

**CODIFIED ORDINANCES OF FAYETTE**  
**PART ELEVEN - PLANNING AND ZONING CODE**

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**CHAPTER 1101**  
**Administration, Purpose and Scope**

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|----------------|------------------------------------|----------------|---|
| <b>1101.01</b> | <b>Applicability.</b>              | <b>1101.05</b> | <b>Planning Commission to be</b>        |
| <b>1101.02</b> | <b>Interpretation and purpose.</b> |                | <b>platting authority.</b>              |
| <b>1101.03</b> | <b>Scope.</b>                      | <b>1101.06</b> | <b>Variances.</b>                       |
| <b>1101.04</b> | <b>Compliance with regulations</b> | <b>1101.07</b> | <b>Minor subdivisions (lot splits).</b> |
|                | <b>required.</b>                   |                |   |

**CROSS REFERENCES**

- Construction and interpretation - see ADM. Ch. 101  
 Planning Commission to be Platting Commission - see Ohio R.C.  
 713.03
- 

**1101.01 APPLICABILITY.**

The following provisions as provided shall govern the subdivision of land within the corporate limits of the Village.  
 (Ord. 2002-03.)

**1101.02 INTERPRETATION AND PURPOSE.**

In their interpretation and application, the provisions of these Subdivision Regulations shall be held to be the minimum requirements adopted for the protection of the public health, safety and welfare. To protect the public, among other purposes, such provisions are intended to provide for permanently wholesome community environment, adequate Village services and safe streets. (Ord. 2002-03.)

**1101.03 SCOPE.**

These Subdivision Regulations shall not apply to any lot or lots forming a part of an improved subdivision created and recorded prior to the effective date of this section. Nor is it intended by these Subdivision Regulations to repeal, abrogate, annul or in any way impair or interfere with existing provisions or with private restrictions placed upon property by deed, covenant or other private agreement, or with restrictive covenants running with the land to which the Village is a party. Where these Subdivision Regulations impose a greater restriction upon land than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of these Subdivision Regulations shall control. (Ord. 2002-03.)

**1101.04 COMPLIANCE WITH REGULATIONS REQUIRED.**

(a) Except as provided in paragraph (b) no person shall subdivide or lay out into lots any land within the Village unless it is by a plat complying with the regulations herein contained and no plat shall be recorded and no lot or land shall be sold from any such plat until the plat has been approved as herein required.

(b) Notwithstanding any provisions of Chapters 1101 to 1109, inclusive, a proposed division of a parcel of land along an existing public street, not involving the opening, widening or extension of any street or road, and involving no more than five lots after the original tract has been completely subdivided, may be submitted to Planning Commission through its designated representative, for approval without plat. If the designated representative is satisfied that the proposed subdivision is not contrary to applicable platting, subdividing, or zoning regulations, he or she shall within seven working days after submission approve the proposed division, and, on presentation of a conveyance of the parcel, shall stamp the same "Approved By Planning Commission; No Plat Required" and have it signed by a clerk, secretary, or other official of the department as may be designated.

(c) No application for approval of subdivision, plat or lot split which involves property abutting a public road or highway wherein the proposed subdivision, plat or lot split will deny other land owned by the applicant a minimum of sixty (60) feet of access to said abutting public road or highway shall be approved. (Ord. 2002-03.)

**1101.05 PLANNING COMMISSION TO BE PLATTING AUTHORITY.**

The Planning Commission is hereby designated as the platting authority for the Village and is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions and is hereby authorized to approve, conditionally approve or disapprove maps of subdivisions prepared and filed in accordance with provisions of these Subdivision Regulations. (Ord. 2002-03.)

**1101.06 VARIANCES.**

(a) Whenever the tract to be subdivided is of such unusual size or shape, or is surrounded by such development or unusual conditions that the strict application of the requirements of these Subdivision Regulations would result in real difficulties, substantial hardship or injustice, such requirements may be varied or modified so that the subdivider may subdivide his property in a reasonable manner, but at the same time the public welfare and interest of the Village and the surrounding area are thoroughly protected and the general intent and spirit of these regulations are enforced.

(b) The requirements of these regulations may also be modified and varied whenever a plat is for a complete community or neighborhood, but any such variance shall insure that adequate public spaces, circulation, recreation, light and air will be provided and the needs of the entire community where fully developed and occupied will be fully met.  
(Ord. 2002-03.)

**1101.07 MINOR SUBDIVISIONS (LOT SPLITS).**

Approval without a plat of a minor subdivision may be granted by the Village Planning Commission, if the proposed division of a parcel of land meets all of the following conditions:

- (a) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road;
- (b) No more than five (5) lots are involved after the original parcel has been completely subdivided;
- (c) The proposed subdivision is not contrary to applicable Subdivision or Zoning Regulations; and
- (d) The property has been surveyed and a sketch and legal description of the property is submitted with the application.

If approval is given under these provisions, the Village Planning Commission shall, within seven (7) working days after submission approve such proposed division and, upon presentation of a conveyance for said parcel, shall stamp "Approval by the Village of Fayette: no plat required." The authorized representatives of the Commission shall sign the conveyance.  
(Ord. 2002-03.)



## CHAPTER 1103 Definitions

### 1103.01 Definitions.

#### CROSS REFERENCES

General definitions - see ADM. 101.02

Zoning definitions - see P. & Z. Ch. 1117

Plat and subdivision defined - see Ohio R.C. 711.001

### **1103.01 DEFINITIONS.**

As used in these Subdivision Regulations:

- (a) "Block" means a piece or parcel of land entirely surrounded by public highways, streets, streams, railroad rights of way or parks, etc., or a combination thereof.
- (b) "Clerk" means the Fiscal Officer of the Village.
- (c) "Council" means the Council of the Village.
- (d) "County" means Fulton County, Ohio.
- (e) "Engineer" means Village Engineer or Consultant Engineer of the Village.
- (f) "Final Plat" means the final map, drawing or chart on which the subdivider's plan of subdivision is presented to the Planning Commission for approval, and which, if approved, will be submitted to the Recorder of Fulton County.
- (g) "Law Director" means the Solicitor or legal advisor of the Village.
- (h) "Lot" means a parcel of land intended for transfer of ownership or building development, having its full frontage on a public street.
- (i) "Master Plan" means a comprehensive plan prepared by the Planning Commission which indicates the general locations recommended for the various functional classes of public works, places and structures, and for the general physical development of the Village and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
- (j) "Official Map" means the map established by the Planning Commission showing the streets, highways, and parks theretofore laid out, adopted and established by law and any amendments adopted thereto by the Planning Commission or additions thereto resulting from the approval of subdivision plats by the Planning Commission and the subsequent filing of such approved plats.
- (k) "Official Thoroughfare Plan" means a plan designating a system of principal or major streets for traffic intercommunication.
- (l) "Owner" means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under these Subdivision Regulations.
- (m) "Planning Commission" or "Commission" means the Planning Commission of the Village.

- (n) "Preliminary Plan (Plat)" means the preliminary map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Commission for its consideration.
- (o) "Streets and Alleys" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, land, place or however, otherwise designed.
  - (1) "Alley" means a minor way which is used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
  - (2) "Arterial street" or "major thoroughfare" or "major street" means a principal or heavy traffic street of considerable continuity and used primarily as a traffic artery.
  - (3) "Collector street" means a street which carries traffic from minor streets to arterial or major streets, including the principal entrance streets of a residential development and streets for circulation within such development.
  - (4) "Cul-de-sac" or "Dead-end street" means a minor street with only one outlet.
  - (5) "Marginal access street" means a minor street which is parallel and adjacent to arterial streets and which provides access to abutting properties and protection from through traffic.
  - (6) "Minor street" means a street used primarily for access to the abutting properties.
  - (7) "Street width" means the shortest distance between the lines delineating the right of way of a street.
- (p) "Subdivider" means any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under these Subdivision Regulations, to effect a subdivision of land hereunder for himself or for another.
- (q) "Subdivision" means the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into two or more parcels, sites, or lots, any one of which is less than five acres for the purpose, whether immediate or future, of transfer of ownership, provided, however, that the division or partition of land into parcels of more than five acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners, where such sale or exchange of parcels between adjoining lot owners does not create additional building sites, shall be exempted.
- (r) "Village" means the Village of Fayette, Fulton County, Ohio.  
(Ord. 2002-03.)



## CHAPTER 1105 Procedures for Plat Approval

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| <b>1105.01</b> Submission and approval of preliminary plan.<br><b>1105.02</b> Contents of preliminary plat. | <b>1105.03</b> Approval of final plat. |
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### CROSS REFERENCES

Plat and contents - see Ohio R.C. 711.01 et seq.

Plat acknowledgment and recording - see Ohio R.C. 711.06

### **1105.01 SUBMISSION AND APPROVAL OF PRELIMINARY PLAN.**

(a) Pre-Application Meeting Required. The subdivider shall meet with the Village Planning Commission or its designated representative prior to submitting the preliminary plat. The purpose of this meeting is to discuss early and informally the purpose and effect of these regulations and the criteria and standards contained therein; and to familiarize the developer with the Comprehensive Plan, the zoning resolution and the drainage, sewerage and water systems for the Village of Fayette, Ohio.

(b) Filing. The subdivider shall prepare and file application for preliminary approval with the Commission, and as many copies of the preliminary plan as may be required by the Commission according to the standards and the provisions of these regulations. The preliminary plan shall be considered officially filed after it is examined by the Engineer for the Commission and is found to be in full compliance with the formal provisions of these regulations.

(c) Approval. The Engineer shall forward copies of the preliminary plan to such officials and agencies as may be directed by the Planning Commission for study and recommendation. After receipt of reports from such officials and agencies, the Commission shall determine whether the preliminary map shall be approved, approved with modifications or disapproved. Notice of such action shall be supplied to the subdivider.

The Commission shall act on the preliminary plan within ninety days after filing, unless such time is extended by agreement with the subdivider or his agent.

When a preliminary plan has been approved by the Commission, the chairman of the Commission shall affix his signature to the plat and attach thereto a notation that it has received preliminary approval and return it to the subdivider for compliance with final approval requirements. Approval of the preliminary plat by the Commission shall not constitute final acceptance of the subdivision by the Commission.

Preliminary approval shall confer upon the subdivider the assurance for a one year period from the date of approval that the general terms and conditions under which the preliminary approval was granted will not be changed.

(Ord. 2002-03.)

**1105.02 CONTENTS OF PRELIMINARY PLAT.**

(a) Form. The preliminary plat shall be clearly and legibly drawn. The size of the map shall not be less than twelve inches by eighteen inches. The map of a subdivision shall be drawn at a scale of one inch equals 100 feet or less, unless otherwise required by the Planning Commission.

(b) Contents. The preliminary plat shall contain the following information:

- (1) Proposed name of the subdivision. The name shall not duplicate, be the same in spelling or alike in pronunciation, with any other recorded subdivision.
- (2) Location by section, town, range, township, county and State.
- (3) Names and addresses of the subdivider, owner and surveyor.
- (4) Scale of the plan, north point and date.
- (5) Boundaries of the subdivision indicated by a heavy line and the approximate acreage.
- (6) Location, widths and names of existing or platted streets, railroad rights of way, easements, parks, permanent buildings, section and corporation lines.
- (7) Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land.
- (8) Zoning Districts.
- (9) Existing contours with intervals of not more than five feet where the slope is greater than ten percent and not more than two feet where the slope is less than ten percent. Elevations are to be based on sea level datum.
- (10) Drainage channels, wooded areas, power transmission poles and lines, and any other significant items should be shown.
- (11) Vicinity sketch.

(c) Other Required Information.

- (1) There shall also be submitted a statement of the proposed use of lots, stating the type of residential buildings with the number of proposed dwelling units and the type of business or industry so as to reveal the effect of the development on traffic and fire hazards.
- (2) Proposed covenants and restrictions.
- (3) Source of water supply.
- (4) Provisions for sewage disposal, drainage and flood control.
- (5) If any zoning changes are contemplated, the proposed zoning plan for the areas; including dimensions, shall be included.

