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**GREENVILLE**  
ZONING ORDINANCE

## ZONING BOOK REVISIONS

Ordinance Number	Effective Date	Related Section(s)	Subject(s)
00-17	04/07/00	35.11.C	Measurement of Signs
00-50	06/2/00	32.01.C 34.03.04 Article 27 35.14 Table	Accessory Structures Off-Street Parking Typo Correction Signs
01-17	03/08/01	32.01.C 32.04.A.2 35.02.B 35.07.K 35.08 35.10.C.1 35.14	Accessory Structures Fence / Chainlink Changeable Copy Sign & Item No. Changeable Copy Sign Temporary Signs Nonconforming Signs Table Two Notes & GB/LIC Max.
02-91	09/06/02	19.04.N 20.04.J 21.04.I 23.05 28.04.02 31.03.D 32.01.C 32.04.A.1 35.07.B 35.07.F 35.09.D 35.14	NB / Accessory Structures GB / Accessory Structures DE / Accessory Structures GI & LIC Exterior Development ARD Driveways Accessory Structures Fence Real Estate Signs Auction Signs Free-Standing Signs Table I
03-48A	06/06/03	2.02	Definition / Floor Area
05-53	06/03/05	35.07.B 35.07.H 35.08.E 23.04.03  19.04.E	Real Estate Signs Community Event Signs Community Event Signs GI & LIC Front Setbacks & Renummer Remaining 23.04 Sections NB Side Yard Setbacks
05-123	01/06/06	2.02 20.03.D 36.01	Definition / Big Box Big Box Conditional Use Big Box Guidelines
07-19	04/06/07	Article 38	Development Plan Review (new)
07-63	06/15/07	28.04.A	Architectural Review Board
08-32	04/18/08	4.01	Stop Work Order
09-74	07/21/09	2.02 20.03.E 23.02 32.06	Group Residential Facility Class II Group Residential Facility Other Activities Group Residential Facility

C I T Y O F  
**GREENVILLE**  
 ZONING ORDINANCE

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**PART ONE**  
**GENERAL PROVISIONS**

## **ARTICLE I**

### **PURPOSE AND AUTHORIZATION**

#### **Section 1.01 Title**

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

#### **Section 1.02 Purpose**

This Zoning Ordinance is adopted to promote and protect the public health, safety, convenience, comfort, prosperity and general welfare by regulating and limiting the use of land areas and building and the construction, restoration and alteration of buildings and the uses thereof for residential, business and industrial purposes; to regulate the area dimensions of land, yards and open spaces so as to secure adequate light, air and safety from fire and other dangers; to lessen or avoid congestion in the public streets; to regulate and restrict the bulk, height, design, percent of lot occupancy and the location of buildings; to protect the character of the existing residential, business, industrial, and institutional areas and to assure their orderly and beneficial development; to provide for the orderly growth and development of lands, and for the purpose of dividing the municipality into various districts, all as authorized by Chapter 713 of the Ohio Revised Code.

#### **Section 1.03 Interpretation**

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

#### **Section 1.04 Provisions Cumulative**

The provisions hereof are cumulative and additional limitations on all other laws and ordinances heretofore passed or which may be hereafter passed governing any subject matter of this Ordinance. Nothing herein shall be deemed or constructed to repeal, amend, modify, alter or change any other ordinance or any part hereof not specifically repealed, amended, modified, altered or changed herein, except in such particulars or matters as the Zoning

Ordinance is more restrictive than such other ordinances or parts thereof and that in all particulars wherein the Zoning Ordinance is not more restrictive, each such other ordinance shall continue and shall be in full force and effect.

**Section 1.05      Applicability**

The regulations set forth in this Ordinance shall be applicable to all buildings, structures, uses and lands owned or controlled by any individual, organization, political subdivision, district, taxing unit or bond-issuing authority located within the corporate limits of the City of Greenville.

**Section 1.05      Separability**

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

## **ARTICLE II DEFINITIONS**

### **Section 2.01 Interpretation**

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

Terms related to specific Articles or Sections may be defined within the specific portions of the Ordinance where those general requirements are found.

### **Section 2.02 Definitions**

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

"Accessory Building" or accessory structure" means a building or structure occupied by an accessory use.

"Administrative and Business Offices" means offices which carry on no retail trade with the public and maintain no stock of goods for sale to customers.

"Alley" means a public right-of-way less than twenty (20) feet wide, which provides only secondary means of access to abutting property.

"Apartment" (see "Multiple family dwelling")

"Basement" means a story whose floor level, two (2) feet or more below grade level, but having less than half its clear height above grade level.

"Bed-and-Breakfast" means a single family dwelling in which lodging is provided for compensation on a night-to night basis by the owner/occupant of such dwelling, and not more than three (3) sleeping rooms are devoted to such accommodations.

"Big Box / Large Format Development" means any retail, commercial, or other business building with a total roof area of 50,000 square feet or more.

"Block" means the property abutting one side of a street, and lying between two consecutive intersecting streets.

"Building" means any structure designed or intended for the support, enclosure, shelter, or protection of persons, animal, chattel or property.

"Height of Building" means the vertical distance from the average grade surrounding the building to the highest point of the roof.

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

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

"Clinic, Human" means as establishment for treatment of humans where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

"Cemetery" means land used or intended to be used for the burial or interment of human or animal remains.

"Certificate of Zoning Compliance" means a certificate issued by the Zoning Enforcement Officer, pursuant to this Ordinance, confirming that the zoning requirements of this Ordinance have been met, and the building or land can be occupied or used.

"City" means the City of Greenville, Ohio.

"Clinic, Human" means a facility where patients who are not lodged overnight are admitted for examination and/or treatment by a physician or group of physicians.

"Commission" means the Planning and Zoning Commission of the City of Greenville.

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

"Congregate or Group Home" means a residential care facility in which not fewer than nine (9) but not more than sixteen (16) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. Facilities for more than sixteen (16) persons shall be considered hospitals.

"Council" means the City Council of Greenville, Ohio.

"Day Care" - see "Nursery."

"Drive-Through Facilities" mean a designated place, in conjunction with a retail or service establishment, from which persons can conduct the major portion of their business without leaving their motor vehicle.

"Driveway" means a private road giving access from a public way to a detached single family dwelling or to a group of multi-family or commercial building on abutting ground.

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

"Multiple-Family Dwelling" or "Multiple-Family Residence" means a building designed or used as a residence for three or more families living independently and doing their own cooking therein.

"Single Family Dwelling" or "Single Family Residence" means a building designed for or occupied exclusively by one family.

"Two-Family Dwelling" or "Two-Family Residence" means a building designed for or occupied exclusively by two families living independently.

"Easement" means a right or privilege of use of land, as distinct from fee simple ownership.

"Essential Services" means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground or overhead gas, electrical, stem, or water transmission or distribution systems: collection, communication, supply or disposal systems, including poles, wires, mains, drain, sewers, pipes, conduits, cables, traffic

signals hydrant and other similar equipment and accessories in connection therewith, reasonable necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health, safety, or general welfare, but not including buildings.

“Failure of Delivery” means that a particular notice was not received, due to circumstances beyond the control of the City, and does not include the lack of mailing of the subject notices in the matter specified in the Ordinance.

“Family” means a person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, hotel or motel, dormitory, lodge or similar facility, provided, however that “family” shall not include more than four (4) persons unrelated to each other by blood, marriage, or legal adoption, except for Class I Type B group residential facilities.

“Floor Area” of a building means the sum of the gross horizontal areas of the building floors, measured from the exterior faces of exterior walls. Floor area shall not include basements, elevator and stair bulkheads, unfinished attic spaces, terraces, breezeways, open porches, uncovered steps, or garages. Floor area of a non-residential building (to be used to calculate parking requirements) is the floor area of the specified use excluding public corridors, interior stairways, public lobbies, interior courts, public restrooms, mechanical equipment areas, elevators and elevator shafts, maintenance rooms, storage spaces, display windows, fitting rooms, and similar area measured from the center of the inside walls. (Rev. 03-48A)

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

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

“Group Residential Facility” means a community facility, licensed or authorized by the City of Greenville, which provides rehabilitative or habilitative services in a residential setting. There are two (2) classes of group residential facilities:

“Class I Group Residential Facility” means any City of Greenville approved dwelling or place used as a foster home for children or disabled adults (not including nursing homes). For the purposes of this definition, the term “disabled” shall be solely defined as those individuals having a diagnosed physical and/or mental illness or handicap. A Class I Type A facility contains more than five (5) residents, exclusive of staff. A Class I Type B facility contains five (5) or fewer residents, exclusive of staff.

“Class II Group Residential Facility” means any City of Greenville approved dwelling or place used as a home for juvenile or adult offenders who are leaving correctional institutions. A Class II Group Residential Facility shall be occupied by not more than four (4) persons, exclusive of staff.

“Home Occupation” means any occupation or profession conducted primarily by immediate resident family members, which is clearly incidental and secondary to the dwelling’s residential use. A home occupation must meet the standards and requirements specified in Section 32.05 of this Ordinance.

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

“Hotel” or “Motel” means a building in which lodging is provided or offered to the public for compensation and which is open to transient guests, in contradiction to a boarding house or lodging house operated on a membership basis.

"Improvement" means any addition to the natural state of land which increases its value or utility, including buildings, street pavements, sidewalks, crosswalks, water mains, sanitary sewers, landscaping, street lighting, street trees, public utilities, paved parking areas and other appropriate items.

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

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

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

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

"Lot Coverage" means the ratio of covered ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

"Rear Lot Line" means that lot line which is opposite and furthest removed from the front lot line. In the case of a lot where the side lot lines meet at the rear of the lot (i.e., a triangular lot) the rear lot line shall be considered to be the point of intersection of the side lot lines. In the case of a corner lot, the rear lot line is opposite and furthest removed from the lot line considered to be the front lot line for the purposes of computing the front yard depth.

"Side Lot Line" means the lot line running from the front lot line to the rear lot line. This line is also the line dividing two (2) interior lots.

"Lot of Record" means any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder, Darke County, Ohio, as of the effective date of this Ordinance.

"Minimum Area of Lot" means the area of a lot computed exclusive any portion of the right-of-way or any public thoroughfare.

"Lot Width" is the width of a lot at the building setback line measured at right angles to its depth.

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

"Manufactured Housing" shall mean any non-self propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or, when erected on the site, is 320 or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. In addition, such unit shall bear a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards (1974).

"Manufactured Home Community" shall mean a development constructed primarily for manufactured homes, with continuing local general management and

with special facilities for common use by occupants, including such items as common recreational buildings and/or common open space.

"Modular Home" means a non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for *modular housing*. For the purposes of this Ordinance, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes.

"Mobile Home" shall mean a transportable, not-site built dwelling unit designed to be used as a year-round residential dwelling, and built prior to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Because mobile homes, as herein defined, were not constructed to accepted standards, such homes shall not be considered as a permitted or conditional use in the MH-R District or any other zoning District.

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

"Nursery" or "Day Care Center" means a facility which temporarily assumes responsibility for more than six (6) children other than those related to the resident of the premises. Such responsibility shall consist of administering to the needs of those children during any part of a twenty-four hour day for a period of two (2) consecutive days.

"Nursing Home" includes convalescent and extended care facilities: an establishment which specializes in providing necessary care, shelter and nursing services and services to those unable to be responsible for themselves.

"Parking Space (off-street)" means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space conforms to the standards as specified in Article XXXIV of this Ordinance.

"Parking Area" or "Parking Lot" means any area other than street, drive or alley, used or intended to be used for the storage of motor vehicles, with or without a fee.

"Person" means any individual, corporation, company, business, partnership, association or legal entity.

"Personal Services" means any enterprise, conducted for gain, which primarily offers non-tangible services to the general public such as shoe repair, watch repair, retail dry cleaning, barber and beauty shops, and related activities.

"Professional Office" means the business office of a person or persons engaged in providing to the general public services of a professional nature such as legal, medical, account, and architectural services.

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

"Residence" - see "Dwelling".

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

"Retail stores" means stores primarily engaged in selling merchandise for personal or household consumption and in rendering services incidental to the sale of goods.

"Right-of-way" means a strip of land lying between property lines, wherein is located a street,

thoroughfare, alley or easement dedicated or otherwise acquired for use by the public.

"Sidewalk" means a paved portion of a street lying outside the curb lines or edge of pavement of a roadway, intended for pedestrian use.

"Similar Use" means a use not specifically listed in any of the permitted building or use classifications of any district, but which may be found analogous and added to the classification, according to the procedures and requirements of Section 11.02.05 of this Ordinance.

"Street" means the full width of the right-of-way between two (2) property lines, both paved and unpaved, intended to provide principal means of access to an abutting property.

"Structure" means anything constructed or erected, the use of which requires location on the ground or attachment to something having a fixed location on the ground, including among other things walls, buildings, and patios. For the purposes of this Ordinance, the term "structure" shall not include fences. Notwithstanding anything to the contrary, "structure" includes mobile or moveable structures.

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

"Use" means the purpose for which a building or land is arranged, designed or intended, or for which such or building may be occupied or maintained.

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

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

"Front Yard" means that portion(s) of a lot extending across the lot between the lot lines and being the minimum horizontal distance between the street rights-of-way and the building or structure.

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

"Side Yard" means that portion of a lot that is located between the side lot line and the nearest building or structure.

"Zoning Certificate" or "Zoning Permit" means an official statement, as issued by the City, certifying that all requirements of this Ordinance have been met.

"Zoning District" means a portion of the City within which certain regulations and requirements or various combinations thereof apply under the provisions of Parts One through Four of this Ordinance.

"Zoning Enforcement Officer" means the employee of the City duly charged with enforcement of this Ordinance, pursuant to Article III.

"Zoning Map" means the map of the City showing the various zoning districts, as established by Article XI, together with all amendments subsequently adopted by City Council.

Revisions: Ord 09-74, effective 07/21/09

**PART TWO**  
**ADMINISTRATION AND ENFORCEMENT**

## ARTICLE III

### ADMINISTRATIVE BODIES AND THEIR DUTIES

#### Section 3.01 Zoning Enforcement Officer

##### 3.01.01 Position of Zoning Enforcement Officer Established

The Zoning Enforcement Officer, who shall be designated by the Mayor, shall administer and enforce this Ordinance. He/she may be provided with such assistance and support as may be directed by the Mayor.

##### 3.01.02 Relief From Personal Liability

The Zoning Enforcement Officer, and any officer or employee who acts in good faith and without malice in the discharge of his/her duties during enforcement of this Ordinance is relieved of all personal liability for any damage that may accrue to persons or property as a result of such acts, or alleged failure to act. Further, he/she shall not be held liable for any costs in any action, suit or proceeding that may be instituted against him/her as a result of the enforcement of this Ordinance. In any of these actions, the Zoning Enforcement Officer or employee shall be defended or represented by the City until the final termination of the proceedings.

##### 3.01.03 Duties of Zoning Enforcement Officer

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

- A. Enforce the provisions of this Ordinance and take such steps as may be authorized to remedy violation(s). Such steps may include ordering, in writing, the discontinuance of illegal uses or work in progress and directing cases of noncompliance to appropriate City official(s) for action.
- B. Issue zoning permits when the provisions of this Ordinance have been met, or refuse to issue same in the event of noncompliance.
- C. Coordinate the submittal and processing of application materials so as to fulfill the requirements of this Ordinance.
- D. Collect designated fees as established by separate Ordinance and assure that such fees have been paid prior to action.
- E. Inspect any buildings or lands to determine whether violations of this Ordinance have been committed or exist.

- F. Make and keep all records necessary and appropriate to the office including records of issuance and denial of permits and receipt of complaints of violation of this Ordinance and action taken on same.
- G. Advise the Planning and Zoning Commission of other matters pertaining to the enforcement of this Ordinance
- H. Other responsibilities directly pertaining to the enforcement of this Ordinance that may be assigned by City Council.

**Section 3.02 Planning and Zoning Commission**

3.02.01 Establishment

Pursuant to Section 713.01 of the Ohio Revised Code, there is hereby established a Planning and Zoning Commission in and for the City of Greenville. Pursuant to ORC 713.11, the Planning and Zoning Commission shall serve as both City Planning Commission and Board of Zoning Appeals. Such Commission shall consist of seven (7) members as follows: the Mayor, Director of Safety and Public Service, President of the Park Commissioners, and four (4) citizens of the City who shall serve without compensation and who shall be appointed by the Mayor, with the approval of City Council, for terms of six (6) years, except that the terms of two (2) of the citizen members first appointed shall be for terms of three (3) years.

3.02.02 Removal of Members

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

3.02.03 Organization and Rules

- A. Four (4) members of the Commission shall constitute a quorum.
- B. The meetings of the Commission shall be public; however, the Commission may go into executive session, as permitted by ORC Section 121.22 as amended, for discussion, but not for vote on any case before it. The Commission shall organize annually and elect a Chairman and Vice Chairman. For purposes of recording its proceedings, a Secretary, who need not be a member of the Commission, shall be appointed by a majority of members of the Commission. The Commission

shall adopt, from time to time, such rules, procedures and regulations as it may deem necessary to carry into effect the provisions of this Zoning Ordinance.

- C. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question; or, if absent or failing to vote, indicating such fact; and shall keep records of its examinations and other official action, all of which shall be immediately filed in the City offices and shall be a public record.
- D. The Commission shall have the power to subpoena witnesses, administer oaths and may require the production of documents, under such regulations as it may establish.

#### 3.02.04 Powers and Duties

In addition to the powers and duties authorized in Sections 713.02 through 713.11 of the Ohio Revised Code, the Planning and Zoning Commission shall have the following powers and duties pursuant to this Ordinance:

- A. Review proposed amendments to this Zoning Ordinance or Official Zoning Map and make recommendations to City Council.
- B. Make a recommendation for newly annexed areas to the City, in accordance with Section 11.04 of this Ordinance.
- C. Administer the requirements for Planned Unit Developments, in accordance with Article XXVII of this Ordinance.
- D. Determine similarity of uses, pursuant to Section 10.02.05 of this Ordinance.
- E. Interpret the boundaries of the Official Zoning District Map, in accordance with the provisions of this Ordinance.
- F. Permit conditional uses as specified in the Official Schedule of District Regulations and under the conditions specified in Article VII of this Ordinance, and such additional safeguards as will uphold the intent of the Ordinance.
- G. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Enforcement Officer, and/or authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, all in accordance with Article VI of this Ordinance.
- H. Authorize the substitution or extension of nonconforming uses, as specified in Article VIII of this Ordinance.
- I. Declare zoning permits void, pursuant to Section 4.11.05 of this Ordinance.

**Section 3.03 Powers of Zoning Enforcement Officer,  
Planning and Zoning Commission and City  
Council on Matters of Appeal**

It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Enforcement Officer. Such questions shall be presented to the Planning and Zoning Commission only on appeal from the decision of the Zoning Enforcement Officer, and recourse from the decisions of the Commission in such matters shall be only to the courts as provided by law. It is further the intent of this Ordinance that the powers of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. City Council shall not have the authority to override the decisions of the Planning and Zoning Commission and/or the Zoning Enforcement Officer on matters of appeal or variance.

**ARTICLE IV  
ENFORCEMENT AND PENALTY**

**Section 4.01 Zoning Permit Required; Stop-Work Order**

- A. No building or other structure shall be erected, moved, added to, or structurally altered; nor shall any building, structure or land be established or changed in use according to zoning category, wholly or partly, until a *zoning permit*, which may be a part of a building permit, shall have been issued by the Zoning Enforcement Officer. Such zoning permit shall show that such building or premises or a part thereof, and the property use thereof, are in conformity with the provisions of this Ordinance.
  
- B. In the event that the Director of Public Safety/Service or City Engineer, or the representative of either, determines that work is being performed within the City of Greenville contrary to the City of Greenville's Zoning and Subdivision Regulations; Codified Ordinances; engineering specifications; or, approved development plan, or, if work being performed is causing any situation that threatens the general health, safety or welfare of the surrounding property owners, their respective properties or of the general public passing through or near the construction area, the Director of Public Safety/Service or City Engineer, or representative of either, shall issue a stop work order and post the same on the premises involved. Removal of a stop work order, except by the Director of Public Safety/Service, City Engineer, or representative of either, is hereby prohibited. Once a stop work order has been issued and posted, no further work shall be performed on the construction site affected by the order until the cause for the issuance of such stop work order has been remedied and corrected to the satisfaction of the City of Greenville, Ohio.

**Section 4.02 Conditions Under Which a Zoning Permit is Required**

A zoning permit is required for any of the following:

- A. Construction or structural alteration of any building including accessory buildings.
- B. Change in use of an existing building, accessory building or land to a use not listed as a permitted use in the zoning district where the building or land is located.
- C. Occupancy and use of vacant land.
- D. Any exterior alteration, expansion or other change of a lawful nonconforming use as regulated by Article VIII.

**Section 4.04 Application for Zoning Permit**

An application for a zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and shall be revoked if work is not substantially completed within one (1) year. Five (5) copies of the application shall be provided. At a minimum, the applicant shall provide the following information:

- A. Name, address, and telephone number of the applicant.
- B. Legal description of property, as recorded in Darke County Recorder's office.
- C. Existing use.
- D. Proposed use.
- E. Zoning district in which property is located.

- F. Plans and/or drawings drawn to approximate scale, showing the dimensions and shape of the lot to be built upon; the dimensions and location of existing and/or proposed building or alterations.
- G. Height of proposed buildings or alterations.
- H. Number and dimensions of existing and proposed off-street parking or loading spaces.
- I. Number of proposed dwelling units.
- J. In every case where the lot is not provided with public water supply and/or disposal of sanitary wastes by means of public sewers, the application shall be accompanied by an approval by the Darke County Health Department of the proposed method of water supply and for disposal of sanitary wastes.
- K. Such other material as may be requested by the Zoning Enforcement Officer to determine conformance with, and provide for the enforcement of this Ordinance.

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

#### **Section 4.05 Approval of Zoning Permits**

Within thirty (30) days after the receipt, the application shall be either approved or disapproved by the Zoning Enforcement Officer, in conformance with the provisions of this Ordinance, unless the provisions of Section 4.06 are applicable. All zoning permits shall, however be conditional upon the completion of work within one (1) year. The application shall be marked as either approved or disapproved and attested to same by the signature of the Zoning Enforcement Officer, or his/her designated agent. In the case of disapproval, the Zoning Enforcement Officer shall state on the returned application the specific reasons for disapproval. The original signed application shall remain on file in the office of the Zoning Enforcement Officer, with one (1) copy issued to the applicant. Other copies shall be distributed to other City departments as may be required in specific cases.

#### **Section 4.06 Submission to the Director of the Department of Transportation**

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

#### **Section 4.07 Record of Zoning Permit**

A record of all zoning permits shall be kept on file in the Municipal Building and copies shall be made available to any persons upon request.

#### **Section 4.08 Expiration of Zoning Permits**

If the work described in any zoning permit has not been completed within one year from the date of issuance thereof, said permit shall expire. Written notice thereof shall be given to the persons affected, together with notice that further work as described in the expired permit shall not proceed unless and until a new zoning permit has been obtained or extension granted by the Planning and Zoning Commission.

