



# OFFICIAL ZONING CODE

VOV ORDINANCE NO.: 26-01

ADOPTED: February 11, 2026

# **ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF ZONING FOR ALL OF THE INCORPORATED AREA OF VERSAILLES, OHIO**

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## **ARTICLE ONE: PURPOSE AND TITLE**

### **Section 100 Purpose**

Whereas, the Village Council of Versailles, Ohio deems it necessary to the promotion of public health, safety, morals, comfort and general welfare of what is known as Versailles, Ohio to regulate therein the use, size and location of buildings and other structures; the size and location of yards and other open spaces in relation to buildings and the use of land, and to carry out the planning for the Village; the districts and regulations of this Zoning Ordinance are hereby created and established and shall hereafter apply.

### **Section 101 Title**

This ordinance shall be known as the Versailles Ohio Zoning Ordinance and may be referred to as the Zoning Ordinance.

### **Section 102 Interpretation and Conflict**

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Whenever this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations or ordinances, the provisions of this Ordinance shall govern.

## **ARTICLE TWO: GENERAL PROVISIONS**

### **Section 200 Repeal of Existing Code**

The Village of Versailles Zoning Code of Ordinance Number 13-18 and all amendments thereto thereafter adopted and the Versailles Zoning Map now in effect in Versailles, Ohio, not otherwise adopted as part of this Zoning Code, are hereby repealed.

### **Section 201 Nonconforming Uses**

1. Any legal use of structure or land lawfully existing at the effective date of this Ordinance may be continued, even though such use does not conform to the provisions of this Ordinance. This nonconforming lawful use of a structure may be extended throughout those existing parts of the structure which were arranged or designed for such use. No non-conforming structure shall be moved, extended, enlarged, or structurally altered, except when authorized by the Board of Zoning Appeals in accordance with the provisions of this Zoning Ordinance as hereinafter provided.
2. Whenever the lawful use of a structure or land becomes non-conforming through a change in the Zoning Ordinance or in the district boundaries, such use may be continued subject to the same limitations and the same conditions set forth above.
3. A nonconforming lawful use which has been damaged by fire, explosion, act of God, or the public enemy may be reconstructed and used as before the time of damage, provided such repairs or reconstruction are completed within two years of the date of such damage and provided that the new building use or structure shall not contain more than the original space of the replaced building, use, or structure and shall conform to all building regulations of the Village.

4. If a nonconforming use is abandoned for two (2) years, any new use must conform with all provisions of the zoning district in which such use is located and all other provisions of this Zoning Ordinance.

#### **Section 202 Restoring Unsafe Buildings**

Nothing in this Zoning Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by any Building Inspector or Village Administrator or prevent said Official from requiring compliance with lawful requirements.

#### **Section 203 Pending Applications for Building Permits**

Nothing herein contained shall require any change in the plans, construction, size, or designated use of any building structure, or part thereof, for which a building permit has been granted before the enactment of this Ordinance and the construction of which, from such plans, shall have been started within ninety days of the date of enactment of this Ordinance, or for any construction which was legally started without a building permit on or before the enactment of this Zoning Ordinance.

#### **Section 204 Newly Annexed Areas**

Upon annexation of township territory to the Village, any township zoning regulations then in effect shall remain in full force and shall be enforced by the township until the Village Council either adopts the existing regulations or new regulations for such territory. When no township regulations are in effect, the annexed area shall not be zoned until action is taken to rezone such area in accordance with this Zoning Ordinance.

#### **Section 205 Greater Restrictions Prevail**

Where this Zoning Ordinance imposes greater restrictions than are imposed or required by other provisions of law or ordinance, the provisions of this Zoning Ordinance shall prevail.

#### **Section 206 Compliance with Zoning Ordinance**

A lot may be used and a structure altered, occupied, or used only as this Zoning Ordinance permits.

#### **Section 207 Validity**

If any article, section, clause, provision, or portion of this Zoning Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of the Zoning Ordinance which is not in itself invalid or unconstitutional.

#### **Section 208 Location of Districts**

1. The boundaries for the districts listed in this Zoning Ordinance are indicated on the Zoning Map which is hereby adopted by reference. The boundaries shall be modified in accordance with Zoning Map amendments which shall be adopted by ordinance.
2. Except when otherwise indicated by dimensions or fixed boundaries shown on the Zoning Map any Zoning Boundaries shall be determined by scaling. Scaling disputes shall be determined by the Board of Zoning Appeals.

3. When a district boundary divides a lot in a single ownership existing at the time of enactment of this Zoning Ordinance, the use authorized on, and the district requirements of, the least restricted portion of such lot shall be construed as extending to the entire lot, provided that such extension shall not include any part of the lot which is more than fifty (50) feet from the district boundary line.

### **Section 209 Zoning Map**

1. The Zoning Map and any Zoning Map amendment shall be prepared by authority of the Village Council. The map or amendment shall be dated with the effective date of the Ordinance that adopts the map or amendment.
2. The districts, established below, 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 Regulations and hereby incorporated by reference herein.
3. A print of the adopted map and any subsequent map amendments shall be maintained in the office of the Village Clerk and Zoning Officer and one copy on public display in the Village Council chambers and shall be final authority as to the current zoning status of lands.
4. Zoning map amendment requests shall be submitted to the Village Administrator who will refer consideration of such amendment to the Planning Commission. Following receipt of such referral, the Planning Commission shall conduct a public hearing for the proposed zoning map amendment not less than thirty (30) days after publication of such public meeting has been made. Following said public hearing the Planning Commission, within thirty (30) days of such public hearing, shall submit its written recommendation to Village Council to accept, reject or modify the zoning map amendment request. Upon receipt of the written recommendation from the Planning Commission the Village Council shall conduct a public hearing not less than thirty (30) days after public notice of the public hearing has been published. Once the public hearing has taken place, Village Council shall render a decision not exceeding thirty (30) days from the date to the public hearing as to accept, reject or modify the written recommendation from the Planning Commission.
5. Properties that are annexed into the Village corporation limits shall be assigned with the same or closest zoning district designation as they held prior to annexation. The zoning amendment process shall be initiated within sixty (60) days upon Village Council accepting the annexation of the property into the Village corporation limits.

## **ARTICLE THREE: ESTABLISHMENT AND PURPOSE OF ZONING DISTRICTS**

### **Section 300 Classification and Purpose of Districts**

1. For purpose of this Zoning Ordinance, the following districts are hereby established and their purpose defined.

R-1 Single-Family Residential District  
R-2 Single-Family Residential District  
R-3 Multi-Family Residential District  
B-1 General Business District  
B-2 Central Business District  
I-1 Light Industrial District  
I-2 General Industrial District

### **Section 301 R-1 Single-Family Residential District**

1. 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.
2. Principal Permitted Uses: Single-family dwelling, farming, or gardening.
3. 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:
  1. Residential Planned Unit Developments subject to the provisions of these Regulations
  2. Educational Institutions, Pre-Schools, Elementary, Junior High and High Schools
  3. Places of Worship
  4. Libraries
  5. Public Parks
  6. Public Buildings of all Types
  7. Museums, Business Offices
  8. Medical Offices and Clinics
  9. Business, Professional, and Administrative Offices
4. Prohibited Uses: No building or structure within this District shall be used by any commercial or industrial establishment.
5. Height and Area Regulations: The maximum height and minimum lot requirements within the R-1 Single-Family shall be as follows:

Minimum Lot Area	9,000 square feet
Minimum Lot Width	75 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	8 feet
Minimum Rear Yard Setback	25 feet
Maximum Height	35 feet or 2 ½ stories

### **Section 302 R-2 Single-Family Residential District**

1. 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.
2. Principal Permitted Uses: Residential Uses as Single-Family Dwelling, Two-Family Dwellings, Farming or Gardening.
3. 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:
  1. Residential Planned Unit Developments subject to the provisions of these Regulations
  2. Public and Recreational Uses
  3. Museums
  4. Child Day Care Centers
  5. Educational Institutions, Pre-Schools, Elementary, Junior High, and High Schools
  6. Places of Worship
  7. Libraries



8. Public Buildings of all Types
  9. Public Parks
  10. Medical Offices and Clinics
  11. Business, Professional, and Administrative Offices
4. Prohibited Uses: No building or structure within this District shall be used by any commercial or industrial establishment.
  5. Height and Area Restrictions: 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
Minimum Rear Yard Setback	35 feet
Maximum Height	35 feet or 2 ½ 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
Minimum Rear Yard Setback	35 feet
Maximum Height	35 feet or 2 ½ stories
Floor Area	800 square feet

**Section 303 R-3 Multi-Family Residential District**

1. 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 requirements allow a more complete use of land in the district and provide more flexibility guidelines for development and redevelopment efforts.
2. Principal Permitted Uses: Residential Uses as Single-Family Dwellings, Two-Family Dwellings, Multi-Family Dwellings and/or Farming or Gardening.
3. 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:
  1. Residential Planned Unit Developments subject to the provisions of these Regulations
  2. Boarding or Lodging Houses
  3. Bed and Breakfast Inns
  4. Elderly Housing Facilities
  5. Community-Oriented Residential Social Service Facilities
  6. Manufactured Home in Manufactured Home Park (PUD)
  7. Public and Recreational Uses
  8. Museums
  9. Child Day Care Centers
  10. Nursing Homes

11. Educational Institutions, Elementary, Junior High, and High Schools
12. Places of Worship
13. Libraries
14. Public Buildings of all Types
15. Public Parks
16. Hospitals
17. Business, Professional, and Administrative Offices
18. Medical Offices and Clinics
19. Funeral Homes

4. Prohibited Uses: No building or structure within this District shall be used by any commercial or industrial establishment.

5. 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
Minimum Rear Yard Setback	35 feet
Maximum Height	35 feet or 2 ½ 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
Minimum Rear Yard Setback	35 feet
Maximum Height	35 feet or 2 ½ stories
Floor Area	800 square feet per unit

General Requirements for Multi-Family Dwellings

Minimum Lot Area	3,000 square feet per unit
Minimum Lot Width	60 feet
Minimum Front Yard Setback	25 feet
Minimum Side Yard Setback	5 feet
Minimum Rear Yard Setback	50 feet
Maximum Height	35 feet
Floor Area	800 square feet per unit

General Requirement 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
Minimum Rear Yard Setback	35 feet
Maximum Height	35 feet or 2 ½ stories
Minimum Floor Area	N/A

6. Multi-Unit Housing

1. Except as otherwise provided herein, the following regulations govern the development and use of multi-unit housing are established for the following purposes:
  - a. The Village of Versailles has in recent years experienced significant growth and expansion in commercial, industrial, and residential developments, thus causing concern for the orderly control of expansion.
  - b. Rapid expansion is a source of the increasing burden upon the Village of Versailles Ohio's municipal facilities, utilities, traffic, police protection, and various other municipal obligations.
  - c. One means of maintaining orderly control of municipal growth and lessening the ever-growing municipal burdens is through the restriction of excessive units in multi-unit housing structures or complexes.
  - d. Development of affordable, rental housing has historically been encouraged to be intermingled with single-family residential homes in the form of duplex and triplex construction and this type of development has proven to minimize the negative impacts typically associated with multi-unit housing structures.
2. There shall not be constructed within the Village any multi-unit housing structures or arrangements with more than four (4) units.
3. There shall not be constructed within the Village any multi-unit housing structures consisting of less than 3,000 square feet of lot area per dwelling unit.
4. There shall be no multi-unit housing structures or arrangement of between two and four units constructed within the Village without first obtaining the appropriate building permit and/or Conditional Use Permit from the Village of Versailles, Ohio.

**Section 304 B-1 General Business District**

1. Intent: This District is intended to provide and integrated collection of structures and uses designed to supply most of the daily needs of Village residents.
2. Principal Permitted Uses: Residential Uses as Single-Family Dwellings, Two-Family Dwellings, Multi-Family Dwellings; Farming and/or Gardening; Public and Recreational Uses such as Hospitals and/or Private Clubs; Business Office Uses such as Business, Professional, and Administrative Offices; Medical Offices and Clinics; Retail Commercial and Service Uses such as General Merchandise Stores, Personal Services, Restaurants, Fast Food, Financial Establishments, Private Schools, Household Item Repair Shops, Road Service, Commercial Entertainment, Convenience Stores, Garment Manufacturing, Repair and Processing.
3. 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:
  1. Educational Institutions, Pre-Schools, 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
  8. Kennels
  9. Restaurants

10. Business Planned Unit Developments
11. Funeral Homes
12. Animal Hospitals and Veterinary Clinics
13. Bowling Alleys, Arcade, and/or Pool Halls
14. Vehicle Sales and Rentals
15. Printing, Publishing Lithographing, Binding and Computer-Based Establishments
16. Automobile Repair, Painting and Body Shops
17. Commercial Recreational and Entertainment Facilities
18. Automobile Service Stations
19. Bars, Taverns, Nightclubs and Dance Clubs
20. Motels and Hotels
21. Industrial and Farm Implement Sales
22. Grain Bins and Grain Elevators
23. Construction Trades and Offices
24. Building Services and Supplies
25. Plumbing and Heating Shops
26. Wholesale Distributors
27. Lumber Yards and Building Material Sales and Storage
28. Transportation Terminals
29. Warehousing

4. Prohibited Uses: Industrial Establishments

5. 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 25 feet. Screening, either planting or fence six (6) feet in height shall be required.
Minimum Rear Yard Setback	A rear yard shall be required adjacent to a Residential District. Such rear yard shall be not less than 25 feet. Screening, either planting or fence six (6) feet in height shall be required.
Maximum Height	45 feet
Floor Area	None, Except for Residential Use [same as R-3]

**Section 305 B-2 Central Business District**

1. 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.

2. Principal Permitted Uses: Residential Uses such as Single-Family Dwelling, Two-Family Dwelling, Farming and/or Gardening, Public and Recreational Uses such as Hospitals or Private Clubs, Business Office Uses such as Business, Professional, and Administrative Offices, Medical Offices and Clinics, Retail Commercial and Service Uses such as General Merchandise Stores, Personal Services such as Restaurants, Fast Food, Financial Establishments, Private Schools, Household Items Repair Shops, Vehicle Sales and Rentals; Road Service and Commercial Entertainment Uses such as Bars, Taverns, Nightclubs, and Dance Clubs, Drive-Through Carry Outs and Convenience Stores.
  
