures shall be setback a minimum of two hundred (200) feet from the edge of the right-of-way of any and all roads from which such signs are able to be read; except for those signs visible from the travel-way of any interstate highway, with said signs being subject to the provisions of Chapter 5516 of the Revised Code of Ohio, requiring a minimum setback of six hundred sixty (660) feet from any such interstate right-of-way.
 - f. The face of any painted bulletin shall not exceed the dimensions of 48 feet long by 14 feet high.
 - g. The face of any poster panel shall not exceed the dimensions of 24½ feet long by 123 feet high.
 - h. Embellished extensions of up to 5½ feet at the top and 2 feet at the sides of a painted bulletin shall be permitted, provided that the additional sign area provided by such embellishments does not exceed two-hundred (200) square

feet, and provided such extensions do not encroach upon the established sign height and setback limitations.

- i. All such signs shall be displayed in any of the following manners:
 - 1) One (1) single-faced painted bulletin or poster panel display.
 - 2) A display of two (2) poster panels placed side-by-side in a straight line.
 - 3) A double-faced display of painted bulletins or poster panels as previously described in 1 and 2.
 - 4) Forming an angle of less than forty-five (45) degrees, up to two (2) side-by-side poster panels may be backed by the same or one (1) painted bulletin, or one (1) painted bulletin may be backed up by the same or a display of up to two (2) side-by-side poster panels.
 - j. No stacking of poster panels or painted bulletins in whatever manner shall be permitted.
 - k. The exposed supports of off-premise advertising graphics in full view of vehicular traffic approaching along the main travelway shall be covered. This regulation shall not apply when the road design, natural topography, buildings, and other objects provide screening to the backs of any graphic.
 - l. No such sign shall be located closer than one thousand (1000) feet from another such off-premise advertising sign readable from the same roadway.
 - m. No such sign shall incorporate the use of any mechanical movement in its display.
11. On-Premise Advertising Sign: any sign temporarily displayed for the purpose of promoting a special sale, a new product, special service, or similar event for private profit available at the premises upon which said sign is located, may be permitted to be displayed, provided:
- a. When free-standing, such signs must be:
 - 1) Limited to one (1) sign per respective road frontage.
 - 2) Sign area not exceeding the thirty-two (32) square feet per display face, with a maximum of two (2) faces.
 - 3) Not to exceed the height of six (6) feet.
 - 4) Set back a minimum of fifteen (15) feet from the edge of the road right-of-way, or twenty-five (25) feet from the edge of road pavement, whichever is less.
 - 5) The sign face must be comprised of a material that holds a fixed shape, and not subject to being moved by the wind or air currents.

- 6) Held fast to the ground by way of metal anchors or posts set to a depth of at least nine (9) inches below grade.
- b. When wall-mounted, such sign must be:
 - 1) Limited to one (1) sign per respective principal building.
 - 2) Mounted flush against the exterior of the wall with a sign area not exceeding thirty-two (32) square feet.
 - 3) Securely affixed to the wall in such a manner as to not be subject to being moved by the wind or air currents. If a banner, shall be securely tied so as to minimize its movement due to the wind or air currents.
 - 4) Of definite fixed shape or banner form.
 - 5) Not to exceed a height of ten (10) feet upon the mounting wall.
 - c. Such temporary on-premise advertising signs shall be:
 - 1) Subject to receiving proper zoning authorization via the issuance of a temporary zoning certificate.
 - 2) Limited to a maximum display period of sixty (60) days total for an entire calendar year for the respective business establishment.
 - 3) Restricted to the display of only one (1) wall or free-standing temporary sign at any one time for any particular establishment.
 - 4) Restricted to the display of not more than one (1) free-standing sign per respective deeded/leased property per road frontage; this requirement to include one (1) free-standing authorization per shopping center frontage for each period when any temporary zoning certificate is issued.
 - d. When mounted inside the building for display through a window, such signage shall be exempt from the provisions of this Article, providing no such sign is a blinking or intermittently lighted sign.
 - e. For “Truck Sales” or “Bulk Sales” utilizing a truck or semi-trailer located on the premises as part of the sales promotion, temporary signs or banners may be displayed on such truck or trailer; providing such signage does not extend beyond the length or height of such truck or trailer, and providing such promotions do not exceed a total of ninety (90) days per calendar year.
12. Promotional Signs: temporary signs for specifically permitted fund-raising or public service events of the type permitted in Section 1002.F.5, provided:
- a. Unless the Village Council passes an official resolution in recognition of its support of this particular promotion, the following provisions apply:
 - 1) No such sign shall be located closer to the respective road right-of-way than twenty (20) feet, where such spacing allows. In locations with less

than twenty (20) feet set back areas, said promotional signs shall be located in such locations as directed by the Village Zoning Enforcement Officer.

- 2) No such sign shall have a sign area greater than twenty-four (24) square feet per face, with a maximum of two (2) faces.
- 3) No such sign shall have a height greater than six (6) feet when free-standing, nor greater than ten (10) feet when displayed as a permitted wall sign.
- 4) No such sign may be illuminated when located closer than forty (40) feet to the respective road right-of-way.
- 5) No more than one such promotional sign may be located closer than 150 feet from one another. Such signs may be located on property other than the property owned by the event sponsor, provided that consent is obtained from the property owner(s).