#### **Section 4.09 Certificate of Zoning Compliance**

A. Certificate of Zoning Compliance Required

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

B. Application for Certificate of Zoning Compliance

Certificates of zoning compliance shall be applied for by the applicant giving written notice to the Zoning Enforcement Officer that the exterior erection or structural alteration of such building shall have been completed in Conformance with the provisions of the Ordinance;

C. Approval of Health Department Required

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

D. Record of Certificate of Zoning Compliance

The Zoning Enforcement Officer shall maintain a record of all certificates of zoning compliance and a copy of any individual certificate shall be furnished upon request to occupant or his legally authorized representative.

#### **Section 4.10 Schedule of Fees, Charges and Expenses**

The City Council shall establish, by separate ordinance, a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of occupancy, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the municipal offices, and may be altered or amended only by the City Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application.

## **Section 4.11 Violation**

- 4.11.01 Failure to Obtain a Zoning Permit, Certificate of Zoning Compliance, or Other Permit
- Failure to obtain a Zoning permit, Certificate of Zoning Compliance, or other permit as required by specific Sections of this Ordinance shall be violation of this Ordinance and punishable under Section 4.11.04 of this Ordinance.
- 4.11.02 Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates.
- Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Enforcement Officer authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto. Any use, arrangement, or construction not in conformance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Section 4.11.04
- 4.11.03 Complaints Regarding Violations
- Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof, and shall be filed with the Zoning Enforcement Officer. The Zoning Enforcement Officer shall record such complaint, immediately investigate and take such appropriate action thereon as may be necessary and provided for by this Ordinance.
- 4.11.04 Penalties for Violation
- Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Ordinance) shall constitute an unclassified misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not less than \$50 or more than \$500 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the City or any owner of contiguous or neighboring property who would be especially damaged by such violation from such other lawful action as it necessary to prevent or remedy such violation, including, but not limited to, initiating suit for the immediate termination of such action, through induction or other means. Penalties as above shall apply unless penalties are delineated for specific sections of this Ordinance, in which case the penalties delineated in those sections shall apply.

411.05 Void Zoning Permit

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

- A. The zoning permit was issued contrary to the provisions of this Ordinance by the Zoning Enforcement Officer.
- B. The zoning permit was issued based upon a false statement by the applicant.
- C. The zoning permit has been assigned or transferred

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

Revision: Ord 08-32, effective 04/18/08

## **ARTICLE V**

### **AMENDMENTS**

#### **Section 5.01 Power of City Council**

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

#### **Section 5.02 Initiation of Zoning Amendments**

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

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

#### **Section 5.03 Contents of Application**

An application for amendment shall be submitted by the applicant to the Zoning Enforcement Officer and shall contain, at a minimum, the following information:

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text or legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A map drawn to scale showing property lines, streets, existing and proposed zoning.
- F. A list of all property owners within the 200 feet, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the Darke County Auditor's current tax list. The requirement for addresses may be waived when more than ten (10) parcels are proposed to be rezoned.

- G. A statement as to how the proposed amendment will impact adjacent and proximate properties.
- J. A fee as established by the City Council.
- I. Any other information as may be requested by the Zoning Enforcement Officer to determine conformance with, and provide for enforcement of this Zoning Ordinance.

**Section 5.04 Transmittal of Resolution to Planning and Zoning Commission**

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

**Section 5.05 Recommendation by Planning and Zoning Commission**

Within sixty (60) days after the first regular meeting of the Planning and Zoning Commission after the receipt of the proposed amendment, the Planning and Zoning Commission shall recommend to City Council that the amendment be approved as requested, or it may recommend that the amendment be denied. In formulating such recommendation, the Planning and Zoning Commission may seek input from interested parties in the form of hearings, meetings, or other methods.

**Section 5.06 Action by City Council**

A. Public Hearing

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

B. Display of Relevant Materials

During such thirty (30) days, the text or copy of the text of the proposed Ordinance, together with maps, plans, and reports or copies thereof forming part of or referenced in

such proposed Ordinance shall be on file, for public examination, in the Office of the Zoning Enforcement Officer.

C. Action by City Council

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

D. Criteria

In reviewing the proposed amendment and arriving at its decision, the City Council shall consider the following factors:

1. Compatibility of the proposed amendment with the zoning and use of adjacent land, and with any land use /comprehensive plans adopted by the City .
2. The effect of the adoption of the proposed amendment on motor vehicle access, traffic flow, storm drainage and public infrastructure in the area.
3. The effect of the adoption of the proposed amendment upon the public health, safety and general welfare of the adjacent properties and other residents of the City.

E. Effective Date and Referendum

Such amendment adopted by City Council shall become effective in accordance with applicable Ohio law, unless within thirty (30) days after the passage of the ordinance there is presented to the City Auditor a petition, signed by a number of qualified voters residing in the City equal to not less than ten (10) percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the City Council to submit the zoning amendment to the electors of the City for approval or rejection at the next general election. When such petition is filed with the City Auditor, signed by the required number of electors, the Auditor shall, after ten (10) days, certify the text of the proposed ordinance or measure to the Board of Elections. The Auditor shall retain the petition.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority vote cast

on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

F. Incorporation onto Official Zoning Map

If an amendment adopted by City Council or approved by referendum pertains to a change on the Official Zoning Map, such change shall be incorporated onto the Map by reference to the Ordinance Number and the date of adoption.

## ARTICLE VI

### APPEALS AND VARIANCES

#### Section 6.01 Appeals

Appeals to the Planning and Zoning Commission concerning interpretation or administration of this Ordinance may be taken by any owner of property with a substantial interest in the matter who is adversely affected, or by a governmental officer, department, Commission, or bureau. Such appeal shall be taken within twenty (20) days after the date of the decision, by filing with the Zoning Enforcement Officer or with the Planning and Zoning Commission a notice of appeal specifying the decision of the Zoning Enforcement Officer from which the appeal is being taken.

#### Section 6.02 Variances

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

- A. That there are unique physical circumstances or conditions, including irregularity, narrowness or shallowness of lot size or shape, or exceptional topographical or other physical conditions specific to the land or building for which the variance is sought, and such conditions do not apply generally to land or building in the neighborhood or district in which the property is located.
- B. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- C. That such unreasonable and unnecessary hardship has not been created by the appellant.
- D. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

- E. That the variance, if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

Under no circumstances shall the Planning and Zoning Commission grant an appeal or variance that would allow a use not permissible under this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

### **Section 6.03 Application for Variance and Appeals**

Any person owning or having an interest in property, after being denied a zoning permit, may file an application to obtain a variance or appeal from the decision of the Zoning Enforcement Officer. An application for a variance or appeal shall be filed with the Zoning Enforcement Officer on a form as specified for that purpose. The Zoning Enforcement Officer shall forward a copy of the application to the Planning and Zoning Commission.

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

- A. Name, address, and phone number of the applicant.
- B. Legal description of property.
- C. A map or drawing to approximate scale, showing the dimensions of the lot and any existing or proposed building.
- D. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Darke County Auditor's current tax list.
- E. Each application for a variance or appeal shall refer to the specific provisions of this Ordinance which apply.
- F. A narrative statement explaining the following:
  - 1. The use for which variance or appeal is sought.
  - 2. Details of the variance or appeal that is applied for and the grounds on which it is claimed that the variance or appeal should be granted, as the case may be.
  - 3. The specific reasons why the variance or appeal is justified, according to Section 6.02 A-E.
- G. A fee, as established by City Council.

### **Section 6.04 Supplementary Conditions and Safeguards**

In granting any appeal or variance, the Planning and Zoning Commission may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance and punishable under Section 3.11 of this Ordinance.

### **Section 6.05 Public Hearing by the Commission**

The Commission shall hold a public hearing for consideration of an appeal from a decision of the Zoning Enforcement Officer or variance unless a resolution is passed, by affirmative vote, declaring that a hearing is not needed in the specific case being considered.

### **Section 6.06 Notice of Public Hearing**

Before holding the public hearing pursuant to Section 6.05, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the City at least ten (10) days before the date of said hearing. The notice shall set forth the date, time and place of the public hearing, and the nature of the proposed appeal or variance. Written notice of such hearing shall be mailed by the Secretary of the Planning and Zoning Commission, by first-class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notice published in newspapers as specified in Section 6.06. Parties of interest shall include owners of property within 200 feet from, contiguous to, and directly across the street from the property being considered. Failure of delivery of such notice shall not invalidate the findings of the Commission.

### **Section 6.07 Action by Planning and Zoning Commission**

Within sixty (60) days after the first regular meeting of the Planning and Zoning Commission following submittal of an application filed pursuant to Section 6.03, the Commission shall either approve, approve with supplementary conditions as specified in Section 6.04, or disapprove the request for appeal or variance. If the application is approved, or approved with supplementary conditions, the Commission shall make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. If the request for appeal or variance is denied, the reasons for such denial shall be noted in writing. The Commission shall transmit a written copy of its decision and findings to the Zoning Enforcement Officer, who shall forward such copy to the applicant by first class mail, or in person.

### **Section 6.08 Appeals**

After action is taken by the Planning and Zoning Commission, the applicant, or other party adversely affected by the action, may seek relief through the Court of Common Pleas. Such appeal must be filed within thirty (30) days from the date of the action by the Commission. A copy of the notice of appeal shall be served on the Secretary of the Planning and Zoning Commission by the aggrieved party within seven (7) days from the date of filing of the appeal.

## ARTICLE VII

### CONDITIONAL USES

#### Section 7.01 Purpose

Under some unusual circumstances, a use which more intensely affects an area than those uses permitted in the zoning district in which it is located may nonetheless be compatible with permitted uses, if that use is properly controlled and regulated. Such uses shall be listed as *conditional uses* within the respective zoning districts. The Planning and Zoning Commission may grant conditional approval for use of the land, buildings, or other structures and may allow such a use to be established where unusual circumstances exist and where the conditional use will be consistent with the general purpose and intent of this Zoning Resolution.

#### Section 7.02 Application for Conditional Use

Any person owning or having an interest in property may file an application to use such property for one of the conditional uses provided for by this Ordinance in the zoning district in which the property is situated. An application for a conditional use shall be filed with the Zoning Enforcement Officer, who shall forward a copy to the Planning and Zoning Commission. At a minimum the application shall contain the following information:

- A. Name, address, and phone number of applicant.
- B. Legal description of the property.
- C. Present zoning district.
- D. Description of existing and proposed uses.
- E. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic circulation, utilities and such other information as the Commission may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance.
- F. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, light, fumes and vibration on such property and a discussion of the general compatibility of the proposed use with adjacent and other properties in the area.
- G. The names and addresses of all property owners within 200 feet, contiguous to, and directly across the street from the property, as appearing on the Darke County Auditor's current tax list.
- H. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the deliberations of the Commission.

### **Section 7.03      General Standards for Conditional Uses**

In addition to the specific requirements for conditional uses as specified in the district regulations, the Planning and Zoning Commission shall review the particular facts and circumstances of the proposed use in terms of the following standards and shall find adequate evidence that such use at the proposed location meets all of the following requirements:

- A.     The use is in fact a conditional use as established under the district regulations.
- B.     The use will be designed, constructed, operated and maintained so as to be harmonious and appropriate with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.
- C.     The use will not pose a discernible hazard to existing adjacent uses.
- D.     The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.
- E.     The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
- F.     The use will be consistent with the objectives of this Zoning Ordinance.

### **Section 7.04      Supplementary Conditions**

In granting any conditional use, the Commission may prescribe appropriate conditions and safeguards in conformance with the purposes and intent of this Ordinance.

### **Section 7.05      Public Hearing by the Planning and Zoning Commission**

The Planning and Zoning Commission may hold a public hearing for the purpose of receiving input on the specific case being considered. If a public hearing is held, the requirements for public notice and notification of parties of interest shall be the same as for appeals and variances, as specified in Section 6.06 and 6.07 of this Ordinance.

### **Section 7.06      Action by the Planning and Zoning Commission**

Within sixty (60) days after the next regular meeting of the Commission following the submittal of the application pursuant to Section 7.02 of this Ordinance, the Commission shall either approve, approve with supplementary conditions as specified in Section 7.04, or disapprove the application as

presented. If the application is approved with supplementary conditions, the Zoning Enforcement Officer shall state on the zoning permit the specific conditions listed by the Commission for approval. If the application is disapproved, the applicant may seek relief through the Court of Common Pleas, pursuant to the guidelines and procedures specified in Section 6.09 of this Ordinance.

**Section 7.07      Expiration and Revocation of Zoning Permit  
Issued Under Conditional Use Provisions.**

The approval of the zoning permit issued in accordance with Section 7.06 shall become null and void if such use is not carried out within one (1) year after date of approval. The Commission may revoke the zoning permit upon written evidence by any residents of the City of violation of the Zoning Ordinance and/or written terms and conditions upon which approval was based. The Commission is authorized to grant an extension of a zoning permit issued pursuant to Section 7.06, for an additional period of six (6) months.

## **ARTICLE VIII NONCONFORMITIES**

### **Section 8.01 Intent**

Within the districts established by this Ordinance, or amendments hereinafter adopted, there may exist lots, structures, uses of land and structure which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed and to permit reasonable extensions as allowed by law.

### **Section 8.02 When Permitted**

#### **8.02.01 Existing Land or Buildings**

Any use of land or buildings existing on the effective date of this Ordinance may be continued, even though such use does not conform to the provisions herein, so long as such use was in conformity with the zoning ordinance in effect in the Municipality at the time that the use or structure was established. No nonconforming building, structure, or use shall be moved, extended, enlarged, reconstructed, or structurally altered, except as specifically provided in this Ordinance.

#### **8.02.02 Construction Commenced**

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

### **Section 8.03 Substitution**

The Planning and Zoning Commission may allow the nonconforming use of a building or structure to be changed to another nonconforming use of the same or of a more restricted classification, provided no structural alterations except those required by law or ordinance are made. No additional signs or sign area intended to be viewed from off the premises shall be allowed for any nonconforming business use existing in a district where single-family homes are a permitted use.

#### **Section 8.04 Extension**

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

- A. The Commission may permit, on a once-only basis, a building containing a nonconforming use to be enlarged to an extent not exceeding fifty percent (50%) of the ground floor area of the existing building or structure devoted to a nonconforming use at the time of enactment of this Ordinance or at the time of its amendment making the use nonconforming. The Commission, except under conditions of a variance pursuant to Article VI above, shall not authorize an extension which would result in a violation of the provision of this Ordinance with respect to any adjoining premises, or which would occupy ground space required for meeting the yard or other requirements of this Ordinance.
- B. No nonconforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- C. Any residential structure which is nonconforming due to the fact of its being in a non-residential zoning district may be enlarged, extended, reconstructed or structurally altered provided it meets the requirements of the adjacent or most proximate R-District.
- D. Any structure which is nonconforming due to its location or configuration on the lot, resulting in lot coverage or yards inconsistent with the requirements of the zoning district where it is located, may be enlarged, extended or structurally altered in a manner that decreases or maintains its existing degree of nonconformity, but in no case shall such structure be enlarged, extended or structurally altered in a manner that increases its degree of nonconformity.

#### **Section 8.05 Discontinuance**

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

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

**Section 8.06      Damage and/or Destruction of a Nonconforming Building or Use**

When a building or structure, the use of which does not conform to the provisions of this Ordinance, is damaged by fire, explosion, act of God, or the public enemy, it may be restored or rebuilt and continued in such nonconforming use, provided that the restoration or rebuilding is commenced within six (6) months of the time of damage, that construction is completed within one (1) year, and that such restoration or rebuilding would not extend or expand the existing use. If the restoration or rebuilding of the structure involves extension or expansion of the use, then the provisions of Section 8.04 shall apply.

**Section 8.07      Maintenance and Repair**

Nothing in this chapter shall be deemed to prevent normal maintenance and repair of a building or structure containing a nonconforming use. Structural alterations may be made to a building or structure containing a nonconforming use as follows:

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

**Section 8.08      Nonconforming Lots of Record**

In any district where dwellings are permitted, a one-family detached dwelling or accessory building if the lot is already occupied by a one-family residence, may be erected on any lot of official record on the effective date of this Ordinance, even though such lot does not comply with the lot area and width requirements of the district in which it is located, provided said lot has minimum area of 3,000 square feet and at least twenty-five (25) feet of lot width with frontage on a public street; and further provided the following conditions are complied with:

- A. If the owner of such lot does not own adjacent property and did not own adjacent property at the time this Ordinance became effective:
  - 1. In any district where dwellings are permitted, two (2) inches may be deducted from the required minimum width of each side yard and four (4) inches from the required minimum width of both side yards for each foot that the lot is narrower than the required width for the district. In no case, however, shall any side yard be narrower than three (3) feet.

2. For lots having a depth of less than 110 feet, the depth of the rear yard need not exceed 25 percent of the total depth of the lot, but shall not be less than twenty (20) feet.

B. If the owner of such lot owns adjacent property, or owned such property at the time this Ordinance became effective, the modification of lot area and yard dimensions as set forth hereinbefore shall not apply, except as follows: In order to erect a dwelling or dwellings thereon, the owner of two (2) or more adjacent lots fronting on the same street shall redivide the lots in such a manner that they conform with the lot area and yard requirements for a single-family dwelling in that district where the lots are located. However, if the average width of the lots resulting from such redivision would exceed the required lot width for a single family dwelling by more than fifteen (15) feet, such redivision, if any, may be made so as to provide one (1) more building lot than would otherwise be permitted. In such case, the provisions of Section 8.08A. relating to the reduction of side and rear yards shall apply.

**ARTICLE IX**

***RESERVED FOR FUTURE USE***

**PART THREE**  
**ZONING DISTRICTS**

**ARTICLE X  
STANDARD ZONING DISTRICT REGULATIONS**

**Section 10.01 Regulation of the Uses of Land or Structures**

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

**Section 10.02 Rules of Application**

10.02.01 Identification of Uses

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

10.02.02 Permitted Uses

- A. Only a use designated as permitted shall be allowed as a matter of right in any zoning district, and any use not so designated shall be prohibited unless:
  - 1. A permitted use may be added to a zoning district by formal amendment, in conformance with Article V of this Ordinance.
  - 2. An unlisted use may be determined by the Planning and Zoning Commission to be a similar use, pursuant to Sections 10.02.05 of this Article.
- B. In no case shall there be more than one (1) principal building used for single-family residential purposes on any individual zoning lot.

10.02.03 Accessory Uses

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

10.02.04 Conditional Uses

A use designated as a conditional use shall be allowed in the zoning district where the designation occurs, when such use, its location, extent and method of development will not substantially alter the character of the vicinity, or unduly interfere with or adversely impact the use of adjacent lots. To

To this end, the Planning and Zoning Commission shall, in addition to the development standards for the specific district, set forth additional requirements as will render the conditional use compatible with existing and future use of adjacent lots in the vicinity, in accordance with Article V of this Ordinance.

10.02.05

Similar Uses

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

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

Within sixty (60) days after such submittal, the Planning and Zoning Commission shall determine whether the requested use is similar to those uses permitted in the specific district. In order to find that a use is similar, the Planning and Zoning Commission shall find that all of the following conditions exist:

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

10.02.06

Development Standards

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

10.02.07

Development Plan

For particular uses in specific districts, a Development Plan will be cited as required. In such cases, the Development Plan shall be submitted by the applicant at the time of the application for a zoning permit. The Development Plan shall contain a site plan for the property, drawn to approximate scale, showing all

property lines and building outlines, access drives, parking areas, and other notable physical features. The Development Plan shall also show the size, design, materials and location of all signage proposed for the development. The Development Plan shall contain a narrative description of the proposed use, and how such use will impact adjacent residential property.

The Development Plan shall be reviewed by the Planning and Zoning Commission and must be approved as a condition for the issuance of a zoning permit. In approving a Development Plan, the Planning and Zoning Commission shall find that the following criteria have been met:

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

#### 10.02.08 Essential Services

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

**ARTICLE XI  
ZONING DISTRICTS AND ZONING DISTRICT MAP**

**Section 11.01 Zoning Districts Established**

The following zoning districts are hereby established for the City of Greenville:

<i>(SR-1,SR-2,SR-3)</i>	<i>Suburban residential districts</i>
<i>(UR)</i>	<i>Urban Residential District</i>
<i>(URO)</i>	<i>Urban Residential/Office District</i>
<i>(AR)</i>	<i>Apartment Residential District</i>
<i>(MH-R)</i>	<i>Manufactured Home Residential District</i>
<i>(NB)</i>	<i>Neighborhood Business District</i>
<i>(GB)</i>	<i>General Business District</i>
<i>(DE)</i>	<i>Downtown Enterprise District</i>
<i>(GI)</i>	<i>General Industrial District</i>
<i>(LIC)</i>	<i>Limited Industrial/Commercial District</i>
<i>(SU)</i>	<i>Special Use District</i>
<i>(FP)</i>	<i>Flood Plain Overlay District</i>
<i>(PUD)</i>	<i>Planned Unit Development District</i>
<i>(PUD-R)</i>	<i>Planned Unit Residential Development District</i>
<i>(ADD)</i>	<i>Architectural Review District</i>

**Section 11.02 Official Zoning District Map**

The districts established in Section 11.01 of this Ordinance are shown on the Official Zoning District Map, which together with all notations, references, data, district boundaries and other explanatory information, are hereby adopted as part of this Ordinance. The Official Zoning District Map shall be identified by the signatures of the Mayor and the Clerk, and shall be on file in the Municipal Building.

**Section 11.03 Interpretation of Zoning District Boundaries**

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

**Section 11.04 Newly annexed Area**

Territory which is annexed into the City of Greenville subsequent to the effective date of this Ordinance shall, upon the effective date of the annexation, be zoned into the SR-1 District. Within three (3) months from the date of annexation, the Planning and Zoning Commission shall present a zoning plan

for the annexed territory to the City Council. City Council may hold a public hearing on the proposed zoning plan, as recommended by the Planning and Zoning Commission. After said hearing, City Council shall approve, or approve with modification, the zoning plan. However, nothing in this Section shall prevent the owner of property within the annexed territory from applying for a zoning amendment, after the effective date of annexation, pursuant to the procedures specified in Article V of this Ordinance.

**ARTICLE XII**  
**(SR-1, SR-2, SR-3) SUBURBAN RESIDENTIAL DISTRICTS**

**Section 12.01 Purpose**

These districts are established to provide for a variety of suburban-type and “in town” single-family residential developments are relatively low densities typical of contemporary suburban environments. It is the intent of the SR Districts to discourage large concentrations of intensive development where that density would be inconsistent with the existing character of the area.

**Section 12.02 Permitted Uses**

- A. One-family detached dwellings.

**Section 12.03 Accessory Uses**

- A. Private detached garages or carports.
- B. Tool and/or garden sheds, playhouses and/or similar structures, subject to the requirements of Section 32.01 of this Ordinance.
- C. Private swimming pools, for primary use by occupants of the principal use of the property on which the pool is located, and subject to the provisions of Section 32.02 of this Ordinance.
- D. Temporary building for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.