3. 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:
  1. Multi-Family Dwellings
  2. Residential Planned Unit Development
  3. Educational Institutions, Elementary, Junior High and High Schools
  4. Child Day Care Centers
  5. Places of Worship
  6. Libraries
  7. Public Buildings of all Types
  8. Public Parks
  9. Museums
  10. Kennels
  11. Business Planned Unit Developments
  12. Animal Hospitals
  13. Veterinary Clinics
  14. Pet Shops and Animal Grooming
  15. Bowling Alleys, Arcades and/or Pool Halls
  16. Automobile Repair, Painting and Body Shops
  17. Automobile Service Stations
  18. Motels and Hotels
  19. Grain Bins and Grain Elevators
  20. Construction Trades and Offices
  21. Building Services and Supplies
  22. Lumber Yards and Building Materials Sales and Storage
  
4. Prohibited Uses: No building or structure located within this District shall be used by any Industrial Establishment.
  
5. Height and Area Restrictions: 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 Uses [same as R-3]
Minimum Lot Width	None
Minimum Front Yard Setback	None
Minimum Side Yard Setback	None, except when adjacent to a Residential District, in such case, the side yard shall not be less than 25 feet. Screening, either planting or fence six (6) feet in height shall be required.
Minimum Rear Yard Setback	A rear yard shall be required adjacent to a Residential District. Such rear yard shall be

Maximum Height  
Floor Area

not less than 50 feet. Screening, either planting or fence six (6) feet in height shall be required.  
50 feet  
Except for Residential Uses [same as R-3]

### **Section 306 I-1 Light-Industrial District**

1. Intent: The intent 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 area that are best suited for industrial development by reason of location, topography, soil conditions, and the availability of adequate utilities and transportation systems.
2. Principal Permitted Uses: Public and Recreational Uses such as Private Clubs, Business, Professional, Administrative Offices, Medical Offices and Clinics, Retail Commercial and Services such as General Merchandise Stores, Personal Services, Standard Restaurants, Fast Food Restaurants, Financial Establishments, Private Schools, Household Item Repair Shops, Vehicle Sales and Rentals, Road Service and Commercial Entertainment Uses such as Drive-Through Carry Outs and Convenience Stores, Industrial Enterprises such as Construction Trades and Offices, Building Services, Wholesale Distributors, Machine and Tool and Die Shops, Assembly and Manufacturing, Warehousing and Garment Manufacturing, Repair and Processing.
3. 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:
  1. Business Planned Under Developments
  2. Automobile Repair, Painting, and Body Shops
  3. Automobile Service Stations
  4. Automobile Washing Facilities
  5. Bars, Taverns, Nightclubs and Dance Clubs
  6. Lumber Yards and Building Materials Sales and Storage
  7. Heavy Equipment Rentals, Sales, Service and Storage
  8. Transportation Terminals
  9. Planned Industrial Developments
4. 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. If adjacent to a Residential District, the side yard shall not be less than 50 feet. Screening, either planting or fence six (6) feet in height shall be required.
Minimum Rear Yard Setback	If adjacent lots are industrially developed, no rear yard is required. If adjacent to a

Residential District, the rear yard shall not be less than 50 feet. Screening, either planting or fence six (6) feet in height shall be required.

Minimum Floor Area

75 feet

### **Section 307 I-2 General Industrial District**

1. Intent: The intent 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 in areas that are best suited for industrial development by reason of location, topography, soil conditions, and the availability of adequate utilities and transportation systems.
2. Principal Permitted Uses: Private Clubs, Business, Professional, and Administrative Offices, Medical Centers and Clinics, Retail Commercial and Services such as General Merchandise Stores, Personal Services, Standard Restaurants, Fast Food Restaurants, Financial Establishments, Private Schools, Household Items Repair Shops, and Vehicle Sales and Rentals, Road Service and Commercial Entertainment Uses such as Drive-Through Carry Outs and Convenience Stores, Industrial Uses such as Construction Trade and Offices, Building Services and Supplies, Wholesale Distributors, Machine Shops, Tool and Die Shops, Transportation Terminals, Assembly and Manufacturing, Warehousing, Garment Manufacturing, Repair and Processing and Processing Plants.
3. Conditional Uses: A building or premises may be used for the following purposes in the I-1 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:
  1. Business Planned Unit Developments
  2. Adult Entertainment Facilities
  3. Grain Bins and Elevators
  4. Planned Industrial Developments
4. Height and Area Regulations: The maximum height and minimum lot requirements within the I-2 General-Business 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. If adjacent to a Residential District, the side yard shall not be less than 50 feet. Screening, either planting or fence six (6) feet in height shall be required.

Minimum Rear Yard Setback

If adjacent lots are industrially developed, no rear yard is required. If adjacent to a Residential District, the rear yard shall not be less than 50 feet. Screening, either

Minimum Floor Area

planting or fence six (6) feet in height shall be required.  
75 feet

## **ARTICLE FOUR GENERAL PROVISIONS**

### **Section 400 Accessory Uses**

A. It is the purpose of this Zoning Regulation to regulate Accessory Uses 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:

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 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 Four, Section 410.
4. A child's playhouse, tree house, birdhouse
5. Statuary, arbors, trellises, barbecue equipment, flag poles, fences, play equipment, non-mechanical laundry drying equipment, walls, and hedges
6. Fallout shelters
7. 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, accessory structures exceeding 300 square feet are considered a Conditional Use, and a Conditional Use permit application must be submitted to the Zoning Board of Appeals for consideration.



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. 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 and shall not be in any easement area.
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. 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 401 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 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 fee or other charge shall be imposed upon members of the public attending any such sale.
- D. 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.
- E. Off-premise directional-type signs may be displayed provided 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.
- F. 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 402 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 403 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 404 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 405 Essential Services**

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use, or enlargement of any building or structure of any public utility or public facility shall be permitted in any Zoning District provided every effort is made to conform to the building design, lot and yard requirements for the Zoning District in which it is to be located; and proper safeguards are provided to protect the character and general welfare of the Zoning District. A special permit issued by the Zoning Administrator will be required to assume compliance with these Regulations.

#### **Section 406 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 four sides by a solid wall or fence of at least 6 feet in height with a gate, 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 for proper density in residential districts shall utilize such additional screening as required in this Zoning Regulation.

### **Section 407 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 408 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 409 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 privately-owned parking areas within any business district or public parking areas pending permission from the Village Administrator. 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 410 Swimming Pools/Ponds**

Swimming pools or ponds more than 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 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. Pools may not be in easement areas.
- 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 five (5) feet in height, and it shall be maintained in good condition with a self-closing, latching gate and lock, and be constructed of an approved fencing material as listed in the Village Zoning Code. Above-ground pools

that have integral fences or railings of at least five (5) feet in height and have a swing up securing/locking ladder is acceptable in lieu of fence.

- D. All swimming pools/ponds require a Zoning Permit. Seasonal, temporary pools are not exempt from the requirement of obtaining a Zoning Permit.
- E. Ponds required or approved for purpose of retaining and or detaining storm runoff water are exempt from the regulations of this Section.

#### **Section 411 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.
- 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 or traffic increase 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 412 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. Residential structures are required to be constructed using a concrete footer installed on undisturbed ground below the frostline supporting a concrete block or poured concrete foundation. Direct-bury pole construction is prohibited in all Residential Districts, Business Districts, or property with a primary Residential use in an Industrial District.
- B. Minimum roof pitch requirements entailing a 4-inch vertical rise for each 12 inches of horizontal run.
- C. Roof material shall be of a permanent, durable, and weather resistant material such as metal, asphalt shingle, synthetic or composite shingle, ceramic tile, concrete tile, asphalt, rubber membrane, fiberglass shingle material, or other material approved by the Village Administrator. No tar paper, roof sheathing material, roofing underlayment, or tarps shall be viewed as a permanent roof material.
- D. Exterior siding shall be one or a combination of permanent, durable, and weather resistant material(s) such as brick, stone, stucco, clapboard, or clapboard-simulated vinyl or metal, wood shingles, shakes, or other material approved by the Village Administrator. Exterior siding material must extend to the ground level, or to the top of the foundation when a solid concrete or masonry perimeter foundation is used. No tar paper, underlayment, sub-siding material, house wrap, or tarps shall be viewed as a permanent siding material.
- 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 unless an existing stand-alone garage is already present on the property.
- G. The top of foundation elevation for a new home construction project shall not exceed 24" above the top of curb along the street or edge of pavement if no curb is present, unless otherwise approved by the Village Administrator. The top of curb elevation shall be taken at the mid-point of the curb along the frontage of the property. The Village will check each new foundation height to ensure such compliance once a zoning permit application is submitted. If a property is a corner lot, the Village Administrator will determine which side of the property will be used to determine the applicable foundation height.

### **Section 413 Automobile Filling Station**

Automobile filling stations are conditionally-permitted in the B Business Districts and I Industrial Districts if 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.
  - 1. 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 6-inch-high curb shall separate all paved areas from all landscaped areas.
  - 6. The light from exterior lighting shall be so shaded, shielded or directed that light intensity or brightness shall not be objectionable to surrounding development.
    - a. The lighting fixtures shall be recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling so that light is restrained to not more than 85 degrees.
    - b. As an alternative to recessed ceiling lights, indirect lighting may be used where the light is directed upward and then reflected down from the underside of the canopy. In this case, light fixtures shall be shielded so that direct illumination is focused exclusively on the underside of the canopy.
    - c. Lights shall not be mounted on the top or sides (fascia) of the canopy and the sides of the canopy shall not be illuminated.
    - d. The lighting for new facilities (pump islands under canopies) shall have a minimum of 1.0 footcandle at grade.
  - 6. A solid fence, wall, or evergreen hedge 6 feet high shall be constructed or planted, and maintained in good condition, where the service station site is located adjacent to Residential zoning districts.
  - 7. No gasoline filling station or public garage shall be permitted where any dispensing pumps, any oil drainage pit or visible appliance for any such purpose, other than filling cars, is located within twelve (12) feet of the established right-of-way line, or within



twenty-five (25) feet of any "R" District, except where such appliance or pit is within a building.

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

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

## **Section 414 Adult Entertainment Facilities**

### **Section 414a 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 414b 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 of 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 414c 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 herein.

#### **Section 414d Advertisement Display Standards**

No advertisements, displays, or other promotional materials shall be shown or exhibited 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 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 415 Mobile Homes on Individual Parcels (Lots)**

It is the intent of this ordinance that no Mobile Homes shall be permitted in any zoning district except those which exist in other districts prior to the enactment of this ordinance. Mobile Homes which are in place on individual parcels (lots) at the enactment of this ordinance may continue. If a mobile home is vacant of a tenant or occupancy for a period of three (3) months, the mobile home must be removed from the property. Once an existing mobile home is removed from the parcel, no replacement mobile home may be placed back onto the parcel.

#### **Section 416 Recreational Vehicles, Water Craft, Dirt Bikes, Motorized Sport Vehicles, and Utility Trailers**

- A. Parked or stored camping and recreational equipment as defined by in these Regulations 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 417 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 Article Five Sign Regulations.
- 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 Board of Zoning Appeals on an individual basis.

#### **Section 418 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 with either asphalt or concrete pavement.
- 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.
- H. 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 419 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 above ground 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-day 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.
  - 1. 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. Landowner 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 420 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 421 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 422 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 423 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 424 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 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 wastewater 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, processed 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 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 425 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 this 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 affect its removal.
  - c. The costs incurred by the Village to effect said removal (including any attorney's fees incurred by the Village to affect 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.

#### **Section 426 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 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, more than 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 427 Public Nuisances Prohibited**

1. No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Zoning Ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements:
2. Fire Hazards – Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
3. Radioactivity or Electrical Disturbance – No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.
4. Noise – Noise shall be so controlled that at the property line on which such noise is produced it will not be at a level above that normally perceptible from other development in the area or from the usual street traffic observed at the street right-of-way line on the lot. A possible exception to this would be an occasional blast required in normal operation and produced in such manner as not to create a hazard. If such blast or other noise creates an objectionable noise as determined by the Board of Zoning Appeals, such noise shall be muffled or otherwise controlled. Sirens and related apparatus used solely for public purposes are exempt from this regulation.
5. Vibration – No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

6. Air Pollution – No pollution of air by fly-ash, dust, vapors, odors, smoke, or other substances shall be permitted which are harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.
7. Glare – No direct or reflected glare shall be permitted which is visible from any property outside an industrial district or from any street.
8. Erosion – No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
9. Water Pollution – No pollution of any stream, reservoir, aquifer (underground water supply), or other water body within or surrounding the Village, shall be permitted which would create a threat to the health, safety, or welfare of the residents of the Village.
10. Enforcement Provisions – The Zoning Officer or Board of Zoning Appeals, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the way dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances. The Zoning Officer shall investigate all complaints.
11. Measurement Procedures – Methods and procedures of the Village for the determination of the existence of any dangerous or objectionable elements which constitute a public nuisance may utilize any applicable and reliable measurement procedures. The Village may also request the assistance of reputable consultants, government organizations, or other sources if authorized by the Village Council.
12. Public Nuisances Subject to Discretion of Council – Any public nuisance as described in this Zoning Ordinance now and/or existing at the time of its adoption shall be subject to the discretion of Village Council prior to any action on the part of the Village to abate or take any other action against such public nuisance. In the utilization of such discretion, the Council shall determine what reasonable action, if any, should be taken by the Village to bring about the partial or total abatement of the public nuisance in question.

#### **Section 428 Mobile Home Parks**

Mobile Home parks are not permitted.

#### **Section 429 Temporary Structures**

Temporary structures, such as trailers, that are used in conjunction with construction work shall be permitted only during the period that the construction work is in progress and shall be approved by the Zoning Officer. Portable toilets for construction workers and other such small structures shall not require a Temporary Use approval by the board.

#### **Section 430 Deteriorated or Abandoned Structures and Junk**

1. Deteriorated or abandoned structures such as dwellings, barns, silos, sheds, oil storage tanks, or other structures for which no future use is contemplated and for which no other acceptable use is practical or feasible and/or which create a health or safety hazard shall be demolished and removed.
2. Junk such as abandoned vehicles, household appliances, farm equipment, or any other matter for which no future use is contemplated or which has deteriorated to the point of creating a visual blight on the landscape shall be removed from the property.
3. Any violation of the above regulations shall be deemed and treated as a violation of the Zoning Ordinance and shall be subject to the penalties as set forth herein.
4. The Village of Versailles may alter, repair, or remove deteriorated or abandoned structures or junk, in a manner permitted by law, and recover the cost thereof when any order regarding the alteration, repair, or removal of such deteriorated or abandoned structures or junk is not acted upon as required.