- b. If such promotion is recognized by the Village Council as an event of substantial good for the entire Village's benefit, the above provisions shall be eligible for modification as deemed reasonable by the Village Council or Village Administrator.

13. Real Estate Signs: temporary signs of the type permitted, provided:

- a. Except for signs not exceeding nine (9) square feet in area, all such signs not attached flush with the front wall of the respective building shall be setback a minimum of twenty (20) feet from the respective road's edge of pavement. Signs not exceeding nine (9) square feet in area shall be setback a minimum of ten (10) feet from the edge of street pavement.
- b. All such signs shall be limited in area to a maximum of thirty-two (32) square feet per display face, with a maximum of one (1) face.
- c. All such signs shall be limited in height to a maximum of six (6) feet when free-standing, and a maximum of ten (10) feet when displayed as a wall sign.
- d. No such free-standing ground sign shall be illuminated by artificial lighting.
- e. No more than one (1) such sign may be displayed per principal building or property.
- f. All such signs shall be allowed only on the property to which they pertain.

14. Street Address Displays: permanent, on-premise displays of respective street address numerals used to identify the location of a particular business establishment, provided:

- a. When detached from a building wall, such display must be attached against or directly adjacent to the face of a free-standing ground or circulation sign for such office use.
 - b. When there is no free-standing ground sign, such street address may be displayed on a free-standing ground support located no closer than fifteen (15) feet to the road right-of-way and at a maximum height of three (3) feet.
 - c. Where a group of separate establishments, businesses, or buildings exist on one (1) property, only one (1) street address display may be located on a free-standing ground sign. Such street address so displayed shall be that of the major tenant of the premises, or the range of street addresses of such establishments located thereon.
15. Temporary Banners for various parades, fund raising charitable events, and other events open to general community involvement which have been duly recognized by the Administration of the Village of Versailles, providing:
- c. Only one (1) such banner may be displayed on any separately deeded property.
 - d. No such banner may be illuminated by artificial lighting.
 - e. No such banner may have a total sign area in excess of two hundred (200) square feet.
 - f. No such banner may exceed a height of twenty (20) feet.
 - g. No such banner may be set closer to the road right-of-way than twenty (20) feet, unless specifically permitted otherwise through a “Conditional Use” procedure.
 - h. No such banner may be displayed more than seven (7) days before or after the date of the respective event the banner is displayed for.
16. Time/Temperature Displays: electronic and/or mechanical changeable copy displays of time and/or temperature, provided:
- a. Such displays shall be considered as permanent signage to the respective restrictions of this Article.
 - b. All intermittently lighted electronic displays shall display such time and/or temperature reading for a minimum of seven (7) seconds anytime any such reading is displayed continuous movement is prohibited.
 - c. No such Time/Temperature Display may display any other message nor be lighted or emit lighting of such brightness or intensity as to cause glare.

- d. Such displays must be kept in accurate working order at all times, or have the display covered over or otherwise dismantled so as not to be seen by the general public.
- C. The following signs shall be considered as Conditional Signs subject to Board of Zoning Appeals approval via a Conditional Use approval procedure:
- 1. Electronic Message Boards: electronic changeable copy displays of a wide variety of public service messages or promotional announcements, provided:
 - a. Such signage is to be considered as permanent signage subject to the respective setback, size, and height restrictions for identification signs.
 - b. Any number of such electronic message boards specifically authorized by the Board of Zoning Appeals may be displayed from any property, provided:
 - 1) Such displays are located at least fifty (50) feet away from any other on-premise identification sign.
 - 2) Such displays shall not exceed a maximum height of ten (10) feet.
 - 3) Such electronic copy-change procedure shall display each separate copy a minimum of seven (7) seconds.
 - 4) Such display shall not cause a glare or be so located as to be blatantly distracting.
 - 2. Convenience Signs: portable-type ground-mounted signs which are displayed to promote particular products or services available at such location, provided:
 - a. The sign's structure is affixed or anchored to the ground in such a way to prevent its tipping over from high winds.
 - b. If displayed in addition to other permitted on-premise advertising signage, such sign shall not be oriented in such a way or in such a location to be easily read or recognized from bypassing motorists or pedestrians.
 - c. If displayed in lieu of other permitted on-premise advertising signage, such signs shall be limited in number to one (1) per road frontage.
 - d. No such sign shall be larger in area than twelve (12) square feet, nor taller than four (4) feet above street grade, nor be directly illuminated.
 - e. All such signs shall be set back a minimum of twenty (20) feet from the road right-of-way when displayed in lieu of other permitted on-premise advertising signs.