(d) Improvement or Bond. No final or official plat of any subdivision shall be approved until:

- (1) The improvements listed in Section 1107.11 have been completed.
- (2) The subdivider has filed with the Clerk a surety bond, or a cashier's or certified check approved by the Planning Commission and the Solicitor guaranteeing to the Village the completion of such improvements in a satisfactory manner within such time, not to exceed two years, as may be fixed by the Commission. The bond or checks shall be approved by the Solicitor and shall be made payable to, and enforceable by, the Village of Fayette, Ohio.

- (3) However, upon application of the subdivider, the Planning Commission may waive the compliance with subsection (d)(1) and (2) hereof upon the following conditions:
  - A. No lot or land abutting the unopened or unimproved street shall be sold and/or conveyed until conformity with subsection (d)(1) and (2) hereof. However, with the consent of the Planning Commission, all of such abutting lots or land may be sold and/or conveyed as one unit; and
  - B. No building permit shall be issued or buildings constructed on lots or land abutting an unopened and unimproved street until the conditions set forth in subsection (d)(1) and (2) hereof have been complied with.

(e) Public Hearing. The Village Planning Commission on its own initiative or upon petition by a citizen or neighboring property owner may, prior to acting on a preliminary plat of a subdivision, hold a public hearing thereof at such time and upon such notice as the Commission may designate. (Ord. 2002-03.)

#### **1105.03 APPROVAL OF FINAL PLAT.**

(a) General. The final plat will have incorporated all changes or modifications required by the Planning Commission, otherwise it shall conform to the preliminary plat, and it may constitute only that portion of the approved preliminary plat which the subdivider proposes to record and develop at the time, provided that such portion conforms with all requirements of these Subdivision Regulations.

(b) Preparation. The final plat shall be prepared by a registered engineer or surveyor.

(c) Filing. The final plat shall be considered officially filed after it is examined by the Engineer and is found to be in full compliance with the formal provisions of these regulations. The final plan shall be filed at least ten working days prior to the meeting at which it is to be considered.

(d) Approval.

- (1) After receiving notice of the action of the Planning Commission approving the preliminary plan, the subdivider may proceed to file:
  - A. Copies of the final plat as may be required by the Commission.
  - B. A written application for final approval.
  - C. Cross-sections and profiles of streets and all other construction drawings related to the improvements to be constructed in the subdivision.
- (2) The Commission shall, within five days after the filing of the final plan, transmit copies of the plan to such officials and agencies as may be properly concerned with the proposed subdivision. The cross-sections and all other construction drawings for subdivisions located outside the corporation limits of the Village shall also be forwarded to the County Planning Commission.
- (3) After receiving a report from each of the aforementioned officials, the Commission shall notify the subdivider of any recommended changes or suggestions so that the subdivider may correct the final tracing and submit same for final approval.

- (4) The final tracing shall be submitted at least ten working days prior to the meeting at which the plan is to be considered by the Commission.
- (5) The Commission shall take action on the final plan in the form of a tracing within thirty days after same has been officially filed; otherwise, the plat shall be deemed to have been approved. The certificate of the Commission as to the date of the submission of the plat for approval, and the failure to take action within such time, shall be sufficient in lieu of the written endorsement or evidence of approval herein required. If disapproved, the grounds for disapproval of the final plan shall be stated on the record of the Commission, including the reference to the regulation violated by the plan.
- (6) The subdivider shall be notified of the final action of the Commission, and the subdivider shall record the final plan in the office of the Recorder of Fulton County, Ohio, within sixty days after the date of approval, otherwise, the plan shall be considered void. The subdivider shall, immediately upon recording, furnish the Commission with mylars and photostats of the recorded plat as may be required.

(e) Form. The final plat shall be clearly and legibly drawn in ink or mylar. The size of the map shall be not less than twelve inches by eighteen inches. The map of a subdivision shall be drawn at a scale of one inch equals 100 feet or less, unless otherwise required by the Commission.

(f) Map Contents. The final plan shall contain the following information:

- (1) Name of the subdivision, location by section, town, range, township, county, State; and the scale, date and north point.
- (2) All plat boundaries with length of courses in feet and hundredths and bearings to half minutes. When required by the Village Engineer, all calculations and field notes shall be submitted.
- (3) Bearings and distances to the nearest established street lines, section corners or other recognized permanent monuments, which shall be accurately described on the plat.
- (4) Village, township, county or section lines accurately tied to the lines of the subdivision by distances and bearings.
- (5) Names of streets within the adjoining plat.
- (6) Length of all acres, chord bearings, radii, internal angles, points of curvature and tangent bearings.
- (7) All easements for rights of way providing for public services or utilities and any limitations of such easements.
- (8) All lot numbers and lines, with accurate dimensions in feet and hundredths, and with bearings or angles to street and alley or crosswalk way lines.
- (9) Accurate location of all monuments.
- (10) Accurate outlines of any areas to be dedicated or temporarily reserved for public use with the purpose indicated thereon.
- (11) Building setback lines, with dimensions.

When lots are located on a curve or when side lot line lines are at angles other than ninety degrees, the width at the building line shall be shown.

- (g) Other Required Information.
- (1) Protective covenants shall be noted on the plat.
  - (2) If a zoning change is involved, certification from the Clerk shall be required indicating that the change has been approved and is in effect.
  - (3) Certification by a registered surveyor to the effect that the plan represents a survey made by him, and that all monuments shown thereon actually exist and that their location is correctly shown.
  - (4) An acknowledgment by the owner(s) of his or their adoption of the plat, and dedication of streets and other public areas.  
(Ord. 2002-03.)



**CHAPTER 1107**  
**Design Standards and Improvements**

<b>1107.01</b>	<b>Water and sanitary sewer improvements.</b>	<b>1107.06</b>	<b>Blocks.</b>
<b>1107.02</b>	<b>Street design.</b>	<b>1107.07</b>	<b>Lots.</b>
<b>1107.03</b>	<b>Street and alley width.</b>	<b>1107.08</b>	<b>Building lines.</b>
<b>1107.04</b>	<b>Street grades.</b>	<b>1107.09</b>	<b>Street lighting.</b>
<b>1107.05</b>	<b>Easements.</b>	<b>1107.10</b>	<b>Easement along streams.</b>
		<b>1107.11</b>	<b>Required improvements.</b>

**CROSS REFERENCES**

Construction of improvements - see Ohio R.C. 711.101  
Public sewers use - see S.U. & P.S. 925.03

**1107.01 WATER AND SANITARY SEWER IMPROVEMENTS.**

(a) Water Supply Improvements. The following requirement shall govern water supply improvements:

- (1) Where a public water supply is reasonably accessible or required because of pollution problems, in the determination of the Village Planning Commission, the subdivision shall be provided with a complete water distribution system, including a connection for each lot and appropriately spaced fire hydrants. Public water distribution and public well systems shall meet the requirements of the Ohio Department of Health. The Village Engineer will review all public waterline proposals and determine all tap-ins and fees.
- (2) Where public water supply is not available or not required, the subdivider shall supply acceptable evidence of the availability of water. The subdivider may be required to drill one (1) or more test wells in the area to be platted. Copies of well logs which are obtained shall include the name and address of the well driller and shall be submitted with the plat to the Village Planning Commission.

(b) Sanitary Sewer Improvements. The following requirements shall govern sanitary sewer improvements:

- (1) Where an adequate public sanitary sewer system is reasonably accessible, in the determination of the Village Planning Commission, public sanitary sewers shall be installed to adequately serve all lots, including lateral connections to the public system. Public sewer system extensions shall meet the requirements of the Ohio E.P.A. and Village standards. Combinations of sanitary sewers and storm sewers shall be prohibited. The Village Engineer will review all sanitary sewer proposals.
- (2) Where a public sanitary sewer system is not reasonably accessible, the subdivider may provide:
  - A. A central treatment plant for the group, provided that such central treatment plant is installed in accordance with State and County Board of Health requirements; or
  - B. Lots may be served by individual disposal systems as determined by the Fulton County Health Department.
- (3) Where the installation of individual disposal systems is considered, the suitability of the soil for individual systems, the absorptive ability of the soil, surface drainage, ground water level, and topography shall be the criteria for determining whether or not the installation of individual systems is permissible. Criteria shall be in accordance with the requirements of the County Board of Health and the requirements of the Ohio Department of Health. (Ord. 2002-03.)

#### **1107.02 STREET DESIGN.**

(a) The arrangement of streets in new subdivisions shall make provision for the continuation of the principal existing streets in the adjoining area (or their proper projection where adjoining land is not subdivided) insofar as they may be deemed necessary for public requirements.

(b) The street and alley arrangement shall be such as not to cause hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Residential streets shall be designed as to discourage through traffic, but off-set streets should be avoided.

(c) The angle of intersection between minor streets and major streets should not vary by more than ten degrees from a right angle. All other streets should intersect each other as near to a right angle as possible and no intersection of streets at angles of less than sixty degrees shall be permitted. (Ord. 2002-03.)

#### **1107.03 STREET AND ALLEY WIDTH.**

(a) Major Thoroughfares. The width of all major thoroughfares shall conform to the width designated on the Major Thoroughfare Plan of the Village or Fulton County.

(b) Minor Streets. The minimum width for minor streets in single and two-family districts shall be fifty feet, except that where there are unusual topographical or other physical conditions, the Planning Commission may require a greater or lesser width for a minor street. The minimum width of minor streets serving multiple dwellings shall be sixty feet.



(c) Dead-end Streets or Cul-de-sacs. Designed to be so permanently, shall not be longer than 500 feet and shall be provided at the closed end with a turn-around having an outside diameter of not less than ninety feet.

(d) Half-Streets. Dedication of half-streets shall be discouraged. Where there exists a dedicated or platted half-street or alley adjacent to the tract being subdivided, the other half shall be platted if deemed necessary.

(e) Alleys. Alleys should be avoided in single or two-family districts. They may, however, be required in multiple developments where they should have a minimum width of twenty feet. Alleys are required in the rear of all commercial and industrial lots if no other provisions are made for adequate service access or for parking. The rights of way of such alleys shall not be less than twenty feet and dead-end alleys shall not be permitted.  
(Ord. 2002-03.)

#### **1107.04 STREET GRADES.**

No street grade shall be less than one-half percent and shall not exceed the following with due allowances for reasonable vertical curves:

<u>Type of Street</u>	<u>Grade (Percent)</u>
Main or Arterial Thoroughfare	5
Secondary Thoroughfare	6
Minor Street	8

(Ord. 2002-03.)

#### **1107.05 EASEMENTS.**

Easements of at least ten (10) feet in width centered along rear or side lot lines shall be provided where necessary for sanitary sewers, gas mains, water lines and electric lines. Easements shall also be provided along every water course, storm sewer, drainage channel or stream within a subdivision, where necessary for the extension of main sewers or other utilities or where both water and sewer lines are located in the same easement.  
(Ord. 2002-03.)

#### **1107.06 BLOCKS.**

(a) No block shall be longer than 1,400 feet and, except in unusual instances, residential blocks shall not be less than 500 feet in length. Where a subdivision adjoins a major thoroughfare, the greater dimensions of the block shall front along such major thoroughfare to avoid unnecessary ingress or egress.

(b) Where blocks are over 750 feet in length, a crosswalk easement not less than ten feet in width may be required, if necessary to provide proper access to schools, playgrounds, shopping centers and other facilities.  
(Ord. 2002-03.)

**1107.07 LOTS.**

(a) The lot arrangement and design shall be such that all lots provide satisfactory and desirable building sites, properly related to topography and the character of the surrounding development.

(b) All side lines of lots shall be at right angles to straight street lines and radial to curved street lines except where a variation to this rule provides a better street and lot layout. Lots with double frontage shall be avoided.