### **Section 431 Fences, Walls, and Obstruction to Vision on Corner Lots**

1. All fence installations and modifications require a zoning permit.
2. No fence or wall over four (4) feet tall shall be permitted in the front yard of any Residential District.
3. No fence in a front yard area shall be solid fence material (unable to see through). A minimum three-inch open space shall be provided between each picket, spindle, board, etc.
4. All support structures to face the inside.
5. No fence or wall over six (6) feet tall shall be permitted in any side or rear yard of any Residential District.
6. On any corner lot there shall be no planting, structures, fences, shrubbery, or obstruction to vision more than 2 ½ feet higher than the curb level within 25 feet of the intersection of any two streets in all districts. The Village Administrator is hereby empowered to cause all obstructions to be removed in the interest of public safety.
7. In any district other than a residential district no fence or wall over eight (8) feet in height shall be permitted in any front, side, or rear yard except as may be permitted by the Board of Zoning Appeals.
8. Fencing material type shall be submitted as part of the Zoning Permit Application for review. Permitted fencing material shall be pressure-treated lumber, cedar, redwood, composite lumber, vinyl, aluminum, wrought iron, or chain-link constructed with like material posts and support structures. Agricultural-style fencing and gates, including wire fabric and T-post style fence installations, are prohibited in all zoning districts. Any other such fence material request is subject to Board of Zoning Appeals review and approval. Barbed wire, razor wire, and other such fencing material utilized for security purposes may only be utilized in Industrial Zoning districts or for public utility security purposes.
9. Electrified fences are prohibited in all districts.
10. Property corners must be located and marked prior to a zoning permit being issued. If the property corners cannot be located or established from other neighboring property corner monumentation, property pins must be set or property corners marked with stakes by a Professional Surveyor registered in the State of Ohio at the expense of the applicant.
11. Fence setbacks shall be two (2) feet unless the permit is accompanied by a signed letter from adjoining property owners agreeing to allow the fence to be placed on the agreed property line.
12. Ground-mounted solar PV systems shall require a security fence installed around the entire array with a minimum height of six (6') feet and lockable gate(s) that shall be secured.
13. Fences shall not be installed in any easement area.

### **Section 432 Recreational and Medical Marijuana Dispensaries, Cultivators, and Processors**

Recreational and medical marijuana dispensaries, cultivators, and processors are prohibited within the corporation boundary of the Village of Versailles, Ohio per separate ordinance(s).

### **Section 434 Small Wind Energy Regulation**

- A. Intent:  
The purpose of this regulation is to establish regulations for small wind energy projects 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, 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 lit 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.

### **Section 435 Solar Photovoltaic Systems Regulations**

#### **A. Intent:**

1. The purpose of this regulation is to promote safe, effective, and efficient use of installed solar photovoltaic (PV) energy systems that reduce on-site consumption of utility-supplied energy while protecting the health, safety, and welfare of adjacent and surrounding land uses and properties.
2. This regulation seeks to provide property owners and business owners with flexibility in satisfying their on-site energy needs.
3. Reduce overall energy demands within the Village of Versailles and to promote energy efficiency.
4. Integrate alternative energy systems seamlessly into the Village's neighborhoods and landscapes without diminishing quality of life in the neighborhoods.

#### **B. Applicability:**

1. This regulation applies to all lands within the boundaries of the Village of Versailles, Ohio.
2. A zoning permit is required for the installation or replacement of any solar PV installation.
3. These regulations apply to building-mounted and ground-mounted systems installed and constructed after the effective date of these regulations.
4. Solar PV systems constructed prior to the effective date of these regulations are not required to meet these requirements.
5. Solar PV systems related to utility operations are exempt from these requirements.
6. Any upgrade, modification, or structural change that materially alters the size or placement of an existing solar PV system shall comply with the provisions of these regulations.

#### **C. Permitted Zoning Districts:**

1. Building mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot upon issuance of the proper permit and upon compliance with all requirements of this section and as elsewhere specified in these regulations.
2. Building-integrated systems, as defined by these regulations, are not considered an accessory use and are not subject to the requirements of these regulations.

3. Ground Mounted systems are prohibited in Residential Districts. Ground Mounted systems are conditionally permitted in Commercial and Industrial Districts.

D. Location on a Property:

1. Building-mounted systems are permitted to face any rear or side yard. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures. If a building-mounted system comprises as an integral part of the roof and does not impact the aesthetic nature of the area then it is permitted to face the front yard.
2. Ground-mounted systems are not permitted to be installed in any type of easement area on the property. It is the responsibility of the property owner to verify all easement locations on the property.
3. Property corners for the property must be located and marked prior to a zoning permit being issued. If the property corners cannot be located or established from other neighboring property corner monumentation, property pins must be set or property corners marked with stakes by a Professional Surveyor registered in the State of Ohio at the expense of the applicant.

E. Design & Installation Standards:

1. All wiring must comply with the National Electric Safety Code, most recent edition, as amended and adopted by the State of Ohio.
2. For ground-mounted systems, all exterior electrical lines must be buried below the surface of the ground and placed in conduit.
3. The solar PV system must be constructed to comply with the most recent fire code as amended and adopted by the State of Ohio.
4. All building-mounted and ground-mounted solar PV installations are subject to permitting and inspections by the Darke County Building Regulations Department.

F. Setback Requirements:

1. Ground-mounted systems are subject to the accessory use structure setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the property line to the nearest part of the system. No part of the ground mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.
2. No ground-mounted systems are permitted to be constructed or located in an easement area on the property.

G. Height Restrictions:

1. Notwithstanding the height limitations of the zoning district:
2. For a building-mounted system installed on a sloped roof that faces the rear or side yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, or eighteen (18") inches between the roof and the highest edge or surface of the system.
3. For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed six inches from the highest point of the roof to which it is attached.
4. Notwithstanding the height limitations of the zoning district:



5. For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6") inches above the roof to which it is attached.
  6. Ground-mounted systems may not exceed the permitted height of accessory structures in the zoning district where the solar PV system is to be installed.
- i. Screening and Visibility:
1. Building-mounted systems on a sloped roof shall not be required to be screened.
  2. Building-mounted systems mounted on a flat roof shall be visible from the public right-of-way within a twenty-five (25') foot radius of the property, at a level of five (5') feet from the ground in a similar manner to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in such a manner that the solar PV system is not visible from the public right-of-way within a twenty-five (25') foot radius when measured at a distance of five (5') feet from the ground.
- j. Impervious Lot Coverage Restrictions:
- The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. If the ground-mounted system is mounted above existing impervious surfaces, it shall not be calculated as part of the lot coverage limitation for the zoning district.
- k. Non-Conformance:
1. If a building mounted system is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system shall be permitted so long as the building-mounted system does not extend six inches above the peak of highest point of the roof to which it is mounted and so long as it complies with the other provisions of this Ordinance.
  2. If a building-mounted system is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setback requirements and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this Ordinance.
  3. If a ground-mounted system is to be installed on a lot containing a structure that is non-conforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the lot. If a ground-mounted system is to be installed on a lot that is non-conformed because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.
- a. Signage and/or Graphic Content
- No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information, and equipment specification information. Said information shall be depicted with an area no more than thirty-six (36) square inches in size.
- b. Performance Requirements
- All solar PV systems are subject to compliance with applicable performance standards detailed elsewhere in the Zoning Code.

c. Inspection, Safety, and Removal

1. The Village of Versailles reserves the right to inspect a solar PV system for building or fire code compliance and safety.
2. All ground mounted systems must be contained in a fenced area which meets the requirements of the Village of Versailles Zoning Code.
3. If upon inspection the Village determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Village may order the owner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found, and shall notify the owner of his or her right to appeal such determination.
4. If a property owner fails to repair or remove a solar PV system as ordered, and any appeal rights have been exhausted, the Village may enter the property, remove the system and charge the owner for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action to have the system removed at the owner's expense.
5. In addition to any other available remedies, any unpaid costs resulting from the Village's removal of a vacated or abandoned or decommissioned solar PV system shall constitute a lien upon the property against which the costs were charged. Legal counsel of the Village shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims for the cost of such work, in connection with the removal work and the filing of the Village's claim.

d. Permit Requirements:

Before any construction or installation on any solar PV system shall commence, a zoning permit issued by the Village shall be obtained to document compliance with this Ordinance. The zoning permit is in addition to any interconnection permits and/or requirements as outlined by the Village via a separate policy and ordinance.

**Section 436 Flood Plain Regulations**

1. Purpose: The regulations governing the development and use of land subject to flooding are established for the following purposes:
  - a. To avoid or lessen the hazards to persons or damage to property resulting from the accumulation or runoff of storm and flood waters;
  - b. To protect stream channels from encroachment;
  - c. To maintain the capacity of the flood plain to retain flood waters;
  - d. To provide for the development of flood plain lands with uses not subject to severe damage by flooding;
  - e. To permit only uses and improvements in flood plain lands that are not hazardous during flood periods.
  - f. To avoid the creation of new flood problems.
2. Flood Plain Districts:
  - a. The Flood Plain District is a district used in combination with any other district which lies in a flood hazard area. The following regulations, in addition to the regular district regulations, shall apply to any district which is combined with a Flood Plain District.
  - b. The Flood Plain District is that area shown on an excepted Flood Plain Map and which by best estimates, would be inundated (under water) by a 100-year frequency flood.

3. Permitted Uses The following open space uses shall be permitted within the Flood Plain District to the extent they are not prohibited by the district with which they are combined and provided they do not require structures, fill or storage of materials or equipment:
  - a. Agricultural uses such as general farming, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
  - b. Industrial-commercial uses such as loading areas, parking areas.
  - c. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and natural preserves, and horseback riding trails.
  - d. Residential uses such as lawns, gardens, parking areas and play areas.
4. Flood Plain Conditional Uses: Conditional uses require the issuance of a Zoning Permit by the Zoning Officer; however, this Permit shall not be issued by the Zoning Officer until he is authorized to do so by the Board of Zoning Appeals as specified in Section XIII of this Zoning Ordinance. The following are those uses which are conditionally permitted within the Flood Plain District to the extent they are not prohibited by the district with which they are combined and provided such uses are not in conflict with the purpose of the Flood Plain District:
  - a. Storage yards for equipment, machinery, or materials provided stored materials are heavier than water and are not toxic or highly flammable.
  - b. Accessory uses or structures necessary to Permitted Uses provided:
    - i. The structures are not designed for human habitation.
    - ii. The structures have a low flood damage potential.
    - iii. The structures be constructed and placed on the building site as to offer the minimum obstruction to the flow of flood waters.
  - c. Dikes and/or earthen structures.
  - d. Wells or well fields.
  - e. Channel modification.
  - f. Filling or Land Fills.
5. Conditions and Restrictions: The Board of Zoning Appeals shall determine all conditions or restrictions to be complied with, and in addition, may require additional conditions and safeguards as needed to assure that the purpose of this Flood Plain District is achieved. All conditions, safeguards, or restrictions shall be listed on the Zoning Certificate issued by the Zoning Inspector. The Board of Zoning Appeals may request assistance from other agencies or persons in assessing the effect of the proposed conditional use.
6. Flood Plain Special Uses
  - a. Where there is a disagreement over the exact location of the boundary of the Flood Plain District, the Board of Zoning Appeals shall direct the person questioning the boundary location to retain at their own expense a registered surveyor or professional engineer to undertake a flood hazard study to determine the point on the land which corresponds to the profile for the 100-year flood.
  - b. If a person desires to utilize the land as permitted by the district with which the Flood Plain District is combined but such utilization is not permitted or conditionally permitted in the flood Plain District, and it can be shown that such use will not increase flood stages during the 100-year flood or be subject to physical harm, such use may be permitted. Field survey costs and engineering consultant costs must be paid by the person proposing the special use.

### **Section 437 Planned Unit Development (PUD) Regulations**

1. The Planned Unit Development (PUD) Regulations are intended to permit greater flexibility in land development than that permitted by strict interpretation of the Zoning Ordinance requirements. The Planned Unit Development District should only be used for development projects of high-quality development that would not normally be provided for in other districts or for projects where extensive review of plans is desirable. Planned Unit Development projects may include residential projects such as vacation home developments; single-family homes or multiple-family homes; commercial or industrial centers; large recreational complexes, or other planned projects.
2. Uses Permitted Upon Approval of Development Plan
  - a. No uses are permitted outright.
  - b. The following planned development may be permitted after extensive plan review and rezoning to Planned Development District:
    - i. Camps.
    - ii. Vacation home developments.
    - iii. Large recreational complexes having several types of recreational use and including any of the above uses.
    - iv. Industrial parks.
    - v. Housing projects over five (5) acres or twenty-five (25) dwelling units.
    - vi. Shopping centers.
    - vii. Facilities needed in support of any of the above, such as shopping, schools, churches, clubs, clubs, parks, water, and/or sewage treatment facilities, etc., when submitted as a part of the overall Development Plan.
    - viii. Combinations of the above uses.
    - ix. Home occupations.
    - x. Essential services.
    - xi. Accessory uses.
    - xii. Public uses.
    - xiii. Public service facilities.
3. Conformity to Village Plans. A Planned Unit Development project shall generally conform to any adopted Village Plans and any standards proposed therein

### **Section 438 Arrangement of Structures and Yards**

1. The physical relation of structures and their yard space shall be determined in accordance with one or a combination of the following methods:
  - a. The Lot and Yard Requirements of the zoning district specified as most appropriate or similar to the type of structure shall apply.
  - b. State Health Department Regulations.
  - c. Specific yard and lot requirements (made a part of the Development Plan text) prepared by the developer and approved by the Village Council and Planning Commission.
  - d. Arrangement in accord with a map plan of the site showing arrangement of site and structures and approved by the Village Council and Planning Commission.