3. Marquee Signs: in association with theatre and other type entertainment uses, provided:
 - a. The total area of the sign does not exceed one hundred (100) square feet.
 - b. The sign shall not project above any portion of the roof.
 - c. The sign shall not project over a sidewalk or terrace a distance greater than the width of same sidewalk or terrace.
 - d. Such signs may be internally illuminated.
4. Shopping Center Community Identification Signs: representing a shopping complex of more than one (1) store shall be permitted to be displayed in lieu of separate individual store free-standing identification signs, provided:
 - a. The display area of such sign is in keeping with the number of stores, aggregate ground floor area, and size of parking lot for such shopping center.
 - b. The height of any such sign shall not exceed thirty (30) feet above street grade.
 - c. Shopping center and mall signs located on different, but adjoining properties, must maintain a minimum distance of two hundred (200) feet between one another.
 - d. Such signs may be internally illuminated.
 - e. The number of such signs shall be limited to one (1) per road frontage.

Section 1005 Special Effect Signage Available to Specified Districts Through Individual Conditional Use Requests

A great deal of the character of an activity, street place, neighborhood, or community as well as special attractions can be expressed through the display of special illumination and special graphics. It is the intent of this Section to allow for the greatest possible use of these special effects and their potential contribution to the visual character of a place. The following signs shall be considered as Conditionally Permitted Signs subject to Board of Appeals approval, provided:

- A. **Bare Bulb Illumination**: used in conjunction with on-premise identification signage for the purpose of highlighting such sign display in a glaring manner with no bare bulb exceeding 30 watts. Neither internal nor external reflectors shall be used in conjunction with any bare-bulb illumination.

- B. **Flag-Pole Pennants:** when displayed in conjunction with the display of the American Flag or State of Ohio pennant, a single pennant displaying the name or recognized logo of the respective on-site business establishment.
- C. **Neighborhood Community Identification:** any permanent sign identifying a particular neighborhood or district area within Versailles may be displayed, provided:
1. No such sign is of such size or location to interfere with traffic visibility or security of a particular area.
 2. If located within the unpaved area of any road right-of-way, any such sign is subject to approval from the Village Zoning Authority or Director of Transportation of the State of Ohio, depending on such road right-of-way's respective classification.
 3. Such sign shall be kept well-maintained.
- D. **Wall Supergraphics/Painted Murals:** design painted on or otherwise affixed to a building wall having an aggregate display area in excess of the maximum sign area permitted by the respective provisions of this Article may be permitted as artistic displays, provided:
1. Such displays do not extend beyond the established architectural elements of the wall and roof-line of the subject building.
 2. Such displays do not qualify as any other functional type of sign otherwise restricted by the provisions of the Resolution.
 3. No such display is directly illuminated by artificial lighting in such a way as to serve to identify such building/premises for a business purpose.
- E. **Balloons or Inflatable Devices:** in conjunction with a temporary, special promotion, such device may be displayed, provided:
1. No such device is illuminated.
 2. No such device is filled with an amount or type of gas which may render the device dangerous, as determined by the Versailles Fire Dept.
 3. Such device shall be displayed in an area a safe distance away from overhead electric lines.
 4. The Versailles Police Department and Zoning Board make a determination that the display of such a device shall not constitute a traffic hazard.
 5. No such device shall reach more than fifty (50) feet above the ground.

6. There is made a determination that such device shall be under sufficient control of the respective organization/person requesting such zoning authorization as to not constitute a nuisance.

Section 1006 Definitions of Terms Used in this Article

A. Area, Sign

That surface within the outermost perimeter which completely encloses the extreme points of any emblem, figure, letter, representation or writing which is affixed to or painted directly or indirectly upon a building, structure or piece of land in order to identify, announce, communicate, direct attention to, or advertise an object, product, place, activity, person, institution, organization, or place of residence.

B. Banners

A non-rigid cloth or canvas graphic typically related to a special event or promotion, which is attached to a permanent structure at each of its four corners.

C. Billboard

(See Off-Premise Advertising Sign.)

D. Bulletin Board

A structure containing a surface upon which is displayed the name of a religious institution, school, library, auditorium, stadium, athletic field, or arena of similar use for the announcement of services or activities to be held therein.

E. Canopy or Awning Signs

Signs, other than marquee signs, which are mounted or painted on or attached to a roof-like covering over a walkway or drive.

F. Changeable Copy Signs

Signs which are constructed in such a fashion as to allow the name, identification, description display or illustration contained thereon to be changed or altered without affecting the building, structure, or piece of land to which said name, identification, descriptive display or illumination is attached.

G. Circulation Signs

Signs directing vehicular or pedestrian movement onto or within a premise when the words or symbols giving the appropriate direction are displayed in combination with that establishment's logo, name and/or address.

H. Construction Signs

Signs indicating the names of architects, engineers, contractors, and/or similar persons involved in the design and/or construction and/or remodeling of a structure or project.

I. Convenience Signs

Portable-type ground-mounted signs which are displayed to promote particular products or services available at such location. Such signs differ from “temporary” on-premise advertising signs in that such signs may be placed in a particular location for an indefinite period of time.

J. Directional Signs

Signs which are not internally illuminated, and which serve to direct vehicular or pedestrian movement onto or within a premise by displaying only the word “Enter” or “Exit” or an appropriate arrow, or similar words...but without being displayed in association with any business logo, name, or address.