(c) No lot shall have less area or width than is required by the zoning regulations applying to the area in which it is located.

(d) In subdivisions designed for multiple-family development, all lots shall conform to the Zoning Ordinance requirements.

(e) In case of unusual soil conditions or other physical factors which may impair the health and safety of the neighborhood in which a subdivision may be located, the Commission may require larger lot widths and lot areas as may be necessary.  
(Ord. 2002-03.)

**1107.08 BUILDING LINES.**

The building lines shall follow the setbacks as required in the Zoning Code.  
(Ord. 2002-03.)

**1107.09 STREET LIGHTING.**

(a) The subdivider shall install street lights in accordance with standards and specifications of the Village Engineer in each residential subdivision which contains a majority of lots with an individual lot width of one hundred (100) feet or less at the front property line. Such lights shall be located at each street entrance to the subdivision and in each street intersection within the subdivision. In addition, whenever the distance between two (2) adjacent street lights would exceed three hundred (300) feet, then additional street lights shall be installed in such a manner that proper light intensity shall be provided and maintained.

(b) New subdivision street lighting shall be installed with all associated wiring underground if possible.  
(Ord. 2002-03.)

**1107.10 EASEMENT ALONG STREAMS.**

Whenever any stream or important surface drainage course is located in the area being subdivided, an adequate easement shall be provided along each side of the stream for the purpose of widening, deepening, relocating, improving or protecting the stream for drainage or recreational use. (Ord. 2002-03.)

**1107.11 REQUIRED IMPROVEMENTS.**

Prior to the granting of final approval, the subdivider shall have installed or shall have furnished adequate bond for the ultimate installation of the following:

- (a) Monuments. Monuments shall be placed at all block corners, angle points, points of curves in streets, and at intermediate points as are required by the Village Engineer. The monuments shall be of such material, size and length as may be approved by the Engineer.
- (b) Street Improvements.
  - (1) General. All streets shall be constructed in conformance with the current Construction and Material Specifications of the Ohio Department of Transportation. All streets and thoroughfares shall be graded to their full right-of-way width including side slope, and shall be extended to the farthest line of each lot in the subdivision as the same is sold and conveyed.
  - (2) Pavement width. Streets shall have a minimum pavement width of twenty-eight feet, measured to back of curbs.
  - (3) Curbs. Concrete curbs and gutters are required on all streets and shall be a minimum of two feet wide as per Ohio Department of Transportation, Item 609.
  - (4) Subgrade. The subgrade shall be free of sod, vegetative or organic matter, soft clay and other objectionable materials for a depth of at least two feet below finished grade. The subgrade shall be properly rolled, shaped and compacted, and shall be subject to the approval of the Engineer.
  - (5) Pavement construction. The base course shall consist of eight inches of compacted stone aggregate, item 204. The base course shall be primed with bituminous prime, item 408, before the pavement is laid. The pavement shall consist of one and one-half inches of asphaltic leveling course, item 402 and one and one-half inches of asphalt surface course, item 404. Equivalent thickness of concrete or full depth asphalt pavements may be constructed where approved by the Engineer.
  - (6) Intersection radius. Intersections shall have a minimum thirty-five feet radius, measured to the back of the curb.
  - (7) Inspection. All street construction shall be inspected by a representative of the Village. It shall be the responsibility of the owner to notify and obtain Village approval before placing the base course and also before placing the pavement courses. Final acceptance of the street will not be made without these approvals. The developer is responsible for testing and meeting all O.D.O.T. specifications as required.
- (c) Sidewalks. Concrete sidewalks shall be required on both sides of the street in all residential subdivisions where predominant lot width is less than one hundred (100) feet and one side where the predominant lot width is greater than one hundred (100) feet but less than one hundred fifty (150) feet. Drives will have concrete approaches from the curb to the sidewalk. Public sidewalks shall be required for all commercial lots. Public sidewalks may be required for industrial lots, subject to the approval of the Village Planning Commission.
- (d) Water Lines. Where an approved and available public water supply is within reasonable access to the subdivision, each lot within the subdivision shall be provided with a connection to such water supply. The minimum size of waterlines serving the subdivision shall be approved by the Engineer.

- (e) Fire Protection. The hydrants should be located between property lines and curbs with all outlets facing or parallel to the street. Hydrants shall be placed at the corners of all blocks and at mid-block for blocks exceeding eight hundred (800) feet in length. Hydrants shall also be required at the entrance and end of all cul-de-sacs exceeding four hundred (400) feet in length. The type of hydrant and control valves and the location of the hydrant shall be approved by the Engineer
- (f) Drainage.
  - (1) General. All necessary facilities, including underground pipe, inlets, catch basins or open drainage ditches shall be installed to provide for the adequate disposal of surface water and to maintain any natural drainage course. Storm drainage, including drain tile around basements, shall not be permitted to discharge into any sanitary sewer facility, but shall connect to an adequate drainage outlet.
  - (2) Catch basins. Catch basins shall be installed in street gutters and located so that not more than 400 feet of gutter is drained into any basin. The catch basins shall conform to Ohio Department of Transportation, Item 604.
  - (3) Storm sewers. Storm sewers shall be installed to outlet the street catch basins and to provide storm drainage for the lots. Storm sewer shall extend to the farthest lot line and terminate in a manhole O.T. 604. These sewers shall be a minimum of ten inches in diameter and consist of tongue and groove, sealed joint, rigid pipe or an approved equal. All storm sewers under the pavement and curbs shall be reinforced or extra strength pipe and shall be backfilled with granular material in concurrence with the Type B conduit specifications of the Ohio Department of Transportation. All sewers shall be laid with a gradient that will provide a minimum full flow velocity of two feet per second.
  - (4) Inspection. All sewers must be inspected by a representative of the Village and thereby obtain approval from Village before backfilling. Final acceptance of the sewer system will not be made without this approval.
  - (5) In order to protect the health, safety and general welfare of the people, the Village Planning Commission shall reject any proposed subdivision located in an area subject to periodic flooding or located in a 100 Year Floodplain. If the subdivision is located in an area having poor drainage or other adverse physical characteristics, the Commission may approve the subdivision provided the subdivider agrees to perform such improvements as will render the area safe for the intended use. In lieu of improvements, the subdivider shall furnish a surety or certified check covering the cost of the required improvements.
  - (6) Where natural drainage channels intersect any street right of way, it shall be the responsibility of the subdivider to have satisfactory bridges and/or culverts constructed.

- (g) Miscellaneous. Electrical service, gas mains and other utilities, as well as street tree planting should be provided within each subdivision. Whenever such facilities are reasonably accessible and available, they may be required to be installed within the area prior to the approval of the final plat.
- (h) Approval and Supervision. All of the improvements required in this section shall be constructed only after the improvement plans and specifications have been approved by, and the construction thereof has been under supervision of, the appropriate public official, including the Planning Commission and when applicable, the County Board of Health.  
(Ord. 2002-03.)



**CHAPTER 1109**  
**Enforcement; Penalty**

<b>1109.01</b>	<b>Recording a plat.</b>	<b>1109.05</b>	<b>Revision of plat after</b>
<b>1109.02</b>	<b>Sale prior to recording</b>		<b>approval.</b>
	<b>prohibited.</b>	<b>1109.06</b>	<b>Fees.</b>
<b>1109.03</b>	<b>Permits.</b>	<b>1109.99</b>	<b>Penalty.</b>
<b>1109.04</b>	<b>Public improvements.</b>		

**CROSS REFERENCES**

Plat recording - see Ohio R.C. 711.06

Violations of regulations - see Ohio R.C. 711.102

**1109.01 RECORDING A PLAT.**

No plat of any subdivision shall be entitled to record in the Fulton County Recorder's Office or have any validity until it has been approved in the manner prescribed herein. In the event any such unapproved plat is recorded it shall be considered invalid and the Planning Commission shall institute proceedings to have the plat stricken from the record of Fulton County. (Ord. 2002-03.)

**1109.02 SALE PRIOR TO RECORDING PROHIBITED.**

No owner or agent of the owner of any land located within a subdivision shall transfer, sell, agree to sell or negotiate to sell any land by reference to, exhibition of, or by use of a plan or plat of a subdivision before such plan or plat has been approved and recorded in the manner prescribed herein. Any sale or transfer contrary to the provisions of this section is void. The description of such lot or parcel by metes and bounds in the instrument of transferring shall not exempt the transaction from the provisions of this section. (Ord. 2002-03.)

**1109.03 PERMITS.**

(a) Building or zoning permits shall not be issued for any structure on a lot in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein.

(b) The County Health Department shall not issue a permit for the installation of wells and septic tanks upon any lots in a subdivision for which a plat has not been approved and recorded in the manner prescribed herein. (Ord. 2002-03.)

**1109.04 PUBLIC IMPROVEMENTS.**

The Village hereby defines its policy to be that the Village shall withhold all public improvements of whatsoever nature, including the maintenance of streets and the furnishing of sewerage facilities and water service from all subdivisions which have not been approved, and from all areas dedicated to the public which have not been accepted by Council in the manner prescribed in these Subdivision Regulations.  
(Ord. 2002-03.)

**1109.05 REVISION OF PLAT AFTER APPROVAL.**

No changes, erasures, modification or revision shall be made in any plat of a subdivision after approval has been given by the Planning Commission, and enforced in writing on the plat, unless the plat is first resubmitted to the Commission.  
(Ord. 2002-03.)

**1109.06 FEES.**

(a) At the time of submitting a preliminary plan, the subdivider shall pay a filing fee of \$25.00 per lot plus \$200.00 for subdivision filing.

(b) The filing fee shall be paid in legal tender or by check or money order made payable to the Village and deposited with the Clerk.

(c) The Village Administrator shall determine tap fees for water and sewer connections.  
(Ord. 2002-03.)

**1109.99 PENALTY.**

The following penalties shall apply to the violations of these regulations:

- (a) Whoever violates any rule or regulation adopted by the Village for the purpose of setting standards and requiring the construction of improvements within a subdivision or fails to comply with any order pursuant thereto is creating a public nuisance and the creation thereof may be enjoined and maintenance thereof. Whoever violates these regulations shall forfeit and pay not less than one hundred dollars (\$100.00) per day. Such sum may be recovered with costs in a civil action brought in the Court of Common Pleas of Fulton County.
- (b) A County Recorder who records a plat contrary to the provisions of these regulations shall forfeit and pay not less than one hundred dollars (\$100.00) nor more than five hundred dollars (\$500.00), to be recovered with costs in a civil action by the Village Law Director in the name and for the use of Fulton County.
- (c) Whoever, being the owner or agent of the owner of any land within or without a municipal corporation, transfers any lot, parcel or tract of such land from or in accordance with a plat of a subdivision before such plat has been recorded in the office of the County Recorder, shall forfeit and pay the sum of not less than one hundred dollars (\$100.00) per day for each lot parcel, or tract of land so sold. The description of such lot, parcel or tract by metes and bounds in the deed or transfer shall not serve to exempt the seller from the forfeiture provided in this section. If such land is within a municipal corporation, such sum may be recovered in a civil action brought in the Court of Common Pleas of Fulton County by the legal representative of the Village in the name of the Village.  
(Ord. 2002-03.)



### **TITLE THREE - Zoning Administration**

- Chap. 1115. General Provisions.
- Chap. 1117. Applicability.
- Chap. 1119. Provisions for Official Zoning Map.
- Chap. 1121. O-S Open Space District.
- Chap. 1123. R-1 First Density Residential District.
- Chap. 1125. R-2 Second Density Residential District.
- Chap. 1127. R-3 Third Density Residential District.
- Chap. 1129. M-H Manufactured Home Park District.
- Chap. 1131. C-1 General Business District.
- Chap. 1133. C-2 Highway Commercial District.
- Chap. 1135. M-1 Light Industrial District.
- Chap. 1137. M-2 General Industrial District.
- Chap. 1139. M-3 Planned Industrial/Business Park.
- Chap. 1141. Downtown Overlay District.
- Chap. 1143. PUD Planned Unit Development.