**Section 12.04 Conditional Uses**

- A. Home occupations, subject to the regulations of Section 32.05 of this Ordinance.
- B. Public parks and open space.
- C. Public playgrounds
- D. Two-family residences in the SR3 District only, provided such residences meet the development standards for like uses in the AR District.

**Section 12.05 Development Standards**

The principal development standards for the SR-1, SR-2 and SR-3 Districts shall be as shown on the following page:

**SUBURBAN RESIDENTIAL (SR-1, SR-2, SR-3) DISTRICTS  
DEVELOPMENT STANDARDS**

	<b>SR-1</b>	<b>SR-2</b>	<b>SR-3</b>
<b>MINIMUM LOT AREA</b>	20,000 SF	10,400 SF	7,500 SF
<b>MINIMUM LOT WIDTH</b>	100	80	60
<b>MINIMUM LOT WIDTH (CURVING STREET/ CUL-DE-SAC)</b>	60	45	35
<b>MINIMUM SIDE YARD WIDTH</b>	10	8	6
<b>MINIMUM SUM OF SIDE YARDS</b>	25	20	15
<b>MINIMUM FRONT YARD DEPTH</b>	30	30	25
<b>MINIMUM REAR YARD DEPTH</b>	40	30	25
<b>MAX. % OF LOT COVERAGE (PRINCIPAL BLDG)</b>	30%	35%	40%
<b>MAX. BLDG HEIGHT</b>	40	40	40

**ARTICLE XIII**  
**(UR) URBAN NEIGHBORHOOD RESIDENTIAL DISTRICT**

**Section 13.01 Purpose**

The UR District is established to provide for the continuance of single-family housing within the older portions of the City of Greenville, and the expansion of such uses at densities consistent with existing development, thereby encouraging private reinvestment and revitalization in such areas, and increasing the diversity of housing choice while maintaining adequate development standards.

It is recognized that, since property in the UR District is likely to be located in the older areas of the City, and such areas likely to be characterized by patterns of mixed land use. Many of these mixed uses are the result of past development practices and would not be allowed under the provisions of this UR District. It is the intent of this Ordinance, and this district in particular, to *protect and preserve the basic property rights* of such existing nonconforming uses. Specific provisions are made for the continuance, substitution and extension of such use, pursuant to Article VIII this Ordinance and Section 713.15 of the Ohio Revised Code.

The district can also be used to allow for new development in outlying areas of the City by meeting standards intended to promote the historic neighborhood character of such new development.

**Section 13.02 Permitted Uses**

- A. One-family detached dwellings.
- B. Public parks, playgrounds and open space.

**Section 13.03 Accessory Uses**

- A. Private detached garages or carports.
- B. Tool sheds, garden sheds, play houses and/or similar structures.
- C. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.

**Section 13.04 Conditional Uses**

- A. Home occupations, subject to the provisions of Section 32.05 of this Ordinance.
- B. Churches and places of public worship, provided the seating capacity of the sanctuary is not more than 300 persons.

**Section 13.05 Development Standards**

- 13.05.01 Minimum Lot Area  
5,000 square feet.
- 13.05.02 Minimum Lot Width  
Fifty (50) feet of lot width with frontage on a publicly dedicated, improved street or highway.
- 13.05.03 Minimum Front Yard Depth  
Twenty (20) feet, or the average of the existing principal structures on the same side of the street and facing thereon within the same block, whichever is less.
- 13.05.04 Minimum Side Yard Depth  
Four (4) feet.
- 13.05.05 Minimum Rear Yard Depth  
Fifteen percent (15%) of lot depth, but not less than twenty (20) feet.
- 13.05.06 Maximum Building Height  
Thirty-five (35) feet.
- 13.05.07 Additional Requirements for New Lots Developed in the UR District  
Presently undeveloped areas outside the older portion of the City may be developed in the UR District, subject to the following regulations:
  - A. Development Plan  
A Development Plan shall be required for all new residential development within the UR District, containing more than ten (10) dwelling units. Such Development Plan shall show the proposed layout of all streets, lots and buildings, as well as the location of all public spaces, and shall illustrate that the proposed development conforms with the purpose and intent of the UR District.
  - B. Garages  
All garages shall be located within the rear yard.

C. Street Trees

Street trees shall be required along all new streets developed within UR District. The spacing of trees along streets shall be not less than thirty (30) feet on center.

D. Sidewalks

Sidewalks of not less than four (4) feet in width shall be required for both sides of all streets within the UR District.

F. Required Open Space

Not less than 15% of the total net developable area of the proposed development shall be dedicated to permanent open space parks, and/or public spaces. Such open space shall be granted to a homeowner's association, or may be donated to the City, if the location and physical condition of the land so donated is consistent with an adopted parks and open space plan and such donation is approved by City Council. For the purposes of this calculation, net developable area shall mean the area of the site proposed for development, minus public and/or private streets and/or alleys.

**ARTICLE XIV  
(URO) URBAN RESIDENTIAL OFFICE DISTRICT**

**Section 14.01 Purpose**

The URO District is to be used in older areas of the City, particularly along major thoroughfares that are occupied by older single family residences, but are subject to development pressure for commercial use. The intent of the district is to provide for small low-intensity administrative and professional office and similar uses in such areas, while retaining the area's residential character.

**Section 14.02 Permitted Uses**

- A. Any use or structure specified as a permitted use in the UR District.
- B. Home occupations, as regulated in Section 32.05 of this Ordinance.

**Section 14.03 Accessory Uses**

- A. Private detached garages or carports; storage sheds, playhouses and/or similar structures.
- B. Temporary buildings for uses incidental to construction work, which shall be removed upon completion or abandonment of the construction work.

**Section 14.04 Conditional Uses**

- A. Churches and places of public worship, provided the seating capacity of the sanctuary is not more than 300 persons.
- B. Bed-and-Breakfast Establishments, subject to the following standards:
  - 1. The owner/operator of the facility must reside on the premises.
  - 2. Structures shall maintain the appearance of a single-family residence and be compatible with surrounding residences, in size and scale
  - 3. Lighting shall be limited to those types customarily found in residential neighborhoods. Any lights shall be arranged so as not to shine on adjacent properties.
  - 4. Exterior signage shall be limited to a single sign not more than four (4) square feet in size. No signs shall be internally illuminated.
  - 5. Not more than one (1) person shall be employed that is not a resident of the dwelling.
  - 6. Accommodations shall be provided for not more than five (5) guest rooms.

- C. Administrative and business offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers subject to the provisions of Section 14.06, consisting of:
  - 1. Brokers and dealers in securities and investments, not including commercial banks and savings institutions.
  - 2. Insurance agents and brokers.
  - 3. Real Estate sales and associated services.
- D. Offices for professional services, such as physicians, dentists, lawyers, architects, engineers and similar professions subject to the provisions of Section 14.06.

### **Section 14.05 Development Standards**

Minimum lot area, minimum lot width, minimum front yard depth, minimum side yard width, minimum sum of side yard widths, minimum rear yard depth, and maximum building height for all permitted and conditional uses shall be as required for the UR District.

### **Section 14.06 Special Provisions for Conditional Uses**

- A. Hours  
Permitted uses shall be conducted principally in daylight hours.
- B. Nuisance  
Permitted uses shall not create levels of noise, smoke or odor that are perceptible to normal senses on adjacent property.
- C. Employees  
Not more than three (3) employees other than the resident of the structure. For the purposes of this regulation, a private contractor functioning as an employee shall be considered as an employee.
- D. Appearance  
Structures shall maintain a residential appearance and be compatible with surrounding residences, in size and scale.
- E. Lighting  
Lighting shall be limited to those types customarily found in residential neighborhoods. Any lights shall be arranged so as to not shine on adjacent properties.
- F. Signage  
Exterior signage shall be limited to a single non-illuminated sign not more than four (4) square feet in size and not more than three (3)

feet in height. No sign shall be located so as to impair the vision of vehicles exiting driveways.

G. Storage

Storage of materials and equipment shall be within enclosed buildings.

H. Parking

Sufficient off-street parking shall be provided pursuant to the requirements of this Ordinance. All parking shall be located in the rear yard and at least ten(10) feet from adjacent property.

I. Landscaping and Fencing

The landscaping and screening of refuse and parking areas in the URO shall be required.

**Section 14.07 Additional Information Required for Zoning Amendment**

Due to special conditions inherent to this district, additional information may be required of an applicant seeking a rezoning of property to the URO Zoning District. Such information shall be specified by the Planning and Zoning Commission and may include site layout, dimensions of driveways and entrances, vehicular circulation patterns, location of off-street parking spaces, and landscaping and additional information as may be required by the Commission to determine compliance with the provisions of this Ordinance.

**ARTICLE XV  
(AR) APARTMENT RESIDENTIAL DISTRICT**

**Section 15.01 Purpose**

It is recognized that housing at higher densities creates particular opportunities and issues separate and distinct from lower density development. This district is established to provide for the continuance, redevelopment and/or limited expansion of higher density residential developments in areas best equipped to accommodate such projects. This district can also be used to provide for other similar forms of housing, such as condominiums.

**Section 15.02 Permitted Uses**

- A. Multiple family structures having two or more dwellings per structure, including senior housing.
- B. Public or private parks
- C. Home occupations, subject to the requirements of Section 32.05 of this Ordinance.

**Section 15.93 Accessory Uses**

- A. Uses incidental and accessory to multiple-family dwellings and for exclusive use of their residents, to include common recreational facilities, community swimming pools, and offices for the rental and management of units therein.
- B. Temporary buildings for uses incidental to construction work. Such structures shall be removed within thirty (30) days from issuance of a Certificate of Zoning Compliance.

**Section 15.04 Conditional Uses**

- A. Nursery schools and day care centers.

**Section 15.05 Development Standards**

- 15.05.01 Minimum Lot Area  
4,500 square feet per dwelling unit for two-family dwellings. 4,000 square feet per dwelling unit for all other multiple-family dwellings. This requirement may be reduced to 3,000 square feet per dwelling unit if approved by the Planning and Zoning Commission, pursuant to Section 15.06 below.

- 15.05.02 Minimum Lot Width  
Eighty (80) feet of frontage on a publicly dedicated and improved street or highway.
- 15.05.03 Minimum Front Yard Depth  
Thirty (30) feet.
- 15.05.04 Minimum Side Yard Width  
Ten (10) feet for two-family structures developed under the provisions of this Article in the SR-3 District; twenty (20) feet in all other cases.
- 15.05.05 Minimum Rear Yard Depth  
Forty (40) feet.
- 15.05.06 Maximum Building Height  
Thirty-five (35) feet.
- 15.05.07 Minimum Distance between Buildings  
If there are two or more buildings on a single lot, the minimum distance between buildings shall be fifteen (15) feet.
- 15.05.08 Storm Drainage  
The application for rezoning into the AR District must include a plan showing storm drainage runoff collection points.
- 15.05.09 Landscaping  
If side or rear yards are located adjacent to any district where single-family residences are a permitted use, landscaping and screening of those yards shall be required. Such landscaping and/or screening shall consist of walls, fencing, mounding, natural vegetation or a combination of these elements, provided that such screening shall be at least seven (7) feet high or, if natural vegetation is used, capable of reaching seven (7) feet high within three (3) years of planting. The application for a rezoning into the AR District shall include a site plan for the proposed screening.
- 15.05.10 Large Projects  
Multiple-family residential development projects comprising more than twenty (20) units shall be processed

pursuant to the requirements of the PUD-R District, as specified in Article XXVII of this Ordinance.

### **Section 15.06 Density Bonus**

The Planning and Zoning Commission may approve a *density bonus*, on a case-by-case basis, which would allow an overall density not to exceed 3,000 square feet of lot area per dwelling unit, if it finds that the following conditions exist:

- A. The subject site is twenty (20) acres or more and a minimum of forty (40) dwelling units is proposed.
- B. The development is located directly adjacent to major thoroughfares as delineated on the Thoroughfare Plan.
- C. Building design and site design is of high quality and buildings are integrated with the natural features and architectural context of the surrounding area
- D. A minimum of twenty percent (20%) of the site is designated as permanent open space. The open space system shall provide for pedestrian and bicycle linkages to neighborhood facilities, parks, play areas. Assurances shall be provided that such open space shall be maintained by the owner of the development.
- E. A formal Agreement between the City and the applicant, insuring that the provisions of A through D above are met, is arranged and approved by the City Law Director.

## ARTICLE XVI (MH-R) MANUFACTURED HOME RESIDENTIAL DISTRICT

### Section 16.01 Purpose

The City of Greenville recognizes that manufactured housing presents residential opportunities and options, especially related to cost, which are unavailable with conventional site-built housing. Nonetheless, such manufactured housing has unique development characteristics that require special treatment in regard to location, placement and land use compatibility.

The Manufactured Home Residential (MH-R) District is established to provide areas for manufactured homes so as to provide a desirable residential environment, protected from adverse neighboring influences, with adequate access for vehicular traffic and circulation. These residential communities shall be developed and located so as to not promote excessive vehicular traffic on streets in adjoining neighborhoods, and shall provide overall desirability equivalent to that for other forms of residential development.

### Section 16.02 Definitions

For the purposes of this Article, the following terms shall be defined as specified herein:

- A. "Manufactured Housing" shall mean any non-self-propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) feet or more in width or forty (40) feet or more in length, or, when erected on the site, is 320 or more square feet, and which is built on a permanent chassis and is designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. In addition, such unit shall bear a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards (1974).
- B. "Manufactured Home Community" shall mean a development constructed primarily for manufactured homes, with continuing local general management and with special facilities for common use by occupants, including such items as common recreational buildings and/or common open space
- C. "Modular Home" means a non-site-built home that is certified as meeting the requirements of the State of Ohio Building Code for *modular housing*. For the purposes of this Ordinance, once certified by the State of Ohio, modular homes shall be subject to the same standards as site-built homes
- D. "Mobile Home" shall mean a transportable, non-site-built dwelling unit designed to be used as a year-round residential dwelling, and

built prior to the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976. Because mobile homes, as herein defined, were not constructed to accepted standards, such homes shall not be considered as a permitted or conditional use in the MH-R District or any other zoning district.

**Section 16.03 Permitted Uses**

- A. One-family detached dwellings.
- B. Individual manufactured homes on individual lots.
- C. Manufactured home communities.
- D. Public or private parks or playgrounds.

**Section 16.04 Conditional Use**

Manufactured Home subdivisions, provided a Development Plan is approved by the Planning and Zoning Commission.

**Section 16.05 Accessory Uses**

- A. Uses and structures incidental and accessory to specified permitted uses to include common areas, community/recreational facilities and offices for rental and management of units therein.

**Section 16.06 Development Standards**

The following standards for the arrangement and development of land and buildings are required in the MH-R District.

16.06.01 Minimum Lot Area

- A. The Minimum lot area for any manufactured home community shall be ten (10) acres. Maximum gross density shall not exceed six (6) dwelling units per acre.
- B. Individual manufactured home lots shall be not less than 3,000 square feet.
- C. For any other permitted use, the minimum lot area shall not be less than 7,5000 square feet.

16.06.02 Minimum Lot Width

- A. The minimum lot width for any manufactured home community shall be not less than 300 feet. Frontage shall be provided on a publicly dedicated and improved street. The ratio of width to depth shall not exceed one to five (1:5).
- B. The minimum lot width for any individual lot within such a community shall be not less than thirty (30) feet.
- C. For any other permitted use, the minimum lot width shall be as specified in the SR-3 District.

16.06.03 Minimum Front Yard

- A. The minimum front yard depth for any manufactured home community shall be not less than thirty-five (35) feet.
- B. For any other permitted use, the minimum front yard depth shall be twenty-five (25) feet.

16.06.04 Minimum Side Yard Width

- A. The minimum side yard width for a manufactured home community shall be not less than thirty-five (35) feet.
- B. The minimum side yard width for any individual lot within a manufactured home community shall be not less than five (5) feet
- C. For any other permitted uses, the minimum side yard width shall be not less than eight (8) feet, with minimum of twenty (20) feet for the sum of side yards.

16.06.05 Minimum Rear Yard Depth

- A. The minimum rear yard depth for any manufactured home community shall be not less than fifty (50) feet.
- B. The minimum rear yard depth for any individual lot within a manufactured home community shall be not less than ten (10) feet.
- C. For any other permitted use, the minimum rear yard depth shall be not less than forty (40) feet.

16.06.06 Minimum Lot Coverage

Detached dwelling units and their accessory buildings shall not occupy more than forty percent (40%) of the lot area of any individual manufactured home lot.

16.06.07 Required Open Space and Recreational Areas

At least twenty percent (20%) of the gross land area for any manufactured home community shall be reserved for common recreational areas and facilities, such as playgrounds, swimming pools, pedestrian paths, and similar facilities. Such recreational and open space facilities shall not be a part of streets and/or parking areas, and shall be closed to motorized traffic, except for service and maintenance vehicles. Such areas shall be landscaped, improved and maintained for the intended uses.

16.06.08 Off-Street Parking

Off-street parking for permitted uses shall be provided as required in Article XXXIV of this Ordinance, and as herein specified.

In manufactured home communities and conditional uses, parking spaces shall be provided for two (2) vehicles for each dwelling unit. Such parking spaces shall be located either on the same lot as the dwelling which they serve, or in specially provided common areas located not more than 600 feet from the dwelling which they serve, or some combination thereof. Required parking spaces shall not be provided on public or

private streets within and on the perimeter of the community. Parking shall be so arranged that there is no maneuvering incidental to parking in the travel lane of streets.

#### 16.06.09 Access

All manufactured home communities shall have direct access to collector streets with a right-of-way of not less than sixty (60) feet in width. Principal vehicular access points shall be designed to encourage smooth traffic flow. Merging and turnout lanes and/or traffic dividers shall be required where existing or anticipated traffic volumes indicate need. Minor streets shall not be connected with streets outside the district in such a way so as to encourage the use of those streets by substantial amounts of through traffic. No lot within the community shall have direct vehicular access to a street bordering the development.

#### 16.06.10 Streets and Street Layout

All streets, whether private or dedicated to the City, providing access to the individual lots in a manufactured home community, shall be dimensioned and improved in accordance with the standards and requirements of the Subdivision Regulations of the City of Greenville

The proposed layout of streets within a manufactured home community shall be approved by the Planning and Zoning Commission. In making such determinations, the Commission may procure the assistance of an engineer or other professional. All costs associated with such approval shall be paid by the applicant prior to issuance of Certificates of Zoning Compliance.

#### 16.06.11 Landscaping

The landscaping of side and rear lots of a manufactured home community shall be required. All required landscaping shall be in conformance with Article XXXIII and be in place prior to the granting of any Certificate of Zoning Compliance.

#### 16.06.12 Water and Sewer

Any manufactured home community shall be provided with a water and sanitary sewer distribution system, serving each individual home lot, which is connected to the municipal water and sanitary sewage system. The design and construction of such distribution systems shall be approved by the Ohio Environmental Protection Agency and the City.

#### 16.06.13 Storm Drainage

All areas within a manufactured home community shall be graded and drained so as to minimize standing water and surface runoff. Open drainage ditches shall be prohibited. The proposed methods for alleviation of standing water and excessive surface runoff shall be submitted by the applicant, and approved by the City. All costs associated with such approvals shall be paid by the applicant prior to the issuance of Certificates of Zoning Compliance.

#### 16.06.14 Underground Utilities

Within any manufactured home community, all utility lines, including electricity, telephone, and cable television shall be located underground.

#### 16.06.15 Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed in a manner which provides ease of access to individual mobile home lots, while effectively screening them from view. Screening of trash and garbage areas shall meet the requirements of Article XXXIII of this Ordinance. The disposal of trash and maintenance of the area shall be the responsibility of the owner of the manufactured home community.

**ARTICLE XVII**

***RESERVED FOR FUTURE USE***

**ARTICLE XVIII**

***RESERVED FOR FUTURE USE***

## ARTICLE XIX

### (NB) NEIGHBORHOOD BUSINESS DISTRICT

#### Section 19.01 Purpose

The purpose of the Neighborhood Business District is to provide for the orderly development of neighborhood-oriented businesses serving the regular day-to-day convenience and personal service needs of nearby residents. Because commercial establishments within the NB District are more closely associated with the residential land uses, more restrictive requirements related to size and scale, traffic control and landscaping are needed than in other commercial districts.

#### Section 19.02 Permitted Uses

- A. Administrative, business or professional offices not carrying on retail trade with the public and having no stock of goods maintained for sale to customers consisting of:
1. Brokers and dealers in securities, investments and associated services not including commercial banks and savings institutions.
  2. Insurance agents and brokers and associated services.
  3. Real estate sales and associated services.
  4. Medical and medical-related activities, but not including veterinary offices or animal hospitals.
  5. Professional, legal, engineering and architectural services, not including the outside storage of equipment.
  6. Accounting, auditing and other bookkeeping services.
- D. Retail Stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of those goods; provided all storage and display of merchandise shall be within the principal structure; and not including drive-through establishments or businesses selling gasoline or similar fuels. Examples include:
1. Food and food products, consisting of: grocery stores, meat and fish markets, fruit and vegetable markets, and specialty stores such as bakery, candy or confectionery.
  2. Proprietary drug and hardware stores.
  3. Similar retail stores, consisting of: florists, gift, antique or second-hand stores, books and newspapers, sporting good, jewelry, optical goods, and other retail stores which conform to the purpose and intent of the NB District.
- C. Personal Services, involving the care of the person and his/her personal effects, consisting of consumer services generally involving the care and maintenance of tangible personal property, except for motor vehicles. Examples include:
1. Restaurants, but not including restaurants with drive-through facilities.
  2. Banks, saving and loans and credit agencies, but not including establishments with drive-through facilities.

3. Barber and beauty shops, having no more than three work stations.
  4. Laundromats and/or dry-cleaning facilities.
  5. Funeral services.
  6. Human medical and/or dental clinics.
  7. Radio, television or small appliance repair.
  8. Commercial photography.
  9. On-premises duplication services.
- D. Nursery schools and day care facilities.
- E. Churches and/or places of public worship, provided such establishments have a seating capacity in the main sanctuary of not more than 1,000 persons.

**Section 19.03 Conditional Uses**

- A. Veterinary offices, not including outside boarding of animals.

**Section 19.04 Development Standards**

- A. Development Plan

A Development Plan shall be submitted by the applicant to the Planning and Zoning Commission at the time of the proposed rezoning of property into the NB District, or for any new proposed use within the NB District. Such Development Plan shall show the layout of the site, including proposed structures, driveways, parking areas, vehicular circulation pattern, signage, and the methods proposed to address the proximity of the proposed use to any proximate residential property.

- B. Lot Area

No minimum lot area is required; however, lot area shall be adequate to provide the required parking and yard areas.

- C. Lot Width

No Minimum lot width is required; however all lots shall abut an improved public street designated on the City Thoroughfare Plan as having not less than collector status. All lots shall have adequate width to provide for required parking and yard area.

- D. Front Yard Setback

The minimum front yard setback shall be the average of the existing adjacent commercial structures on the same side of the street and facing thereon within the same block. Where there are no adjacent commercial structures, the front yard setback shall not be less than thirty (30) feet measured from the street right-of-way.