K. Domestic Advertising

Advertising of events or sales which are associated with a non-profit use of private property.

L. Electronic Message Boards

Internally illuminated displays capable of transmitting variable information to the public, such as public service messages, date, time and temperature, and a wide variety of promotional announcements.

M. Farm Market

A retail establishment where at least fifty percent (50%) of the gross income received from its commercial operation is derived from produce raised on farms owned or operated by the market’s operator in a normal crop year.

N. Flag-Pole Pennant (Flag)

A single insignia or emblem of a governmental body, association, business or corporation. Strings of flags or pennants are not included in this definition.

O. Free-Standing Sign

A sign suspended or supported by one or more uprights or braces in or upon the ground surface. (Whenever a sign is supported in a free-standing manner in addition to being

mounted to a wall, the sign shall be subject to the requirements for a free-standing ground sign.)

P. Ground-Mounted Sign

(See Free-Standing Sign.)

Q. Height, Sign

Unless specified otherwise, the vertical distance measured from the established grade of the street pavement (located immediately in front of such sign) to the top of the display face of such sign.

R. Identification Signs

Displays which identify the name and/or the main activity of the person or establishment located on that particular site.

S. Mailbox Identification

The specification of the name and/or address of the person or establishment to which the mailbox is of service.

T. Mall Signs

(See Shopping Center Community Sign.)

U. Marquee

A canopy constructed for the primary purpose of providing additional display space for changeable-copy type graphics.

V. Menu Board

A permanent, on-premise, changeable-copy type sign displayed for the purpose of giving information to those customers visiting a business establishment as to the selection of goods and services available at such establishment with respective price listing.

W. Nameplate Signs

Signs designating only the name and address or the name, professional occupation and address of a person or persons residing in or occupying space in such building or premises.

X. Neighborhood Community Identification Signs

A permanent sign displayed for the sole purpose of identifying a residential complex or neighborhood.

Y. Non-Conforming Sign

Any sign existing at the time of the enactment of this Article which does not conform to its provisions but which was originally erected in accordance with previously adopted regulations shall be deemed a legal non-conforming sign. Such a sign, if properly maintained, may be continued.

Z. Off-Premise Advertising Board (Sign)

A sign which contains a message or item of information not specifically related to the commodity or service offered or use conducted upon the premises or lot where such sign is located.

AA. On-Premise Advertising Board (Sign)

A sign which contains a message or item of information specifically related to a commodity or service offered or use conducted upon the premises or lot where such a sign is located.

BB. Outdoor Advertising Signs

(See Off-Premises Advertising Board.)

CC. Painted Mural

(See Wall Supergraphics.)

DD. Political Sign

Any off-premise sign, the purpose of which is to support or oppose any candidate or candidates for public office, or any ballot questions or issues to be voted on in any election.

EE. Portable Sign

Any sign which is designed to be moved without requiring its support structure to be altered to a great extent.

FF. Projecting Sign

A sign suspended from or supported by a building or structure and extending therefrom a distance greater than fifteen (15) inches. Free-standing ground signs and marquee signs are not projecting signs.

GG. Promotional Signs

Any sign displayed to advertise an event or service or merchandise available at a particular location or time.

HH. Real Estate Sign

A sign pertaining to the sale or lease of the lot or tract of land on which the sign is located, or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land.

II. Right-of-Way (Public Road)

The property line and the right-of-way line are one and the same, and indicate the limit of publicly-owned land encompassing a public thoroughfare.

JJ. Roof Signs

Any sign which is erected over the roof or parapet above the roof line and/or receives any or all its support from the roof structure.

KK. Sign (Graphic)

A name, identification, description, display, or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure, or piece of land; or affixed to the glass of the outside or inside of a window so as to be seen from the outside of a building and which directs attention to an object, product, place, activity, person, institution, organization, or business.

LL. Sign Display (Face)

That area of a sign designed for the promotion or identification of any person, establishment, product or service which can be viewed from a single direction.

MM. Sign Structure

The supports, uprights, bracing, or framework specifically built for the purpose of supporting a sign's display face.

NN. Shopping Center Community Identification Sign

A permanent sign displayed for the purpose of identifying a commercial complex or particular shopping location of two (2) or more stores.

OO. Street (Road) Pavement, Edge of

The edge of a street's paved surface, including the edge of all paved areas used for on-street vehicle parking.

PP. Temporary Signs

A sign which is intended to be displayed for less than a year's period of time in a single location.

QQ. Wall Signs

A sign which is affixed, painted on or attached to the wall of a building or other structure (exclusive of structures for free-standing ground signs) and which extends not more than fifteen (15) inches from the face of a wall.

RR. Wall Supergraphics/Painted Murals

Artistic displays or designs which have been painted on or otherwise affixed to the wall of a building for a purpose other than for the promotion of a particular establishment, person, goods, or services.

Article 11 AMENDMENTS

Section 1101 Intent

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may by Ordinance, after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and boundaries or classification of property.