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### **CHAPTER 1115 General Provisions**

<b>1115.01</b>	<b>Enactment; title.</b>	<b>1115.05</b>	<b>Repeal of conflicting regulations.</b>
<b>1115.02</b>	<b>Purpose.</b>	<b>1115.06</b>	<b>Effective date.</b>
<b>1115.03</b>	<b>Interpretation and relationship to other regulations.</b>	<b>1115.07</b>	<b>Area of jurisdiction.</b>
<b>1115.04</b>	<b>Severability.</b>		

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#### **1115.01 ENACTMENT; TITLE.**

The Fayette Village Council in accordance with the enabling legislation for Village Zoning as provided in in the Ohio Revised Code hereby provides as follows: This Resolution shall be known as and may be cited to as the "Codified Zoning Ordinances" of the Village of Fayette, as amended on August 10, 2022 and is referred to herein as "Ordinance."  
(Ord. 2022-05. Passed 8-10-22.)

**1115.02 PURPOSE.**

The purpose of this Ordinance is to promote the public health, safety, and general welfare (where permitted) of the residents of the Village of Fayette. This Ordinance shall serve the general good of the Village as a whole, protect property values, and secure the most appropriate use of the land. (Ord. 2022-05. Passed 8-10-22.)

**1115.03 INTERPRETATION AND RELATIONSHIP TO OTHER REGULATIONS.**

The interpretation and application of any provision of this Ordinance shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, and general welfare (where permitted). When the requirements of this Ordinance conflict with the requirements of any other lawfully adopted rules, regulations or resolutions, the most restrictive requirements imposing the higher standards shall apply. (Ord. 2022-05. Passed 8-10-22.)

**1115.04 SEVERABILITY.**

Should this Ordinance, or any section of this Ordinance, be declared by a court to be unconstitutional or invalid, such a decision shall not affect the validity of this Ordinance as a whole, or any other parts thereof, other than the part declared unconstitutional or invalid; in the event of such a declaration, then the applicable provision of the prior Ordinance is hereby re-instated. (Ord. 2022-05. Passed 8-10-22.)

**1115.05 REPEAL OF CONFLICTING REGULATIONS.**

All Village regulations in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance, are hereby repealed to the extent necessary to give this Ordinance full force and effect. (Ord. 2022-05. Passed 8-10-22.)

**1115.06 EFFECTIVE DATE.**

This Ordinance shall become effective from and after the date of its approval and adoption by the Village Council. (Ord. 2022-05. Passed 8-10-22.)

**1115.07 AREA OF JURISDICTION.**

The provisions of this Ordinance apply to all incorporated areas of the Village of Fayette, Fulton County, Ohio. (Ord. 2022-05. Passed 8-10-22.)

## CHAPTER 1117 Applicability

### 1117.01 General applicability of ordinance.

### 1117.02 Agriculture.

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#### 1117.01 GENERAL APPLICABILITY OF ORDINANCE.

No structure, or part thereof shall be placed upon or moved onto land, constructed, reconstructed, enlarged, or structurally altered, nor shall any structure, building or land be used or occupied in a manner which does not comply with the district regulations established by this Ordinance for the district in which the building, structure, and/or land is located.

- (a) Lot Size Requirements and the Subdivision of Land. No lot or lot of land held under one ownership, with or without a building, at the time this Ordinance became effective, shall be reduced, nor shall any such lot be subdivided in any manner below the minimum lot width and lot area required by this Ordinance. No lot(s) shall be built on unless the lot has frontage along a public or private street.
- (b) Reductions in Yard Requirements. No building may be enlarged which would result in decreasing a yard's setback to less than the minimum requirements of the applicable zoning district.
- (c) Location of Uses on a Single Lot. Unless otherwise specifically allowed in this Ordinance, every principal building whether presently existing or hereafter constructed, relocated or structurally altered shall be located on a single lot.
- (d) Unsafe Buildings. Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any structure or part thereof declared unsafe by a proper authority.
- (e) Conversion of Dwellings. The conversion of any structure into a dwelling or the conversion of any dwelling to accommodate an increased number of dwelling units is permitted only in accordance with all requirements of this Ordinance.
- (f) Parking Requirements. No land use may change from one use to another use without first meeting the parking requirements for the new use.  
(Ord. 2022-05. Passed 8-10-22.)

**1117.02 AGRICULTURE.**

The use of land for agricultural purposes or the construction or use of buildings or structures incidental to the use for agricultural purposes is not permitted in the Village of Fayette. The breeding, raising or maintaining of farm animals such as horses, pigs, cows, sheep, goats, chickens, and similar livestock is prohibited.

- (a) Farm Market. Farm markets are allowed in any zoning district if fifty percent (50%) or more of the gross income received from the farm market is derived from produce raised on farms owned or operated by the market operator in a normal crop year. Farm markets that do not provide more than fifty percent (50%) of the gross income from produce raised on land owned or operated by the market operator are prohibited. Farm markets are subject to Site Plan Review.  
(Ord. 2022-05. Passed 8-10-22.)

**CHAPTER 1119**  
**Provisions for Official Zoning Map**

<b>1119.01</b>	<b>Official Zoning Map.</b>	<b>1119.03</b>	<b>Establishment of districts.</b>
<b>1119.02</b>	<b>Interpretation of district boundaries.</b>	<b>1119.04</b>	<b>Zoning districts.</b>

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**1119.01 OFFICIAL ZONING MAP.**

The zoning district locations and boundaries are shown on the map titled "The Official Village of Fayette Zoning Map" This map is on file in the Village office and available online at the Village of Fayette website ([www.villageoffayette.com](http://www.villageoffayette.com)) and is hereby declared to be a part of this Ordinance. (Ord. 2022-05. Passed 8-10-22.)

**1119.02 INTERPRETATION OF DISTRICT BOUNDARIES.**

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Zoning Map, the following rules shall apply:

- (a) Parallel District Boundaries. Where district boundaries appear to be approximately parallel with the center line or right-of-way lines of streets, roads, or highways, such district boundaries shall be construed as parallel therewith and at such distance there from as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined using the scale shown on the Official Zoning Map.
- (b) Lot Lines and Waterways. Where district boundaries approximately follow lot lines such lot lines shall be construed as a boundary of a zoning district. Where the boundary of a district follows (or is parallel with) a waterway, such boundary shall be deemed to be in the middle of the waterway.
- (c) Interpretation by Board of Zoning Appeals. Any questions of interpretation of the Official Zoning Map, which cannot otherwise be resolved, shall be referred to the Board of Zoning Appeals for determination.  
(Ord. 2022-05. Passed 8-10-22.)

**1119.03 ESTABLISHMENT OF DISTRICTS.**

For the purpose of regulating and restricting the location of buildings, structures and land use, the Village of Fayette is divided into zoning districts as shown on the Official Zoning Map. These districts include the following and are illustrated on the Official Zoning Map.  
(Ord. 2022-05. Passed 8-10-22.)

**1119.04 ZONING DISTRICTS.**

O-S	Open Space District
R-1	First Density Residential District
R-2	Second Density Residential District
R-3	Third Density Residential District
M-H	Manufactured Home Park District
C-1	General Business District
C-2	Highway Commercial District
M-1	Light Industrial District
M-2	General Industrial District
M-3	Planned Industrial/Business Park
PUD	Planned Unit Development

(Ord. 2022-05. Passed 8-10-22.)

**CHAPTER 1121  
O-S Open Space District**

**1121.01 Purpose.**

**1121.02 Permitted uses.**

**1121.03 Conditional uses.**

**1121.04 Development standards.**

**1121.01 PURPOSE.**

The purpose of the Open Space (O-S) District is to preserve and protect natural areas, drainage ways and flood plains, and to designate land for public use in the Village of Fayette.  
(Ord. 2022-05. Passed 8-10-22.)

**1121.02 PERMITTED USES.**

The following uses are permitted in the Open Space District:

- Accessory uses and structures
- Cemetery (public/private)
- Library
- Conservation area(s)
- Public uses
- Public parks/recreation
- Public/Private School (K-12)

(Ord. 2022-05. Passed 8-10-22.)

**1121.03 CONDITIONAL USES.**

The following use(s) may be approved pursuant to Chapter 1157 - Procedures and Requirements for Conditional Uses:

- Telecommunication tower
- Public Utility

(Ord. 2022-05. Passed 8-10-22.)

**1121.04 DEVELOPMENT STANDARDS.**

All main buildings and lots shall meet the following development standards:

- (a) Height Limits. No building shall be constructed or enlarged to exceed forty-five (45') feet in height.
- (b) Area Requirements. All lots shall meet the following area, coverage, and yard requirements:

**Lot Area:** There is no minimum lot area. All lots must meet the following requirements:

**Lot Coverage:** Seventy percent (70%) maximum

**Front Yard:** Thirty-five (35') feet, unless specified elsewhere in this Ordinance.

**Side Yard:** Ten percent (10%) of the lot width or ten (10') feet, whichever is less.

**Rear Yard:** Thirty-five (35') feet.

(Ord. 2022-05. Passed 8-10-22.)



**CHAPTER 1123**  
**R-1 First Density Residential District**

**1123.01 Purpose.**

**1123.02 Permitted uses.**

**1123.03 Conditional uses.**

**1123.04 Development standards.**

**1123.01 PURPOSE.**

The purpose of the First Density Residential (R-1) District is to provide areas for single-family dwellings on lots Seventy five hundred (7,500) square feet in size or larger. Development in this district is medium density and is serviced with public water lines and sanitary sewers. (Ord. 2022-05. Passed 8-10-22.)

**1123.02 PERMITTED USES.**

The following uses are permitted in the First Density Residential (R-1) District:

Accessory uses and accessory structures

Dwelling, single- family

Home occupation

(Ord. 2022-05. Passed 8-10-22.)

**1123.03 CONDITIONAL USES.**

The following uses may be approved pursuant to Chapter 1157 - Procedures and Requirements for Conditional Uses:

Church or place of worship

Recreation facility, outdoor

(Ord. 2022-05. Passed 8-10-22.)

**1123.04 DEVELOPMENT STANDARDS**

All main buildings and lots shall meet the following development standards:

- (a) Height Limits. No building shall be constructed or enlarged to exceed thirty-five (35') feet in height.

(b) Area Requirements. All lots shall meet the following minimum requirements:

**Lot Area:** Seventy five hundred (7,500) square feet.

**Lot Width:** Sixty five (65') feet.

**Front Yard:** Twenty five (25') feet, unless specified elsewhere in this Ordinance.

**Side Yard:** Ten percent (10%) of the lot width or ten (10') feet, whichever is less.

**Rear Yard:** Thirty-five (35') feet.

(Ord. 2022-05. Passed 8-10-22.)

**CHAPTER 1125**  
**R-2 Second Density Residential District**

**1125.01 Purpose.**

**1125.02 Permitted uses.**

**1125.03 Conditional uses.**

**1125.04 Development standards.**

**1125.01 PURPOSE.**

The purpose of the Second Density Residential (R-2) District is to provide areas for single-family and two-family dwellings on lots fifteen thousand (15,000) square feet in size or larger. Development in this area is lower density which typically is serviced with public water and sanitary sewer lines.

(Ord. 2022-05. Passed 8-10-22.)

**1125.02 PERMITTED USES.**

The following uses are permitted in the Second Density Residential (R-2) District:

Accessory uses and structures  
 Dwelling, single-family  
 Home occupation

(Ord. 2022-05. Passed 8-10-22.)

**1125.03 CONDITIONAL USES.**

The following uses may be approved pursuant to Chapter 1157 - Procedures and Requirements for Conditional Uses:

Bed and Breakfast	Golf Course
Church or place of worship	Recreational facility, indoor or outdoor
Club	Telecommunication tower
Group living, excluding Adult Family Home & Residential Facility, Small	
Hospital	Dwelling, two-family

(Ord. 2022-05. Passed 8-10-22.)