- E. Side Yards

1. When abutting a non-residential zoning district: Fifteen (15) feet for structures, ten (10) feet for paved areas.
2. When abutting a residential zoning district: Thirty (30) feet for structures, fifteen (15) feet for paved areas.

F. Rear Yards

Twenty (20) feet, unless adjacent to any district where residences are a permitted use, wherein the rear yard shall be no less than forty (40) feet.

G. Additional Yard and Pedestrian Areas

Where new development in the NB District is located adjacent to a district where residences are a permitted use, the Planning and Zoning Commission may require that at least five percent (5%) of the lot area, exclusive of parking areas and public rights-of-way, shall be devoted to landscaped yards or pedestrian space.

H. Maximum Building Size

Individual uses within NB District shall have usable floor area of not more than 4,000 square feet, even if such uses occupy more than one building. Any single building containing multiple uses within the NB District shall have a usable floor area of not more than 12,000 square feet.

I. Lighting

Lighting fixtures within the NB District shall be so arranged, shielded and directed so as to not shine directly on any adjacent residential property.

J. Parking and Loading

Parking and loading requirements shall be as specified in Article XXXIV of this Ordinance. In addition, parking spaces shall be designed to allow a minimum of five (5) feet between structure(s) and any parked vehicle.

K. Landscaping

The landscaping of all parking and service areas is encouraged in the NB District. If side or rear yards are located adjacent to any areas where single-family or two-family residences are permitted uses, landscaping and screening shall be required in those yards to meet the requirements of Article XXXIII of this Ordinance.

L. Trash and Garbage Control

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view. The disposal of trash and maintenance of the area shall be

the responsibility of the owner of the property.

M. Outside Vending Machines

Freestanding vending machines located outside the primary or accessory structures shall not be permitted in the NB District.

N. Accessory Structures

Accessory structures of up to 320 square feet in size must maintain a minimum of ten (10) feet side and rear yard setbacks and ten (10) feet separation between buildings. Buildings larger than 320 square feet must follow the setbacks established above.

Revisions: Ord 02-91, effective 09/06/02; Ord 05-53, effective 06/03/05

## ARTICLE XX

### (GB) GENERAL BUSINESS DISTRICT

#### Section 20.01 Purpose

The General Business District is established to accommodate a broad range of business activity oriented toward community and/or regional markets. Such business uses, by their nature, rely on higher volumes of customer traffic and generally have higher impact levels on adjacent uses. The intent of the GB District is to encourage the most compatible relationship between permitted uses and overall traffic movement within the City, while minimizing negative impacts on adjacent land uses. The GB District is intended to be used primarily in suburban settings; it is not to be used in the existing downtown area as a substitute for the DE District.

#### Section 20.02 Permitted Uses

- A. Any use or structure specified as a permitted use in Section 19.02 A of the NB District.
- B. Retail Stores primarily engaged in selling merchandise for personal or household consumption, and rendering services incidental to the sale of these goods:
  - 1. Food and food products, consisting of: grocery, meat, fish, fruit or vegetable markets or combinations thereof, dairy or bakery products, specialty food stores such as candy or confectionery and miscellaneous food stores.
  - 2. General merchandise, including home furnishings and hardware and similar "hard lines".
  - 3. Apparel, consisting of: clothing, furnishings, and accessory items for men, women and children, custom tailor shops and combined apparel sales and personal service operations, and miscellaneous apparel and accessory stores.
  - 4. Similar retail stores, including: drug stores, florists, gift and novelty stores, books and newspapers, camera, photographic and optical goods, jewelry, antique stores, specialty stores and other retail stores which conform to the purpose and intent of the GB District.
- C. Personal Services, involving the care of the person and his/her personal effects, including consumer services generally involving the care and maintenance of tangible property or the provision of tangible services for personal consumption including:
  - 1. Restaurants, including establishments with drive-through facilities, but not including restaurants with temporary outside seating areas.
  - 2. Banks, savings and loans, and credit agencies, including establishments with drive-through facilities.
  - 3. Barber and beauty shops.

4. Dry-cleaning establishments.
  5. Funeral services.
  6. Human medical and dental clinics.
  7. Radio, television, or small appliance repair.
  8. Public and private parking areas.
  9. On-premises duplication facilities.
- D. Business Services engaged in the providing of services to business establishments on a fee or contract basis, consulting services, protective services, office equipment rental, lease or purchase, commercial research and development.
  - E. Commercial recreational facilities such as community and public swimming pools, skating rinks, bowling alleys, physical fitness centers.
  - F. Lumber and home improvements sales.
  - G. Automobile sales and service establishments, including gasoline service stations, but not including truck servicing establishments.
  - H. Theaters and similar public assembly facilities.
  - I. Churches and places of public worship, provided such establishments have a seating capacity of under 1,000 persons in the main sanctuary.
  - J. Hotels and motels.
  - K. Garden centers.
  - L. Carry out food and beverage establishments with drive-through facilities.
  - M. Similar uses, as determined by the Planning and Zoning Commission to be consistent with the purpose of the GB District, in accordance with the provisions by Section 10.02.05 of this Ordinance.

### **Section 20.03 Conditional Uses**

- A. Self-service car washes.
- B. Restaurants and similar facilities with outside seating facilities.
- C. Temporary or seasonal outdoor sales lots having a maximum operating duration of four (4) months, provided all other permits are obtained.
- D. Buildings with a total roof area of 50,000 square feet or more must submit a Big Box / Large Format Development Plan to the Planning & Zoning Commission for review and approval. Big Box Development Plan requirements / Large Format Design Guidelines are found in Article XXXVI of this Zoning text.

- E. Class II Group Residential Facility.

#### **Section 20.04 Development Standards**

- A. Minimum Lot Area

No minimum lot area is required: however, lot area shall be adequate to provide for the required parking and yard areas.

- B. Minimum Lot Width

100 feet of frontage on a publicly dedicated and improved street or highway which is designated as not less than Minor Arterial status on the Thoroughfare Plan of the City of Greenville. If the proposed development is located on lots of record on the effective date of this Ordinance, and if the width of each such existing lot is forty (40) feet or less, then the minimum lot width may be reduced to eighty (80) feet.

- C. Minimum Front Yard Depth

Forty (40) feet, or the average of the front yard depth of the five (5) nearest commercial structures on the same side of the street.

- D. Minimum Side Yard

1. When abutting a non-residential zoning district: Twenty (20) feet for structures, ten (10) feet for paved areas.
2. When abutting a residential zoning district: Fifty (50) feet for structures, thirty-five (35) feet for paved areas.

- E. Minimum Rear Yard

1. When abutting a non-residential zoning district: Thirty (30) feet for structures, ten (10) feet for paved areas.
2. When abutting a residential zoning district: Fifty (50) feet for structures, thirty-five (35) feet for paved areas.

- F. Building Height

Forty (40) feet.

- G. Parking and Loading

Parking and loading requirements shall be as specified in Article XXXIV. In addition, parking spaces shall be designed to allow a minimum of five (5) feet between any structure and any parked vehicle.

H. Landscaping

The landscaping of all parking and service areas is encouraged in the GB District. If side or rear yards are located adjacent to any district where single-family or two-family residences are a permitted use, landscaping and screening shall be required in those yards to meet the requirements of Article XXXIII of this Ordinance.

I. Trash and Garbage Control

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

J. Accessory Structures

Accessory structures of up to 320 square feet in size must maintain a minimum of ten (10) feet side and rear yard setbacks and ten (10) feet separation between buildings. Buildings larger than 320 square feet must follow the setbacks established above.

Revisions: Ord 02-91, effective 09/06/02; Ord 05-123, effective 01/06/06; Ord 09-74, effective 07/21/09.

**ARTICLE XXI  
(DE) DOWNTOWN ENTERPRISE DISTRICT**

**Section 21.01 Purpose**

The purpose of the Downtown Enterprise district is to promote and foster the economic and physical revitalization of downtown Greenville, The standards and requirements of the DE District are based on the following principles:

- A. The downtown should contain a healthy mix of land uses. The marketplace - not regulations - should be the primary force driving the mix of downtown uses.
- B. The downtown should be particularly receptive to small local-based entrepreneurship and start-up businesses.
- C. Housing - and particularly owner-occupied housing - should be an integral component of the physical fabric of the downtown.
- D. The maintenance and improvement of the downtown physical environment is important in promoting an active and vital business environment.
- E. Development standards and regulations should encourage the adaptive use of older structures.

**Section 21.02 Permitted Uses**

- A. Any use specified as a permitted use in Sections 20.02 A through D in the GB District, not including drive-through facilities.
- B. Hotels and/or Bed-and-Breakfast Establishment
- C. Community facilities such as governmental offices, post office, libraries, museums, private schools, public parks and similar uses.
- D. Churches and places of public worship
- E. Off-street parking areas
- F. Similar Uses, which conform to the purpose of the Downtown Enterprise District, as determined by the Planning and Zoning Commission in accordance with the provisions of Section 10.02.05 of this Ordinance.

**Section 21.03 Conditional Uses**

- A. Residences in the upper stories of existing buildings provided that each dwelling unit has at least 1,000 square feet of habitable floor area, and further provided that a specific Development Plan

for the project is approved by the Planning and Zoning Commission.

- B. One-family detached dwellings, provided such dwellings meet the development standards of the UR District.
- C. Uses with drive-through facilities, provided a Development Plan is prepared and approved by the Planning and Zoning commission.
- D. Processing, assembly and/or packaging of products or materials, provided such operations are carried out totally within the building, such operations do not produce levels of noise or odors perceptible outside the building, and such use promotes the purpose of the DE District as stated in Section 21.01 above.
- E. Any combination of two or more individual permitted or conditional uses on separate floors of an existing building.

**Section 21.04          Development Standards**

- A. Lot Area

No minimum lot area is required.

- B. Lot Width

No minimum lot width is required.

- C. Setbacks

The distance between any building or structure and the right-of-way line of any public street shall be not greater than that of the most proximate building on the same side of the street. No minimum side yard setback shall be required, unless the building or structure is located adjacent to a district in which single-family residences are a permitted use, in which case the setback shall be twenty-five (25) feet.

- D. Maximum Building Size

Individual uses within the DE District shall have a usable floor area of not more than 5,000 square feet, unless the use is located in an existing building, in which case such restriction shall not apply.

- E. Parking and Loading

Uses involving new structures within the DE District shall be required to provide 20% of the number of parking spaces required in Section XXXIV of this Ordinance, provided at least one (1) parking space is provided for each employee during any one business shift. All such parking shall be provided in the rear

of structures.

F. **Manufactured/Modular Buildings**

The use of manufactured and/or modular buildings for business purposes shall be prohibited.

G. **Property Maintenance**

No owner of a property or structure in the DE District shall by willful neglect, fail to provide sufficient and reasonable care, maintenance and upkeep to such property or structure. For the purposes of this Section, maintenance and upkeep shall include keeping exterior surfaces free from debris, garbage, noxious weeds and/or free from hazardous objects or conditions such as holes, broken concrete, broken glass, and dead or dying trees or vegetation.

H. **Trash and Garbage Control**

All trash and garbage shall be stored in container systems which are located and enclosed so as to effectively screen them from view from the street on which the lot has frontage.

I. **Accessory Structures**

Accessory structures of up to 320 square feet in size must maintain a minimum of ten (10) feet side and rear yard setbacks and ten (10) feet separation between buildings. Buildings larger than 320 square feet must follow the setbacks established above.

Revisions: Ord 02-91, effective 09/06/02

**ARTICLE XXII**

***RESERVED FOR FUTURE USE***

**ARTICLE XXIII  
 (GI) GENERAL INDUSTRIAL DISTRICT  
 (LIC) LIMITED INDUSTRIAL/COMMERCIAL DISTRICT**

**Section 23.01 Purpose**

The GI and LIC Districts are established to provide for a range of industrial as well as other employment-generating activity which may be industrial/commercial in nature. Two (2) separate industrial districts are established.

**A. GI-General Industrial District**

This district provides areas where most industrial and industrial related activities may locate. Non-industrial activities are limited and residential uses are prohibited. The district is primarily intended for areas which are undeveloped, having larger lots and irregular block patterns, but may also be utilized to encourage the adaptive reuse of existing older industrial areas.

**B. LIC-Limited Industrial/Commercial District**

This district provides areas for a wider range of employment opportunities. The district allows for a more restrictive range of industrial activities, but a wider range of office, business and retail uses. This district is particularly intended for areas having high exposure to expressways or other arterial highway.

**Section 23.02 Permitted and Conditional Activities**

Permitted and conditional activities in each district are as shown on the following table. Descriptions and characteristics of activity categories listed are contained in Section 23.03.

<u>Activity</u>	<u>District</u>	
	<u>GI</u>	<u>LIC</u>
<i>Industrial Categories</i>		
• Industrial Product Sales	P	C
• Industrial Service	P	C
• Manufacturing and Production	P	C
• Warehouse and Distribution	P	C
<i>Sales and Service Categories</i>		
• General Office Activities	P	C
• Personal Service	P	C
• Retail Product Sales and Service	N	P
• Vehicle Service	P	P
<i>Other Activities</i>		
• Radio/Television Broadcast Facility	P	C
• Off Premises Signs	P	C
• Class II Group Residential Facility	C	C

P=Permitted Activity C=Conditional Activity N=Not Permitted

## **Section 23.03 Activity Categories For Industrial Districts**

### **23.03.01 Industrial Categories**

#### **A. Industrial Product Sales**

Characteristics. Firms are involved in the sale, rent or lease of products generally intended for industrial or commercial users. Sales may be wholesale or retail. Emphasis is on on-site sales or order taking and may include display areas. Products may be delivered to the customer.

Accessory Activities. Accessory activities may include administrative offices, product repair, and warehouses.

Examples. Industrial Product Sales activities may include; sale of machinery and equipment, special trade tools, electrical supplies, janitorial supplies, restaurant equipment, office furniture and store fixtures, Industrial Product Sales also include industrial equipment and vehicle rentals.

Exceptions. Firms that primarily engage in retail sales to the general public are classified as Retail Product Sales and Service.

#### **B. Industrial Service**

Characteristics. Firms are engaged in the repair or servicing of industrial, business or consumer machinery, equipment or products. Few customers, especially the general public, come to the site.

Accessory Activities. Accessory activities may include administrative offices.

Examples. Industrial Service activities may include welding shops; machines shops/ tool and appliance repair; electric motor repair; truck and large equipment repair, storage and salvage; headquarters for building, heating, plumbing or electrical contractors; printing, publishing and blueprinting; janitorial and building maintenance services; medical, search and testing laboratories; laundry, dry-cleaning and carpet cleaning plants; and photo finishing laboratories.

#### **C. Manufacturing and Production**

Characteristics. Firms are involved in the manufacturing, processing, fabrication, packaging or assembly of goods. Raw, secondary or partially completed materials may be used. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants or to order for firms or consumers. Goods are generally not displayed or sold on-site. Relatively few customers come to the manufacturing site.

Accessory Activities. Accessory activities may include; administrative offices, cafeterias, employee recreational facilities, warehouse, storage yards, outlets, and care takers' quarters. Retail outlet as an accessory to manufacturing plants shall be treated as Retail Products Sales and Service.

Exceptions. Manufacturing of goods to be sold primarily on-site and to the general public are classified in the Retail Product Sales and Service category.

D. Warehouse and Distribution

Characteristics. Firms are involved in the movement, storage and/or sales of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer. The category includes wholesale sales which are not open to the general public and where on-site sales are low.

Accessory Activities. Accessory activities may include: administrative offices, truck fleet parking and maintenance areas, repackaging of goods, and showrooms or display areas, but generally not for direct sale.

Examples. Warehouse and Distribution firms may include: warehouse used by retail stores such as furniture and appliance stores; food and hardware distributors; household moving and general freight storage; distribution of industrial items; building materials, plumbing and electrical distributors; truck terminals; parcel services; major post offices; mail order houses; and public mini-warehouses.

23.03.02 Sales and Service Categories

A. General Office Activities

Characteristics. Firms where activities are conducted in an office setting and generally focus on business or personal services. If the office activity is part of a larger firm, it does not need to be on the same site as the primary activity. Most people coming to the site are employees.

Accessory Activities. Accessory uses may include; cafeterias, health facilities, or other amenities primarily for the use of employees in the firm or building.

Examples. Examples include professional services such as lawyers, accountants, engineers or architects; financial businesses such as brokerage houses, lenders, or realtors; data-processing; sales offices; industrial or commercial company headquarters when not adjacent with other portions of the firm; and government offices.

B. Personal Service

Characteristics. These establishments provide on-site personal services or entertainment to the general public or business person.

Accessory Activities. Accessory uses may include; administrative offices, product sales and laboratories.

Examples. examples include barbers, hair salons and personal care services; banks, saving and loans and credit unions; continuous entertainment activities such as arcades, bowling alley, ice rinks, libraries, and museums; cafes, restaurants, bars and taverns, day care facilities; Laundromats; business and trade schools, dance and martial arts schools; health clubs, gyms, racquet centers, membership clubs, and lodges; medical related offices such as doctors, dentist, optometrists and veterinarians; public service agencies such as employment offices, social service agencies, and permit issuing offices.

C. Retail Product Sales and Service

Characteristics. Firms are involved in the sale, lease or rent of used products or goods to the general public and/or provide on-site product repair or services for consumer and business goods. Goods are displayed and sold on-site, and use or consumption is primarily off-site. Goods are generally taken off-site by the customer at the time of sale or may be delivered by the firm. For items being serviced, customers generally deliver and pick up the items and spend little time at the site.

Accessory Activities. Accessory uses may include: offices, storage and display of goods.

Examples. Examples include: stores selling apparel, housewares, furniture, hardware, auto parts, flowers, personal care items, sporting goods, office products and machines, and computers; food produce or meat markets: delicatessens and caterers; tool rental and household moving centers; sales of cars, motorcycles, boats and recreational vehicles; repair of TVs, appliances, shoes, precision instruments and business machines; laundry or dry cleaning drop off; on-site laundries; photo drop-off; quick printing or reproducing; tailors; locksmiths; upholsterers; and furniture refinishing.

Exceptions.

1. Lumber yards and similar building material sales which sell primarily to contractors and do not have a retail orientation are classified in the Industrial Product Sales Category.
2. Repair and service of consumer vehicles is classified in the Vehicle Service category. Repair of motor vehicles in conjunction with vehicle sales is classified in the Vehicle Service category.

3. Repair and service of industrial vehicles and equipment is classified in the Industrial Service category.

D. Vehicle Services

Characteristics. Firms servicing automobiles, light trucks and other consumer vehicles such as motorcycles, boats and recreational vehicles.

Accessory Activities. Accessory uses may include offices and sales of parts.

Examples. Examples may include gas stations, vehicle repair, auto body shop, alignment shop, auto upholstery shop, tire sales and mounting, towing and vehicle storage: and surface or garage fee parking.

23.03.04 Other Activity Categories

A. Radio or Television Broadcast Facility

Characteristics. Any and all devices, equipment, machinery, structures or supporting elements necessary to produce non-ionizing electromagnetic radiation within the range of frequencies from 100 Khz to 300 Khz and operating as a separate unit to produce a signal or message.

B. Off-Premises Signs

Subject to regulations of Article XXXV of this Ordinance.

Section 23.04 Lot and Yard Requirements

23.04.01 Minimum Lot Area

No minimum lot area is required in the GI or LIC. Districts, however, lot area shall be sufficient to provide for all yards and distances as required by this Ordinance.

23.04.02 Lot Width

All lots shall abut a public or private street and have adequate lot width to provide for yards and distances as required by this Ordinance.

23.04.03 Minimum Front Yard Depth

Forty (40) feet, or the average of the front yard depth of the five (5) nearest commercial structures on the same side of the street.

23.04.04 Side Yards

For any structure or service area within the GI or LIC. Districts, the required side yard shall be not less than twenty-five (25) feet from any interior lot line.

#### 23.04.05 Rear Yards

For any structure or service area within the GI or LIC Districts, the required rear yard shall not be less than twenty-five (25) feet from any interior lot line.

#### 23.04.06 Maximum Lot Coverage

For structures and paved areas within the GI or LIC Districts, the maximum lot coverage shall be 80%. The remainder of the site shall be maintained or landscaped in natural vegetation.

#### 23.04.07 Distance from Residential Districts

- A. For any land annexed to the City after the effective date of this Ordinance which is zoned into the GI District, no structure, service area or parking area shall be located less than 500 feet from any district where residences are a permitted use.
- B. For any land within the City as of the effective date of this Ordinance which is located in the GI District, no structure, service area or parking area shall be located less than 200 feet from any district whose residences are a permitted use.
- C. In no case shall any structure, service area or parking area in any LIC District be located less than 200 feet from any district where residences are a permitted use.
- D. In older developed areas of the City where existing platted lots within one (1) block of the subject property average less than seventy-five (75) feet in width, and industrial or business uses are located in close proximity to existing residences, the provisions of Section 23.04.07 A through C above shall not apply. In such cases, the front, side and rear yards for such industrial and/or business uses shall not be less than the front, side and rear yards as specified for those residences.

### **Section 23.05 Exterior Development**

#### 23.05.01 Exterior Operations

*Exterior Operations* include: outdoor processing, assembly or fabrication of goods; movement of bulk goods not in containers or pipelines; maintenance, repair and salvage of equipment. Exterior operations shall not be permitted in the LIC District, but shall be permitted in the GI District.

#### 23.05.02 Exterior Storage

*Exterior Storage* includes the outdoor storage of: raw or finished goods (packaged or bulk) including gases, chemicals, gravel, building materials; packing materials; salvage goods; machinery; equipment; damaged vehicles, etc. Exterior storage shall be permitted in the GI

District but not permitted in the LIC Districts, unless an acceptable plan for screening such storage is submitted to and approved by the Planning and Zoning Commission.

#### 23.05.03 Accessory Structures

Accessory structures of up to 320 square feet in size must maintain a minimum of ten (10) feet side and rear yard setbacks and ten (10) feet separation between buildings. Buildings larger than 320 square feet must follow the setbacks established above.

#### 23.05.04 Exterior Display

*Exterior Display* includes the display of products, vehicles, equipment and machinery for sale or lease. Display items are intended to be viewed by customers and are not just being stored or parked. Exterior display does not include damaged vehicles, vehicles, or equipment being serviced, bulk goods and materials, or other such products. Exterior display shall not be permitted in the GI District but shall be permitted in the LIC District.

### **Section 23.06 Off-Site Impacts**

No land or structure in the GI or LIC Districts shall be used or occupied in such a manner so as to create any dangerous, injurious, noxious or otherwise objectionable impact on any land which is located in any other zoning district. Such impacts may result from noise, vibration, odor, smoke or dust or glare. Statements in writing that such uses comply or will comply with such uses may be required by the Planning Commission from the owner. In cases of doubt the City shall select and arrange for an independent survey by a professional engineer qualified in that particular field and the costs for such service shall be paid by the applicant.

#### A. Noise

The sound pressure level of any operation on a lot within the GI or LIC Districts shall not exceed the average intensity of street traffic noise in the nearest residential districts, and no sound shall be objectionable due to intermittence, best frequency or shrillness.

#### B. Vibration

No vibrations which are perceptible without the aid of instruments shall be permitted, as measured on the lot within the non-industrial district.