Section 1102 Initiation of Zoning Amendments

Amendments to these Zoning Regulation may be initiated in one of the following ways:

- A. By the adoption of a motion by the Planning Commission.
- B. By the adoption of a resolution by Village Council.
- C. 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 1103 Text Amendments and Changing of Zoning District

The Village Planning Commission and Village Council shall favorably consider an application for a text amendment, whether to the Zoning Regulation text or to the Official Zoning District Map, only if the request for a change of zoning meets the following conditions:

- A. Manifest error in the original Zoning Regulation text and/or designations on the Official Zoning District Map.
- B. Substantial change in area conditions.
- C. Legitimate requirement for additional land area for the particular zoning district.

Section 1104 Contents of Application for Zoning Map Amendment

Applications for amendments to the Official Zoning Map adopted as part of these Zoning Regulation shall contain at least the following information:

- A. The name, address and phone number of the applicant.
- B. The proposed amendment, approved as to form by the Village Solicitor.
- C. A statement of the reason(s) for the proposed amendment.
- D. Present use.
- E. Present zoning district.
- F. Proposed use.
- G. Proposed zoning district.
- H. A vicinity map at a scale approved by the Village Administrator showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Village Administrator may require.
- I. A list of all property owners and their mailing addresses who are within two hundred (200) feet, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten parcels are to be rezoned. Such list is to be in accordance with the Darke County Auditor's current tax list.
- J. A statement on the ways in which the proposed amendment relates to the comprehensive plan.
- K. A statement of the necessity of desirability of the proposed use to the neighborhood or community. Specific reason(s) justifying the application for amendment.
- L. A statement of the relationship of the proposed use to adjacent property and land use.
- M. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application or required for appropriate action be the Versailles Planning Commission.
- N. A fee as established by the Village Council.

Section 1105 Contents of Application for Zoning Text Amendment

Applications for amendments proposing to change, supplement, amend, or repeal any portion(s) of these Zoning Regulation, other than the Official Zoning Map, shall contain at least the following information:

- A. The name, address, and phone number of the applicant.
- B. The proposed amendment, approved as to form by the Village Solicitor.
- C. A statement of the reason(s) for the proposed amendment.
- D. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan.
- E. A fee as established by the Village Council.

Section 1106 Recommendation by Planning Commission

Within 60 days from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment as requested, or it may recommend that the amendment be denied. The written decision of the Planning Commission shall indicate the specific reason(s) upon which the recommendation is based, including the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan.

Section 1107 Public Hearing by Village Council

Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than 75 days from the receipt of the recommendation from the Planning Commission.

Section 1108 Notice of Public Hearing in Newspaper

Notice of the public hearing shall be given by Village Council by at least one publication in one or more newspaper of general circulation in the Village. Said notice shall be published at least 30 days before the date of the hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

Section 1109 Notice to Property Owners by Village Council

If the proposed amendment intends to rezone or redistrict ten 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 20 days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other list or lists that may be specified by Village Council. The failure to deliver the notification as provided in this Section shall not invalidate any such amendment. The notice shall contain the same information as required in Section 1108 Notice of Public Hearing in Newspaper.

Section 1110 Action by Village Council

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

Article 12 APPEALS AND VARIANCES

Section 1201 Intent

Appeals and variances shall conform to the procedures and requirements of these Zoning Regulation. The Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

Section 1202 Appeals

Appeals to the Board concerning interpretation or administration of these Zoning Regulation may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Village Administrator. Such appeal shall be taken within 20 days after the decision by filing, with the Village Administrator and with the Board, a written Notice of Appeal specifying the grounds upon which the appeal is being taken. The Village Administrator shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

Section 1203 Variances

The BZA may authorize upon appeal in specific cases such variance from the terms of these Zoning Regulation as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of these Zoning Regulation would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of these Zoning Regulation would result in unnecessary hardship.

Section 1204 Conditions for Variance

No variance shall be granted unless the Board finds that all of the following conditions exist:

- A. The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property, and do not result from the actions of the applicant and do not apply generally to other land or buildings in the vicinity.
- B. The granting of the application is necessary for the preservation and enjoyment of the substantial property right and not merely to serve as a convenience to the applicant.
- C. The proposed variance will not constitute a change, including a variation in use, on the Official Zoning District Map. In no case shall the BZA approve a variance for a use which is not a permitted use in the zoning district in which the property, building, or structure is located.

Section 1205 Application and Standards for Variances

Except as otherwise permitted in these Zoning Regulation, no variance in the strict application of the provisions of these Zoning Regulation shall be granted by the B ZA unless the Board shall find that the written application for the requested variance contains all of the following requirements:

- A. Name, address, and phone number of applicant(s).
- B. Plat Plan – The appeal shall be accompanied by **three (3) copies of a plot plan** drawn to an appropriate scale showing the following:
 - 1. The boundaries and dimensions of the lot.
 - 2. The size and location of existing and proposed structures.
 - 3. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking and loading spaces and landscaping.
 - 4. The relationship of the requested variance to the standards set by the Zoning Ordinance.
 - 5. The use of land and location of structures on adjacent property.
- C. Legal description of property.
- D. Description or nature of variance requested.
- E. A fee as established by these Zoning Regulation.
- F. Narrative statements establishing and substantiating that the variance conforms to the following standards:
 - 1. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by these Zoning Regulation on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
 - 2. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
 - 3. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of these

Zoning Regulation would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.