### **Section 439 Development Plan Required**

1. A Development Plan is required for each proposed Planned Unit Development (PUD) District. The Development Plan shall include the following:

- a. The proposed location and size of areas (all land uses) indicating types of uses for each different type of land use area.
  - b. Square footages of building area and location of any uses other than residential such as tents, trailers, and houses.
  - c. The location of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units in the Development Plan, and showing boundaries of all sites or lots.
  - d. The proposed provision of water, sewerage disposal, and surface drainage facilities.
  - e. The proposed traffic circulation pattern, including public and private streets, parking areas, walks, and other access paths, indicating their relationship to topography, existing streets, or showing other evidence of reasonableness.
  - f. The proposed use of any required recreational land and any other land for recreational or leisure use.
  - g. The proposed schedule of site development, construction of structures, and associated facilities.
  - h. Sketches and other text or materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features.
  - i. Plans or text showing or describing the arrangement of structures and yards as required in the Arrangement of Structures and Yards above.
  - j. Any other information required by the Planning Commission necessary in determining the appropriateness of the proposal.
2. Copies. Five (5) copies of the Development Plan shall be submitted to the Zoning Officer at least 15 days prior to the preliminary discussion meeting at which it is to be considered. Prior to the discussion meeting the Zoning Officer shall provide copies of the Development Plan to the Village Council, Planning Commission, the County Health Department, and other appropriate agencies or persons for study and comment and request their attendance at the discussion meeting.
  3. Preliminary Discussion Meeting. At the discussion meeting it shall be determined if the application is eligible for further consideration and if so, the Village Council shall proceed to consider the requested zoning amendment in the same manner as other zoning amendments.

#### **Section 440 Zoning Permit**

1. No Zoning Permit shall be issued for any construction in a Planned Unit Development District unless the proposed development is entirely in accord with the approved Development Plan and any additional conditions that may have been imposed by the Village Council and/or the Board of Zoning Appeals at its time of approval.
2. In addition, no Zoning Permit shall be issued for camps or vacation home developments unless the required State or County Health approval has been obtained as required in the Special Provisions of this Zoning Ordinance.

#### **Section 441 Conditional Uses Requiring Board Approval**

Once the Planned Development District is underway or completed, no change in use is permitted except by approval of the Zoning Board of Appeals. The Board of Zoning Appeals may, after a public hearing as set forth in this Zoning Ordinance, approve any proposed change, proposed use, or design modification.

## **ARTICLE FIVE SIGN REGULATIONS**

### **Section 500 Purpose**

1. The purpose of these Sign Regulations is to promote and protect the public health by regulating existing and proposed outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance and preserve the scenic and natural beauty of the Village, reduce sign advertising distraction and obstructions that may contribute to traffic accidents, provide more open space, and generally curb the deterioration of the natural environment.

### **Section 501 Definition of Sign Types**

1. Farm Sign. – A sign or signs which is on a farm over five (5) acres denoting such messages as name and address of occupants, produce for sale and membership organizations, or other information generally related to activities conducted on the farm.
2. Ground Sign. – A sign which is supported by one or more columns, uprights, or braces in or upon the ground.
3. Outdoor Advertising Display and/or Billboard. – Any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other contrivance designed, intended, or used to advertise or to give information in the nature of advertising for a product or service not located on the premises on which the sign is located, which advertisement is visible by persons walking or riding in a motor vehicle. All other signs permitted by this ordinance shall not be considered as outdoor advertising displays and/or billboards.
4. Projecting Sign. – A sign which projects from and is supported by a wall of a building or structure.
5. Wall Sign. – A sign which is affixed directly to the exterior wall and confined within the limits thereof and which projects from that surface not more than twelve (12) inches at all points.

### **Section 502 Signs Permitted in All Districts – No Permit Required**

1. The following types of signs shall be permitted in all districts within the Village according to the limits specified:
  - a. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed 10 SF for 1 or 2 parcels and 60 SF for 3 or more parcels.
  - b. Signs denoting the name and address of the occupants of the premises, not exceeding two (2) square feet in area, not exceeding one sign per home, and not internally lighted.
  - c. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies; the total area of these signs or bulletin boards shall not exceed forty (40) square feet in area and shall be located on the premises of such institutions.
  - d. Entrance and exit signs containing only directional information.
  - e. Temporary signs announcing special public or institutional events, the erection of a building, or signs for similar uses. Such signs shall be removed within two (2) weeks of the completion of the event or project.
  - f. Government signs such as for roads, parks, or similar type uses.

- g. Existing signs which are in place or under construction at the time of adoption of this ordinance.
- 2. Existing signs, as defined above, are permitted to continue and to be maintained as they existed at the time of adoption of this ordinance; however, replacement signs shall meet all requirements of this ordinance.
- 3. A Zoning Permit is not required for the above defined signs.

### **Section 503 Signs Permitted for Business and Industrial Uses – Permit Required**

The following shall be permitted for business and industrial use; and a permit shall be required:

- a. Each business or industry shall be permitted one projecting sign for each face of the building facing a street. Projecting signs shall not exceed six (6) feet measured from the face of the building, nor more than thirty (30) square feet on any one face of the sign, nor more than sixty (60) square feet on any two (2) or more faces. Such projecting signs are prohibited in the B-2 Central Business District. However, in the B-2 Central Business District, pedestrian oriented projecting signs which are not internally lit and which do not exceed six (6) square feet on any one (1) face nor more than twelve (12) square feet on any two (2) or more faces, shall be permitted.
- b. In addition to the above, each business or industry shall be permitted wall signs for each face of the building facing a street, not to exceed an area equivalent to two and one-half (2 ½) square feet of sign area for each lineal foot of building frontage.
- c. In addition to the above each business or industry shall be permitted one on-premise ground sign on the premises provided all parts of the sign shall be setback five (5) feet from street right-of-way and no part of the sign exceeds thirty feet (30') above normal grade. The maximum area of such sign shall not exceed fifty (50) square feet on any face of the sign nor more than one hundred (100) square feet on any two (2) or more faces.
- d. In addition to the above each business or industry shall be permitted two (2) small on-premise free standing or portable advertising signs not exceeding eight (8) feet in height or twelve (12) square feet on any face of the sign. Such signs shall not be located on a sidewalk or in any street right-of-way.
- e. In lieu of the permitted ground signs as permitted in item b, above, groups of establishments of four (4) or more businesses shall be permitted one (1) larger ground sign for all businesses for each road frontage. Such sign shall not exceed one hundred (100) square feet on any one (1) face or two hundred (200) square feet on two or more faces, nor exceed thirty (30) feet in height and shall be setback at least ten (10) feet from the street right-of-way.
- f. Larger signs and/or greater numbers of signs may be permitted by the Board of Zoning Appeals for businesses which have larger than normal frontage and yard space to adequately accommodate them.
- g. Sign placement is prohibited in public right-of-way or any easements areas. Applicant is responsible for verifying conformance with this prohibition.
- 2. A Zoning Permit shall be required for all signs listed in this ordinance as "Signs Permitted for Commercial and Industrial Uses – Permit Required" that are erected after the adoption of this Zoning Ordinance. Any change in signs or additional signs constructed after issuance of the initial Zoning Permit shall require another permit before such changes or additions are made.
- 3. Any application for a Zoning Permit for which a sign is to be constructed or altered shall include a written application and a diagram showing the dimensions of the sign, submittal

drawings showing the sign appearance (text, text size, graphics, images, etc.), and location on the property, location and dimensions between the proposed sign location and property lines (right-of-way lines, and the name and address of the owner and/or agent of the sign.

#### **Section 504 Outdoor Advertising Display and/or Billboards**

1. Existing Outdoor Advertising Displays and Billboards shall be permitted to continue as they existed at the time of adoption of this Zoning Ordinance unless voluntarily discontinued for at least two (2) years, however, any expansion of such displays or signs shall meet the following regulations.
2. Outdoor advertising displays or billboards shall not be in the Village except by permission of Village Council, after a public hearing (unless determined unnecessary by Council), and when the following requirements are met:
  - a. Such displays or signs would not impose a nuisance or blighting effect on any residential, public or semi-public property.
  - b. Such displays or signs shall not be located within twenty (20) feet of any street right-of-way.
  - c. Such displays or signs shall not be located so as to interfere with the visibility and safe operation of vehicles entering or leaving the premises or intersecting street.
  - d. Such signs or displays shall in no other way adversely affect the public health, safety, or welfare.
  - e. Outdoor Advertising Display and/or Billboard placement is prohibited in public right-of-way or any easements areas. Applicant is responsible for verifying conformance with this prohibition.
3. A Zoning Permit is required for all Advertising Displays and/or Billboards but shall not be granted by the Zoning Officer until after approval by Council.

#### **Section 505 Special Effect Signage Available to Specified Districts Through Individual Conditional Use Requests**

##### **1. Electronic Message Board Signs**

Signs with electronic changeable copy and/or picture displays or promotional announcements, provided:

- a. Such signage is to be considered as permanent signage subject to the respective setback, size and height restrictions for the type of sign.
- b. Such displays shall not exceed a maximum height of ten (10) feet.
- c. Such electronic copy-change procedure shall display each separate copy a minimum of seven (7) seconds.
- d. Such display shall not cause a glare or be so located as to be blatantly distractive.

##### **2. Wall Supergraphics and Painted Murals**

Designs painted on or otherwise affixed to a building wall having an aggregate display area more than the maximum sign permitted by the respective provisions of this Section.

##### **3. Ballons or Inflatable Devices**

In conjunction with a temporary, special promotion.

##### **4. Bare Bulb Illumination**

In conjunction with on-premises identification signage for the purpose of highlighting such sign display in a glaring manner with not bare bulb exceeding 30 incandescent bulb wattage or equivalent, not exceed 185 lumens. Neither internal nor external reflectors shall be used in conjunction with any bare-bulb illumination.



## **Section 506 Violation of Sign Regulations**

Any violation of these Sign Regulations shall be deemed a violation the Zoning Ordinance and shall be subject to the penalties as set forth herein.

## **Section 507 Signs Prohibited in All Districts**

The following signs are prohibited in all districts.

- a. Signs or advertising erected or maintained on trees, or painted or drawn upon rocks or other natural features.
- b. Signs or advertising devices which, in the opinion of the Zoning Officer, are traffic hazards or a danger to the safety of the traveling public.
- c. Signs or advertising devices which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.
- d. Signs or advertising devices illuminated to interfere with the effectiveness of, or obscure, an official sign, signal, or device.
- e. Signs or advertising devices which attempt, or appear to attempt, to direct the movement of traffic, or which interfere with, imitate, or resemble an official sign, signal, or device.
- f. Signs or advertising, except public signs, in the right-of-way of any street or road.
- g. Signs not mentioned by these Sign Regulations unless determined by the Board of Zoning Appeals to be permitted as an Exception.
- h. Trailer mounted signs or similar portable signs are prohibited.

## **ARTICLE SIX OFF-STREET PARKING REQUIREMENTS**

### **Section 600 General Requirements**

1. Number of Spaces: In all instances, excepting the Central Business B-2 District, for every business, institutional, recreational, residential or other use, there shall be provided at any time any new structure or any existing structure is enlarged or increased in capacity, off-street parking spaces for automobiles for the amount of new structure or increase in capacity in accordance with Section 606 of this zoning code. Required parking in the Central Business B-2 District shall be determined by the Planning Commission.
2. Area: Each off-street parking space shall have an area of not less than one hundred and seventy-one (171) square feet.
3. Location: Location of off-street parking spaces shall be provided on the premises intended to be served.
4. Off Street Parking: Every off-street parking area and driveway(s) shall be hard surfaced (concrete, asphalt, or brick paver with concrete base) to eliminate dust and dirt and shall be so graded and drained as to dispose of all surface water accumulations. Access driveways shall be subject to approval of the Village Administrator.
5. Lighting: Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residences. Spillover light, either vertical or horizontal, from parking and/or site area luminaries onto public roads and property in residential or commercial districts shall not exceed one-half (1/2) foot-candle at the property line.

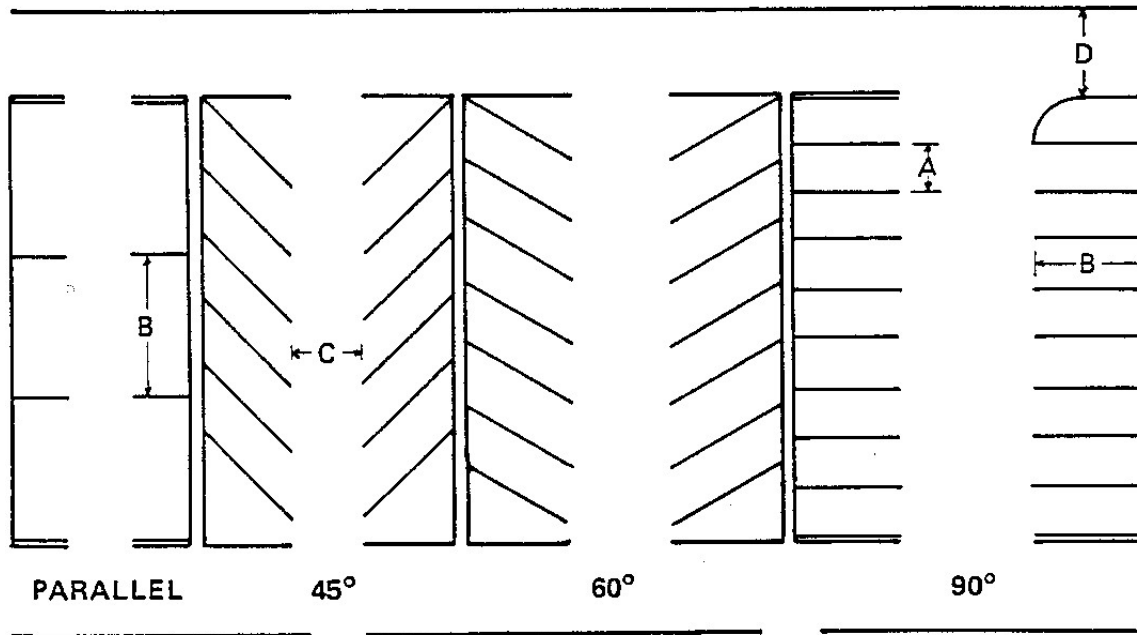
6. Setback from Streets: No part of any parking area for more than five (5) vehicles shall be closer than ten (10) feet to any established street right-of-way in any commercial or industrial district. No part of any parking area, except for parking in normal driveways shall be closer than the building line in any residential, apartment, or residential-office district.
7. Setback from Yards in Residential Districts: No part of any parking area for vehicles shall be closer than five (5) feet to any residential side or rear property line.