#### C. Odor

No emission of odorous matter in any quantities so as to produce a public nuisance shall be permitted, as measured on the lot within the non-industrial district.

D. Dust and Smoke

The emission of smoke, soot, fly ash, fumes, dust or other types of pollutants borne by the wind shall be controlled so that the rate of emission and quantity deposited do not create a public nuisance, as measured on the lot within the non-industrial district.

E. Glare

Exterior lighting shall be used in a manner that produces no glare on public highways or non-industrial zoned land.

Revisions: Ord 02-91, effective 09/06/02; Ord 05-53, effective 06/03/05; Ord 09-74, effective 07/21/09

**ARTICLE XXIV**

***RESERVED FOR FUTURE USE***

**ARTICLE XXV  
(SU) SPECIAL USE DISTRICT**

**Section 25.01 Purpose**

“Special Use” means facilities listed as main and accessory buildings and/or uses in Section 25.02. The SU District and regulations are established in order to achieve the following purposes:

- A. To regulate the location and standards for development of such facilities so as to ensure their proper functioning in consideration of traffic, access, and general compatibility.
- B. To protect listed facilities and uses from the encroachment of particular incompatible uses and to promote their compatibility with adjoining residential uses.

**Section 25.02 Permitted Uses**

Specific buildings and parcels of land within the SU District shall be utilized only for particular uses set forth in the following schedule:

**MAIN BUILDINGS / USES**

Civic: Art galleries, libraries, museums, places for public assembly; memorials, monuments, fraternal organizations.

Educational: Primary and secondary public, private or parochial schools, nursery schools, Colleges or universities.

Health Care: General and special hospital and clinics, convalescent centers, institutions for care of children or senior citizens.

Religious: Places for public worship with a seating capacity of 1,000 or more persons in the main sanctuary.

Communication Facilities: Radio and television antennas and antenna towers; telecommunication towers.

Recreational: Public and private parks, recreation fields and playgrounds, lakes, golf courses, nature preserves, swimming pools and similar open space facilities, not including such facilities developed for private use by occupants of residential premises.

**ACCESSORY BUILDINGS / USES**

Maintenance facilities. Bulletin boards and signs as hereinafter regulated.

Parking areas, playgrounds, signs.

Parking areas, signs.

Parking areas, signs.

Parking areas, structures directly related to the operation of the facility

Parking areas, clubhouses, administrative and maintenance structures, signs

Outdoor Entertainment: Amphitheatres, stadiums, race tracks, and similar outdoor facilities. Parking areas, maintenance structures, signs.

### Section 25.03 Lot and Area Regulations

The area or parcel of land for a permitted use shall not be less than that required to provide a site adequate for the main and accessory buildings, off-street parking and other accessory buildings, off-street parking and other accessory uses, set backs, yards and open spaces to accommodate the facility and maintain the character of the neighborhood. The specific size of an area or parcel of land required for a special use shall be approved by the Planning and Zoning Commission at the time of zoning, pursuant to Section 25.05.

### Section 25.04 Yard Regulations

#### A. Front Yards

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

#### B. Side and Rear Yards

The yards for each special use building shall be not less than the criteria set forth in the following schedule when adjacent to any district where residences are a permitted use.

MAIN BUILDINGS AND USES	MINIMUM SIDE & REAR YARD (FT)
<u>Civic:</u> Nonassembly buildings	50
Assembly buildings	75
<u>Educational:</u> Public, private and parochial schools	75
<u>Health Care:</u> Buildings	75
<u>Religious:</u> Buildings	75
<u>Communication:</u> Buildings	75
Radio and television antennas	100% of the height of the antenna and antenna tower.
<u>Open Space Recreation:</u> Buildings	75
<u>Outdoor Entertainment:</u>	(to be determined by Planning and Zoning Commission on a case-by-case basis)

C. Driveways, Parking Areas, Play Areas

Driveways and parking areas serving the special use may be located within the side or rear yard set forth in the above schedule but driveways shall be located not less than ten (10) feet and parking areas not less than twenty (20) feet from adjacent lot line, and play areas shall not be located less than fifty feet from any adjacent district where residences are a permitted use.

**Section 25.05 Approval By Planning and Zoning Commission**

In addition to the material required for the application for a zoning amendment, as specified in Section 5.03 of this Ordinance, a Development Plan shall be submitted for land proposed to be zoned into the SU District. Such Development Plan shall include a site plan for the proposed public facility, as well as any other information deemed necessary to determine compliance with this Ordinance.

The Development Plan shall be reviewed by the Planning and Zoning Commission and considered in making its recommendation to City Council. Criteria for reviewing a Development Plan for a Special Use shall include the following:

- A. The proposed building or use shall be located properly in accordance with this Article
- B. The proposed public facility shall be located on a major arterial or collector street as shown on the Thoroughfare Plan, so as to generate a minimum of traffic on local streets. Playgrounds or parks intended for neighborhood use may, however, be located on local streets.
- C. The location, design and operation of the facility shall be so designed to alleviate if possible, or minimize if not possible, adverse impacts on surrounding residential neighborhoods.

**Section 25.06 Action by City Council**

In approving the redistricting of land into the SU District, City Council may specify appropriate conditions and safeguards applying to the specific proposed facility.

**Section 25.07 Compliance with Development Plan**

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

## **ARTICLE XXVI**

### **(FP) FLOOD PLAIN OVERLAY DISTRICT**

#### **Section 26.01 Purpose**

It is the intent of the Flood Plain Overlay District (FP) to regulate the use of floodplains for purposes which could be detrimental to health and welfare for citizens of the City. The FP District is an overlay zoning district. This means that the underlying district standards and requirements shall apply in addition to the Flood Plain Overlay District (FP) regulations and requirements.

#### **Section 26.02 Lands Subject to Flooding**

For the purpose of this Ordinance, "flood plains" are defined as those lands subject to inundation by the 100-year flood. Such areas shall be as identified by the Federal Emergency Management Agency (FEMA) on Flood Insurance Rate Maps 390139 0002 C, dated September 29, 1989, and any amendments or revisions thereto.

#### **Section 26.03 Development Standards**

The standards, requirements and administrative procedures for development of land within the FP District shall be as stated in Chapter 1450 of the *Codified Ordinances of the City of Greenville, Ohio*, as amended, and as specified in the underlying zoning district.

## **ARTICLE XXVII**

### **(PUD) PLANNED UNIT DEVELOPMENT (PUD-R) PLANNED UNIT DEVELOPMENT - RESIDENTIAL**

#### **Section 27.01 Purpose**

The purpose of these regulations is to provide for planned unit development (PUD) within the City of Greenville, in order to achieve:

- A. A greater choice of living environments by allowing a variety of housing and building types and densities within a single development
- B. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more efficiency in the location of accessory commercial uses and services.
- C. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation and prevents the disruption of natural drainage patterns.
- D. A more efficient use of land resulting in substantial savings through shorter utilities and streets.
- E. A development pattern in harmony with land use, density, transportation, and community facilities objectives of the City.

#### **Section 27.02 Districts**

In order to work toward these purposes, two (2) separate planned unit development districts are established:

- A. (PUD) Planned Unit Development

This district provides for areas of mixed use, where a single integrated development contains residential, business and/or community facility uses.

- B. (PUD-R) Planned Unit Development - Residential

This District provides for residential developments containing a mixture of single and multiple family use, at a variety of housing densities.

### **Section 27.03 Definition**

“Planned Unit Development”, or PUD, shall mean an area of land in which a variety of housing types and subordinate commercial facilities are accommodated in a planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The approval of such development contains requirements in addition to those of the standard zoning districts, such as building design principles, and landscaping plans.

### **Section 27.04 Permitted and Conditional Uses**

Permitted uses within the SR, AR, MH-R, NB, LIC and SU Districts may be combined in the PUD District, provided that the proposed location of non-residential uses are compatible with the design of the overall tract, will not adversely impact adjacent property, and that the location of such uses are specified in the preliminary and final development plans. Permitted uses within the SR and AR Districts may be combined in the PUD-R District.

The amount of land devoted to non-residential uses in a planned unit development combining residential and non-residential components shall require approval by the Planning and Zoning Commission.

### **Section 27.05 Project Area**

The gross area of a tract of land proposed to be developed in a single PUD or PUD-R District shall be a minimum of ten (10) acres. This requirement may be waived by the Planning and Zoning Commission if all property abutting the subject tract is platted and/or developed.

### **Section 27.06 Common Open Space**

A minimum of twenty percent (20%) of the gross land area developed in any planned unit development project shall be reserved for common open space and/or recreational facilities. Such common open space shall be:

- A. dedicated to a homeowner's association who shall have title to the land which shall be retained as common open space. The legal articles relating to the organization of the homeowner's association shall be subject to review and approval by the Planning and Zoning Commission and shall provide adequate provisions for the perpetual care and maintenance of all such common areas; or,
- B. dedicated to the City for parks, open space, or the site of schools or other related public facilities. All land so dedicated to the City shall be subject to the review and approval of the Planning and Zoning Commission and the Board of Park commissioners, subject to size, shape and location; or,
- C. some combination of A and B.

Public utility and similar easements and rights-of-way for water courses or other similar channels are not acceptable for common open space dedication unless such land or right-of-way is usable as a bikeway, trail or similar facility and has been approved by the Commission.

#### **Section 27.07 Utilities**

All electrical, telephone, cable television, and similar utility transmission and distribution lines shall be located underground.

#### **Section 27.08 Arrangement of Non-Residential Uses and Parking**

When development in the PUD District includes non-residential uses, buildings shall be planned having common parking areas and common ingress and egress points, in order to reduce traffic congestion and mitigate potential conflict points. Planting screens or fences shall be provided on the perimeter of the such areas where they are adjacent to residential areas. Parking areas shall be designed so as to discourage single, large, unbroken paved lots, and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas should be delineated and accented by landscaped areas.

Service, delivery, and loading areas shall be, to the maximum possible extent, located to the rear of structures, and screened from view by landscaping.

The plan of projects developed in the PUD and/or PUD-R Districts shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping, and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding areas.

#### **Section 27.09 Residential Density**

The City of Greenville is prepared to accept a higher density in undeveloped areas than that reflected by current zoning, provided the developer can utilize planned unit development techniques to demonstrate that any increment of public cost clearly attributable to increased densities will be compensated for by the private amenities and public benefits to be achieved by the plan of development.

The maximum density of the residential portions of the entire planned unit development shall not exceed ten (10) dwelling units per acre. The calculation of such density shall be based on the number of proposed dwelling units divided by the area of the site designated for residential use, excluding streets and common areas.

#### **Section 27.10 Private Roads**

Private roads or streets as a common easement may be used to provide internal circulation to clustered lots and/or individual residential structures in

residential planned unit developments in accordance with the following requirements:

- A. The easement shall not be counted as required open space.
- B. The road or street is approved as part of the subdivision plat as the most appropriate form of access to lots and/or structures
- C. Private roads shall not be used to provide access to non-residential areas or as through streets.

### **Section 27.11 Procedure for Approval of PUD and PUD-R Districts**

Planned unit development projects shall be processed in accordance with the procedures specified in Sections 27.12 through 27.21, as follows:

### **Section 27.12 Pre-Application**

The developer is encouraged to meet with the Zoning Enforcement Officer, City Engineer and Planning and Zoning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purposes of this section and the criteria and standards contained herein, and to familiarize the developer with the planned unit development process, other provisions of this Code, and the drainage, sewer, and water systems within the City.

### **Section 27.13 Contents of Application for Preliminary Development Plan**

An application for preliminary planned unit development shall be filed with the Planning and Zoning Commission by at least one (1) owner of the property for which the planned unit development is proposed. The preliminary plan must cover the entire contiguous ownership of the applicant unless the applicant specifically states in writing that he/she does not intend to develop the withheld portion of the tract for at least five (5) years. At a minimum, the application shall contain the following information and material:

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Description of existing use.
- D. Present and proposed zoning districts
- E. A vicinity map at a suitable scale, showing property lines, streets, existing and proposed zoning for all property adjacent to and within 200 feet from the proposed site.
- F. A list of all property owners within 200 feet from the proposed site, and their address as appearing on the Darke County Auditor's current tax list.
- G. Proposed schedule for the development of the site.
- H. Evidence that the applicant has sufficient control over the land in question to effectuate the proposed development plan.

- I. A Preliminary Development Plan drawn to scale, prepared by a registered architect, registered engineer and/or registered landscape architect. Such plan shall contain the following information at a minimum:
  1. Selected uses by area or specific building location, allocation of land use by type as measured in acres, adjacent existing land use, right-of-way, and relationship to adjacent land use
  2. General location of thoroughfares, including type, as well as location and size measured in number of parking spaces for all off-street parking areas, including curb cuts.
  3. Open space and the intended uses therein and acreage provided
  4. Residential land uses summarized by lot size, dwelling type and density.
  5. Existing and proposed roads, buildings, utilities, permanent facilities, easements, rights-of-way and abutting property boundaries.
  6. Physical features and natural conditions of the site including soils, the location of vegetation and existing tree lines.
  7. Surface drainage and areas subject to flooding.
  8. Preliminary plan for water, sewer, storm drainage and other utility systems.

#### **Section 27.14 Review Procedure**

Twelve (12) copies of the completed application and Preliminary Development Plan shall be submitted to the Secretary of the Planning and Zoning Commission at least twenty-one (21) days prior to the Planning and Zoning Commission's next scheduled meeting. Failure to submit a complete application shall result in a refusal of acceptance. The Secretary of the Planning and Zoning Commission shall transmit the complete application package other parties as the Planning and Zoning Commission deems appropriate, for review and comment.

#### **Section 27.15 Action by Planning and Zoning Commission**

Within seventy-five (75) days after the first regular meeting of the Planning and Zoning Commission after receipt of the application, the Planning and Zoning Commission shall make a recommendation to City Council, following the procedures as cited in Section 5.05 of this Ordinance.

#### **Section 27.16 Criteria for Recommendations by Planning and Zoning Commission**

Before making its recommendation as required in Section 27.15, the Planning and Zoning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

- A. Each individual part of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability; the uses proposed will not impose undue adverse impacts on adjacent uses,

but will have a beneficial effect which could not be achieved under standard district regulations.

- B. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate volumes of traffic which would overload the street network outside the development.
- C. Any proposed commercial development can be justified at the proposed locations
- D. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan.
- E. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- F. The existing public services are adequate for the population densities and uses proposed, and in conformance with capital improvements planned for the area.

In making its recommendation, the Planning and Zoning Commission may seek the assistance and input of outside consultants and/or experts procured for that purpose.

#### **Section 27.17 Action by City Council**

Upon receipt of the recommendation by the Commission, City Council shall review and take action on the application, following the procedures specified in Section 5.06 of this Ordinance. Following approval by City Council, the subject property shall be considered as zoned PUD or PUD-R. The approval of that zoning shall be conditioned on development of the tract being in conformance with the Final Development Plan.

#### **Section 27.18 Final Development Plan**

Not later than twelve (12) months from the approval of the Preliminary Development Plan, the developer shall submit ten (10) copies of the Final Development Plan to the Zoning Enforcement Officer. The Final Development Plan shall be in general conformance with the Preliminary Development Plan. Failure to submit a Final Development Plan within the specified time period shall render the approved Preliminary Development Plan and the rezoning of the property null and void.

#### **Section 27.19 Contents of Application for Approval of Final Development Plan**

An application for approval of the Final Development Plan shall be filed with the Zoning Enforcement Officer at least twenty-one (21) days prior to the

Planning and Zoning Commission's next scheduled meeting, by at least one (1) owner or lessee of property for which the planned unit development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for Final Development Plan. The Final Development Plan shall be prepared by a registered architect or engineer and, at a minimum, shall contain the information and materials as follows:

- A. Survey of the proposed development site, showing the dimensions and bearings of the property lines, areas in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines and land uses.
- B. All the information required in the Preliminary Development Plan; including the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity; and land use considered suitable for adjacent properties.
- C. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres on the proposed project for various uses, the number of housing units proposed by type; estimated residential population by type of housing; estimated nonresidential population, anticipated timing for each unit; and population density and public improvements proposed for each unit of the development whenever the applicant proposes an exception from standard zoning districts or other resolution governing development.
- D. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone and natural gas installations; waste disposal facilities; street improvements and nature and extent of earth work required for traffic circulation and street improvements, and nature and extent of earth work required for site preparation and development.
- E. Site plan, showing building(s), various functional use areas, circulation and their relationship.
- F. Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures where applicable.
- G. Plans for landscaping.
- H. Deed restrictions protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of land, and the improvements thereon, including those areas which are commonly owned and maintained.

**Section 27.20 Action by the Planning and Zoning Commission**

Within sixty (60) days from submittal of the items specified for approval of the Final Development Plan, or such other time as has been agreed to be the Developer, the Planning and Zoning Commission shall approve, or approve with modification, the Final Development Plan. Approval shall mean that it finds that said plan is in conformance with the approved Preliminary Development Plan, and that no significant constraints exist to construction of the project as planned.

### **Section 27.21 Expiration and Extension of Approval Period**

The approval of the Final Development Plan shall be for a period of not to exceed two (2) years. If no construction has begun within two (2) years after approval is granted, the approved development plan shall be null and void, and the land shall revert to the zoning district in which it was located prior to the amendment. An extension of this time limit, for a specific period, may be approved if the Planning and Zoning Commission finds that such extension is necessitated by conditions beyond the control of the applicant.

### **Section 27.22 Platting**

The creation of new parcels under any planned unit development shall be subject to platting under the City of Greenville Subdivision Regulations. Failure to submit an application for platting of a portion of such property no later than twenty-four (24) months from the effective date of the rezoning, shall render the zoning null and void and the property shall revert to its previous zoning classification.

To reduce the length of the review and approval process, a preliminary subdivision plat can be submitted simultaneously with the Development Plan for rezoning to the PUD or PUD-R District. A final subdivision plat cannot be submitted for review until an amendment to the Zoning Ordinance has been approved by City Council and such amendment has become effective.

## ARTICLE XXVIII

### (ARD) ARCHITECTURAL REVIEW DISTRICT (OVERLAY)

#### Section 28.01 Purpose

The City of Greenville contains neighborhoods with rich historic, architectural and/or environmental character. The preservation of these neighborhoods is directly linked to the economic, social, historical and cultural health and well-being of the community. The purpose of the Architectural Review District is to protect and preserve these assets and to prevent intrusions and alterations within the established district(s) which would be incompatible with their established character. It is further the intent of this district to encourage infill development that respects the context of the existing built environment, to promote local design qualities, to stabilize and enhance property values, and to reduce conflicts between new construction and existing development.

The Architectural Review District is an Overlay District. This means that the standards of this Article are requirements which must be met in addition to the established requirements and standards of the base district over which the Architectural Review District is placed.

#### Section 28.02 Definitions

As used in this Article, the following words shall be defined as follows:

- A. "Alteration" means any action to change, modify, reconstruct, remove or demolish any exterior features of an existing structure or site within the Architectural Review District. For the purpose of this item, ordinary maintenance to correct any deterioration, decay or damage to a structure of premises and to restore the structure as nearly as practicable, is excluded from the definition of "alteration", provided such work does not involve a change in type of building materials.
- B. "Architectural Character" means the style, design and general arrangement of the exterior of a building or other structure including the type and texture of the light fixtures, signs and other appurtenant fixtures. In the case of an outdoor advertising sign, "exterior features" means the style, material, size and location of the sign.
- C. "Applicant" means any person, persons, association, organization, partnership, unit of government, public body or corporation who applies for a Certificate of Appropriateness in order to undertake an environmental change within the District.
- D. "Board" means the Architectural Review Board of the City of Greenville.
- E. "Certificate of Appropriateness" means a certificate authorizing any environmental change within the Architectural Review District.
- F. "District" means the Architectural Review District.

- G. "Environmental Change" means the construction, alteration, demolition or removal of any property subject to the provisions of this Article.
- H. "Preserve" or "preservation" means the process, including maintenance, of treating an existing building to arrest or slow future deterioration, stabilize the structure and provide structural safety without changing or adversely affecting the character or appearance of the structure.
- I. "Owner" shall mean the owner of record, and the term shall include the plural as well as the singular.

### **Section 28.03 District Boundaries**

The Architectural Review District shall consist of areas to be identified and designated by City Council under separate ordinance. The designation of such areas shall be made by Council after obtaining a recommendation from Planning and Zoning Commission, and holding a public hearing.

### **Section 28.04 Architectural Review Board**

#### **A. Establishment**

The Architectural Review Board is hereby established consisting of nine (9) members being owners/ residents of the City appointed by Mayor for terms of three (3) years, except that the term for two (2) members of the first Board shall be for one (1) year and the term for another two (2) members of the first Board shall be for two (2) years. At least one (1) member of the Board shall also be a member of the Planning and Zoning Commission, and at least one (1) member of the Board shall also be a member of City Council. One (1) member shall be a representative of Main Street Greenville (ex-officio, no term limits). At least two (2) members of the Board shall be downtown property-owners, and two (2) members shall be downtown business owners of the Architectural Review District. Two (2) members shall be professionals in the field. In appointing members, the Mayor shall make good faith effort to appoint persons with professional training in the fields of architecture, design, historic preservation, planning or related disciplines.

#### **B. Procedures**

The Architectural Review Board (ARB) shall meet once a month. Twenty-four (24) hour prior notice shall be required for a legally called meeting, unless prior notification is unanimously waived by all members of the ARB.

#### **C. Quorum**

Five (5) members of the Board shall constitute a quorum. The concurring vote of four (4) members of the Board shall be

necessary to pass any motion or action.

D. Procedures

The Architectural Review Board shall adopt its own other procedural rules and guidelines.

**Section 28.05 Certificate of Appropriateness Require**

No environmental change shall be made to any property within the Architectural Review District until a Certificate of Appropriateness has been properly applied for, and issued by the Board. No zoning permit, building permit, or certificate of zoning compliance shall be issued by the Zoning Enforcement Officer for any construction, reconstruction, alteration or demolition of any structure now or hereafter in the Architectural Review District or subject to the process as specified in this Ordinance, unless a Certificate of Appropriateness has been authorized by the Board.

**Section 28.06 Procedure for Certificate of Appropriateness**

- A. The application for a Certificate of Appropriateness shall be made on such forms as prescribed by the Zoning Enforcement Officer, along with such plans, drawings, specifications and other materials as may be needed by the Board to make a determination. At a minimum, such information shall include the following:
  - 1. A site plan showing building outlines, dimensions and landscaping.
  - 2. A complete description of the proposed environmental change.
- B. Applications for a Certificate of Appropriateness shall be filed with the Zoning Enforcement Officer at least ten (10) days prior to the meeting of the Architectural Review District Review Board.
- C. The Board shall determine whether the proposed change is appropriate to the preservation of the environmental, architectural or historic character of the Architectural Review District, pursuant to the criteria specified in Sections 30.07 and 30.08 below.
- D. In determining the appropriateness of a specific environmental change, the Board may conduct a public hearing on the project and/or solicit input from consultants to the City.
- E. If no action is taken by the Board within ninety (90) days from the date of application, the Certificate of Appropriateness shall be issued as a matter of law.