4. There must be proof of hardship created by the strict application of these Zoning Regulation. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of these Zoning Regulation; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
5. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
6. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
7. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

Section 1206 Additional Conditions and Safeguards

The Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under these Zoning Regulation.

Section 1207 Public Hearing by the Board of Zoning Appeals

The Board shall hold a public hearing within 30 days after the receipt of an application for an appeal or variance from the Village Administrator or an applicant.

Section 1208 Notice of Public Hearing in Newspaper

Before conducting the public hearing required, notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least 10 days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

Section 1209 Notice to Parties in Interest

Before conducting the public hearing required, written notice of such hearing shall be mailed by the Chairman of the Board, by first-class mail, at least 10 days before the day of the hearing to all parties of interest within 200 feet. The notice shall contain the same information as required in Section 1208 Notice of Public Hearing in Newspaper.

Section 1210 Action by Board of Zoning Appeals

Within 30 days after the public hearing requires, the Board shall either approve, approve with supplemental conditions as specified in Section 1206 Additional Conditions and Safeguards, or disapprove the request for appeal or variance. The Board shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure.

Section 1211 Term of Variance

No order of the Board granting a variance shall be valid for a period longer than six (6) months from the date of such order unless the Zoning Permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

Section 1212 Authorized Variances

Variances from the requirements of these Zoning Regulation shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by these Zoning Regulations, have been met by the applicant. Variances may be granted as guided by the following:

- A. To permit any yard or setback less than the yard or setback required by the applicable regulations.
- B. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than 80% of the required area and width.
- C. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
- D. To reduce the applicable off-street parking or loading facilities required, but generally by not more than 30% of the required facilities.

- E. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
- F. To increase the maximum allowable size or area of signs on a lot, but generally by not more than 25%.
- G. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than 25%.

Article 13 ADMINISTRATION

Section 1301 Intent

The intent is to set forth the powers and duties of the Planning Commission, the BZA, the Village Council, and the Village Administrator with respect to the administration of the provisions of this Zoning Regulation.

Section 1302 General Provisions

The formulation, administration, and enforcement of the Zoning Regulation is hereby vested in the following offices and bodies within the Village of Versailles government:

- A. Village Council
- B. Planning Commission
- C. Board of Zoning Appeals
- D. Village Administrator
- E. Village Solicitor

Section 1303 Village Administrator

A Village Administrator appointed by the Mayor and approved by the Village Council shall administer and enforce this Zoning Regulation. He may be provided with the assistance of such other persons as the Mayor may direct, but not limited to, members of the Village police force.

Section 1304 Responsibilities of the Village Administrator

For the purpose of this Zoning Regulation, the Village Administrator or his/her assistants as provided for in Section 1303 above shall have the following duties:

- A. Enforce the provisions of this Zoning Regulation and interpret the meaning and application of its provisions.
- B. Respond to questions concerning applications for amendments to the Official Zoning District Map.
- C. Issue Zoning Permits as provided by this Zoning Regulation, and keep a record of same with a notation of any special conditions involved.
- D. Act on all applications upon which the Village Administrator is authorized to act by the provisions of this Zoning Regulation within the specified time or notify the applicant in

writing of the Village Administrator's refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit the Village Administrator's request to the BZA.

- E. Conduct inspections of buildings and uses of land to determine compliance with this Zoning Regulation, and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
- F. Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Village offices.
- G. Maintain permanent and current records required by this Zoning Regulation, including but not limited to, Zoning Permits, Zoning Permits, inspection documents, and records of all variances, amendments, and special uses.
- H. Make such records available for the use of the Village Council, the Planning Commission, the BZA, and the public.
- I. Review and approve site plans pursuant to this Zoning Regulation.
- J. Determine the existence of any violations of this Zoning Regulation, and cause such notifications, or initiate such other administrative or legal action as needed, to address such violations.

Section 1305 Duties of the Planning Commission

For the purpose of this Zoning Regulation the Planning Commission shall have the following duties:

- A. Recommend modifications to the Zoning Regulation, including text and Official Zoning District Map, to the Village Council for formal adoption.
- B. Initiate advisable Official Zoning District Map changes, or changes in the text of the Zoning Regulation where same will promote the best interest of the public in general through recommendation to the Village Council.
- C. Review all proposed amendments to the text of this Zoning Regulation and the Official Zoning District Map and make recommendations to the Village Council as specified in Section 159.800 Amendments.
- D. Review all Planned Unit Development applications and make recommendations to the Village Council as provided in this Zoning Regulation.

- E. Carry on a continuous review of the effectiveness and appropriateness of this Zoning Regulation and recommend such changes or amendments as it feels would be appropriate.