### **Section 601 Off-Street Parking and Loading Facilities**

1. Intent: The intent of the off-street parking and loading regulations is to protect the public health, safety, and welfare by ensuring that all land uses have adequate amounts of off-street parking and loading areas to not create traffic hazards on public streets.
2. 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 space 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.
3. 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 twelve (12) feet in width.
    2. For all other residential uses and all other uses, the access drive shall be a minimum of twenty (20) 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 Business and Industrial 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 Regulations 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. No screening shall be permitted in any easement or public right-of-way area.
- E. Paving: In all Residential and Business 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, or paver bricks with a concrete base 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 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 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.
- G. Barriers: Wherever a parking lot extends to a property line, fencing, parking blocks, 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. Single Family: 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 Planning Commission. 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 loading, sales, servicing, or continuous storage of vehicle for more than forty-eight (48) hours.
- O. Two-Family: 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 602 Determination of Required Spaces**

In computing the number of parking spaces required by these Zoning Regulations, 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 603 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 604 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 605 Parking and Storage of Vehicles and Trailers within Residential Area and or within Public Right-of-Way.**

- 1. No commercial vehicles larger than three-quarter 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 disabled or non-running condition shall be parked or stored on any residential property other than in a completely enclosed building
- 2. 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.
- 3. 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.
- 4. No such recreational equipment shall be used as a dwelling in any case

**Section 606 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 Planning Commission. 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.

F. 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:

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

**Section 607 Restricted Parking Lots**

1. The Board of Zoning Appeals may authorize the establishment of restricted parking lots in any Residential District, subject to the following conditions and limitations.
  - a. The parking lot is incidental to a business or industrial use.
  - b. Such parking lot shall be situated on private land which has an area of not less than seven thousand five hundred (7,500) square feet and which abuts directly on any business or industrial use.
  - c. Such parking lot shall be used for the parking of passenger vehicles only, and no commercial repair work, sales, or service of any kind shall be conducted thereon.
  - d. Every off-street parking area and access driveway thereto shall be hard surfaced to eliminate dust and dirt and shall be so graded and drained as to dispose of all surface water accumulation.
  - e. No parking space shall extend beyond the setback or building line.

- f. Definite artistic barriers and landscaping shall be placed around the area where needed so that such parking lot will not be a detriment to the neighborhood. The Board may prescribe further requirements or conditions deemed necessary for the protection of adjacent property.
- g. Any fixture used to illuminate any off-street parking area shall be so arranged as to direct the light away from the street and away from adjoining premises used for residential purposes. The intensity of lighting shall not be such as to interfere unreasonably with any adjacent premises.
- h. Access to and from public streets shall be subject to approval of the Village Engineer.
- i. Any permission herein granted is conditional upon full and complete compliance by the permittee with all requirements of the Board of Appeals because of specific problems involved relative to a specific location. Such full compliance must be complete and finished within six (6) months from the effective date of permission. Otherwise, permission is automatically withdrawn.
- j. Entrances and exits shall be located within the adjoining business or industrial districts.
- k. An application for the establishment of a restricted parking lot shall be accompanied by the names and addresses of all property owners within two hundred (200) feet of the premises in question so they may be given the opportunity to be heard in connection with the consideration of such application.

#### **Section 609 Parking and Storing Vehicles in Residential Districts**

1. Parking and storing of vehicles in residential districts are subject to the provisions of this section, all parking of vehicles shall always comply with the traffic code of the Village of Versailles, Ohio as amended.
  - a. In any residential district a recreational vehicle, boat or utility trailer may not be stored or parked in any front yard for more than 48 hours and must be at least two feet from any lot line if legally parked or stored in any yard. At no time will said vehicle be used for habitation unless approved by the zoning officer.
  - b. No Vehicle shall be parked or stored in a residential district that is a semi tractor, semi-trailer, commercial bus, school bus, dump truck, garbage truck, or other motor vehicle that is larger in size than a ¾ ton pickup truck or van, and which is primarily used for the transportation, delivery or temporary storage of equipment, tools, freight, and products for sale.

### **ARTICLE SEVEN ADOPTION AND AMENDMENTS**

#### **Section 700 Procedure and Regulations on Adopting and Amending Zoning Ordinance**

1. Before this Zoning Ordinance, or any amendments thereto, may be adopted or passed, the Council shall hold a public hearing thereon, and shall give at least thirty (30) days' notice of the time and place thereof in a newspaper of general circulation in the Village. Whenever an amendment to this Ordinance intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Village Administrator of the Village by first class mail, at least twenty (20) days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditor's current tax list of the County Treasurer's mailing list, and to such other lists(s) that may be specified by the Council. The failure of delivery of such notice shall not invalidate any such Zoning Ordinance. During such thirty (30) days the text or copy of the text of such Zoning Ordinance, together with the maps or plans or copies thereof forming part of or referred to in

such Zoning Ordinance and the maps, plans, and any reports submitted by the Planning Commission, Board of Zoning Appeals, or Zoning Officer shall be on file, for public examination, in the office of the Clerk of the Village or in such other office as is designated by the Council. No such Zoning Ordinance which violates, differs from or departs from the plan or report submitted by the Commission, Board or Zoning Officer shall take effect unless passed or approved by not less than three-fourths (3/4) of the membership of the council. No such Zoning Ordinance which is in accordance with the recommendation, plan or report submitted by the Commission, Board, or Zoning Officer shall be deemed to pass or take effect without the concurrence of at least a majority of the members elected to the Council.

### **Section 701 Initiation of Amendment to Re-Zone**

1. Amendments or supplements to the Zoning Ordinance may be initiated by:
  - a. Motion of the Planning Commission.
  - b. By application of one or more owners or lessees of property within the area to be changed.
  - c. By passage of a resolution by the Village Council.
2. All zoning amendments or supplements not initiated by the Village Planning Commission shall be referred to the Planning Commission for review and recommendation to Council before any action is taken by Council. The procedure for zoning map amendments set forth in Section 209 above shall likewise be used for any and all amendments to the Zoning Ordinance.

### **Section 702 Fee for Zoning Amendment**

1. There shall be a fee established by the Village Council for Zoning Amendments, due at the time of application, to cover the cost of advertising and other expenses. The application and fee shall be presented to the Village Administrator. The fee shall not be refunded unless the applicant removes such application prior to any advertising. In addition, the fee shall not be refunded if the application is denied. The fee shall not apply to any Amendment initiated by the Planning Commission or Council. When the Council finds it necessary to require special studies to be made, the applicant may be required to provide such special studies as a part of the application and bear the cost of such studies.

## **ARTICLE EIGHT ENFORCEMENT**

### **Section 800 Zoning Officer**

1. The position of Zoning Officer is hereby recognized and assigned to the Village Administrator or designee. He/she shall be appointed and serve at the pleasure of the Village Council and shall receive such compensation as the Council may provide.
2. The Zoning Officer shall have the following duties:
  - a. Issue Zoning Permits when this Ordinance has been followed or refuse to issue same in the event of non-compliance.
  - b. Make and keep records on all applications, issuance and denial of all permits, and on complaints of violations.
  - c. Enforce this Zoning Ordinance and take all necessary steps to remedy any condition found in violation by ordering in writing, the discontinuance of illegal uses or illegal work in progress and request the Village Solicitor to commence appropriate legal action when necessary.

- d. Keep the Planning Commission and Council advised of all matters other than routine duties pertaining to the enforcement of this Zoning Ordinance and to transmit all applications and records pertaining to Amendments.
- e. Keep the Board of Zoning Appeals advised of all matters pertaining to Appeals, Variances, and Conditional Uses, Exceptions, and transmit all applications and records pertaining thereto.

### **Section 801 Zoning Permits Required**

1. Before constructing, excavating for foundation, changing the use of, or structurally altering any building or sign, including accessory buildings, or changing the use of any premises, application shall be made to the Zoning Officer for a Zoning Permit. The Zoning Permit requirement shall not include interior remodeling if the type of use is not changed and shall not include exterior upkeep and maintenance. The applications shall include the following information:
  - a. A plot plan drawn to scale showing the exact dimensions of the lot to be built upon.
  - b. The location, dimensions, height and bulk of structures to be erected.
  - c. The intended use.
  - d. The yard, open area and parking dimensions.
  - e. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Zoning Ordinance.
  - f. Property corners and/or property lines may be required by the Village Administrator to be established by a professional surveyor registered in the State of Ohio.
2. Before constructing or altering any sign or outdoor advertising device requiring a Zoning Permit (See Sign Regulations) a Zoning Permit shall be secured.
3. The Zoning Permit shall become void at the expiration of six (6) months after date of issuance unless construction is started. If no construction is started or use changed within six (6) months of date of Permit, a new Permit is required upon application.

### **Section 802 Recommended Contents of Application for Zoning Permits**

The Application for Zoning Permit shall be made in writing on a Village established form 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(s).
- 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 803 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 803 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. The plan shall include a photometric plan depicting the intensity and location of lighting on the property.
- 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 804 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 805 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 806 Stop Work Order**

After the 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 807 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 808 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 809 Fee for Zoning Permit**

The fee for a Zoning Permit (including Zoning Permits for signs) shall be established by the Village Council.

#### **Section 810 Inspection**

The Zoning Officer shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this Ordinance.

#### **Section 811 Violations**

Building or signs erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Zoning Ordinance are declared to be a nuisance per Section 427 and shall be subject to the Penalties stated in this Zoning Ordinance. Any building or land use activities considered possible violations of the provisions of this Ordinance, which are observed by the residents of the Village, shall be reported to the Zoning Officer.

#### **Section 812 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 by posting the notice to their entry door, front window, or other such front facing portion of the residence; 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 813 Correction Period**

All violations shall be corrected within a period of time as outlined in a written Notice of Violation letter provided to the property owner by the Zoning Officer. The Zoning Officer is permitted to grant time extensions for compliance to be obtained on a case-by-case basis. Any violations not corrected within the specified time period shall be reported to the Village Solicitor who shall initiate prosecution procedures.

### **Section 814 Penalties**

1. 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 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 4<sup>th</sup> 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.
2. There shall be an additional \$100.00 flat permit fee as a penalty for any person, firm, or corporation that begins to locate, construct, reconstruct, enlarge, change, convert, or structurally alter any building, structure, or land without first obtaining an approved zoning permit in addition to any other fines that result from that violation and to also include an additional \$100.00 flat permit fee as a penalty for any person, firm, or corporation who begins installation of any Accessory Use, fence, sign, or swimming pool to obtain a Zoning Permit in addition to any fines and fees that result from the violation.
3. 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 815 Additional Remedies**

1. 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.
2. Upon request of the Planning Commission or the Village Council, the Village Solicitor shall, within thirty (30) days, prosecute necessary civil proceedings to arrest, stop, or prevent violations of this Ordinance.

## **ARTICLE NINE: BOARD OF ZONING APPEALS**

### **Section 900 Powers and Duties of Board of Zoning Appeals**

1. Appeals: The Board of Zoning Appeals shall hear and decide Appeals where it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Officer in the enforcement of this Zoning Ordinance. If such appeal is won by the applicant the appeal fee as established by the Village for the required Zoning Permit which must be obtained after winning any Appeal shall be waived, and the Zoning Permit shall be issued by the Zoning Officer.

Appeals to the Board of Zoning Appeals may be submitted by any person, firm, or corporation, deeming himself or itself to be adversely affected by the decision of the Zoning Officer respecting the interpretation of the Ordinance. Appeals shall be made no later than within ten (10) calendar days after the date of the grievance, and the Board shall initiate a public hearing on any appeal within thirty (30) days of its filing.

An Appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Officer whose decision is appealed from shall certify to the Board of Zoning Appeals after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause "imminent" peril to life or property in such case, proceedings shall not be stayed by other than a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction. The Board of Zoning Appeals shall decide on the appeal within ten (10) days after the public hearing, unless additional time is necessary because of unusual circumstances. At the hearing any party may appear in person or by attorney.

2. Variances: Where there are practical difficulties of unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have the power in passing a Variance to vary or modify any of the provisions of this Ordinance, except granting uses or structures which are not permitted or conditionally permitted in the district in question, so that the spirit of this Ordinance shall be observed, public safety secured, and substantial justice done.

In every instance of granting a variance by the Board of Zoning Appeals, there must be a showing by the Board that one of the following applies:

- a. The strict application of the provisions of the Ordinance would result in practical difficulties or unnecessary hardship inconsistent with the general purpose and the intent of this ordinance.

- b. There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood.
- c. The granting of such variance will not be of substantial detriment to the public interest or to the property or improvements in the district in which the variance is sought and will not materially impair the purpose or intent of this Ordinance.

In addition, the Board of Zoning Appeals may permit such modification of the yard or lot area or width regulation as may be necessary to secure the appropriate improvement of a parcel of land that is too small to be appropriately improved without such modification, provided the parcel was separately owned at the time of passage of this ordinance or is adjacent to buildings that do not conform to the general restrictions applicable to their location.

In granting a Variance the Board of Zoning Appeals may impose such conditions, as it may deem necessary to protect the public health, safety, or welfare and to further the purpose and intent of this Zoning Ordinance. These conditions shall be made a part of and be attached to the required Zoning Permit.

The fee for a Variance shall be established by the Village Council, which shall be paid at the time of application. The fee for the Zoning Permit, which must be obtained after the approval of any Variance, shall be due prior to a Zoning Permit being issued by the Zoning Officer.

3. Conditional Uses: The Board of Zoning Appeals shall hear and determine all Conditional Uses that are specifically listed within the various districts. Conditional Uses, although often desirable, will more intensely affect the surrounding area in which they are located than the permitted Uses of such districts. Since this is the case, the Board of Zoning Appeals shall approve an application for a Conditional Use only when the following conditions are met:
  - a. The Conditional Use is specifically listed or interpreted as listed in the district in question.
  - b. The Conditional Use is in general accord with any adopted Village Plans.
  - c. The proposed development will be in keeping with the existing land use character and physical development potential of the area and will not have undesirable effects on the surrounding area.
  - d. A public hearing has been held.

In granting a Conditional Use the Board of Zoning Appeals may impose such conditions, as it may deem necessary to protect the public health, safety, or welfare and to further the purpose and intent of this Zoning Ordinance.

The fee for a Conditional Use shall be established by the Village Council, which shall be paid at the time of application. The fee for the Zoning Permit, which must be obtained after approval of any Conditional Use, shall be due prior to a Zoning Permit being issued by the Zoning Officer.

4. Exception: The Board of Zoning Appeals shall have the authority to grant exceptions. An exception is a Use permitted only after review of an application by the Board of Zoning Appeals, such review being necessary because the provisions of this Zoning Ordinance covering conditions are not precise enough or are too general to cover all applications without the Board of Zoning Appeals approval. In granting an Exception, the Board may impose such conditions, as it may deem necessary to protect the public health, safety, or welfare and to further the purpose and intent of this Zoning Ordinance. The Board shall not,

however, have the right to change the intent of this Zoning Ordinance by permitting any use that cannot be reasonably interpreted as intended in the district in question.