**Section 28.07 Criteria of Evaluation of Application for Certification of Design Appropriateness**

In considering the appropriateness of any proposed environmental change, including landscaping or exterior signage, the Architectural Review Board shall consider the following:

- A. The visual and functional components of the building and its site, including but not limited to, building height, massing and proportion, roof shape and slope, landscaping design and plant materials, lighting, vehicular and pedestrian circulation and signage.
- B. The distinguishing original qualities or character of a historic building, structure, site and/or its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural or environment features should be avoided when possible.
- C. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance inconsistent or inappropriate to the original integrity of the building shall be discouraged.
- D. Whereas changes which may have taken place in the course of time are evidence of the history and development of a building structure or site and its environment, if these changes are deemed to have acquired significance, then this significance shall be recognized and respected.
- E. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- F. Significant architectural features which have deteriorated shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or placement of architectural features should be based on accurate duplication of the feature, and if possible, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or availability of different architectural elements from other buildings or structures.
- G. The surface cleaning of masonry structures shall be undertaken with methods designed to minimize damage to historic building materials. Sandblasting and other cleaning methods that will damage the historic building materials should be avoided.
- H. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size scale, color, material and character of the property, neighborhood or environment.
- I. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the original structure would be unimpaired. Additions to the least significant and least visible of historic properties should be given priority over other designs.

## **Section 28.08 Design Criteria**

### **A. Existing Structures and Premises**

Reconstruction or rehabilitation within the Architecture Review District shall conform to the distinguishing, original exterior qualities or character of the structure, its site, and its surrounding environment.

### **B. New Construction**

The design of new structures and of additions to existing structures, including new site improvements, shall take into account the architectural style, general design, arrangement, texture, material and color of other structures and properties within the district.

### **C. Materials**

All new structures and all reconstruction or remodeling of existing structures within the Architectural Review District shall utilize natural traditional exterior materials such as brick, stone, masonry and/or wood. The use of contemporary materials, such as aluminum and other similar metals, fiberglass and plastic for exterior surfaces on architecturally significant structures shall be prohibited unless the use of such materials would contribute to the enhancement of existing traditional materials and the overall integrity and longevity of the structure.

### **E. Color**

Traditional colors and combinations of those colors that are both identified with the origin or the era in which the structure of property was originally built, shall be used for exteriors for all new structures to be built and reconstruction, remodeling and exterior maintenance of existing structures within the Architectural Review District.

### **F. Signs**

All signs within the Architectural Review District shall conform to color and material standards of this Section, be of such size, scale, style and design that reflects the era during which the structure was build. Sign size and shape shall also respond to the existing proportions of period structures, and sign shall not be permitted to cover, "blank-out" or close existing window and doorway openings or otherwise hide important architectural features.

## **Section 28.09 Demolition of Structures**

In cases where an applicant applies for a Certificate of Appropriateness to demolish a structure within the Architectural Review District, the Architectural Review Board shall grant the demolition and issue a Certificate of Appropriateness when at least one of the following conditions exit:

- A. The structure contains no features of architectural and historic significance to the character of the individual precinct within which it

is located.

- B. There exists no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition.
- C. Deterioration has progressed to the point where it is not economically feasible to restore the structure.

#### **Section 28.10 Maintenance**

Nothing in this Article shall be construed to prevent ordinary maintenance or repair of any property within the Architectural Review District, provided such work involves no change in material, design, texture, color or exterior appearance; nor shall anything in this Article be construed to prevent any change, including the construction, reconstruction, alteration or demolition of any feature which in the view of the Zoning Enforcement Officer is required for the public safety because of an unsafe, insecure or dangerous condition.

#### **Section 28.11 Appeals**

Any applicant aggrieved by any decision of the Board may appeal the decision to the City Council. Such appeal shall be taken by the filing of a written statement, setting forth the grounds for the appeal, with the Clerk of City Council within thirty (30) days of the decision of the Board. The City Council may reverse, remand, or modify such decision and shall state the reasons therefore.

#### **Section 28.12 Penalty**

1. Whoever constructs, reconstructs, alters or modifies any exterior architectural or environmental feature now or hereafter within the Architectural Review District in violation of this Article, shall be deemed to be guilty of an unclassified misdemeanor, subject to the penalties specified in Section 4.11 of this Ordinance.

Revision: Ord 07-63, effective 6/15/07;

**ARTICLE XXIX**

***RESERVED FOR FUTURE USE***

**ARTICLE XXX**

***RESERVED FOR FUTURE USE***

**PART FOUR  
ADDITIONAL ZONING REQUIREMENTS**

**ARTICLE XXXI  
GENERAL DEVELOPMENT STANDARDS**

**Section 31.01 Lot Width**

**A. Frontage Required**

No building, structure, or improvement shall be constructed or altered unless its lot fronts on a publicly dedicated and improved street or thoroughfare, or a private street as approved by the Planning and Zoning Commission. If the building, structure or improvement is located on a private street, assurance of the future maintenance of the street shall be required.

**B. Lot Width**

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

**Section 31.02 Front Yards**

**A. Front Yard Requirements**

All front yard space shall be maintained in accordance with the following provisions:

1. Front yards may be landscaped by lawns, shrubbery, trees or other plantings. Such planting(s) shall be maintained in a neat and orderly state.
2. In all districts, driveways may be located in front yards. In districts where single-family residences are not a permitted use, front yard setbacks may also be used for parking areas, consistent with the regulations of Article XXXIV.

**3. Front Yard Measurements**

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

**4. Open Porches**

An open, uncovered porch or paved terrace may not project into the required front yard for distance of greater than fourteen (14) feet.

**5. Architectural Features**

Cornices, canopies, eaves, pilasters, sills or other architectural features may project into a front yard no more than three (3) feet.

6. Corner Lots

Lots fronting on more than one street shall provide the required front yard on both streets. Setbacks for one (1) of the other two (2) sides of the corner lot shall be as required for the rear yard in the district where the lot is located.

**Section 31.03 Side Yards**

A. Measurement

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

B. Open Porches

In a residential district, an open, uncovered porch or paved terrace may project into a required side yard, if a minimum of five (5) feet is maintained to any adjoining lot line.

C. Architectural Features

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

D. Driveways

In a residential district, a driveway may project into a required side yard, if a minimum of three (3) feet is maintained to any adjoining lot line.

**Section 31.04 Rear Yards**

A. Measurement

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

B. Accessory Uses or Structures

Accessory uses or structures may be allowed in a rear yard, subject to requirements of Section 32.01.

C. Open Porches

In a residential district, an open, uncovered porch or paved terrace may project into a required rear yard, if a minimum distance of twenty (20) feet is maintained to any rear lot line.

D. Architectural Features

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

### **Section 31.05 Height**

Height regulations specified in the various zoning districts shall not apply to chimneys, tanks, cupolas, silos, domes, spires or similar structures, provided that the height of any structure or building, including those mentioned above, shall not constitute a hazard to the safe landing or take-off of aircraft from an established airport.

### **Section 31.06 Telecommunications Towers**

Telecommunications towers, as defined in article II of this Ordinance, shall be considered as a conditional use in the GB, GI and LIC. Districts, and as permitted use in the SU District, subject to the following conditions:

- A. The maximum height of the tower shall not exceed 150 feet.
- B. The tower and any stabilization structures or guide wires shall not be located less than twenty-five (25) feet from any side or rear property line.
- C. The tower shall be located not less than 300 feet from any existing residential dwelling.
- D. Security fencing at least six (6) feet in height and affixed with an operable lock shall be provided to prevent uncontrolled access to the tower site.
- E. A landscaping plan shall be submitted and approved by the Planning and Zoning Commission.
- F. The tower shall not be lighted except to assure safety or as required by the FAA.
- G. The applicant or tower provided shall demonstrate that the telecommunication tower must be located where it is proposed in order to service the applicant's service area, that other sites have been considered, and that location at the proposed site is technically necessary.
- H. The applicant shall provide a signed statement indicating that he/she agrees to allow for the potential co-location of other similar facilities on the tower and the removal of the tower within 180 days after the site's use is discontinued.

If a public telecommunications service provider desires to co-locate its facility either on an existing tower or utility structure, the location of such facility in all districts shall be addressed as a permitted use.

Revisions: Ord 09-91, effective 09/06/02

## **ARTICLE XXXII**

### **ADDITIONAL RESIDENTIAL DISTRICT STANDARDS**

#### **Section 32.01 Residential Accessory Building and/or Structures**

“Accessory building or structure” shall mean a structure occupied by a use which is subordinate, secondary, incidental to and customary in connection with the principal building or use and located on the same lot as the principal building or use. Residential accessory structures include detached garages, tool and garden sheds, tennis courts, swimming pools and similar facilities.

Residential accessory structures are subject to the following additional requirements:

- A. Not more than two (2) accessory buildings or structures shall be permitted on a single residential lot, not more than one of which may be a moveable storage building.
- B. Moveable storage buildings shall not exceed twelve (12) feet in height or 160 square feet in area. Any other accessory use or structure shall not exceed fifteen (15) feet in height, unless the subject property is located within the UR or URO District, and specific approval for a higher accessory building is granted by the Planning and Zoning Commission, in order to promote consistency with the architectural character of other structures on the site.
- C. An unattached accessory structure shall be located to the side or rear of the principal structure, within any side or rear yard. Such accessory structure shall be constructed not closer to the side or rear lot line than the side yard requirement of the district where it is located, and must maintain a minimum of ten (10) feet between structures on a residential lot; and not closer than twelve (12) feet to any alley right-of-way. Accessory structures in the PUDR District shall keep a minimum four (4) foot side and rear yard setbacks.
- D. The total area of all detached accessory structures shall not exceed thirty-five percent (35%) of the actual rear yard area, but in no case shall the total area of all accessory structures exceed 800 square feet, except for swimming pools and tennis courts which shall be exempted from these area requirements.

#### **Section 32.02 Private Swimming Pools**

A “private swimming pool” as regulated herein, means any pool or open tank not located within a completely enclosed building and containing water to depth, at any point greater than twenty-four (24) inches. A private spa or hot tub with a lockable cover shall not be considered as a “swimming pool” subject to the provisions of this section. No swimming pool, exclusive of portable swimming pools with an area of less than 100 square feet, shall be allowed in any residential district unless the following conditions and requirements are complied with:

- A. The pool is intended to be used solely for the occupants of the principal use of the property on which it is located.
- B. Such pool, including any walks, paved areas, and appurtenances thereto, shall not be located in any front yard, nor closer than ten (10) feet to any property line or structure.
- C. The surface area of the swimming pool, exclusive of decks, walks and other appurtenances shall not exceed ten percent (10%) of the area of the lot or parcel.
- D. Any private swimming pool, or the property on which the pool is located, shall be enclosed by a wall or fence constructed so as to prevent uncontrolled access. Such wall or fence shall not be less than six (6) feet in height, as measured from ground level at the point most proximate to the edge of the pool, maintained in good condition, and affixed with an operable gate and lock.
- E. All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located and installed so as to confine the direct beams thereof to the lot or parcel on which the pool is located.

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

#### **Section 32.04 Residential Fences and/or Hedges**

"Fence" or "wall" means any structure composed of wood, metal, stone, brick or other material, including hedges or other plants, erected in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. Trellises or other structures for the purpose of supporting vines, flowers or other vegetation, when erected in such a position so as to enclose, partially enclose or divide any premises or any part of premises shall also be considered a fence. A "decorative fence" means a fence that is not suited for the containment of animals or property, in which the opacity of the fence is less than twenty-five percent (25%).

No fence or wall, as defined above, may be erected within the City unless the property owner or this agent files application with the Zoning Administrator. Such application shall include a drawing of the lot, showing the actual location of the proposed fence or wall. The property owner shall determine property lines and certify that the fence or wall does not encroach upon another lot or parcel of land. The granting of a permit to construct a fence in no way shall be considered as the City's authorization that the property lines as shown on the application are correct.

##### **A. Height and Location**

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

1. A decorative fence not exceeding 48 inches (48") in height may be erected within the front yard provided that the fence or hedge is located not less than three (3) feet from the street right-of-way line, and further provided that the provisions of 32.04.A.3 below are met.
2. A fence or wall not exceeding seventy-two inches (72") in height may be erected in any area of the lot behind the front face of any principal structure, however, any residential chain link fence in excess of forty-eight inches (48") in height shall require the specific approval of the Planning and Zoning Commission.
3. No fence, hedge or wall shall be erected on any lot in such manner so as to obscure the vision of motorists approaching the intersection of any street or alley. Twenty-five feet (25') clear sight distance shall be maintained along any street or alley from said intersection.

**B. Prohibited Fences**

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

**Section 32.05 Home Occupations**

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

- A. The use shall be clearly incidental and secondary to residential use of the dwelling and not more than twenty-five percent (25%) of dwelling unit floor area is devoted to the home occupation.
- B. The home occupation shall not generate greater vehicular traffic volume than is normal for a residential neighborhood.
- C. Not more than one (1) person, other than immediate family residing at the premises, shall be employed in such occupation.
- D. External indication of such home occupation shall be limited to one non-illuminated sign, not more than two (2) square foot, attached flat against the principal structure.
- E. No physical good or commodity, other than those incidental to the performance of a service, shall be sold from the premises.
- F. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to normal senses off the lot.
- G. Activities related to the home occupation shall be conducted primarily within the confines of the principal building on the lot. No home

occupation shall be conducted from any accessory building on the lot.

Generally, home occupations shall be regulated not by the specific activity performed, but rather by the presence of external impacts that may affect the residential character of the surrounding area. In particular, a home occupation shall consist primarily of rendering specific personal services. Examples would include a seamstress, member of the clergy, lawyer, engineer, architect, real estate consultant, accountant, artist or private teacher. The home occupation shall be performed by the occupant of the premises.

### **Section 32.06 Group Residential Facilities**

"Group residential facilities" shall be defined and classified in Article II of this Ordinance. A Class I Type B group residential facility, as defined in Article II, is permitted in any zoning district that permits single-family dwellings. A Class I Type A group residential facility, as defined in Article II, shall be considered as a conditional use in the AR, NB and GB Districts, subject to the standards set forth below. A Class II group residential facility, as defined in Article II, shall be treated as a conditional use in the GI and LIC Districts subject to the standards below:

- A. The facility shall obtain all approvals and/or licenses as required by local laws.
- B. The facility shall provide 24-hour supervision by trained and qualified professional personnel.
- C. No exterior alterations of the structure shall be made which would be inconsistent with the character of the structures in the surrounding neighborhood.
- D. The facility shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
- E. Such facilities shall meet all applicable local and/or state building, safety and fire safety requirements for the proposed use and level of occupancy.
- F. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, including a structured procedure whereby neighbor's grievances may be filed and resolved.

### **Section 32.07 Dish-Type Satellite Signal Receiving Antennas**

The owner or occupant of any lot, premises, or parcel of land who desires to erect a satellite dish in excess of thirty-nine inches (39") in diameter shall apply to the Zoning Enforcement Officer for a permit. On such application the owner or occupant shall certify that the requirements of this Ordinance are met. Satellite dish antennas thirty-nine inches (39") in diameter and smaller shall not require a permit for installation, and are exempt from these regulations.

- A. All satellite dishes shall be constructed or erected to the rear of the premises.
- B. No satellite dish shall be erected within twenty (20) feet from any lot

line.

- C. No satellite dish shall be erected on the roof of any residential building or structure.
- D. No satellite dish shall be linked to receivers which are not located on the same lot or premises.
- E. Landscaping should be provided, or the dish shall be located so as to effectively screen the dish from view of adjacent property.

**Section 32.08 Amateur "Ham" Radio Antennas**

Amateur "ham" radio antennas shall be considered as accessory structures in residential districts. No more than two (2) such antennas shall be permitted on any one lot, and such structures shall be subject to the requirements of Section 32.01 above.

Revisions: Ord 02-91, effective 09/06/02; Ord 09-74, effective 07/21/09

## **ARTICLE XXXIII**

### **LANDSCAPE SCREENS AND BUFFERS**

#### **Section 33.01 Purpose**

The purpose of these landscaping requirements is to promote and protect the public health, safety and welfare through the preservation of existing wooded areas by recognizing the vital importance of tree growth in the ecological system. It is further the purpose of this Article to specifically encourage the preservation and replacement of major trees removed in the course of land development, to promote the proper utilization of landscaping as a buffer between particular land uses, and to minimize noise, air and/or visual pollution and artificial light glare.

#### **Section 33.02 Tree Preservation**

When preparing and reviewing subdivision plans and preliminary and final development plans, good faith effort shall be made to preserve natural vegetation areas. Streets, lots, structures and parking areas should be laid out to avoid unnecessary destruction of heavily wooded areas or outstanding tree specimens.

#### **Section 33.03 Landscape Screening**

##### **A. Screening of Uses in Particular Districts**

The development standards for particular districts require the installation of screen or buffer areas of side or rear yards that are adjacent to districts where single family residences are permitted uses. When required by the specific district development standards, such screening shall consist of walls, landscaped earthen mounds, fences, natural vegetation or an acceptable combination of these elements. Such areas shall be a minimum of ten (10) feet wide and contain screening at least seven (7) feet in height. The use of year-round vegetation, such as pines or evergreens, is encouraged. Landscaped screening shall have at least seventy-five percent (75%) opacity during full foliage.

##### **B. Screening of Trash Receptacles**

The development standards for particular zoning districts require the screening of trash receptacles to effectively screen them from view.

C. Maintenance of Shrubbery and Hedges

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

**Section 33.04 Landscape Materials Used as Buffers**

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

- A. Deciduous Trees - Trees which normally shed their leaves in the fall, shall be species having an average mature crown spread of greater than fifteen (15) feet and having trunks which can be maintained with over five (5) feet of clear wood in areas where visibility is required, except at vehicular use intersections where the clear wood requirement shall be eight (8) feet. A minimum of ten (10) feet overall height, or a minimum caliper (trunk diameter as measured six inches above the ground) of at least two (2) inches immediately after planting shall be required. Trees of undesirable species, as cited in 33.04.C below, are prohibited.
- B. In meeting the planting and maintenance requirements of this Ordinance, the following species of trees shall be considered undesirable species, and shall not be utilized.
1. Box-Elder (*Acer negundo*)
  2. Silver Maple (*Acer saccharinum*)
  3. Catalpa (*Catalpa speciosa*)
  4. Mulberry (*Morus alba*)
  5. Poplars and Cottonwoods(all kinds) (*Populus*)
  6. Willows (all kinds) (*Salix*)
  7. Siberian Elm (*Ulmas pumila*)
- C. Evergreen trees - Evergreen trees shall be a minimum of three (3) feet high with a minimum caliper of one (1) inch immediately after planting.
- D. Shrubs and Hedges - Shrubs shall be planted at least two (2) feet in average height when planted and shall conform

to specified requirements within four (4) years after planting.

- E. Grass or Ground Cover - Grass of the fescue (Gramineae) or bluegrass (Poaceae) family shall be planted in species normally grown as permanent lawns, and may be sodded or seeded. In swales or similar areas subject to erosion, nets or suitable mulch shall be used; nurse grass shall be sown for immediate protection until complete coverage otherwise is achieved. In certain cases, ground cover consisting of rocks, pebbles, sand or similar materials may be approved.

**ARTICLE XXXIV**

**OFF-STREET PARKING AND LOADING REQUIREMENTS**

**Section 34.01 Purpose**

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

**Section 34.02 Provision for Parking and Loading Required**

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

**Section 34.03 General Specifications and Requirements**

34.03.01 Area and Dimensions - Parking Spaces

	<u>Minimum Width</u> <u>(Measured in Feet</u> <u>Parallel to Aisle)</u>	<u>Minimum</u> <u>Length</u> <u>(Feet)</u>	<u>Maneuvering Lane</u> <u>Width</u> <u>(Feet)</u>
Parallel Parking	9	23	12
30-53 Degree Angle Parking	13	20	15
54-74 Degree Angle Parking	10	20	20
75-90 Degree Angle Parking	10	20	20

34.03.02 Area and Dimensions - Loading Spaces

Loading spaces shall conform to the following minimum requirements:

<u>Length</u>	<u>Width</u>	<u>Height Clearance</u>
30 Feet	12 Feet	15 Feet

34.03.03 Access

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

34.03.04 Surfacing

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

34.03.05 Lighting

Any lighting used to illuminate any off-street parking or loading area shall be so arranged as to reflect light away from any adjoining premises in any zoning district where residences are a permitted use. In addition, such lighting shall be so arranged as to not interfere with traffic on any adjoining street or to be confused with any traffic control lighting.

34.03.06 Location of Parking and Loading Spaces

34.03.06.01 Proximity to Street Right-of-Way

- A. In the AR, GB, I, LIC and SU Districts, no off-street parking space, or portion thereof, shall be located closer than twenty (20) feet from any established street right-of-way line.
- B. In all other districts, a five (5) foot clear zone shall be maintained between the street right-of-way line, and any vehicle. Parking areas shall be so designed and arranged as to not allow the protruding of any vehicle (or portion thereof) over the clear zone.

34.03.06.02 Proximity to Use

In the DE District, required parking spaces may be located within 300 feet of the use they serve. In all other districts, required parking spaces shall be provided on the same lot as the use they serve.

34.03.06.03 Joint Provision of Parking Facilities

Two or more buildings or uses located in the same area may meet parking and loading requirements by the joint provision of parking and loading facilities, provided the number of spaces so provided shall not be less than the sum of required spaces as per Section 34.05 of this Ordinance. A written agreement between the parties, stating the terms under which the proposed parking shall be developed and maintained, shall be filed with the application for a zoning permit.

#### **Section 34.04 Parking Limitations in Residential Districts**

Travel trailers, motor homes, pick-up campers, folding tent trailers, boats or boat trailers and similar recreational equipment, as well as storage trailers, shall not be parked on streets or alleys in any district where residences are a permitted use, for a period of time exceeding forty-eight (48) hours. The storage of such equipment shall be subject to the following requirements:

- A. Such recreational equipment and/or storage trailers shall not be parked or stored within the street right-of-way.
- B. Not more than two (2) pieces of recreational equipment and/or storage trailers shall be permitted to be stored outside on a parcel containing a single family or two-family dwelling. For the purpose of this Section, a boat stored on a boat trailer shall be deemed one piece of recreational equipment. For multi-family uses, an area shall be designated for storage of recreational equipment and/or storage trailers and shall be limited in area to accommodate no more than one (1) piece of recreational equipment for each fifteen (15) dwelling units.
- C. Not more than one (1) piece of recreational equipment and/or storage trailer, not exceeding twenty feet (20') in overall length may be stored in the front yard of any lot where residences are a permitted use. Such equipment or trailer shall be located in the driveway of the principal residence. Any additional pieces of recreational equipment and/or storage trailers, or any such piece of equipment that exceeds twenty feet (20') in length, shall be parked or stored in the side or rear yard, not less than ten feet (10') from any property line.
- D. Recreational equipment shall not be occupied or used for living, sleeping, housekeeping, storage or business purposes.

#### **Section 34.05 Required Number of Off-Street Parking Spaces**

Parking spaces shall be provided according to the following schedule of uses. If a use consists of more than one component use (e.g., a school with a stadium) the required number of parking spaces shall be the sum of the required spaces for those component uses.