Section 1306 Duties of the Board of Zoning Appeals

For the purpose of this Zoning Regulation the BZA has the following specific responsibilities:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Village Administrator in the enforcement of this Zoning Regulation.
- B. Authorize such variances from the terms of this Zoning Regulation.
- C. Hear and decide Conditional Uses as set forth in this Zoning Regulation.
- D. Review all special uses as identified in the respective zoning districts according to provisions and criteria stated in this Zoning Regulation.
- E. Nonconforming uses as provided in this Zoning Regulation.
- F. Determination of Similar Uses

To determine if uses not specifically mention in this Ordinance are similar to uses permitted within a district.

- G. Determination of District Boundary Locations

To determine the exact location of any district boundary if there is uncertainty as to the exact boundary, the Board shall be guided to provisions in this Zoning Regulation.

Section 1307 Village Council

The powers and duties of the Village Council pertaining to the Zoning Regulation are as follows:

- A. Approve the appointments of members to the Planning Commission by the Mayor.
- B. Approve the appointments of members to the BZA by the Mayor.
- C. Initiate or act upon recommended amendments to the Zoning Regulation or Official Zoning District Map. Final action upon a recommended zoning amendment shall be undertaken at a public hearing.
- D. Override a recommendation of the Planning Commission provided that such legislative action is passed by a vote of not less than 3/4 of the Village Council.

Section 1308 Schedule of Fees

Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure. All fees for the following shall be set by the Village of Versailles under a separate resolution.

- Residential New Construction
- Residential Additions/Remodeling
- New Commercial Construction (including Site Plan Review)
- Commercial Remodeling/Additions
- New Industrial Construction (including Site Plan Review)
- Industrial Remodeling/Additions
- Accessory Uses/Buildings/Uses
- Fences (Residential)
- Fences (Commercial/Industrial)
- Signs (less than 36 square feet)
- Signs (36-60 square feet)
- Signs (60+ square feet)
- Variance
- Conditional Use
- Zoning Text Amendment
- Zoning Map Amendment (Rezoning)
- Appeal of Administrative Decision
- Planned Unit Development Review
- Subdivisions (Preliminary and Final Plats)
 - First acre or fractional part thereof
 - Each additional acre or fractional part thereof
 - Miscellaneous (Swimming Pools, Utility Sheds, Parking, etc.)

All fees shall be paid by cash or check and shall not be refundable.

Article 14 ZONING PERMIT REQUIREMENTS AND ENFORCEMENT

Section 1401 Intent

The intent is to stipulate the procedures to be followed in obtaining permits, and other legal or administrative approvals under this Zoning Regulation.

Section 1402 Zoning Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered; nor shall any building, structure, or land be established or changed in use; nor shall any Accessory Use, sign, or swimming pool be installed without a permit issued by the Village Administrator. Zoning Permits shall be issued only in conformity with the provisions of this Zoning Regulation unless the Village Administrator receives a written order from the BZA deciding an appeal, conditional use, or variance, or from Village Council, approving a Planned Unit Development District, as provided by this Zoning Regulation.

Section 1403 Recommended Contents of Application for Zoning Permits

The Application for Zoning Permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within 6 months or substantially completed within 1 year. At a minimum, the application shall contain the following information, if applicable to a particular use, and be accompanied by all required fees:

- A. Name, address, and phone number of owner.
- B. Legal description of property or lot number.
- C. Existing use.
- D. Proposed use.
- E. Zoning District.
- F. Plans drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
- G. Building heights.
- H. Number of off-street parking spaces or loading berths, and their layout.
- I. Location and design of access drives.

- J. Number of dwelling units.
- K. Signage information, if applying for a Zoning Permit for a sign.
- L. If applicable, the approved Conditional Use Permit, or a Temporary Use Permit, or variance.
- M. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of this Zoning Regulation.
- N. Site plan in triplicate to the required contents stated in Section 1404 Site Plan Required Contents for any new construction, of any principally or conditionally permitted use, except single-family and two-family dwellings.
- O. Plans showing that the residential unit meets the residential design and appearance standards in Section 517 Residential Design and Appearance Standards.
- P. Detention basin information.
- Q. Flood Zone information.
- R. Type of dust-free, hard surface.

Section 1404 Site Plan Required Contents

A site plan submission shall contain any and/or all of the following when deemed to be reasonably appropriate by the Village Administrator:

- A. The accurate dimensions and size of the site area as well as the topography of the site and immediately adjoining lands within 50 feet of the property line at 1-foot intervals.
- B. The locations and dimensions of all existing and proposed streets, courts and pedestrian walkways within and abutting the site, as well as the location, size, and means of ingress and egress of all off-street loading and parking areas. The location and arrangements of the parking areas and access shall also be shown, and the means of defining parking areas and access lanes, via curbs, bumper blocks, railroad ties, or physical obstructions or other methods approved by the Village Administrator, shall be illustrated. All proposed signs shall be shown, detailing location, dimensions, height and, where applicable, verbiage.
- C. The location and size of all existing and proposed buildings and structures within the site and on adjoining lands, within 50 feet of the property line, as well as the existing or proposed use of such building or structure, including the number, type, and floor area of commercial uses to be accommodated in each.