The fee for an Exception shall be the same as a Variance request which shall be paid at the time of application. The fee for the Zoning Permit, which must be obtained after approval of any Exception, shall be due prior to a Zoning Permit being issued by the Zoning Officer.

5. Interpretation of Zoning Map: Where the street or lot layout physically, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance. No fee shall be charged for an interpretation of the Zoning Map.
6. Nonconforming Uses: The Board shall have the power to permit changes and extensions of nonconforming uses when:
  - a. A nonconforming use of a less objectionable nature may be substituted for an existing nonconforming use.
  - b. An existing, legal nonconforming use, which occupies only a portion of an existing structure or premises, may be extended throughout such structure or premises.
  - c. The alteration or reconstruction of a nonconforming use or building provided that this action would make the nonconforming use substantially more in character with its surroundings.
  - d. The extension of a nonconforming use when such extension will substantially make the nonconforming use more in character with its surroundings. Such extensions shall not be greater than 50% of the size of the nonconforming use that existed at the time of passage of this Zoning Ordinance.

The Board may impose such requirements and conditions, as they may deem necessary for the protection of adjacent properties and the public interest. The fee for a Nonconforming Use change shall be established by the Village Council, which shall be paid at the time of application. The fee for the Zoning Permit, which must be obtained after approval of any nonconforming Use change, shall be due prior to a Zoning Permit being issued by the Zoning Officer.

7. Temporary Uses: The temporary use of building or premises such as a house trailer or construction office in any district for a purpose or use that does not conform to the regulations prescribed by this Zoning Ordinance for the district in which it is located may be granted when determined justifiably by the Board of Zoning Appeals. Portable toilets for construction and other such small structures shall not require a Temporary Use approval by the Zoning Officer.

Such Temporary Use shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

The fee for a Temporary Use shall be the same as a Variance , which shall be paid at the time of application. The fee for the Zoning Permit, which must be obtained after approval of any Temporary Use, shall be due prior to a Zoning Permit being issued by the Zoning Officer.

### **Section 901 Procedure for Actions by the Board of Zoning Appeals**

1. The Board of Zoning Appeals shall act according to the procedure specified by law, including this Zoning Ordinance.

2. The Board shall keep minutes of its proceedings showing the vote for each member on all questions, or if absent or failing to vote, it shall indicate such fact.
3. All applications for Appeals, Variances, Conditional Uses, Exceptions, Nonconforming Uses, and Temporary Use shall be made to the Board of Zoning Appeals in writing and on any forms prescribed therefore. All applications shall set forth the reason the Appeal, Variance, Conditional Use, Exception, Nonconforming Use, and Temporary Use should be granted.
4. Every decision of the Board shall be set forth in writing, which shall contain a record of the findings of the Board of Zoning Appeals together with all documents pertaining thereto and shall be a public record.
5. Fees as prescribed in this Zoning Ordinance shall be paid in full prior to any action by the Board of Zoning Appeals.
6. If the Board of Zoning Appeals finds it necessary to draw upon any planning, legal, engineering, or any other expert testimony, such fee or services may be required at the expense of the applicant as a part of the application.
7. No action shall be taken on any request for any Appeal, Variance, or Exception prior to notification by the Village by first class mail of such request to all property owners contiguous to and directly across the street from the property in question. When any such property owner objects to such request in writing within 10 days, then the Board shall be required to hold a public hearing as required in Section 900.
8. No action shall be taken on any request for any Conditional Use, Nonconforming Use, or Temporary Use prior to a public hearing.

#### **Section 902 Notice of Hearings by Board of Zoning Appeals**

1. When a notice of Appeal, Variance, Conditional Use, Exception, Nonconforming Use, or Temporary Use has been filed in proper form with the Board of Zoning Appeals, and a public hearing is required, the Zoning Inspector or other designated person shall immediately place the said request for same upon the calendar for hearing, and shall state on the notices the time, place, and object of the hearing to be served personally or by mail addressed to the parties making the request, at least five (5) days prior to the date of scheduled hearing.
2. Written notice of such hearings when required shall also be given by mail or served personally to the owners of property within two hundred feet (200.00') from such land to which such hearing is related.
3. All notices shall be sent to property owner addresses given on the last tax assessment roll or other legally designated address list.
4. Such hearings when required shall be advertised by at least one (1) publication in one (1) or more newspapers of general circulation in the Village at least ten (10) days before the date of such hearing.
5. The Board may recess such hearings from time to time, and if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice shall be required.

### **Section 903 Replace Powers of Village Council**

Nothing in this Ordinance shall give the Board the power to act for the Council of the Village of Versailles.

### **ARTICLE TEN: DEFINITIONS**

For this Zoning Ordinance certain terms and words are defined as follows. Except where specifically defined, all words used in the Zoning Ordinance shall carry their customary meanings.

1. "Abandoned Structure" means any structure that has not been occupied for 30 days or more and meets any of the following criteria:
  - a. Provides for loitering, vagrancy, unauthorized entry, or criminal activity
  - b. Has been boarded up for at least 30 days
  - c. Has real estate taxes in arrears for a period exceeding 365 days
  - d. Has disconnected utilities or utilities that are not in use
  - e. Is not maintained in compliance with Village Ordinances
2. "Accessory Use or Structure" means a use or structure (such as a garage or tool and garden sheds) incidental to the main use of the land or building. In buildings restricted to residence use, the office of a professional and workshops not conducted for compensation shall be deemed accessory uses. Offices or workshops conducted for compensation shall be deemed home occupations.
3. "Adult Entertainment Facility" means 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."
4. "Adult Book/Video Store" means a facility, in which at least five percent (5%) of the inventory contained therein deals in books, magazines, or other periodicals, or video materials that display and are distinguished or characterized by an emphasis on the 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.
5. "Adult Entertainment Theater" means a commercial entertainment facility which devotes any of its presentation time to the display of material distinguished or characterized by an emphasis on any items listed in "Specified Sexual Activities" or "Specified Anatomical Areas." Same
6. "Adult Entertainment Business" means any commercial entertainment facility involved in the sale or services of products characterized by salacious conduct appealing to prurient interest for the observation 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."
7. "Agriculture" means farming, dairying, pasturage, horticulture, viticulture, forestry, nurseries, orchards, breeding, feeding, and marketing of livestock, animal and poultry husbandry and limited processing and sale of agricultural products from land under same ownership.
8. "Alley" means a public or private thoroughfare, which affords only a secondary means of access to property abutting thereon.

9. "Altering of Building" means any change in supporting members of a building; any addition to a building; any change in use from one district classification to another; or removal of a building from one location to another. Altering shall not include interior remodeling, outdoor maintenance, and miscellaneous changes as may be required for safety reasons.
10. "Animal Grooming" means activity where the principal business is domestic pet hygiene including washing, brushing, shearing, and nail cutting.
11. "Animal Hospital and Clinic" means a building administered by a Doctor of Veterinary Medicine licensed to practice in the state used for the medical treatment, housing or boarding of domestic animals such as dogs, cats, rabbits, and birds.
12. "Animal Livestock" means animals typically raised on farms such as cattle, horses, pigs, goats, or sheep.
13. "Assisted Living Facility" means a residential care facility, other than a licensed nursing home, that provides personal care for persons with impairments in performance of activities of daily living and has the capacity to meet unscheduled needs for assistance. Typical to this facility is that each residence is private occupancy, furnished by occupant, with food service, laundry and gathering areas shared in the facility.
14. "Automotive Filling Station" means any building or land area used or intended to be used for the retail dispensing or sales of vehicular fuels; and including as an accessory use the sale and installation of lubricants, tires, batteries, and similar accessories and the servicing of minor repair of automobiles and the performing of tune-ups, tire and brake changing and repair.
15. "Automotive Services" means the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles and commercial car washes.
16. "Automotive Sales" means the display, sale, or rental of new or used motor vehicles or trailers in operable condition where no repair work is done.
17. "Automobile Washing Facility" means area of land and/or a structure with machine or hand-operated facilities used principally for cleaning, washing, polishing, or waxing of automobiles.
18. "Basement" means 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.
19. "Bed and Breakfast Establishment" or "Tourist Home" means 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 where lodging, with or without meals, is provided for compensation. Guests shall not stay longer than 14 consecutive days.
20. "Beginning of Construction" means the utilization of labor, equipment, and materials for the purpose of erecting or altering a structure.
21. "Board" or "Board of Appeals" or "BZA" means the Board of Zoning Appeals of Versailles, Ohio.

22. "Building" means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.
23. "Building and Related Trades" means a building or premises used for the storage and retail sale of those materials and services customary to the construction profession of which offices of those professionals associated with the construction profession may be an accessory use.
24. "Building, Front Line of" means the line of that face of the building nearest the front line of the lot. This line does not include uncovered steps or handicapped access ramps.
25. "Building Lot" means any platted lot, a legally described parcel of land, or combination of adjacent platted lots or other described land that is identified on a deed as being owned by the same owner, and is large enough for the construction of a residence. It may also be any combination of adjacent land deeded separately but shown on the county's tax maps as owned by the same owner.
26. "Building, Height of" means the vertical distance from the average grade level along the front building line to the highest point of the building or structure.
27. "Building, Principal" means a building in which is conducted the main or principal use of the lot on which such building is situated.
28. "Camp" means any tract of land or premises having facilities used for camping purposes such as recreational, health, educational, construction, sectarian, tourist, picnic, or resort camps not for permanent occupancy.
29. "Camping and Recreational Equipment" for the purpose of this regulation means, 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.
30. "Cemetery" means land used or intended to be used for the burial of the dead and dedicated for such purposes, including crematories, mausoleums, and mortuaries, if operated in connection with, and within the boundaries of, such cemetery.
31. "Child Day Care Center" commercial or professional means 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,
32. "Clinic" means a place used for the care, diagnosis, and treatment of sick, ailing, infirm and injured persons and those who need medical, dental, or surgical attention, but who are not provided with room or board nor kept overnight on the premises.

33. "Club" means a nonprofit association of persons who are bona fide members paying regular dues, and are organized for some common purpose, but excluding religious places of worship or a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.
34. "Commercial School" means a facility, operating for profit, providing a curriculum of continuing academic instruction including vocational and technical courses.
35. "Commission" means the Village of Versailles Planning Commission.
36. "Commercial Entertainment Facilities" means any activity, which is generally related to the entertainment field, such as motion picture theaters, nightclubs, sports arenas, bowling alleys, and similar entertainment activities and excluding taverns.
37. "Community Development Project" means any development of land for industrial, commercial, or residential purposes, or a combination of these uses, provided they are functionally integrated, to attain an improved character of development that conforms to the purpose and intent of the Zoning Ordinance.
38. "Council" means the Village Council of Versailles, Ohio.
39. "Day Care Facility" means a building or structure where daytime care, protection and supervision are provided on a regular schedule, for a fee, at least twice a week. This definition includes childcare Facilities, which address and pertain to the care of children up to and throughout school ages. Adult Care Facilities address and pertain to the care of adults. This definition does not include residential care such as Assisted Living Facility and Group Home.
40. "Days" means calendar days unless stated otherwise.
41. "District" means a portion of the territory of the village, within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.
42. "Drive-in Commercial Uses" means any retail commercial use serving primarily vehicular trade such as drive-in restaurants, drive-in theaters, drive-in banks and drive through convenience stores.
43. "Dwelling" means any building or portion thereof which is designated for or used for residential purposes.
44. "Dwelling, Efficiency Apartment" means a dwelling unit in a multi-family building without a separate distinct room for sleeping.
45. "Dwelling, Multi-Family" means a building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses, garden apartments and row houses.
46. "Dwelling, Permanently Sited Manufactured Home" means a building manufactured in an off-site facility designated for or occupied exclusively by one family that meets all the following criteria:
- a. The structure is affixed to a permanent foundation and is connected to appropriate utilities;



- b. The structure, excluding any addition, has a minimum width of 22 feet, a minimum length of 22 feet, and a minimum floor area of 900 square feet;
  - c. The structure has a minimum roof pitch of 3:12, conventional residential siding, and a minimum 6-inch eave overhang, including appropriate guttering;
  - d. The structure has a permanent label or tag certifying that it was constructed in conformance with all applicable federal construction and safety standards.
- 47. "Dwelling, Single-Family" means a building designated for or occupied exclusively by one family, separated from other dwelling units by open space.
  - 48. "Dwelling, Two-family" means a building designated for or occupied exclusively by two families.
  - 49. "Dwelling, Three Family" means a building designated for or occupied exclusively by three families.
  - 50. "Educational Institution" means a facility that provides a curriculum of elementary or secondary academic instruction, including kindergarten, elementary schools, junior high schools, high schools, and technical and collegiate level courses.
  - 51. "Essential Services" means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of facilities which are necessary for furnishing adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare but not including buildings.
  - 52. "Family" means one or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises as distinguished from a group occupying a hotel, as herein defined provided, however, that "family" shall not include more than four persons unrelated to each other by blood or marriage,
  - 53. "Fence" means any structure, other than part of a building, of sufficient strength and dimension to prevent straying from within or intrusion from without.
  - 54. "Financial Institution" means any building, property, or activity of which the principal use or purpose is the provision of financial services including but not limited to banks, facilities for automated teller machines (ATMs), credit unions, savings and loan institutions and mortgage companies.
  - 55. "Food Processing" means the preparation or processing of food products excluding restaurants, for wholesale distribution.
  - 56. "Frontage" means all the property between a street and the front building line. The front boundary line of a lot is the line that abuts on a street and includes its length.
  - 57. "Funeral Home" means any dwelling or other structure used and occupied by a professional licensed mortician for burial preparation and funeral services.
  - 58. "Garage Private" means an accessory building or portion of a main building designed or used 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.
  - 59. "Grain Elevator and Feed Mill" means a building, structure or premises used for the storage and retail sales of grain and other related agricultural supplies and products.