**1125.04 DEVELOPMENT STANDARDS.**

All main buildings and lots shall meet the following development standards:

- (a) Height Limits. No building shall be constructed or enlarged to exceed thirty-five (35') feet in height.
- (b) Area Requirements. All lots shall meet the following minimum requirements:

**Lot Area:** Fifteen thousand (15,000) square feet.

**Lot Width:** One hundred (100') feet.

**Front Yard:** Thirty-five (35') feet, unless specified elsewhere in this Ordinance.

**Side Yard:** Ten percent (10%) of the lot width or ten (10') feet, whichever is less.

**Rear Yard:** Thirty-five (35') feet.

(Ord. 022-05. Passed 8-10-22.)

**CHAPTER 1127**  
**R-3 Third Density Residential District**

**1127.01 Purpose.**

**1127.02 Permitted uses.**

**1127.03 Conditional uses.**

**1127.04 Development standards.**

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**1127.01 PURPOSE.**

The purpose of the Third Density Residential (R-3) District is to provide areas for medium to high density residential development on lots serviced with public water and sanitary sewer and located in proximity to community services.  
(Ord. 2022-05. Passed 8-10-22.)

**1127.02 PERMITTED USES.**

The following uses are permitted in the Third Density Residential (R-3) District:

Accessory uses and accessory structures

Dwelling, multiple-family

Dwelling, two-family

Dwelling, single-family

(Ord. 2022-05. Passed 8-10-22.)

**1127.03 CONDITIONAL USES.**

The following uses may be approved pursuant to Chapter 1157 - Procedures and Requirements for Conditional Uses:

Church or place of worship

Day care facility

Group living

Recreation facility, outdoor or indoor

(Ord. 2022-05. Passed 8-10-22.)

**1127.04 DEVELOPMENT STANDARDS.**

All main buildings and lots shall meet the following development standards:

- (a) Height Limits. No building shall be constructed or enlarged to exceed thirty-five (35') feet in height.
- (b) Area Requirements. All lots shall meet the following minimum requirements:

**Lot Area:** The minimum lot area per dwelling unit shall be three thousand five hundred (3,500) square feet.

**Lot Coverage:** Sixty percent (60%) maximum.

**Front Yard:** Thirty-five (35') feet, unless specified elsewhere in this Ordinance.

**Side Yard:** Ten percent (10%) of the lot width or ten (10') feet, whichever is less.

**Rear Yard:** Thirty-five (35') feet.

(Ord. 2022-05. Passed 8-10-22.)

**CHAPTER 1129**  
**M-H Manufactured Home Park District**

<b>1129.01</b>	<b>Purpose.</b>	<b>1129.04</b>	<b>Approval procedure.</b>
<b>1129.02</b>	<b>Permitted uses.</b>	<b>1129.05</b>	<b>Additional regulations.</b>
<b>1129.03</b>	<b>Conditional uses.</b>		

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**1129.01 PURPOSE.**

The purpose of the Manufactured Home Park (M-H) District is to establish areas suitable for the placement of manufactured housing and mobile homes.  
 (Ord. 2022-05. Passed 8-10-22.)

**1129.02 PERMITTED USES.**

The following uses are permitted in the Manufactured Home Park (M-H) District:

Accessory uses and accessory structures  
 Manufactured Home Park  
 (Ord. 2022-05. Passed 8-10-22.)

**1129.03 CONDITIONAL USES.**

The following uses may be approved pursuant to Chapter 1157 - Procedures and Requirements for Conditional Uses:

Telecommunication tower  
 (Ord. 2022-05. Passed 8-10-22.)

**1129.04 APPROVAL PROCEDURE.**

Manufactured home parks shall be located only in the M-H district and shall be developed according to the standards and regulations stated in this Section. Manufactured home parks are subject to the requirements of Chapter 1151 - Site Plan Review, and shall conform to the following standards:

- (a) The proposed site shall be a minimum of five (5) acres.
- (b) Public water and sanitary sewer shall be utilized by the development.
- (c) The maximum density shall not exceed ten (10) manufactured home units per acre.

- (d) An adjacent outdoor living area not less than five hundred (500) square feet shall be provided for each manufactured home unit and shall be shown on the site plan.
- (e) Two (2) nine (9') foot by twenty (20') foot off-street parking spaces surfaced with concrete or asphalt shall be required for each manufactured home unit in addition to outdoor living area set forth in subsection (d) hereof.  
(Ord. 2022-05. Passed 8-10-22.)

**1129.05 ADDITIONAL REGULATIONS.**

All Manufactured Home Parks shall comply with the following regulations, in addition to all applicable Site Plan Review regulations:

- (a) There shall be a minimum of twenty (20') feet between individual mobile homes and a fifty (50') foot setback from any property line for each mobile home.
- (b) There shall be a usable open space recreational area with a size of at least ten percent (10%) of the overall development.
- (c) All mobile homes shall be properly skirted at all times.
- (d) The Manufactured Home Park development shall be maintained to comply with Ohio Revised Code Section 3733 and all applicable local and state health department regulations.
- (e) The Manufactured Home Park development shall be properly screened along all property lines in accord with the provisions outlined in Chapter 1153 - Landscaping Requirements.  
(Ord. 2022-05. Passed 8-10-22.)



**CHAPTER 1131**  
**C-1 General Business District**

**1131.01 Purpose.**

**1131.02 Permitted uses.**

**1131.03 Conditional uses.**

**1131.04 Development standards.**

**1131.01 PURPOSE.**

The purpose of the General Business (C-1) District is to establish areas for uses that provide goods and services to the local neighborhood. General Business uses are those retail and service establishments that primarily serve local market areas and can be located in close proximity to residential districts without creating undue vehicular congestion, excessive noise, or other influences that are not compatible with surrounding residential neighborhoods.  
 (Ord. 2022-05. Passed 8-10-22.)

**1131.02 PERMITTED USES.**

The following uses and similar uses as interpreted by the Zoning Inspector are permitted in the General Business District:

Accessory uses and accessory structures	Personal service
Bank/financial center	Photo, dance, art, music studio
Caterer	Professional Office
Day care facility	Restaurant (without drive thru)
Funeral home	Retail

(Ord. 2022-05. Passed 8-10-22.)

**1131.03 CONDITIONAL USES.**

The following uses may be approved pursuant to Chapter 1157 - Procedures and Requirements for Conditional Uses:

Any use with outdoor seating	Professional/Trade school
Bar/Lounge	Recreational facility, indoor
Club	Veterinary office/clinic
Group living	
Single, two, or multiple-family dwelling units - above the ground floor level	

(Ord. 2022-05. Passed 8-10-22.)

**1131.04 DEVELOPMENT STANDARDS.**

All buildings, lots and land uses within the General Business District shall meet the following development standards:

- (a) Height Limits. No structure shall be constructed or enlarged to exceed thirty-five (35') feet in height.
- (b) Coverage and Setback Requirements. All lots shall meet the following requirements:

**Lot Coverage:** Seventy percent (70%) maximum.

**Front Yard:** Thirty (30') feet.

**Side Yard:** Ten (10') feet.

**Rear Yard:** Twenty (20') feet.

- (c) Maximum Floor Area Requirement. All General Business (C-1) District uses shall meet the following requirements: the gross floor area of any multi-tenant structure shall not exceed twenty five thousand (25,000) square feet, and a single permitted use shall not exceed ten thousand (10,000) square feet.  
(Ord. 2022-05. Passed 8-10-22.)

**CHAPTER 1133**  
**C-2 Highway Commercial District**

**1133.01 Purpose.**

**1133.02 Permitted uses.**

**1133.03 Conditional uses.**

**1133.04 Development standards.**

**1133.01 PURPOSE.**

The purpose of the Highway Commercial (C-2) District is to provide areas for general commercial uses. These uses are typically located along major roadways and may generate high volumes of traffic. (Ord. 2022-05. Passed 8-10-22.)

**1133.02 PERMITTED USES.**

The following uses and similar uses as interpreted by the Zoning Inspector are permitted in the Highway Commercial (C-2) District:

Accessory uses and accessory structures	
Amusement arcade	Meeting or reception hall
Automobile sales	Movie Theater
Automobile service center	Personal service
Bank/financial center	Photo, dance, art, music studio
Bar/lounge	Professional office
Car wash	Professional/Trade School
Caterer	Recreation facility, indoor or outdoor
Club	Recreational vehicle sales and service
Day care facility	Restaurant (with or without drive-thru or outdoor seating)
Funeral home	Retail
Gasoline sales	Veterinary hospital
Hotel/motel	Sexually oriented business

(Ord. 2022-05. Passed 8-10-22.)

**1133.03 CONDITIONAL USES.**

The following uses may be approved pursuant to Chapter 1157 - Procedures and Requirements for Conditional Uses:

Single, two, or multiple-family dwelling units - above the ground floor level  
Residential Care Facility  
(Ord. 2022-05. Passed 8-10-22.)

**1133.04 DEVELOPMENT STANDARDS.**

All main buildings, lots and land uses within the Highway Commercial (C-2) District shall meet the following development standards:

- (a) Height Limit. No structure shall be constructed or enlarged to exceed forty-five (45') feet in height.
- (b) Coverage and Setback Requirements. All lots shall meet the following requirements:

**Lot Coverage:** Seventy percent (70%) maximum.

**Front Yard:** Thirty-five (35') feet.

**Side Yard:** Ten (10') feet.

**Rear Yard:** Twenty (20') feet.  
(Ord. 2022-05. Passed 8-10-22.)

**CHAPTER 1135**  
**M-1 Light Industrial District**

**1135.01 Purpose.**

**1135.02 Permitted uses.**

**1135.03 Conditional uses.**

**1135.04 Development standards.**

**1135.01 PURPOSE.**

The purpose of the Light Industrial (M-1) District is to provide an area for the location of light industrial uses. The M-1 Light Industrial District should generally be separated from residential districts except in those instances where natural features and buffer areas separate the two uses. (Ord. 2022-05. Passed 8-10-22.)

**1135.02 PERMITTED USES.**

The following uses and similar uses as interpreted by the Zoning Inspector are permitted in the Light Industrial (M-1) District:

Accessory uses and accessory structures  
 Assembly of electrical components, instruments, and devices, including electroplating  
 Automobile service center  
 Building material sales yard (excluding concrete and asphalt production)  
 Catering establishment  
 Distribution center  
 Electronic equipment manufacture/assembly  
 Equipment sales and rental (within a completely enclosed building)  
 Kennel  
 Laundry/dry cleaning plant  
 Light manufacturing conducted entirely within a building and producing the following types of products:

Food products	Furniture and wood products
Plastics and plastic products	Products made from fabrics
Printing and published materials	Precision Instruments

Lumber yard (provided saws, planers, processing machines are within completely enclosed building).

Machine shop (excluding punch presses over twenty (20) tons rated capacity)

Manufactured home sales

Plumbing, sheet metal, and woodworking shops

(provided processing machines are within a completely enclosed building)

Precision instrument manufacture/assembly

Professional office

Professional/Trade School

Self-storage facility (with or without an on-site manager's dwelling unit)

Wholesaling, including the inside storage, handling, or sale of merchandise primarily to retailers

(Ord. 2022-05. Passed 8-10-22.)

### **1135.03 CONDITIONAL USES.**

The following uses may be approved pursuant to Chapter 1157 - Procedures and Requirements for Conditional Uses:

Day care facility

Recreational facility, indoor

(Ord. 2022-05. Passed 8-10-22.)

### **1135.04 DEVELOPMENT STANDARDS.**

All main buildings, lots and land uses within the Light Industrial (M-1) District shall meet the following development standards:

(a) Height Limit: No structure shall be constructed or enlarged to exceed forty-five (45') feet in height.

(b) Coverage and Setback Requirements. All lots shall meet the following requirements:

**Lot Coverage:** Seventy percent (70%) maximum.

**Front Yard:** Thirty-five (35') feet.

**Side Yard:** Ten (10') feet.

**Rear Yard:** Thirty (30') feet.

(Ord. 2022-05. Passed 8-10-22.)