## Section 34.05 Schedule of Required off-Street Parking Spaces

USE	NUMBER OF REQUIRED SPACES
<b>A. Residential</b>	
1. Single or multiple-family residences	Two (2) per dwelling unit (not including garages)
2. Institutional housing, other residential uses	One (1) per three (3) occupants plus two (2) for each main work shift
<b>B. Commercial</b>	
1. Professional, administrative and business.	One (1) for each 400 S.F. of gross floor area.
2. Food, department, general merchandise, hardware, drugs, or other retail sales.	One (1) for each 200 S.F. of gross floor area.
3. Eating or drinking establishments <i>without</i> drive-through facilities.	One (1) for each 100 S.F. of gross floor area.
4. Eating or drinking establishments <i>with</i> drive-through facilities.	One (1) for each 75 S.F. of gross floor area. plus additional space in the drive-through lanes equal to twenty-five percent (25%) of the required number of parking spaces.
5. Personal services, including banks, saving and loans, and repair services <i>without</i> drive through facilities.	One (1) for each 200 S.F. of gross floor area.
6. Personal services, including banks, savings and loans, and repair services <i>with</i> drive-through facilities.	One (1) for each 200 S.F. of gross floor area. plus additional space in drive-through lanes equal to eighty percent (80%) of the required number of parking spaces.
7. Barber and beauty shops.	Two (2) for each work station.
8. Gasoline and service stations, automobile service	Two (2) for each service bay plus one (1) for each pump, plus one (1) for each employee during the main shift.
9. Self-serve laundries.	One (1) for each three (3) washers.
10. Medical and dental offices, clinics	Four (4) for each doctor or dentist.
11. Hotels, bed-and-breakfast establishments	One (1) for each sleeping room plus one (1) for each employee during the main shift.
12. Funeral homes.	One (1) for each 400 S.F. of gross floor area.

**USE****NUMBER OF REQUIRED SPACES****C. Industrial**

1. Any manufacturing, processing, packaging warehousing, distribution or service industry. Two (2) for each three (3) employees during workshift having greatest number of employees, plus one (1) for each vehicle maintained on the premises.

**D. Institutional**

1. Churches and places of public worship. One (1) for each four (4) seats in main sanctuary.
2. Public or private elementary or secondary school. Four (4) for each classroom, or one (1) for each in main auditorium, whichever is greater.
3. Business, trade, or technical school, college or university. One (1) for each two (2) students and one (1) for each faculty member.
4. Nursery school/day care. One (1) for each fifteen (15) students.
5. Libraries, museums, community centers. One for each 400 S.F. of gross floor area.
6. Civic, social and fraternal organizations. One (1) for each three (3) persons allowed in main meeting room at full capacity.
7. Hospitals, nursing facilities. One (1) for each four (4) beds plus one (1) per employee on main shift.

**E. Recreational**

1. Baseball, softball, football, soccer or similar organized sport play field. Twenty (20) for each play field, plus one for each six (6) seats in stands.
2. Tennis, handball or racquetball courts. Three (3) for each court.
3. Bowling alleys. Four (4) per lane, plus necessary spaces as required for auxiliary uses such as restaurants
4. Theaters, stadiums, sports arenas, auditoriums or other assembly halls other than schools. One (1) for each four (4) seats.

## ARTICLE XXXV

### SIGNS

#### Section 35.01 Purpose

The purpose of these regulations is to encourage the proper development of signs and signage systems within the City of Greenville. It is further the intent of these regulations to alleviate sign clutter and to prevent signs from becoming a distraction or an obstruction to the safe flow of pedestrian and vehicular traffic, to prevent signs from adversely impacting adjacent properties or uses, to encourage the development of sign systems that promote a healthful economic and business environment and thereby protect the general health, safety, and welfare of the citizens of the City.

#### Section 35.02 Definitions

As used in this Article, the following words or phrases shall have the meanings herein:

- A. "Sign" means any device for visual communication which is designed, intended, or used to convey a message, advertise, inform or otherwise direct attention to a person, institution, organization, activity, business, place, object or product. Signs that are placed internally within a structure or building that are not externally visible shall not be considered signs for the purposes of this Ordinance and shall be excluded from these sign regulations. Signs erected by the local, state or federal government for the purposes of discharging in any normal governmental function, such as traffic control or safety, are likely excluded from the regulations of this Article.
- B. Other Definitions
  - 1. "Awning" means a hood or cover that projects from the wall of a building.
  - 2. "Banner" means a rigid cloth, plastic or canvas sign typically related to a special event or promotion. For the purposes of this Article, the term "banner" shall not include official flags of public entities, or civic, philanthropic, educational or religious organizations.
  - 3. "Billboard" means an off-premises sign that is more than one-hundred (100) square feet in area.
  - 4. "Canopy" means a structure separate from, but associated by use with the principal building. Such structure is supported independently by posts or columns, is open on all sides, and is intended only for shelter or ornamentation. A "canopy sign" is a sign that is attached to or a part of the roof of such a structure.
  - 5. "Changeable Copy sign" means a sign which, in whole or part, provides for periodic changes in the materials or message composing the sign. This definition includes both electronically and manually changeable signs, reader boards, and/or price signs.
  - 6. "Directional sign" means any sign which indicates the direction or specific location of an institution, organization or business, which does not include advertising or any information regarding product lines or services offered.

7. "Flashing" means a sign or graphic which in any manner, as a whole or in part, physically changes in light intensity or gives the appearance of such change.
8. "Freestanding sign" means a sign which is wholly independent of any building for support.
9. "Joint Identification sign" means a sign intended to provide the identity or name, for two or more uses within one building or on one property or the name of the building or its address for property occupied by two or more businesses.
10. "Marquee" means an awning which has been specially constructed so as to support a sign. "Marquee sign" means a sign that is mounted to or attached to a marquee.
11. "Monument sign" means a particular type of freestanding sign, not more than six (6) feet in height, which is placed on a solid base directly on the ground or is attached or supported by posts or pylons not more than six (6) feet in height.
12. "Moving sign" means any sign, all or any part of which physically moves or is animated so as to give the appearance of movement.
13. "Off-Premises sign" means any sign that identifies or provides information related to a good, service or event that is not located on the property where such sign is located.
14. "On-Premises sign" means any sign that identifies or provides information related to a good, service or event that is located on the property where such sign is located.
15. "Permanent sign" means a sign intended to be erected or used, or in fact which is used for a time period in excess of ninety (90) days.
16. "Portable sign" means a sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and shall include:
  - a. "Trailer sign" means a sign that is constructed on a chassis intended for the mounting of wheels, hereby permitting the sign to be moved.
  - b. "Folding Portable sign" means a sign constructed of wood or other durable material which can be folded or collapsed for ease of transport.
17. "Projecting sign" means a sign which extends outward perpendicular to the building face.
18. "Roof sign" means any sign erected upon or completely over the roof of any building.
19. "Streamer" means a ribbon-shaped or cord-like rope, which may have pennants and/or banners attached, which is stretched or hung between two (2) or more supports.

20. "Temporary sign" means a sign intended to be used, or in fact used, for a time period of forty-five (45) days or less.
21. "Vending machine sign" means a permanent sign installed by the manufacturer on a fuel pump, vending machine, or similar outdoor object.
22. "Wall sign" means a sign attached to a building face, with the exposed face in a plane parallel to the plane of the wall. Wall signs include painted murals, messages, graphic and other designs painted along with any letters or numerals mounted directly on buildings.
23. "Window sign" means a sign, graphic, poster, symbol or other identification which is physically affixed to or painted on the glass or other structural component of the window.

### **Section 35.03 Sign Types**

For the purposes of these regulations, signs are classified according to *structure*, *duration* and/or *function*, as follows:

- A. Structure, including:
  1. Canopy Signs
  2. Freestanding Signs
  3. Marquee Signs
  4. Monument Signs
  5. Portable Signs
  6. Wall Signs
  7. Window Signs
  8. Roof Signs
  9. Projecting Signs
- B. Duration, consisting of:
  1. Permanent Signs
  2. Temporary Signs
- C. Function, including:
  1. Identification Signs
  2. Promotion Signs
  3. Directional Signs

### **Section 35.04 Signs Excluded from Regulations**

The following signs are excluded from the regulations and requirements of this Article:

- A. Signs not exceeding one (1) square foot in area that are customarily associated with residential use and are not of a commercial nature, including address and/or name of occupants of the structure, signs on mailboxes or newspaper tubes, signs posted on property related to private parking and signs warning against trespassing or danger from animals. Signs associated with home occupations shall not be excluded from these regulations.
- B. Signs erected by a governmental entity for a recognized public purpose and duly authorized by any law, statute or ordinance. Such signs include legal

notices and traffic control or safety devices, provided such signs carry no supplementary advertising.

- C. Signs not visible or intended for view beyond the boundaries of the lot or parcel upon which they are located.
- D. Signs which are in the nature of cornerstones, commemorative tables and historic designations, provided such signs are less than nine (9) square feet in size and not illuminated.
- E. Signs clearly in the nature of decorations customarily associated with a national, local or religious holiday. Such signs shall be of any illumination or animation provided that a safety and/or visibility hazard is not clearly created.
- F. Flags or insignias of any governmental entity or religious group when not displayed as an advertising device, or in connection with any commercial promotion, and provided that not more than four (4) such flags or banners are displayed at any one time.

### **Section 35.05 Prohibited Signs**

Signs that are not specifically permitted in this Article shall be considered as prohibited. Without restricting or limiting the generality of the foregoing provisions, the following signs are specifically prohibited:

- A. Trailer Signs
- B. Signs mounted on motor vehicles or semi trailers that are parked in a prominent location so as to function as a sign.
- C. Banners, streamers, pennants and similar air-activated moving signs intended for permanent display.
- D. Moving Signs, as defined in Section 35.02 (b) 12
- E. Flashing or high intensity lights mounted on a sign
- F. Roof signs
- G. Billboards
- H. Any sign that is constructed or located so as to resemble a traffic control device, or is located in such a manner so as to obscure or impact the effectiveness of such traffic control device or signal.

### **Section 35.06 Sign Permits and Administration**

- A. Permit Required

No permanent or temporary sign, except as exempted in Section 35.04 or 35.07 of this Ordinance shall hereafter be erected, constructed or maintained within the City of Greenville unless a permit for the same has been issued by the Zoning Enforcement Officer.

- B. Contents of Application

Application for a permit to construct or erect a sign shall be made by the

owner of the property upon which the sign is proposed, or his agent. The fee shall be established by separate Ordinance.

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

1. Name, address and telephone number of the applicant.
2. Drawings to an appropriate scale, showing at a minimum:
  - a. The design and layout of the proposed sign, including the total area of the sign and the size, height, character, materials and color of letters, lines and symbols. If more than one sign face is proposed, separate information on each face shall be provided.
  - b. The exact location of the sign in relation to the building and property.
  - c. The method of illumination, if any.
3. Details and specifications for the construction, erection and attachment of the sign.
4. Name, address and telephone number of the sign contractor or company.
5. The time period for which the sign is to be displayed, if a temporary sign.
6. Other information as may be required by the Zoning Enforcement Officer to ensure compliance with the provisions of this Ordinance.

C. Action on Sign Permit

The Zoning Enforcement Officer shall issue a sign permit upon submittal of a completed application and payment of applicable fees if he/she determines that the provisions of this Ordinance have been met. The fee for a sign permit shall be doubled if the construction or physical alteration for which the permit is sought was commenced prior to the application for the permit. Permits shall be issued or denied within seven (7) working days from date the application is filed. If the application is denied, the applicant shall be given written notice of such denial, along with the reasons therefore.

D. Appeals

Any decision made by the Zoning Enforcement Officer under the terms of this Article may be appealed to the Planning and Zoning commission in the manner set forth in Article VI of this Ordinance.

**Section 35.07 Signs Which Do Not Require a Permit**

The following signs may be erected without a permit:

- A. Signs or posters concerning candidates for elective office, public issued and similar matters to be decided by public election, to be displayed beginning no more than thirty (30) days prior to election and to be removed no later than one (1) week after such election, subject to penalty. Such signs shall not exceed twelve (12) square feet in area, shall not be illuminated, and shall not be located within a public right-of-way not be affixed to any public utility pole

or street tree. In addition such sign shall not be located in any manner to as to create a safety or visibility hazard. Signs that exceed the standards of this Section shall require sign permit.

- B. Signs that indicate the sale and related signs (mortgage, warranty, etc.), development, rental or lease of a particular structure or land area in residential districts, provided such sign does not exceed six (6) square feet; such signs in non-residential areas shall not exceed sixteen (16) square feet in area. Such signs shall not be located in a public right-of-way. Larger signs require a permit and must follow guidelines for the specific district. Realty "open house" directional signs are limited to four (4) signs total for each property and are limited to a maximum of four (4) consecutive days standing time for each open house. The sale, mortgage, warranty, or other related signs are limited to two such signs per property, with the exception of one temporary "Open House" sign. Such open house announcement sign may be placed on the property for sale from Monday - Sunday, or seven (7) consecutive days. "Sold" signs shall be limited to one per property and permitted for a period of two (2) weeks after closing of the property.
- C. Credit card decals, store hour specifications, "open" or "closed" signs, or similar signs that do not exceed an aggregate area of two (2) square feet.
- D. Temporary window signs which promote special business sales or similar events. No business shall display such signs for more than thirty (30) days per calendar year. The date for each sign is first displayed and the time period for which the sign will be displayed shall be legibly marked on the sign.
- E. Identification signs, which are less than two (2) square feet in size and mounted or attached flat or parallel onto a building face of an administrative, business or professional office building, which denote the name and address of an occupant(s) in a building.
- F. A sign which advertises the sale of personal property, such as a garage, yard, porch or moving sale sign provided such sign, is located on the sale premises for a time period not greater than three (3) consecutive days, and is not to be located in a public right-of-way nor affixed to any public utility pole or street tree. Auction signs shall not exceed sixteen (16) square feet and shall be posted no more than 30 days before the date of the sale and shall be removed immediately following such sale. Such signs shall not be located in such a manner so as to create a safety or visibility hazard.
- G. Temporary construction signs which display the identification of the construction project, including identification of the contractors, architects and other construction principals. Such construction sign shall be limited to one (1) per construction site, shall not exceed sixteen (16) square feet in area and shall be removed upon the completion of construction or the commencement of occupancy, whichever event occurs first. Such signs shall not be located within the public right-of-way.
- H. Not more than one hundred (100) signs promoting community events and programs within the City of Greenville and Greenville Township which are sponsored by nonprofit, public, educational, religious and charitable organizations may be posted for not more than ten (10) consecutive days. All such signs shall be not more than six (6) square feet in area and shall be removed immediately after the scheduled activity. Such sign shall not be located in a public right-of-way. Community event signs that exceed these standards shall meet the requirements of Section 35.08 (E) below.

- I. Folding portable signs, as defined in Section 35.02 (B) 16, provided such sign is utilized only as a temporary sign, and further provided the sidewalk where the sign is located is more than six (6) feet in width. All such signs shall be secured and/or anchored so as to prevent accidental collapse.
- J. Other signs which are determined by the Zoning Enforcement Officer to be similar in nature and intend to those listed in Section 35.07 (A) through (I) above.
- K. One "Changeable Copy Sign" may be on a free-standing sign. Such changeable copy sign may not exceed fifty per cent (50%) of the size of the free-standing sign and is not included in the 50 square foot limit. (Example: Fifty (50) square foot free-standing sign + twenty-five (25) SF changeable copy sign.) An allowable changeable copy sign, erected with a permitted free-standing sign does not require a permit.

**Section 35.08 Temporary Signs**

Temporary signs (as defined in 35.02.B.20), shall be subject to the following general requirements:

- A. The date upon which a temporary sign is first displayed shall be legibly marked on the sign.
- B. Not more than one (1) temporary sign shall be displayed at any one time, and not more than three (3) temporary signs shall be displayed during the course of any one (1) calendar year.
- C. Banners less than twenty (20) square feet in area are permitted as temporary signs provided they are secured at each corner, point and/or end so as to prevent movement. Streamers are prohibited.
- D. Trailer signs as defined in Section 35.02 (B) 16 are prohibited.
- E. Not more than one hundred (100) off-premises signs for community events pursuant to Section 35.07 (H) shall be permitted without obtaining a sign permit. Each additional sign shall require a permit, shall not exceed six (6) square feet in area, and shall be removed immediately after the scheduled activity.

**Section 35.09 General Requirements - Permanent Signs**

Permanent signs shall be subject to the following requirements, as well as the requirements of the SCHEDULE OF SIGN REGULATIONS in Section 35.14.

A. Wall Signs

Wall signs may be erected on any building wall or extension of a building wall which faces a street, parking lot or service drive, and such sign may not extend beyond any building setback line. Wall signs shall be attached parallel to the building face and extend outward perpendicular from the building face a maximum of twelve (12) inches. No portion of any wall sign shall extend above the top of the wall on which it is located.

B. Canopy, Awning, Marquee Signs

Signs may be painted on an awning area or attached to a canopy, marquee

or roof which projects beyond the building provided that no part of such sign may extend above the roof line, canopy or marquee. Identification signs on canopies or awnings indicating only the name of the occupant of the premises shall be exempt from the limitations in Section 35.24 of this Ordinance. Canopy or marquee signs shall be a minimum of eight (8) feet above ground level and no part of such awning, canopy or marquee shall extend over the public right-of-way, except in the DE District.

C. Projecting Signs

Projecting signs may be permitted in particular districts pursuant to the requirements of Section 35.14, provided such sign does not exceed twelve (12) square feet in size, is placed not less than eight (8) feet above the sidewalk or ground level, and projects no more than six (6) feet outward from the building face. No such sign shall project into an any area located less than ten (10) feet from the public right-of-way.

D. Freestanding Signs

The location, height and other characteristics of freestanding signs must meet the regulations of this Article. No portion of any freestanding sign shall be erected less than ten (10) feet from the street right-of-way, nor closer to any side lot line than the actual height of the sign.

E. Window Signs

Permanent window signs shall be limited to signs denoting the identification of the occupant, the address of the premises, and not more than one (1) logo sign for the product or service offered. The total of all window signs shall not exceed thirty-three percent (33%) of the total area of the window.

F. Off-Premises Signs

Off-premises signs as defined in Section 35.02 (B) 13 shall be considered as an accessory use subject to conditional use procedures in the NB, GI, LIC and G.B. Districts. Not more than one (1) off-premises sign with a sign face area not exceeding twenty (20) square feet in permitted on a single lot. Off-premises signs shall conform to all applicable yard and setback restrictions for structures in the zoning district where they are located. No off-premises sign shall exceed ten (10) foot in height as measured from the ground one (1) foot from the base of the sign.

G. Billboards

Billboards, as defined in Section 35.02 (B) 3 are prohibited.

H. General Requirements

1. Illumination

Illuminated signs shall be permitted in all nonresidential districts. Illumination shall be from a concealed or indirect light source and shall not flash, blink, fluctuate in intensity, travel, more or in any manner fail to provide constant illumination. Message boards displaying time and/or temperature shall be exempt from this requirement. In no case shall the illumination of any sign create a hazard or visibility problem or interfere with or impair vehicular traffic. The level of illumination emitted from a sign shall not be of an intensity to constitute a demonstrable safety

hazard to vehicular movement on any street. Illuminated signs shall be constructed and maintained so that the source of illumination is shielded or otherwise prevented from beaming directly onto adjacent properties or streets.

2. Moving Signs

Except for message boards displaying time and temperature, moving signs and the animation of signs are prohibited.

3. Pennants and/or Streamers

No permanent sign shall contain or consist of banners, pennants ribbons, streamers, balloons or similar devises.

4. Construction

All signs and parts thereof, including any electrical wiring, shall be erected, constructed, and maintained so as to not constitute a safety hazard. The construction and installation of all signs shall be subject to inspection by the City and/or the State of Ohio.

5. Location

No part of any sign shall be placed in, over, or extend onto any public right-of-way, except for awning, canopy or projecting signs in the DE District. In no case shall any part of a sign be placed over, or extend above the roof of any structure.

6. Joint Identification Signs

Joint identification signs shall be limited to wall or freestanding signs and to premises where there are two (2) or more uses located on one (1) public street. If the property fronts on one (1) public street, only one (1) joint identification sign is permitted. If the property fronts on two (2) public streets, two (2) joint identification signs shall be permitted. Each joint identification sign shall not exceed 100 square feet and twenty-five (25) feet in height if in the G.B., GI or LIC. District, and no more than forty (40) square feet in area and fifteen (15) feet in height in any other district.

7. Permanent Subdivision Identification Signs

Such signs shall be limited to wall mounted or monument signs only, with placement on wall, railroad ties, entrance columns or similar architectural or landscaping features used to denote the entrance to the subdivision. Such sign shall be not more then five (5) feet in height and shall set back at least twenty-five (25) feet form the right-of-way of both streets.

8. Signs in PUD, PUD-R and SU Districts

Signs in the PUD and PUD-R shall generally meet the requirements for similar uses in residential and NB Districts. Signage in the SU District shall reflect the signage standards for similar uses in other districts. The applicant shall submit a total signage plan for the proposed development as part of the final development plan.

9. Signs in Architectural Review District (ARD)

All signage within Architectural Review Districts established pursuant to Article XXVIII shall require a Certificate of Appropriateness. Although the standards cited in this Article should be considered as general guidelines, the Architectural Review Board may require more stringent standards, in keeping with the criteria in Sections 28.07.08.

### **Section 35.10 Nonconforming Signs**

#### **A. Abandonment**

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

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

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

#### **B. Relocation or Replacement**

A nonconforming sign shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section. Should any replacement or relocation occur without being brought into compliance, the sign shall be existing illegally, and subject to the penalties as specified in Section 35.13 of this Ordinance.

#### **C. Maintenance**

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

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

#### **D. Inspection by the City**

If any existing sign is found, upon inspection by the City, to constitute a hazard to public safety, such sign shall be subject to removal.

### **Section 35.11 Measurement of Signs**

For the purposes of this Ordinance, the measurement of sign area shall comply with the following standards: (See Chart 35.11)

- A. Sign area shall include the face of all the display area of the sign not including bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the design.
- B. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign, unless two (2) display faces join back to back and parallel to each other and not more than twelve inches (12") apart. For spherical signs, the sphere shall be bisected by an imaginary line through the center of the sphere, and the surface area of the half sphere shall be counted as the sign face. For cubical signs, the area of all display faces shall be included in determining the area of the sign.
- C. The area of the letters, numbers or emblems mounted directly on a building, wall or wall extension shall be computed by enclosing the entire word or words formed by such letters, numbers or emblems with the smallest single continuous perimeter consisting of rectangles or series of rectangles, and determining the area within such perimeter.
- D. The height of the sign shall be measured from the elevation of the ground at the point which the base of the sign meets the ground, to the highest point on the sign.
- E. For structures and uses having no direct frontage on public roads, as within shopping centers, frontage shall be counted as the measurement of the building line along adjacent drives or parking areas.