60. "Group Home" means any licensed residential facility designed to allow not more than eight (8) persons, needing specialized care, counseling, on-going medical treatment, or supervision to live in the same building or complex of buildings and engage in some congregate activity in a non-institutional environment.
61. "Home Occupation" means any occupation, profession, activity or use which is accessory to the principal use of the premises and is conducted by a resident occupant which does not alter the interior of the property or affect the residential character of the neighborhood.
62. "Hospital" means an institution providing health services primarily for human in-patient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices that are an integral part of the facilities.
63. "Hotel/Motel" means a building in which lodging or boarding are provided and offered to the public for compensation and possibly providing as an accessory use additional facilities such as restaurants, meeting rooms and recreational facilities.
64. "Institution" means buildings or land occupied by a nonprofit corporation or a nonprofit establishment for public use.
65. "Interior Lot Line" means any lot line shown by plat or deed of separately described parcels of land making up a building lot and located within its boundaries.
66. "Junk" means 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.
67. "Junk Storage and/or Sales; Salvage Operation" means any lot, land or structure or part thereof used primarily for the collection, storage and sale of wastepaper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in operating condition, or for the sale of parts thereof.
68. "Land Use Plan" means the long-range plan for the desirable use of land as adopted by the Planning Commission; the purpose of such plan being to serve as a guide in future development and zoning of the community.
69. "Loading Space" means a space within the main building or on the same lot therewith providing for the loading or unloading of commercial vehicles.
70. "Lock and Store (or Store and Lock) Warehousing" means a building or group of buildings in a controlled access compound that contains equal or varying sizes of compartmentalized and controlled access stalls or lockers for the storage of customer goods or wares.
71. "Lot" means a parcel of land occupied or intended for occupancy by a use permitted in the Zoning Ordinance, including one principal building together with accessory buildings, the open spaces and parking spaces required by the Zoning Ordinance, and having its principal frontage upon a public street, or on an approved private street.

72. "Lot Coverage" means the percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, including Accessory Uses or any part thereof, excluding projecting roof eaves.
73. "Lot Depth" means the average horizontal distance between the front and rear lot lines.
74. "Lot of Record" means any lot which, individually or as a part of a subdivision, has been recorded in the office of the County Recorder.
75. "Lot, Minimum Area Of" means the area of a lot computed exclusive of any portion of the right of way of any public thoroughfare.
76. "Lot Width" means the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the front building setback line.
77. "Lot - Outlot" means a lot associated with a larger development plan where the primary parcel defines the development. The development on outlots must conform, in use type, to the primary site development. Outlots may be deeded separately from the primary parcel, but can be considered part of the overall development. In site plan reviews, these lots shall be considered as part of the overall site development. In a shopping center, or in a Business District, it is a lot that is owned and/or developed separately from the shopping center and has its own access drives, parking, and signage.
78. "Manufacturing" means the mechanical, chemical, or biological transformation or assembly of materials, substances, or component parts into new products or components, usually for distribution to wholesale markets, or for interplant transfer to industrial users.
79. "Manufactured Housing or Dwelling" means a Mobile home certified under the National Mobile Home Construction and Safety Standard Act of 1974, placed on a foundation/support system constructed according to the provisions of Section 18551 of the Health and Safety Code and implementing regulations, and designed for or occupied by one family.
80. "Mineral Extraction, Storage and Processing" means any mining, quarrying, or processing of limestone, shale, clay, coal or other minerals.
81. "Mixed Use" means a combination of two or more principally permitted or conditionally permitted uses within a district, as approved by the Planning Commission, in the same building or on the same premises.
82. "Mobile Homes" means any vehicle or similar portable structure so designed or constructed as to permit occupancy for dwelling or sleeping purposes.
83. "Mobile Home Parks" means an area manifestly designed for rent or lease of mobile home lots in a safe, sanitary, and desirable manner.
84. "Multi-unit Housing" means any structure composed of two or more living units which are attached together as part of the same structure or which are unattached, but are connected to joint electrical, water, or sewage systems as one unit; or which are independent of each other but are no more than twenty (20) feet apart.
85. "Nonconforming Use" means a legal use of a building or structure and/or of land that antedates the adoption of this Zoning Ordinance and does not conform to the regulations for zoning district in which it is located.

86. "Nursing Home" means a building, group of buildings or licensed facility, public or private, which provides full-time personal care or nursing to the ill, physically infirm or aged persons who are not related by blood or marriage to the operator.
87. "Office" means a building or portion of a building wherein services are performed involving predominately administrative, professional, or clerical operations.
88. "Off-Street Parking Space" means any parking space located wholly off any street, alley or sidewalk, either in an enclosed building or on an open lot.
89. "Personal Services" means any enterprise conducted for gain, which serves primarily personal needs of the public, such as shoe repair, watch repairing, barber shop, beauty parlor, and similar activities.
90. "Petroleum Refining and Storage" means a facility designed to separate and remove impurities from oil or gas and store such fuels for distribution.
91. "Planning Commission" means the Village of Versailles Planning Commission.
92. "Public Service Facility" means the erection, construction, alteration, operation or maintenance of buildings and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water, and sewage disposal services.
93. "Public Uses" means public parks, schools and administrative, cultural, and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.
94. "Public Recreation" means recreational facilities developed, used, and/or maintained by public agencies for use by the public.
95. "Recreational Facilities, Commercial" means recreational facilities open to the public, established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, boat docks, fishing piers, boat launching, and other private noncommercial recreation areas and facilities or recreation centers, including private community swimming pools, boat docks, fishing piers, boat launching, and food concessions as an accessory use.
96. "Recreational Facilities, Noncommercial" means private and semipublic recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses, and other private noncommercial recreation areas and facilities or recreation centers, including private community swimming pools, boat docks, fishing piers, boat launching, and food concessions as an accessory use.
97. "Religious Places of Worship" means an institution that a congregation of people regularly attends to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denominations are held.
98. "Restaurant" means an establishment with table services whose principal business is the selling of unpackaged food and beverages to the customer in a ready to consume state, in individual servings, or in non-disposable containers.

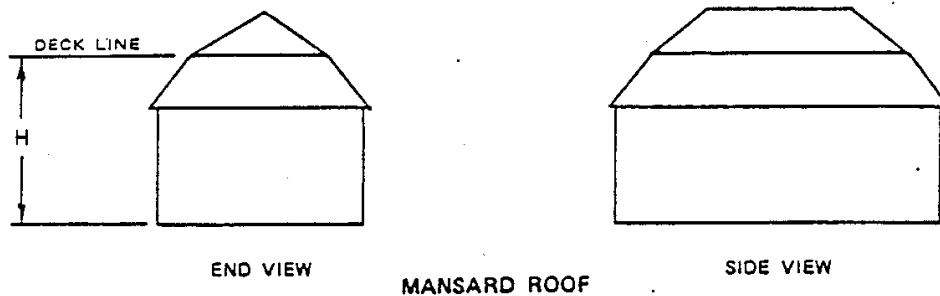
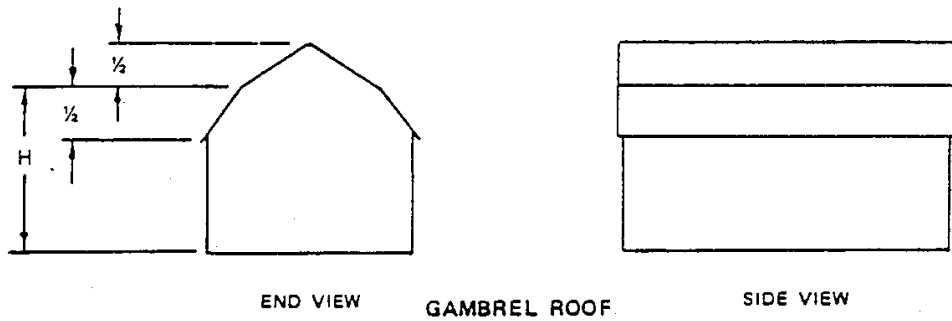
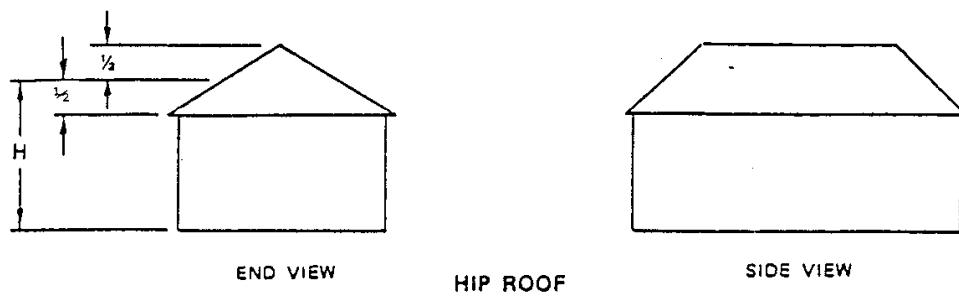
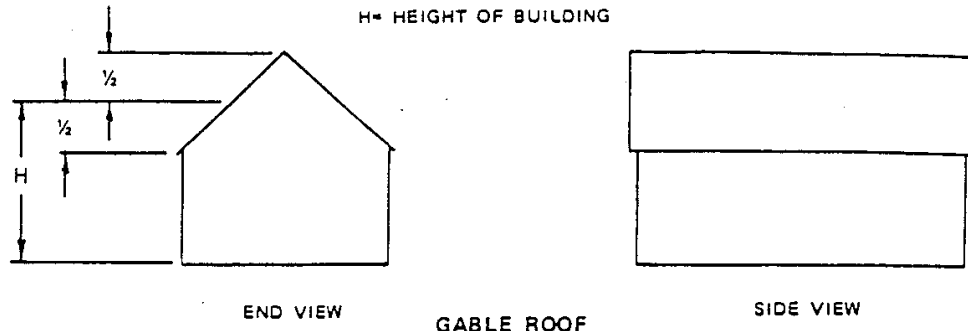
99. "Restaurant, Fast Food" means an establishment whose principal business is the sale of prepared or rapidly prepared food, in disposable containers and without table service, directly to the customer in a ready-to-consume state.
100. "Retail Business" means any business selling goods, wares, or merchandise directly to the ultimate consumer for direct consumption and not for resale.
101. "Retail Neighborhood Business" means small retail commercial establishments catering primarily to nearby residential areas providing convenience goods and services, including but not limited to, small grocery stores, pharmacies, barber shops, beauty salons and coin-op laundromats.
102. "Scientific Research Facility" means a building or buildings in which scientific research, investigation, testing, or experimentation is conducted, but not including the manufacturing or sales of products, except as incidental to the main purpose of the laboratory.
103. "Semi-Public Buildings" means churches, Sunday schools, private and parochial schools, hospitals, and other institutions of a charitable, educational, or religious nature.
104. "Shopping Center" means a grouping of retail and service uses on a single site that is developed, owned, and managed as a unit with off-street parking and loading as an integral part of that unit.
105. "Sign" means any device or display designed to inform or convey messages to the public. (See Article IX for definition of sign types.)
106. "Specified Anatomical Areas" means areas of the human body as follows: (1) Human genitals, pubic region, buttocks, and the areola area of the female breasts which are less than completely or opaquely covered; (2) Human male genitals in a discernible turgid state, even if completely or opaquely covered.
107. "Specified Sexual Activities" means activities such as: (1) Human genitals in a state of sexual stimulation or arousal; (2) Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; (3) Fondling or other erotic touching of human genitals, pubic region, buttocks, or female breast.
108. "Story" means that portion of a building other than a basement included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if it is used for living quarters, or if one-half of its volume is above the average level of the adjacent ground.
109. "Story, Half" means a partial story under a gable, hip, gambrel, or similar roof, the wall plates of which at least two opposite exterior walls are not more than four (4) feet above the floor of such story.
110. "Street Line, Right-of-Way Line" means a dividing line between a lot, tract or parcel of land and contiguous street.
111. "Structure" means anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground.

112. "Structural Alterations" means any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams or girders.
113. "Tavern" means an establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.
114. "Thoroughfare" means the full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic.
115. "Transport Trucking Terminal" means any business, structures, or premises, which primarily receives or distributes goods by tractor-trailer or other similar vehicle.
116. "Unit" means a residential apartment, condominium, or other dwelling which serves as, or is intended to serve as, a separate living area for an individual or family group.
117. "Use" means the purpose for which land, a building or structure is arranged, designed, or intended, or for which either land, a building or structure is, or may be, occupied, or maintained.
118. "Use, Accessory" means a use, building or structure subordinate to the principal use of a building or to the principal use of land, which is located on the same lot as the principal use, and which is serving a purpose customarily incidental to the use of the principal building or land use.
119. "Use, Conditional" means a use, which is permitted in a district only if a zoning certificate therefore is expressly authorized by the Planning Commission.
120. "Use, Non-Conforming" means any building, structure, or premises legally existing or used at the time of adoption of this Ordinance, or any amendment thereto, and which does not conform with the use regulations of the district in which located. Any such building, structure, or premises conforming in respect to use but not in respect to height, area, yards, or courts, or distance requirements from more restricted districts or uses, shall not be considered a non-conforming use.
121. "Use, Principally Permitted" means a use which is permitted outright in a district for which a zoning certificate shall be issued by the Zoning Officer provided that the applicant meets the applicable requirements of the Ordinance.
122. "Vacation or Seasonal Home" means a single-family home for vacation use, full-time or part-time, is the same as a single-family dwelling except they are not permitted except where specifically provided for in this Zoning Ordinances.
123. "Variance" means a relaxation of requirements where such variation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of the Zoning Ordinance would prohibit the reasonable use of the land.
124. "Warehousing" means a building or facility that stores commodities in large quantities for distribution to retail, wholesale, or manufacturing businesses.
125. "Wholesale Business" means an establishment that is engaged in the selling of merchandise to retail establishments, rather than to consumers.

126. "Wrecked and/or Inoperable Motor Vehicle" means any motor vehicle meeting any of the following requirements: Extensively damaged, such damage including but not limited to any of the following: missing wheels, tires, motor, or transmission, Under intensive repair, such repair including but not limited to any of the following: body repair, motor removal or dismantling, transmission or differential removal or dismantling, Other conditions involving a motor vehicle which creates a nuisance or blight on the area in which the motor vehicle is located
127. "Yard" means an open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.
128. "Yard, Front" means a yard between the front building line and the right-of-way line of the fronting street. In case of a lot that fronts more than one street, the yard abutting the street named in the property address shall be considered the front yard.
129. "Yard, Rear" means a yard extending across the full width of a lot and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projections of uncovered steps or unenclosed porches. In the case of a lot that fronts more than one street, the yard opposite the front yard shall be considered the rear yard.
130. "Yard, Side" means a yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard and being the minimum horizontal distance between the side lot and the side of the main building or any projections thereto.
131. "Zoning Certificate" means the document issued by the Zoning Officer authorizing the use of the land or building consistent with the terms of this Ordinance and for the purpose of carrying out and enforcing its provisions.
132. "Zoning Map" means the Zoning District Map or Maps of the Village, together with all amendments subsequently adopted.
133. "Zoning Officer" or "Zoning Inspector" means the appointed person by the Village Council or his designee.
134. "Zoning Permit" shall be synonymous with Zoning Certificate, and these two terms shall be considered one and the same where listed within this Ordinance.