**CHAPTER 1137**  
**M-2 General Industrial District**

**1137.01 Purpose.**

**1137.02 Permitted uses.**

**1137.03 Conditional uses.**

**1137.04 Development standards.**

**1137.01 PURPOSE.**

The purpose of the General Industrial (M-2) District is to provide an area for the location of industrial uses. The M-2 General Industrial District should generally be separated from residential districts.

(Ord. 2022-05. Passed 8-10-22.)

**1137.02 PERMITTED USES.**

The following uses and similar uses as determined by the Zoning Inspector are permitted in the General Industrial (M-2) Zoning District:

- Accessory uses and accessory structures
- Assembly of electrical components, instruments, and devices, including electroplating
- Building material sales yard
- Concrete and asphalt production
- Distribution center
- Equipment sales and rental
- Lumber yard
- Machine shop
- Manufacturing from raw material(s)
- Plumbing, sheet metal, and woodworking shops
  - (provided processing machines are within a completely enclosed building)
- Self-storage facility (with or without an on-site manager's dwelling unit)
- Wholesaling, including the inside storage, handling, or sale of merchandise primarily to retailers.

(Ord. 2022-05. Passed 8-10-22.)

**1137.03 CONDITIONAL USES.**

The following uses may be approved pursuant to Chapter 1157 - Procedures and Requirements for Conditional Uses:

Any permitted use requiring outdoor storage  
Contractor yard  
Day care center  
Landscape contractor  
Limousine/taxi service  
Marine sales and service  
Recreational vehicle sales and service  
Recycling center  
Storage lot including automobiles, boats, trucks, and recreational vehicles.  
Truck service center  
Truck terminal

(Ord. 2022-05. Passed 8-10-22.)

**1137.04 DEVELOPMENT STANDARDS.**

All main buildings, lots and land uses within the General Industrial (M-2) District shall meet the following development standards:

- (a) Height Limit. No structure shall be constructed or enlarged to exceed forty-five (45') feet in height.
- (b) Coverage and Setback Requirements. All lots shall meet the following requirements:

**Lot Coverage:** Sixty percent (60%) maximum.

**Front Yard:** Thirty-five (35') feet.

**Side Yard:** Ten (10') feet.

**Rear Yard:** Thirty (30') feet.

(Ord. 2022-05. Passed 8-10-22.)



**CHAPTER 1139**  
**M-3 Planned Industrial/Business Park**

**1139.01 Purpose.**

**1139.02 Permitted uses.**

**1139.03 Conditional uses.**

**1139.04 Development standards.**

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**1139.01 PURPOSE.**

The purpose of the Planned Industrial/Business Park (M-3) District is to provide planned areas for industrial and business uses. The Planned Industrial/Business Park (M-3) District should generally be separated from residential districts.  
(Ord. 2022-05. Passed 8-10-22.)

**1139.02 PERMITTED USES.**

The following uses are permitted in the Planned Industrial/Business Park (M-3) Zoning District:

- Accessory uses and accessory structures
- Automobile/truck repair garage
- Electronic equipment manufacture/assembly
- Machine shop
- Manufacturing from raw material(s)
- Precision instrument manufacture/assembly
- Professional office
- Research and development facility
- Truck terminal

(Ord. 2022-05. Passed 8-10-22.)

**1139.03 CONDITIONAL USES.**

The following uses may be approved pursuant to Chapter 1157- Procedures and Requirements for Conditional Uses:

Correctional facility  
Landfill  
Material recovery facility  
Mineral extraction, storage, processing, and manufacture  
Salvage Yard  
Storage and distribution of compressed gases  
Processing/manufacture/storage of asphalt, concrete, or other excavated materials  
Production, storage, and distribution of volatile chemicals including radioactive materials  
(Ord. 2022-05. Passed 8-10-22.)

**1139.04 DEVELOPMENT STANDARDS.**

All main buildings, lots and land uses within the Planned Industrial/Business Park (M-3) District shall meet the following development standards:

- (a) Height Limit. No structure shall be constructed or enlarged to exceed forty five (45') feet in height.
- (b) Coverage and Setback Requirements. All lots shall meet the following requirements:

**Lot Coverage:** Sixty percent (60%) maximum.

**Front Yard:** Forty-five (45') feet.

**Side Yard:** Thirty (30') feet.

**Rear Yard:** Forty (40') feet.

(Ord. 2022-05. Passed 8-10-22.)

## **CHAPTER 1141 Downtown Overlay District**

<b>1141.01 Purpose.</b>	<b>1141.07 Architectural standards.</b>
<b>1141.02 Downtown Overlay District boundaries.</b>	<b>1141.08 General design standards.</b>
<b>1141.03 Permitted uses.</b>	<b>1141.09 Maintenance standards.</b>
<b>1141.04 Conditional uses.</b>	<b>1141.10 Parking.</b>
<b>1141.05 Excluded uses.</b>	<b>1141.11 Development standards.</b>
<b>1141.06 Accessory buildings and uses.</b>	

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### **1141.01 PURPOSE.**

The downtown area is the identifying area and the central point in the Village of Fayette. It is an important historical commercial area. The purpose of this district is to maintain the character of this area and promote high quality architecture and maintenance of this historic district. Unique building design and pedestrian and vehicle access are all fundamental aspects of this district. (Ord. 2022-05. Passed 8-10-22.)

### **1141.02 DOWNTOWN OVERLAY DISTRICT BOUNDARIES.**

The boundaries of the Downtown Overlay District are shown on the Official Zoning Map. The boundaries of this overlay district includes all parcels on Main Street/US 20 between Ohio Street to the east and Cherry Street to the west and all parcels on North Fayette Street/Route 66 between Spring Street to the north and Mill Street (west side)/Fulton Street (east side) to the south. (Ord. 2022-05. Passed 8-10-22.)

### **1141.03 PERMITTED USES.**

All uses that are permitted in the underlying zoning district(s), except those uses expressly excluded by Section 1141.05, are permitted within the Downtown Overlay District. (Ord. 2022-05. Passed 8-10-22.)

### **1141.04 CONDITIONAL USES.**

All Conditional Uses that are permitted, pursuant to Chapter 1157 - Procedures and Requirements for Conditional Uses, in the underlying zoning district(s) are also permitted within the Downtown Overlay District except those uses expressly excluded in Section 1141.05. (Ord. 2022-05. Passed 8-10-22.)

**1141.05 EXCLUDED USES.**

The following uses are not permitted within the Downtown Overlay District notwithstanding the fact that such uses may be listed as a Permitted Use or Conditional Use in the underlying zoning district.

Automobile sales, used (when not in conjunction with new car sales)  
Automobile/truck service center (when not in conjunction with new car sales)  
Contractor yard  
Landscape Contractor  
Off-premise sign (billboard)  
Storage (Personal or business) (on first floor of building)  
Single, two family, or multi-family dwelling (on first floor of building)  
Self-Storage facility  
Sexually oriented business

(Ord. 2022-05. Passed 8-10-22.)

**1141.06 ACCESSORY BUILDINGS AND USES.**

All accessory buildings and accessory uses that are permitted in the underlying zoning districts are permitted within the district, except that any detached accessory building on any lot shall have on all sides the same architectural features and shall be architecturally similar to the principal building(s) with which it is associated.

(Ord. 2022-05. Passed 8-10-22.)

**1141.07 ARCHITECTURAL STANDARDS.**

(a) The purpose of architectural standards is to ensure the exterior of any new construction and additions and/or renovations to existing buildings are well designed, detailed, and crafted to embody high standards of architectural design and to ensure the long-term viability of commercial structures in the Village. Unique Building Design is encouraged for all new buildings constructed in this district. Further, it is encouraged that when existing buildings are remodeled and/or enlarged, that the following standards are adhered to so as to bring the entire building into conformity with the standards of this district. Building design shall include the following features for the frontage of all buildings in this district:

- (1) Buildings shall include three (3) of the following features along the primary building frontage and any façade visible from the public right of way:
  - A. Canopies/porticos
  - B. Roof overhangs/roof line changes
  - C. Recesses/projections
  - D. Arcades
  - E. Gabled roofs/arches
  - F. Display windows
  - G. Architectural details such as tile work or molding
  - H. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting
- (2) Brick, stucco, stone, or cultured stone masonry finishes are encouraged.
- (3) The use of concrete block, steel paneling and wood siding is not permitted.
- (4) On any building with more than fifty (50') feet of frontage, building recesses and protrusions are strongly encouraged to break long uninterrupted building walls.

- (5) The Village may, through the Site Plan Review process, exempt all or parts of the architectural standards in this section when, in the opinion of the Village, the design constitutes a unique, one of a kind building that meets the intent of these standards.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1141.08 GENERAL DESIGN STANDARDS.**

- (a) The following standards shall apply to all buildings in this district:
- (1) All building utility fixtures, including hvac/air conditioning units, whether roof mounted or otherwise, shall be screened from view.
  - (2) Outdoor seating is encouraged for all restaurants.
  - (3) All lighted signs shall be internally illuminated; external lighting sources are not allowed.
  - (4) Sidewalks shall be installed and maintained on all existing parcels to promote connectivity.
- (Ord. 2022-05. Passed 8-10-22.)

#### **1141.09 MAINTENANCE STANDARDS.**

The Village of Fayette encourages the maintenance of all existing buildings and land. All painted surfaces shall be kept free of peeling paint. Any metal surfaces shall be kept free of rust. When exterior building finishes are changed and/or replaced, they should be made to conform to the provisions of this Section. All landscaping areas shall be maintained to be free of weeds, and any overgrown vegetation shall be maintained. Any dead vegetation shall be removed and replaced with similar plantings. Such maintenance is typically enforced through the Police Department. (Ord. 2022-05. Passed 8-10-22.)

#### **1141.10 PARKING.**

All parking areas shall be well maintained and kept in good repair. All parking areas shall be hard surfaced with either asphalt, concrete, or pavers.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1141.11 DEVELOPMENT STANDARDS.**

All main buildings within the Downtown Overlay District shall meet the following development standards:

- (a) Height Limit. As specified in the underlying zoning district(s).
- (b) Coverage and Setback Requirements.

**Lot Coverage:** No maximum.

**Front Yard:** Zero (0') feet. (Up to edge of ROW but not extending into the ROW)

**Side Yard:** Zero (0') feet.

**Rear Yard:** As specified in the underlying zoning district(s).

(Ord. 2022-05. Passed 8-10-22.)



**CHAPTER 1143**  
**PUD Planned Unit Development**

<b>1143.01 Purpose.</b>	<b>1143.06 Exceptions.</b>
<b>1143.02 Description.</b>	<b>1143.07 Findings required.</b>
<b>1143.03 Procedure.</b>	<b>1143.08 Change to approved plan.</b>
<b>1143.04 Additional information.</b>	<b>1143.09 Expiration and extension</b>
<b>1143.05 Development standards.</b>	<b>of approval period.</b>

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**1143.01 PURPOSE.**

The Planned Unit Development (PUD) is a voluntary procedure that provides an overlay zoning district intended to encourage conservation development and innovative design, and to conserve and/or create significant natural features. The Planned Unit Development allows greater design flexibility so that natural features and/or usable, accessible, consolidated open space may be preserved, enhanced, and/or created by concentrating development in a coordinated and efficient manner. The developer should attempt to conserve and maintain significant wildlife habitats in existing wooded areas, meadows, and hedgerows and tree lines between fields or meadows as physically possible. All Planned Unit Developments shall include street connectivity to existing and future developments. In addition, utilization of bike/pedestrian pathways is highly encouraged. (Ord. 2022-05. Passed 8-10-22.)