- D. A complete utilities plan, providing electric, gas, telephone, cable television, storm sewer, water, and sanitary sewer services, including connections to existing service lines and existing and proposed easements. Such plans shall comply with the Village of Versailles Design Criteria and Construction Standards and Drawings.
- E. The location, size, and type of fire hydrants; building plans; fire suppression system plans; fire department access areas; and fire lane signage. Such plans shall comply with state and local Building and Fire Codes and shall be approved by the Fire Chief (or authorized representative),
- F. A grading and drainage plan to illustrate proposed grading of the site and methods used to comply with Village storm water runoff, erosion, and sediment control specifications found in the Village of Versailles Design Criteria and Construction Standards and Drawings.
- G. A landscaping plan showing the location and types of screen planting, buffer areas, manmade screening, and other features, which shall enhance the site.
- H. An exterior lighting plan showing the location of lighting fixtures, their type and output as well as the proposed radius of lighted area for each fixture.
- I. The proposed internal vehicular circulation of access roads shall be delineated and related to connections with public streets. Existing and proposed traffic patterns and volumes and the anticipated effect on existing public streets serving the site shall be provided for the Village Engineer's review. Complexes shall provide curb or other types of internal access lane separations for parking spaces to assist in internal circulation and parking area delineation.
- J. The division of the development into sections shall be delineated if staged construction is contemplated, as well as which parking areas and other improvements shall be provided for each stage of development.
- K. Proposed complexes designed for condominium, cooperative, or other multiple ownership arrangements shall indicate proposed individual, joint, or common ownership areas to assure maintenance and operation of common features such as lighting and parking facilities. Any arrangements requiring subdivision approval shall also be subject to the Subdivision Regulations.

Section 1405 Approval of Zoning Permit

Within 30 days after the receipt of an application, the Village Administrator shall either approve or disapprove the application in accordance with the provisions of this Zoning Regulation. All Zoning Permits shall, however, be conditional upon the commencement of work within 6 months and completed within 1 year. One copy of the permit shall be returned to the applicant by the Village Administrator, after the Village Administrator has marked such copy either as approved or disapproved and attested to same by the Village Administrator's signature on such copy. One copy of plans, similarly marked, shall be retained by the Village Administrator. The Village Administrator shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Zoning Regulation.

Section 1406 Failure to Obtain a Zoning Permit

Failure to obtain a Zoning Permit shall be a punishable violation of this Zoning Regulation as defined in Section 1413 Penalties and Fines.

Section 1407 Construction and Use to be as Provided in Applications, Plans, and Permit

Zoning Permits issued on the basis of plans and applications approved by the Village Administrator authorize only the use and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Zoning Regulation.

Section 1408 Entry and Inspection of Property

The Village Administrator is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Zoning Regulation. Prior to seeking entry to any property or structure for such examination or survey, the Village Administrator shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Village Administrator shall request the assistance of the Solicitor in securing a valid search warrant prior to entry.

Section 1409 Stop Work Order

Subsequent to his determination that work is being done contrary to this Zoning Regulation, the Village Administrator shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Village Administrator, shall constitute a punishable violation of this Zoning Regulation.

Section 1410 Zoning Permit Revocation

The Village Administrator may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Zoning Regulation or based upon false information or misrepresentation in the application.

Section 1411 Complaints Regarding Violations

Whenever a violation of this Zoning Regulation 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 Village Administrator. The Village Administrator shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Zoning Regulation.

Section 1412 Notice of Violation

Whenever the Village Administrator or the Officer's agent determines that there is a violation of any provision of this Zoning Regulation, a warning letter shall be issued and shall serve as a notice of violation. Such order shall:

- A. Identify the violation.
- B. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Zoning Regulation being violated.
- C. State the time by which the violation shall be corrected.

Service of notice of violation shall be as follows:

- A. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
- B. Certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement showing that the envelope is refused or is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Village Administrator. Service shall be deemed complete when the fact of mailing is entered of record.

Section 1413 Penalties and Fines

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, move, repair, maintain, or structurally alter any building, structure, or land in violation of any provision of this Zoning Regulation or any amendment thereto. Subject to the provisions below, any person, firm, or corporation who violates this Zoning Regulation or fails to comply

with any of its requirements shall upon conviction thereof be fined not more than \$150.00 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Section. Any person, firm or corporation who, within 1 year, has previously been convicted of a violation of this zoning regulation or any amendments and is convicted of a subsequent violation of this zoning regulation or any amendments thereto, shall be guilty of a misdemeanor of the 4th degree and be subject to a fine of not more than \$250.00 and jail of not more than 30 days, together with all costs and expense. Each day such subsequent violation continues after receipt of a violation notice shall be considered a separate offense.

Village utilities shall not be provided to any building, structure, or use which is in operation, or which is under construction, or has been constructed, in violation of this Zoning Regulation.

Section 1414 Additional Remedies

Nothing in this Zoning Regulation shall be deemed to abolish, impair, or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Zoning Regulation, or in the case of an imminent threat of such a violation, the Village Administrator, the Village Solicitor, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

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