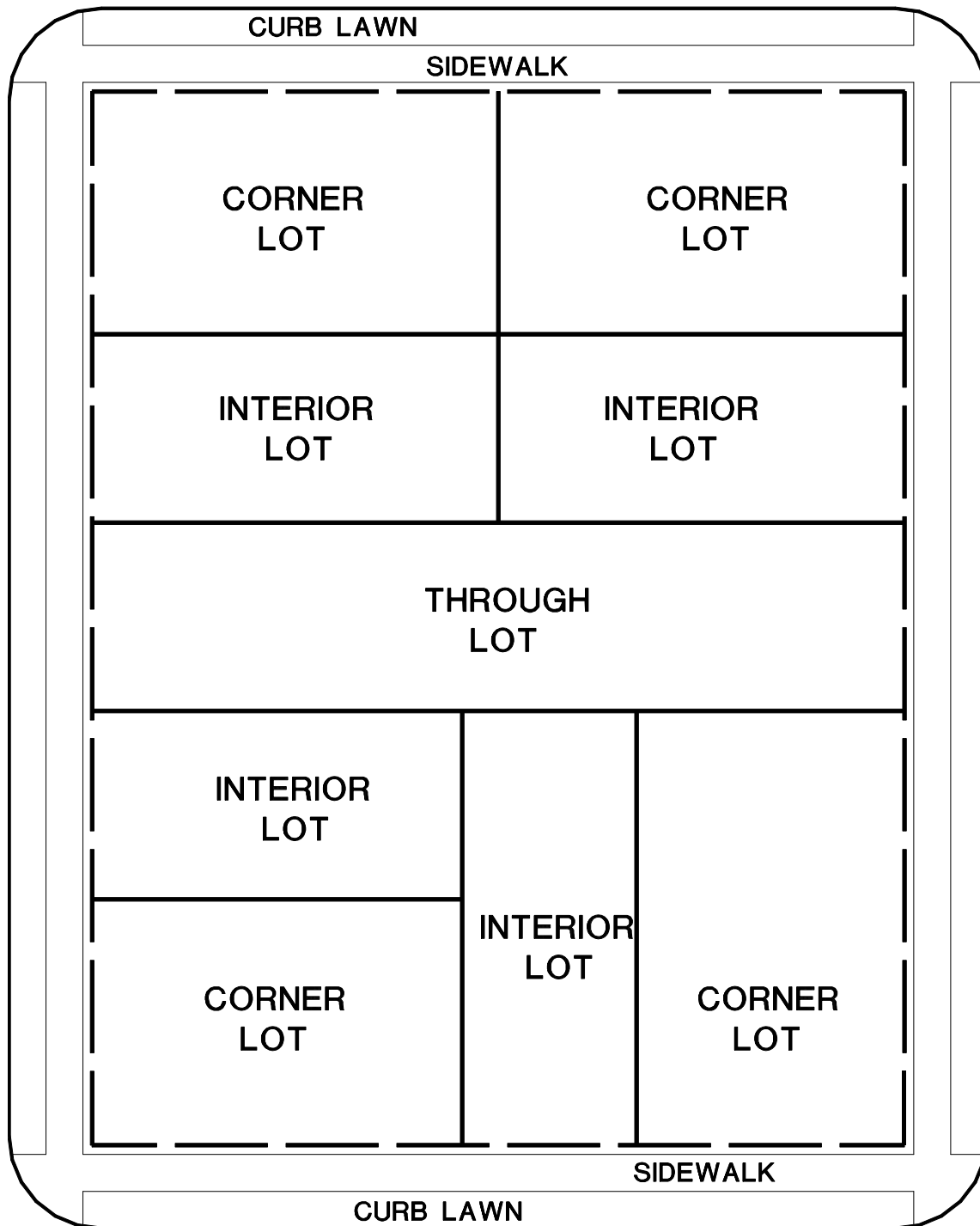
## APPENDIX

### Appendix A - Illustration Roof Types and Building Height

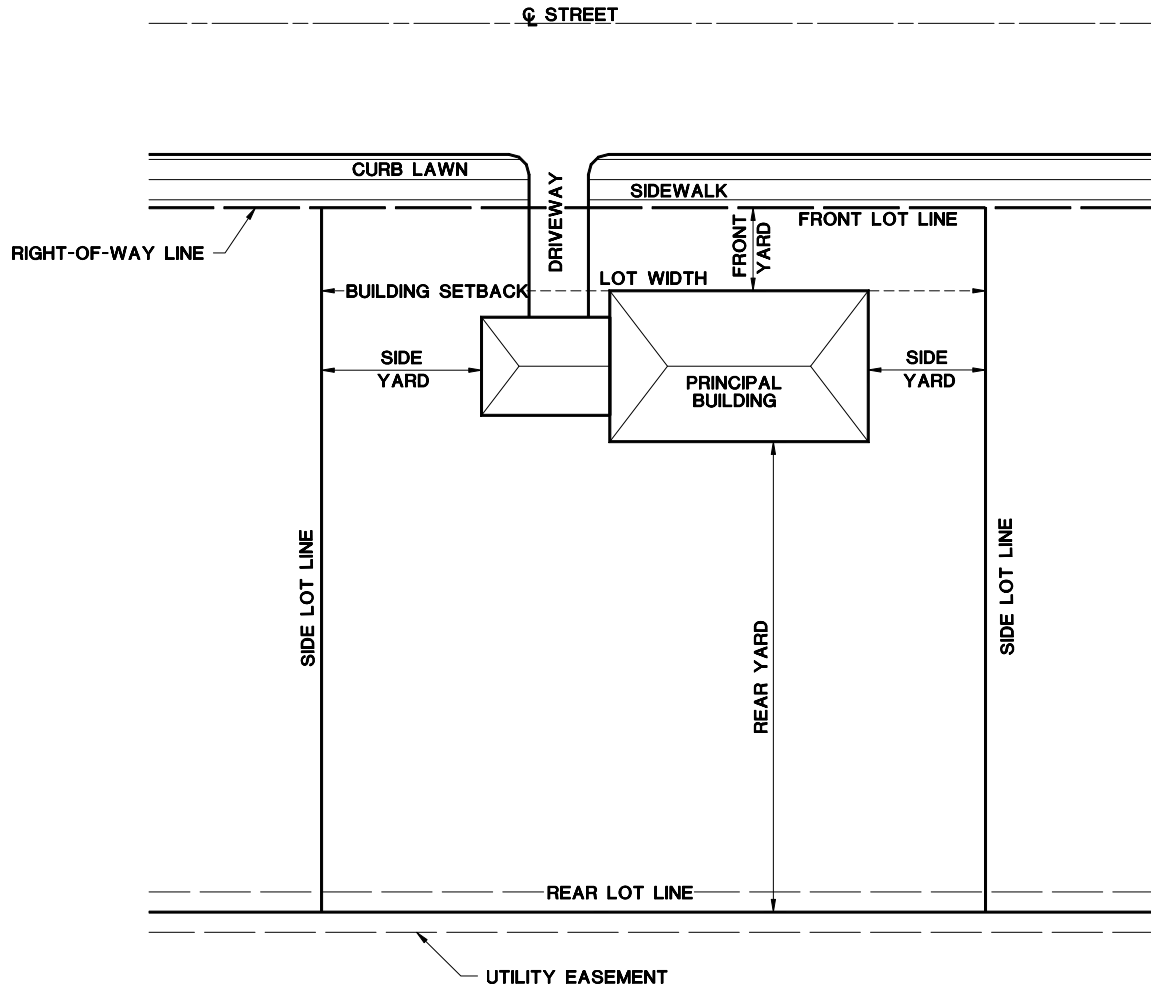




Appendix B - Illustration  
Types of Lot

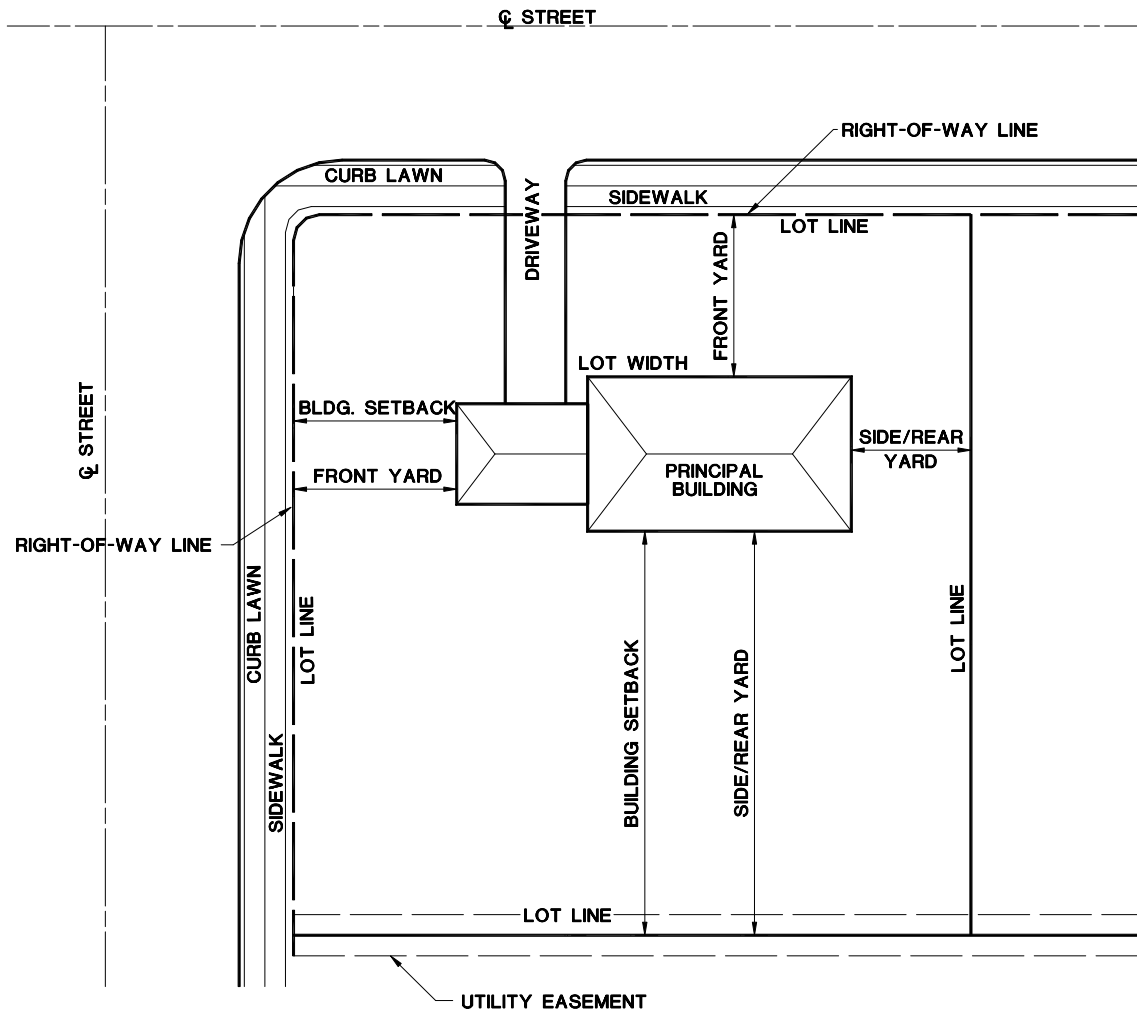


**Appendix C - Illustration**  
**Interior Lot**  
**Building – Principal & Lot Terms**



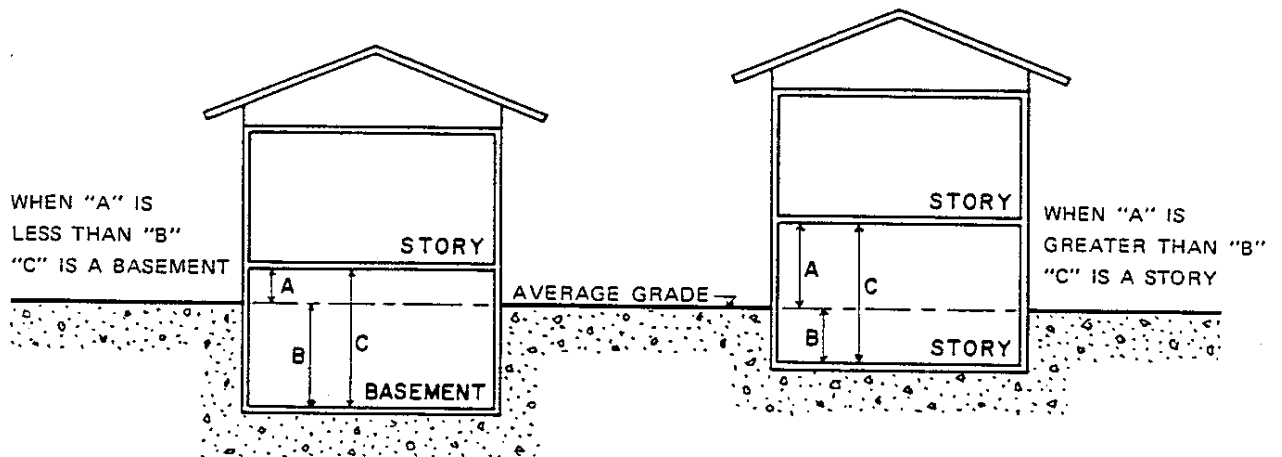
**LOT AREA – TOTAL HORIZONTAL AREA NOT INCLUDING ANY RIGHT-OF-WAY**  
**LOT WIDTH – MEASURED AT BUILDING SETBACK LINE**

**Appendix D - Illustration**  
**Corner Lot**  
**Building – Principal & Lot Terms**



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

**Appendix E - Illustration**  
**Basement and Story**



**ARTICLE TEN: ACCEPTANCE**

Any legislation inconsistent herewith be the same is hereby repealed.

This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Adopted this 11<sup>TH</sup> day of February, 2026.

*Signature on File*

TODD M. DAMMEYER, Mayor

Attest:

*Signature on File*

ALISHA APPLE, Fiscal Officer/Clerk

Approved as to Form:

*Signature on File*

THOMAS L. GUILLOZET, Village Solicitor