**1143.02 DESCRIPTION.**

The Planned Unit Development may be a residential, commercial, office and research, or industrial development or may be a combination of uses with no minimum site area required. Where a combination of uses are proposed, a maximum of twenty-five percent (25%) of the total acreage may be developed with uses not permitted in the underlying zoning district. Village Council shall review and find that the combination of uses meet the standards set forth in this section. (Ord. 2022-05. Passed 8-10-22.)

**1143.03 PROCEDURE.**

The Planned Unit Development application shall be submitted and processed pursuant to Chapter 1159 - Zoning Changes and Text Amendments. The decisions to rezone land to a PUD classification and to approve a Development Plan are accomplished concurrently. The applicant shall submit a "Request for Zoning Change" application with ten (10) copies of the development plan along with the required application fees. The development plan shall include the following:

(a) Development Plan Information.

- (1) Name, address, phone number, and fax number of the applicant.
  - (2) Name, address, and phone number of registered surveyor, engineer and/or landscape architect who prepared the plan.
  - (3) Legal description of the property.
  - (4) An electronic file of the site plan and associated plans.
  - (5) A vicinity/project location map.
  - (6) Conceptual drainage plan.
  - (7) Location and amount of usable, accessible, consolidated open space(s).
  - (8) Gross lot acreage, net lot acreage, maximum allowable density, and the proposed density with calculations indicated.
  - (9) Maximum site coverage.
  - (10) Topography at two-foot contour intervals.
  - (11) Existing features of the development site, streets, easements, utility lines, and land uses.
  - (12) Street layout and names along with sidewalks/ pedestrian walkway locations.
  - (13) Existing buildings to remain or to be removed, and if the existing buildings remain, indicate proposed use.
  - (14) All proposed signs (with setbacks from the right-of-way) excluding street signs.
  - (15) Location, area and dimensions of all lots, setbacks, and building envelopes.
  - (16) Typical building envelope with all proposed setbacks.
  - (17) The development plan shall illustrate any and all existing natural land features such as trees, forest cover, and water resources and all proposed changes to these features including the size and type of material(s) to be replaced on the site.
  - (18) A detailed landscaping plan showing the location of trees and plant materials to be preserved and trees and plant materials to be installed.
- (b) Once the application is deemed complete by the Zoning Inspector, the Development Plan may be forwarded to the Village Planning Commission for their review and recommendation(s).
- (c) The developer is required to receive Final Plat approval from the Village prior to receiving Zoning Certificates.  
(Ord. 2022-05. Passed 8-10-22.)

**1143.04 ADDITIONAL INFORMATION.**

The Village Council, Village Planning Commission, and/or Zoning Inspector may require additional information such as professionally prepared maps, tree inventory, studies or reports including environmental assessments and/or traffic impact studies for the development. The expense for this information is the responsibility of the applicant.  
(Ord. 2022-05. Passed 8-10-22.)



**1143.05 DEVELOPMENT STANDARDS.**(a) General.

- (1) The development shall be in conformance with the goals and objectives of the Zoning Ordinance and any applicable Subdivision Regulations (as amended from time to time).
- (2) The development shall be compatible with the proposed and existing surrounding land uses.
- (3) The arrangement of land uses and buildings on the site shall be integrated with the topography, natural features, and open space of the site.

(b) Specific - Residential.

- (1) The maximum number of dwelling units (DU's) permitted per gross site acreage (GSA) is listed in the districts below. An additional dwelling unit is permitted in each district subject to each additional half (1/2) acre provided within the Planned Unit Development as common and consolidated open space.

R - 1 District	R - 2 District	R - 3 District
4 DU's/GSA	3 DU's/GSA	9 DU's/GSA

- (2) No more than fifty percent (50%) of gross site acreage shall be devoted to coverage by buildings, structures, street pavement, driveway pavement, and parking area pavement.
- (3) No less than fifteen percent (15%) of the gross site acreage, none of which is part of any yard, shall be allocated to usable, accessible, and consolidated common open space.
- (4) A yard area void of pavement shall be maintained along all perimeter property lines of the Planned Unit Development as follows:
  - A. When abutting an "R" District, a perimeter yard area shall be provided that has a minimum depth equal to the required rear yard setback of the PUD's underlying zoning district.
  - B. When a residential area of a Planned Unit Development abuts a "C" or "M" district, a perimeter yard area shall be provided that has a minimum depth of seventy five (75') feet.
- (5) Building height shall be in accordance with the underlying zoning.
- (6) Minimum lot size, lot width, building or structure setback requirements may be waived if warranted except as noted in subsection (b)(4) hereof.
- (7) Telephone, electrical, cable, and other utility appurtenances shall be sufficiently screened.

(c) Specific - Commercial.

- (1) Commercial developments shall be planned with common parking areas and common points of ingress and egress. Parking requirements shall be provided pursuant to Chapter 1155 - Parking Requirements, and the number of spaces required shall be determined by each specific use within the Planned Unit Development.

- (2) A yard area void of pavement shall be maintained along all perimeter property lines of the Planned Unit Development as follows:
    - A. A minimum yard depth of forty (40') feet shall be provided unless a greater rear yard setback is required as listed in the underlying zoning district.
    - B. A minimum yard depth of seventy-five (75') feet shall be provided when abutting an "R" district.
  - (3) No less than fifteen percent (15%) of the gross site acreage, none of which is part of any yard, shall be allocated to usable, accessible, and consolidated common open space.
  - (4) No more than fifty percent (50%) of gross site acreage shall be devoted to coverage by buildings, structures, street, driveway and parking area pavement.
  - (5) Landscaping or screening for parking shall be required pursuant to Chapter 1153 - Landscaping Requirements.
  - (6) Minimum lot size, lot width, building, or structure setback requirements may be waived if warranted.
  - (7) Telephone, electrical, cable, and other utility appurtenances shall be sufficiently screened.
- (d) Specific - Industrial.
  - (1) Industrial Planned Unit Developments shall utilize natural features to screen lighting and parking.
  - (2) Landscaping or screening for parking pursuant to Chapter 1153 - Landscaping Requirements.
  - (3) A minimum yard depth of seventy-five (75') feet, void of pavement, shall be provided and maintained on all perimeter property lines of the Planned Unit Development unless a greater setback is required by the Zoning Resolution.
  - (4) No less than fifteen percent (15%) of the gross site acreage, none of which is part of any yard, shall be allocated to usable, accessible, and consolidated common open space.
  - (5) Minimum lot size, lot width, building or structure setback requirements may be waived if warranted.
  - (6) No more than sixty percent (60%) of gross site acreage shall be devoted to coverage by buildings, structures, street pavement, driveway pavement, and parking area pavement.
- (e) Connectivity Requirements.
  - (1) Design shall include street connections to existing neighborhoods as well as stub streets to future development. The construction of such streets shall occur at the same time as the Planned Unit Development streets are constructed.
  - (2) Construction of pedestrian/bike paths is highly encouraged. They shall be designed to connect to existing pedestrian/bike paths and also to be designed to allow for future connections. Pedestrian/bike paths shall be constructed at the same time as the streets are constructed. A bond may be required for the construction of such paths.  
(Ord. 2022-05. Passed 8-10-22.)

**1143.06 EXCEPTIONS.**

The applicant may request, and the Village Planning Commission may recommend, the approval, modification, or disapproval of exceptions to the standards set forth in this section or those regulating parking, landscaping, signage, height, and setbacks; provided that such exceptions are approved in accordance with findings required in Section 1143.07.  
(Ord. 2022-05. Passed 8-10-22.)

**1143.07 FINDINGS REQUIRED.**

The Village Planning Commission, after considering the requirements of this Section may recommend the approval, approval with modifications, or disapproval of the development plan. The Village Planning Commission shall forward this recommendation to the Village Council. The Village Planning Commission may recommend and the Village Council may approve, or approve with modifications, or disapprove the Planned Unit Development. The Village Council may approve the Planned Unit Development provided the following findings are made:

- (a) The PUD requirements are in conformance with this Ordinance.
  - (b) The uses proposed will not be detrimental to the present and potential uses in the surrounding area and in the development, but will have a beneficial effect, which could not be achieved under any other district.
  - (c) Exceptions from the Zoning Ordinance, if any, are warranted by the design and amenities incorporated into the PUD.
  - (d) Land surrounding the proposed development can be planned and developed in coordination with the proposed development and with compatible uses.
  - (e) The proposed Planned Unit Development District and any required change in the underlying zoning is in conformance with recognized principles and standards of community and neighborhood planning and development.
  - (f) Existing and proposed streets are suitable and adequate to carry anticipated traffic within and in the vicinity of the Planned Unit Development.
  - (g) Utility sources are adequate or will be prior to the issuance of a zoning permit.
  - (h) The proposed Planned Unit Development can feasibly be developed within a reasonable time so that large tracts of lands will not for long periods of time remain undeveloped, but committed to specific developments most needed to serve the public at some future time.
- (Ord. 2022-05. Passed 8-10-22.)

**1143.08 CHANGE TO APPROVED PLAN.**

Changes or alterations to the development plan as approved by the Village Council may be administratively reviewed and approved by the Zoning Inspector, except in the following circumstances which will require approval by Village Council. Any changes or alterations approved by Village Council or the Zoning Inspector under this Section are administrative in nature and shall not be considered an amendment to the Zoning Ordinance.

- (a) Change in the overall acreage of the Planned Unit Development.
  - (b) Any change in use in the Planned Unit Development.
  - (c) Substantial alteration of open space areas and their location(s).
  - (d) A significant change in street pattern.
  - (e) A significant change in the landscape plan.
  - (f) An increase in the number of buildings.
  - (g) Changes in the building or building envelope location(s).
- (Ord. 2022-05. Passed 8-10-22.)

**1143.09 EXPIRATION AND EXTENSION OF APPROVAL PERIOD.**

If construction of any phase of the approved Planned Unit Development begins within two (2) years after approval is granted, the approval shall be valid until the development is completed. If no construction has begun within two (2) years after approval is granted, the Planned Unit Development shall be void and the land shall revert to the original zoning classification prior to the PUD application. An extension of the time limit may be approved by Village Planning Commission.

(Ord. 2022-05. Passed 8-10-22.)

### **TITLE FIVE - Zoning Standards**

- Chap. 1145. Supplemental Regulations.
- Chap. 1147. Non-Conformity.
- Chap. 1149. Signs and Outdoor Advertising.
- Chap. 1151. Site Plan Review.
- Chap. 1153. Landscaping Requirements.
- Chap. 1155. Parking Requirements.

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### **CHAPTER 1145 Supplemental Regulations**

<b>1145.01</b>	<b>General.</b>	<b>1145.12</b>	<b>Small wind turbine.</b>
<b>1145.02</b>	<b>Accessory building or structure.</b>	<b>1145.13</b>	<b>Supplemental yard regulations.</b>
<b>1145.03</b>	<b>Sexually oriented business.</b>	<b>1145.14</b>	<b>Swimming pools.</b>
<b>1145.04</b>	<b>Architectural projections.</b>	<b>1145.15</b>	<b>Telecommunication tower.</b>
<b>1145.05</b>	<b>Fences.</b>	<b>1145.16</b>	<b>Temporary buildings and uses.</b>
<b>1145.06</b>	<b>Home occupation.</b>	<b>1145.17</b>	<b>Yard/garage sales.</b>
<b>1145.07</b>	<b>More than one principal building.</b>	<b>1145.18</b>	<b>Vehicle sales in residential districts.</b>
<b>1145.08</b>	<b>Noise.</b>	<b>1145.19</b>	<b>Access for fire protection.</b>
<b>1145.09</b>	<b>Ponds/lakes.</b>	<b>1145.20</b>	<b>Self storage facilities.</b>
<b>1145.10</b>	<b>Nuisance.</b>	<b>1145.21</b>	<b>Dwelling units above the ground level.</b>
<b>1145.11</b>	<b>Salvage yards.</b>		

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#### **1145.01 GENERAL.**

In addition to the zoning district requirements, the following Supplemental Regulations shall regulate the uses and structures in the Village of Fayette:  
(Ord. 2022-05. Passed 8-10-22.)