### **Section 35.12 Variances**

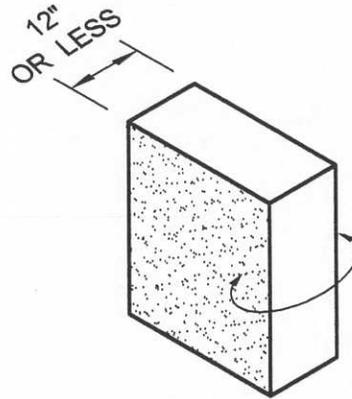
Variances to this Article may be granted pursuant to the procedure and policies set forth in Article V of this Ordinance. Variances for signage pertaining to property in the Architectural Review District (ADD), as designated by Council pursuant to Article XXVII, may be granted by the Architectural District Review Board, utilizing procedures and requirements developed by the Board for that purpose.

### **Section 35.13 Penalties**

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

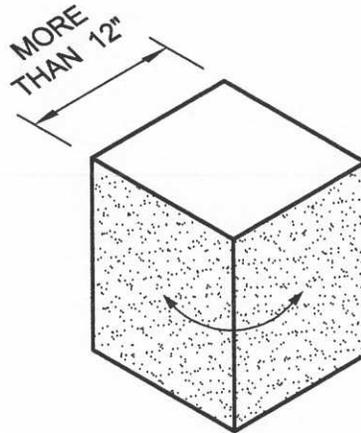
### **Section 35.14 Schedule of Sign Regulations**

Requirements for the number, area and height of permanent off-premises signs are found on Tables I and II, as follow. Tables I and II are hereby made a part of this Ordinance.



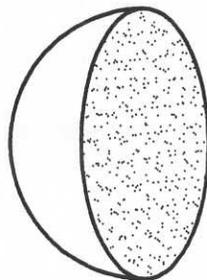
**"BACK-TO-BACK" SIGNS**

Allowable area is for one single face; opposite sign face not counted.



**"CUBE" SIGNS**

Allowable area is total of all sign faces.



**"SPHERICAL" SIGNS**

Allowable area is area of circle as if sign was cut in half.

**SECTION 35.14 / TABLE I  
 PERMITTED NUMBER AND STRUCTURAL TYPE OF SIGNS  
 (PERMANENT ON-PREMISES SIGNS)**

<b>USE / DISTRICT</b>	<b>PERMITTED SIGN TYPES</b>	<b>MAXIMUM NUMBER OF SIGNS</b>
<b><i>Residential</i></b>		
Subdivision Identification Sign	Wall, freestanding (all districts)	2 per entry (4 total)
Conditional Uses in URO District	Wall, freestanding	1 per frontage
Two-and Multi-Family Dwellings in AR District	Wall, freestanding	1 per frontage
<b>Commercial/Office/Institutional</b>		
Schools, churches, hospitals and other institutions in all districts	Wall, freestanding	1 per frontage
Buildings housing Essential Services and similar public facilities	Wall, freestanding	1 per frontage
Permitted / conditional uses in the NB District	Wall, freestanding window, canopy	2 per frontage
Business / professional offices in the DE District	Wall, window, awning	2 per frontage
Other general retail/service/commercial in DE District	Wall, window, awning	2 per frontage
Permitted / conditional uses in in G.B. District	Wall, freestanding, window projecting, awning, canopy	
<b>Industrial</b>		
Permitted uses in the GI and LIC. Districts	Wall, freestanding, window	2 per frontage

#### **NOTES / TABLE I:**

- *For the purposes of calculating the number of permitted signs, "frontage" shall be interpreted as frontage on a publicly dedicated and improved street.*
- *Not more than one (1) sign per business per street frontage in any district shall be a freestanding sign.*
- *Plans for signage in the SU and PUD Districts must be submitted with the required Development Plan: the Planning and Zoning Commission may impose additional requirements.*
- *See Section 32.05 for signage regulations for home occupations.*
- *Buildings or single developments with multiple business occupants sharing a common entrance from the street, i.e., shopping centers, shall be permitted one (1) joint identification sign in addition to signage permitted above. If such sign is a freestanding sign, no individual business, within such center shall use a separate freestanding sign. Such joint identification sign shall meet the requirements of Section 35.09 H 6.*
- *In addition to the signs above, businesses located along arterial highway within the GB, GI and LIC Districts shall be permitted two (2) directional signs of not more than three (3) feet in height, and two (2) square feet in area, subject to the approval of the Planning and Zoning Commission.*

#### **NOTES / TABLE II:**

- *Proposed signs in the SU, PUD and PUDR Districts must be presented as part of the required Development Plan. Some variance from the standards cited above may be granted if deemed appropriate by the Planning and Zoning Commission.*
- *Not more than 50 square feet of total signage area in the GB or LIC Districts shall be on a freestanding sign.*
- *The total permitted sign area for signs in the GB, GI and LIC Districts shall be as shown on TABLE II; however the total area for business / lots in these districts shall not exceed 200 square feet, excluding 50 square feet of free-standing sign.*
- *One "Changeable Copy Sign" may be on the free-standing sign. Such changeable copy sign may not exceed 50% of the size of the free-standing sign and is not included in the 50 square foot limit. (Example: 50 SF free-standing sign + 25 SF changeable copy sign.)*

**SECTION 35.14 / TABLE II  
 AREA OF SIGNS / HEIGHT OF FREESTANDING SIGNS  
 (PERMANENT ON-PREMISES SIGNS)**

<b>USE/ DISTRICT</b>	<b>MAXIMUM SIGN AREA (SQ. FT.) (ALL SIGNS)</b>	<b>MAXIMUM HEIGHT (FT.) (FREESTANDING SIGNS)</b>
<b><i>Residential</i></b>		
Subdivision Identification Sign (all districts)	20 per entry	6
Conditional Uses in URO District	16	6
Two and Multi-Family Dwellings in AR Districts	20	6
<b><i>Commercial/Office/Institutional</i></b>		
Schools, churches, hospitals and other institutions	40	15
Buildings housing Essential Services and similar public facilities	40	10
Permitted / conditional uses in the NB District	40	15
Business / professional offices in the DE District	25	--
General retail/service/commercial in DE District	40	--
Permitted / conditional uses in in GB District	1½ SF per lineal foot of building wall on which sign is located. (+50 SF/Free-Standing)	20
<b><i>Industrial</i></b>		
Permitted uses in the GI and and LIC Districts	1 SF per lineal foot of building wall on which sign is located. (+50 SF/Free-Standing)	25

Revisions: Ord 00-50, effective 06/02/00; Ord 01-17, effective 03/08/01; Ord 02-91,  
 effective 09/06/02; Ord 05-53, effective 06/03/05

## **ARTICLE XXXVI**

### **Big Box Development Review / Large Format Design Guidelines**

#### **Section 36.01 Purpose / Intent**

The purpose of this Article is to promote public health, safety and welfare through the regulation of Big Box development. It is the intent of this Article to regulate businesses, as defined herein, in such a manner as to encourage development that contributes to the City of Greenville as a unique place and reflects the community's physical character while ensuring these developments will not negatively impact their surroundings.

#### **Section 36.02 Definitions**

Big Box / Large Format developments shall include any building with a roof area of 50,000 square feet or more. This includes new or expanded structures. A development plan must be submitted to and approved by the Planning & Zoning Commission.

#### **Section 36.03 Architectural Character**

- A. There shall be no uninterrupted facade in excess of 100'. Interruptions may include recesses, projections, or height differences.
- B. Roof line variations are encouraged to reduce the massiveness of the building scale.
- C. Clearly defined, highly visible customer entrances with distinguishing features, such as canopies, are encouraged.
- D. Facade colors of "low reflectance, subtle, neutral or earth tone colors are preferred. There shall be no use of high intensity or metallic colors or neon tubing as an accent material.
- E. All facades visible from adjoining properties and/or public streets shall contribute to the pleasing scale of features of the building and encourage community integration by featuring characteristics similar to the front facade.
- F. All sides of the principal building that directly face abutting public streets are encouraged to include one public entrance.
- G. Loading docks, trash collection and other outdoor storage and activity areas must be considered in the overall design of the building so as to confine visual and acoustical impacts. No delivery, loading, trash removal or similar operations are permitted between the hours of 10:00 p.m. and 7:00 a.m., except where special design standards are implemented to reduce noise impacts.

#### **Section 36.04 Landscaping**

In addition to those requirements for the General Business District, the following requirements will apply to Big Box / Large Format Developments. Landscaping shall be installed at the base of all building elevations where a principal entrance is located in the following manner:

- A. Landscaped areas may be established along the foundation or as planting islands. Planting islands shall be installed within twenty (20) feet of the building wall.
- B. A minimum of 1.5 square feet of landscape area shall be established for every linear foot of building frontage where landscaping is required.
- C. A minimum of one (1) canopy tree and three (3) shrubs shall be installed for every 100 square feet of required landscape area.
- D. A landscaped buffer zone of no less than 20 feet in width, shall be planted between the

- facility and pavement and all adjacent public streets.
- E. Street trees are required as outlined in the current tree ordinance.

### **Section 36.05 Parking**

Large expanses of unsightly asphalt do not promote human scale and may have a negative impact on the street scape. Therefore, the distribution of parking around, not solely in front of big box/large format development is required.

- A. No more than 50% of the off-street parking area for the entire property shall be located between the front facade of the principle building and the primary abutting street.
- B. The breaking up of parking areas into modules separated by landscaping and other features is encouraged and desired.

### **Section 36.06 Pedestrian and Auto Traffic**

Safety of the citizens is the primary concern of the City. Pedestrian friendly and other designs utilizing alternate means of transportation are encouraged and preferred. Therefore the following pedestrian and auto traffic guidelines shall be enforced.

- A. Internal interconnecting drives between developments to alleviate high traffic on main thoroughfares is required. If there is no development adjacent, dedicated easements must be shown on the recorded plat and installed in a timely manner with development.
- B. Designs which are pedestrian and bicycle friendly are desired. Bicycle racks should be incorporated into the design and located no farther than 100 feet from the main building entrance.
- C. Internal interconnecting sidewalks are encouraged for pedestrian safety.
- D. Cart corals are encouraged within parking areas. Such cart corals, if installed, shall be landscaped on three sides.

Revision: Ord 05-123, effective 01/06/06;

## **ARTICLE XXXVII**

### **ADULT ENTERTAINMENT BUSINESSES**

#### **Section 37.01 Purpose**

The purpose of this Article is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of this Article to regulate businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to schools, churches, residential areas, parks and playgrounds within the City.

#### **Section 37.02 Definitions**

A. "Adult Entertainment Facility" means any establishment which is involved in one or more of the following listed categories.

1. "Adult Book Store" means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, newspaper, pamphlet, poster, print, picture, figure, image, description, other periodicals, films, phonograph records, tapes, discs and cassettes or other analog, magnetic or digital storage media which are distinguished by their emphasis on "specified sexual activities" as defined below.
2. "Adult Motion Picture" means a facility for the display of motion pictures, by means of any projection or playback device utilizing storage media, which is regularly used or utilizes fifteen percent (15%) or more its total viewing time for presenting material distinguished or characterized by an emphasis to "specified sexual activities", sexual excitement or nudity for observation by patrons therein.
3. "Adult Entertainment Business" means any establishment involved in the sale of services or products characterized by the exposure, description or presentation of "specified sexual activities" or sexual excitement, nudity or physical contact with live males or females, and which is characterized by lascivious or salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products within the scope of adult entertainment business include, but are not limited to photography, dancing, reading, massage, and similar conduct which utilize activities or areas as specified above for the purposes of sexual arousal or gratification or for commercial exploitation.

B. "Specified Sexual Activities" means any of the following:

1. Human genitals or female breast in a state of sexual stimulation or arousal.

2. Acts, real or simulated, of human masturbation, vaginal or anal intercourse, cunnilingus, fellatio, bestiality, the insertion of any part of the body or any instrument, apparatus, or any object into the vaginal or anal cavity, or sadomasochistic activity.
  3. Fondling or any touching of an erogenous zone including without limitation the thigh, genitals, pubic regions, buttocks, or female breasts for the purpose of sexual arousal or gratification or for commercial exploitation.
- C. "Sexual excitement" means the condition of human male or female genitals when in a state of sexual excitement or arousal.
- D. "Fine Art Gallery" means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
- E. "Nudity" means the showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than a full, opaque covering, or of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple, or covered male genitals in a discernibly turgid state.
- F. "Visibly displayed" means the material is visible on any sign, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.

### **Section 37.03 Exceptions**

Nothing in this Article shall be construed to pertain to:

- A. The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning for a genuine scientific, educational, sociological, moral or artistic purpose.
- B. The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

## Section 37.04 Location

Adult entertainment facilities shall be considered a conditional use in the LIC District, and shall be subject to the following conditions:

- A. No adult entertainment facility shall be established within 1,500 feet of any residence or district where residences are a permitted use.
- B. No adult entertainment facility shall be established within a radius of 1,500 feet of any day care center, school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is intended for use by persons under 18 years of age.
- C. No adult entertainment facility shall be established within a radius of 1,500 feet of any park or recreational facility intended for use by persons under 18 years of age.
- D. No adult entertainment facility shall be established within a radius of 1,500 feet of any church, synagogue, or permanently established place of religious services.
- E. No adult entertainment facility shall be established within a radius of 1,500 feet of any other adult entertainment facility.
- F. No advertisements, displays or other promotional materials displaying specified sexual activities, sexual excitement or nudity shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public or semi-public areas.
- G. All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street.
- H. No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public area.
- I. No adult entertainment facility shall be established within a radius of 1,500 feet from any office or building owned, rented, leased or otherwise regularly used by a political subdivision or public institution, including any board, commission, agency, institution or authority of a political subdivision or local public institution.

## ARTICLE XXXVIII

### DEVELOPMENT PLAN REVIEW

#### Section 38.01 General

If a proposed development includes land that is zoned for commercial or industrial uses, the proposed development shall be subject to the submittal and approval of a Development Plan by the Planning and Zoning Commission, pursuant to Section 10.02.07 of the Zoning Ordinance. In reviewing such Development Plan, the Planning and Zoning Commission shall have the authority to modify and/or reduce the requirements of this Ordinance when, on the basis of evidence submitted by the Owner/Developer, it is determined that such modification is warranted.

#### Section 38.02 Procedure for Approval of Non-Residential Developments

Non-residential development projects shall be processed in accordance with the procedures specified in Sections 38.01 through 38.11, as follows:

#### Section 38.03 Pre-Application

The developer is encouraged to meet with the Zoning Enforcement Officer, City Engineer and Planning and Zoning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purposes of this section and the criteria and standards contained herein, and to familiarize the developer with the development process, other provisions of this Code, and the drainage, sewer and water systems within the City. If a zoning change is to be requested for this development, a separate Zoning Amendment application is required per Zoning Ordinance Article V.

#### Section 38.04 Contents of Application for Preliminary Development Plan

An application for preliminary development shall be filed with the Planning and Zoning Commission by the owner/developer of the property for which the development is proposed. The preliminary plan must cover the entire contiguous ownership of the applicant unless the applicant specifically states in writing that he/she does not intend to develop the withheld portion of the tract for at least five (5) years. At a minimum, the application shall contain the following information:

- A. Name, address and phone number of applicant.
- B. Name, address and phone number of developer.
- C. Name, address and phone number of registered engineer/architect/ surveyor.
- D. Legal description of property.
- E. Description of existing use.
- F. Current and proposed zoning districts.
- G. A vicinity map at a suitable scale, showing property lines, streets, existing and proposed zoning for all property included in and adjacent to the proposed site.
- H. Proposed schedule for the development of the site.
- I. Evidence that the applicant has sufficient control over the land in question to effectuate the proposed development plan.
- J. A Preliminary Development Plan drawn to scale, prepared by a registered architect, registered engineer and/or registered landscape architect. Such plan shall contain the following information at a minimum:
  1. North arrow, date, and scale.
  2. Selected uses by area or specific building location, allocation of land use by type as measured in acres, adjacent existing land use, right-of-way, and relationship to adjacent land use. Include names of adjacent subdivisions and owners of

3. adjoining parcels or unsubdivided land.
3. General location of thoroughfares, including type, as well as location and size measured in number of parking spaces for all off-street parking areas, including curb cuts.
3. Open space and the intended uses therein and acreage provided
4. Residential land uses summarized by lot size, dwelling type and density.
5. Existing and proposed roads, building, utilities, permanent facilities, easements, rights-of-way and abutting property boundaries.
6. Physical features and natural conditions of the site including soils, the location of vegetation and existing tree lines.
7. Existing contours in intervals of 2 feet to show existing natural drainage; surface drainage and areas subject to flooding.
8. Preliminary plan for water, sewer, storm drainage and other utility systems. Show existing sanitary sewers, storm sewers, water mains, culverts or other underground infrastructure within the site or immediately adjacent properties with pipe sizes, pipe types, grades and locations. Include names, addresses, and phone numbers for utility owners.
9. Other improvements as required by the City Engineer.
10. Preliminary typical section of parking area. Include dimensions of parking spaces and provide total number of handicap and standard spaces.
11. Preliminary cross section of drive approach and utility laterals.
12. Preliminary plan view location, size, pipe type and grades of proposed sanitary sewer, storm sewer and proposed water mains including location of fire hydrants and water valves. Upon request, provide design data, profiles, and drainage calculations.
13. OUPS Reference Number.
14. The location of all survey monuments and their descriptions.
15. The radii, delta angles, tangents and length of curves for all curvilinear streets and radii for rounded corners.
16. Standard General Notes and Design Details per City Specifications.
17. Other items as may be required in the Big Box Development Section, Article XXXVI.
18. Label appropriate setbacks as required by appropriate zoning district.
19. Location, setbacks, and dimensions of proposed signage.
20. Location of trash receptacle and proposed screening.
21. Locate, dimension, and describe landscaping, screens or buffers as required by appropriate zoning district.

### **Section 38.05 Review Procedure**

Twelve (12) copies of the completed application and Preliminary Development Plan shall be submitted to the Secretary of the Planning and Zoning Commission at least thirty (30) days prior to the Planning and Zoning Commission's next scheduled meeting. Failure to submit a complete application shall result in a refusal of acceptance. The Secretary of the Planning and Zoning Commission shall transmit the complete application package to other parties as the Planning and Zoning Commission deems appropriate, for review and comment.

### **Section 38.06 Action by Planning and Zoning Commission**

The Planning and Zoning Commission shall make a determination to approve, approved with conditions or modifications, or deny the request for Preliminary Development Plan within 60 days of the first hearing.

### **Section 38.07 Criteria for Recommendations by Planning and Zoning Commission**

Before making its determination, the Planning and Zoning Commission shall find that the facts submitted with the application and presented at the regular meeting established that:

- A. Each individual part of the development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability; the uses proposed will not impose undue adverse impacts on adjacent uses, but will have a beneficial effect which could not be achieved under standard district regulations.
- B. The streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic, and increased densities will not generate volumes of traffic which would overload the street network outside the development.
- C. Any proposed commercial development can be justified at the proposed locations.
- D. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan.
- E. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.
- F. The existing public services are adequate for the population densities and uses proposed and in conformance with capital improvements planned for the area.

In making its recommendation, the Planning and Zoning Commission may seek the assistance and input of outside consultants and/or experts procured for that purpose.

### **Section 38.08 Final Development Plan**

Not later than twelve (12) months from the approval of the Preliminary Development Plan, the developer shall submit ten (12) copies of the Final Development Plan to the Secretary of the Planning and Zoning Commission. The Final Development Plan shall be in general conformance with the Preliminary Development Plan. Failure to submit a Final Development Plan within the specified time period shall render the approved Preliminary Development Plan and the rezoning of the property null and void.

### **Section 38.09 Contents of Application for Approval of Final Development Plan**

An application for approval of the Final Development Plan shall be filed with the Zoning Enforcement Officer at least twenty-two (22) days prior to the Planning and Zoning Commission's next scheduled meeting, by at least one (1) owner or lessee of property for which the development is proposed. Each application shall be signed by the owner or lessee, attesting to the truth and exactness of all information supplied on the application for Final Development Plan. The Final Development Plan shall be prepared by a registered architect or engineer and, at a minimum, shall include the information and materials as follows:

- A. Survey of the proposed development site, showing the dimensions and bearings of the property lines, areas in acres, topography, existing features of the development site, including major wooded areas, structures, streets, easements, utility lines and land uses. Include Surveyor's name and contact information.
- B. All the information required in the Preliminary Development Plan including the location and sizes of lots, non-residential building intensity and land use considered suitable for adjacent properties.
- C. A schedule for the development of units to be constructed in progression and a description of the design principles for buildings and streetscapes; tabulation of the number of acres on the proposed project for various uses; estimated nonresidential population, anticipated timing for each unit; and population density and public improvements proposed for each unit of the development whenever the applicant

- proposes an exception from standard zoning districts or other resolution governing development.
- D. Engineering feasibility studies and plans showing, as necessary, water, sewer, drainage, electricity, telephone and natural gas installations; geotechnical report, drainage report, traffic studies, waste disposal facilities; street improvements and nature and extent of earth work required for traffic circulation and street improvements, and nature and extent of earth work required for site preparation and development.
  - E. Completely detailed plans for the construction of all improvements contemplated by the approval of the preliminary development plan to completely improve all of the land included in the final plan.
  - F. Plan and profile of all sanitary sewers, storm sewers, and water mains.
  - G. Design data for sanitary sewers, storm sewers/detention, and water mains.
  - H. Vertical and horizontal control data.
  - I. Site grading plan showing existing and proposed contours referenced to City datum with intervals of 2 feet needed to show proposed drainage upon completion of construction.
  - J. Cross sections of drive approaches, utility laterals and any other unique features.
  - K. Site plan, showing building(s), various functional use areas, circulation and their relationship.
  - L. Architectural renderings and accompanying narrative to discuss in detail the design treatment of all buildings and structures where applicable.
  - M. Plans for landscaping.
  - N. Deed restrictions protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of land, and the improvements thereon, including those areas which are commonly owned and maintained.
  - O. Other items as may be required in the Big Box Development Section.
  - P. All detailed construction plans shall be reviewed by the City Engineer to determine the compliance of plans with the laws of the State, the ordinances of the City, and good engineering practices. Only the signature of the City Engineer on such plans shall indicate the general conformance with such regulations.
  - Q. Final Record Drawing shall be filed with the City Engineer upon completion of the development.

#### **Section 38.10 Action by the Planning and Zoning Commission**

Within sixty (60) days from submittal of the items specified for approval of the Final Development Plan, or such other time as has been agreed to be the Developer, the Planning and Zoning Commission shall approve, or approve with modification, the Final Development Plan. Approval shall mean that it finds that said plan is in conformance with the approved Preliminary Development Plan, and that no significant constraints exist to construction of the project as planned.

#### **Section 38.11 Expiration and Extension of Approval Period**

The approval of the Final Development Plan shall be for a period of not to exceed two (2) years. If no construction has begun within two (2) years after approval is granted, the approved development plan shall be null and void, and the land shall revert to the zoning district in which it was located prior to the amendment, if any. An extension of this time limit, for a specific period, may be approved if the Planning and Zoning Commission finds that such extension is necessitated by conditions beyond the control of the applicant.