**1145.02 ACCESSORY BUILDING OR STRUCTURE.**

An accessory building or structure shall be subject to the following requirements:

- (a) It shall be located behind or adjacent to the principle building, but may not project in front of the principal building.
- (b) The minimum distance of the accessory building or structure from the principal building shall be ten (10') feet in all residential, commercial, and industrial districts.
- (c) The minimum distance of the accessory building or structure in a residential district from any lot line shall be five (5') feet. Where the accessory building is located on a corner lot, the rear of which abuts upon the side lot line of another lot, the accessory building shall not project within the front yard line required on the lot in the rear of such corner lot.
- (d) The minimum distance of the accessory building or structure in a non-residential district from any lot line shall be ten (10') feet and the accessory building or structure shall not be located within any required planting strip. Where the accessory building is located on a corner lot, the rear of which abuts upon the side lot line of another lot, the accessory building shall not project within the front yard line required on the lot in the rear of such corner lot.
- (e) In the R zoning districts, accessory building(s) shall not be more than one story, shall not exceed twenty (20') feet in height to the peak of the roof or four feet higher than the height of the dwelling (whichever is less).
- (f) In any non-residential district, accessory buildings shall not exceed the maximum allowable height of the district.
- (g) A canopy is an accessory structure and shall be permitted in a Highway Commercial (C-2) District on a lot used for gasoline sales with the following requirements:
  - (1) The requirements of subsection (a) hereof are not applicable to such canopy.
  - (2) The canopy shall be subject to all applicable coverage and setback requirements of the district for which it is approved.
- (h) A trash receptacle container (dumpster) is an accessory structure that shall conform to the provisions of this section and shall be screened on all sides with a solid material. A temporary dumpster may not be located in the right-of-way, cannot create a safety or vision hazard, and may be in place no longer than 30 days.
- (i) On through lots, accessory buildings are subject to front yard and other applicable setbacks, however the accessory building may be located between the principle building and the lesser traveled road. This does not apply to containers used to collect recyclable materials for a public service.
- (j) There shall be a maximum of two (2) accessory buildings on each parcel in any R zoning district. The total square footage for all accessory buildings cannot exceed fifteen hundred (1,500) square feet.
- (k) Above ground storage shall be in an approved container, shall incorporate spill protection, shall be screened, and shall be subject to EPA approval.  
(Ord. 2022-05. Passed 8-10-22.)

**1145.03 SEXUALLY ORIENTED BUSINESS.**

(a) Because research has shown that sexually oriented business activities can cause or contribute significantly to the deterioration of residential neighborhoods, can impair the character and quality of such neighborhoods and the housing located therein, and can inhibit the proper maintenance and growth of such neighborhoods, limiting or reducing the availability of quality, affordable housing for area residents, and reducing the value of property in such areas, sexually oriented businesses shall only be permitted as follows:

(b) Sexually oriented businesses are permitted uses in the C-2 Zoning District provided the proposed locations of such uses are more than five hundred (500') feet from the following uses:

- (1) Any residential or agricultural zoned district, church or place of worship, school, day care, library or public playground, or park.
- (2) Any other recreational facility, sports field or amusement park regularly attended by persons less than 18 years of age.
- (3) Any other sexually oriented business or within a radius of one thousand (1,000') feet of any two sexually oriented businesses.

(c) The measure of distance for purposes of this section shall be from the property line of the sexually oriented business use to the property line of the sensitive use along the shortest possible course, regardless of any customary or common route or path.

(d) The Administrator shall only consider the standards specified in this Resolution in determining whether to approve a sexually oriented business application for a Zoning Certificate.

(e) No person, other than an applicant who has been denied a Zoning Certificate, may appeal the decision of the Administrator on an application for a Zoning Certificate for a sexually oriented business to the Board of Zoning Appeals.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1145.04 ARCHITECTURAL PROJECTIONS.**

(a) Cornices, eaves, sills, canopies, window wells, or other similar architectural features (not including vertical projections) may extend or project into the required side yard not more than 18 inches.

(b) Chimneys may project into a required yard not more than two (2') feet.

(c) Open, unenclosed stairways or balconies, not covered by a roof or canopy, may extend or project into a required rear yard not more than four (4') feet.

(d) Open, unenclosed patios, platforms, or decks not covered by a roof or canopy and not extending above the height of the first floor elevation of the building, may extend or project into a required front yard not more than six (6') feet and may extend or project into a required rear yard not more than ten (10') feet.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1145.05 FENCES.**

(a) General Requirements.

- (1) A Zoning Certificate shall be obtained to construct, enlarge, alter and/or replace any fence.
- (2) Fences are permitted to be placed along a property line but shall not extend beyond the property line or into any right-of-way area. Fences shall not be located closer than one (1') foot from the edge of a public sidewalk or walkway. It is a property owner's responsibility to locate property lines and it is suggested that a surveyor locate property lines before installing fences.

- (3) All fences shall be properly maintained with respect to height, appearance, and safety so as not to become a nuisance.
- (4) Invisible (underground electronic) fencing is allowed but may not project into any right-of-way or project across any public sidewalk.

(b) Residential/Open Space Districts. The following regulations apply to all fences in any Residential District:

- (1) Fences between the principal building and a street shall not exceed forty-eight (48") inches in height above grade.
- (2) Fences between the principal building and both streets on corner lots cannot exceed forty-eight (48") inches in height above grade.
- (3) Fences to the side or rear of a building shall not exceed six (6') feet in height above grade.
- (4) A fence enclosing a swimming pool shall have a minimum height of forty-eight (48") inches and a maximum height of six (6') feet above grade and shall have a lockable, self-latching gate.

(c) Commercial & Industrial Districts. The following regulations apply to all fences in any Commercial or Industrial District:

- (1) Fences between the principal building and a street shall not exceed forty-eight (48") inches in height above grade.
- (2) Fences between the principal building and both streets on corner lots shall not exceed forty-eight (48") inches in height above grade.
- (3) Fences to the side or rear of a building shall not exceed six (6') feet in height above grade in any Commercial or Office & Research District and shall not exceed eight (8') feet in height above grade in any Industrial District.

(d) Prohibited Fences. The following types of fencing are prohibited in all districts:

- (1) Barbed wire, razor ribbon and similar types except in conjunction with agricultural activities permitted under this code.
  - (2) Any fence that impedes the view of vehicular traffic or creates any type of safety hazard.
  - (3) Fencing that is charged or connected with an electrical current, except in conjunction with agricultural activities permitted under this code.
- (Ord. 2022-05. Passed 8-10-22.)

#### **1145.06 HOME OCCUPATION.**

Home occupations are allowed in all dwellings in single-family residential districts. They shall be carried on by the resident of the dwelling and shall be clearly incidental and secondary to the use of the dwelling. Home occupations shall not change the external character of the dwelling and/or property, shall not produce a sound that is audible beyond the dwelling, shall not involve the employment of any person(s) other than a resident(s) of such dwelling, and shall not involve the direct sale of commodities and services on the premises. Home Occupations may be located in the main building or in any accessory building as long as the residential character of the property is maintained.

(Ord. 2022-05. Passed 8-10-22.)



**1145.07 MORE THAN ONE PRINCIPAL BUILDING.**

No more than one (1) principal building may be located on a single lot, except for the following uses:

Group living	Multi-family dwellings
Church	Public Use (School, Fire Station, etc.)
Greenhouses	Self-storage facility
Manufactured Home Park	

(Ord. 2022-05. Passed 8-10-22.)

**1145.08 NOISE.**

Noise Control will be enforced by local law enforcement in accordance with the Ohio Revised Code and/or the codified ordinances of the Village of Fayette.

(Ord. 2022-05. Passed 8-10-22.)

**1145.09 PONDS/LAKES.****(a) General Requirements.**

- (1) Ponds/lakes are permitted as an accessory use in any Zoning District on any parcel three (3) acres or greater in size unless it is located within a platted subdivision. Site plan review shall be required for all ponds/lakes constructed in a residential, commercial, or industrial district that is not located within a platted subdivision, and shall conform to the requirements of Chapter 1151 -Site Plan Review.
- (2) Prior to the issuance of a Zoning Certificate for a pond/lake, an approval must first be obtained from the Fulton County Board of Health for any lot with onsite sewage and/or well water system.
- (3) Pond/Lake construction shall be completed within one (1) year from the date of the issuance of a Zoning Certificate.
- (4) Ponds/Lakes shall conform to the Fulton County Soil and Water Conservation specifications and guidelines.
- (5) If a pond/lake is determined to be a safety hazard because of a nearby residential development, Fayette Village Council may require the owner to fence the perimeter of the pond/lake with a fence not less than four (4') feet in height.

**(b) Area and Design Requirements.**

- (1) Minimum pond/lake surface area shall be one half (1/2) acre, with a maximum surface area not to exceed twenty-five percent (25%) of the total site area.
- (2) The side slope of a pond/lake shall be horizontal to vertical at a ratio of 3:1 except where a beach is desired. This ratio shall be maintained to a minimum depth of seventeen (17') feet. Where a beach is desired, from the shoreline away from the water, the beach grade shall be no greater than 4:1, with an overall minimum average pond/lake depth of not less than nine (9') feet.

- (3) To prevent adverse drainage effects on adjoining properties, a drainage system satisfactory to the Fulton County Engineer shall be installed to accommodate overflows and surface drainage from pond/lake development; this system shall be diverted to a suitable outlet or drainage ditch.
  - (4) All excavated soils shall remain on the same lot as the pond/lake unless recommended by the Zoning Commission and approved by Village Council to remove such. In that event, excavated materials may only be removed to the extent as permitted by Village Council.
  - (5) All pond/lake backfilling and excavated material distribution shall be certified in writing to the Administrator as conforming to the approved site plan's grading and reclamation requirements. The written certification shall be submitted by a Professional Engineer or Surveyor and shall be submitted at the time of completion or in phases as required by the provisions of site plan approval.
  - (6) A bond of five thousand dollars (\$5,000) per pond/lake site acre (minimum \$5,000) or surety satisfactory to Village Council shall be filed with the Village to guarantee satisfactory development, completion, and maintenance of the pond/lake. The entire project shall be bonded at once and not bonded one acre at a time. All bonds shall be obtained prior to the start of any earthwork. Bonds may be released by Village Council following fulfillment of all conditions of site plan approval.
- (c) Setback Requirements.
- (1) A pond/lake shall be set back one hundred (100') feet minimum from any public right-of-way.
  - (2) Ponds/lakes shall have a side yard setback of not less than twenty-five (25') feet.
  - (3) A pond/lake shall be located no closer than one hundred (100') feet to a septic tank or leach field.
  - (4) Ponds/lakes shall have a rear yard setback of not less than fifty (50') feet. (Ord. 2022-05. Passed 8-10-22.)

#### **1145.10 NUISANCE.**

No lot owner shall permit vegetation, garbage, refuse or debris to exist on any lot and Village Council may determine and find from all circumstances that the existence of such vegetation, garbage, refuse and debris to be a "nuisance" and that such public nuisance causes injury to the property of another, endangers life and health, is offensive to the senses, violates laws of decency or obstructs reasonable and comfortable use of one's property. In addition to other remedies provided by law, Village Council may institute an action for injunction, mandamus, or abatement, or any other appropriate action or proceeding to prohibit public nuisances in violation of this Section.

- (a) Junk Motor Vehicle(s) Prohibited. No motor vehicle that is a "junk motor vehicle" (ORC 4513.65) shall be permitted to exist on any lot.
- (b) Junk Motor Vehicle; Collector's Vehicle.
  - (1) No person shall store or keep any junk motor vehicle on private or public property within the Village.
  - (2) Regardless of whether it is licensed or unlicensed, a vehicle is a "junk motor vehicle" for the purposes of this Section if the vehicle meets all of the following criteria:

- A. A vehicle that has been left on private property or left on a public street, public way, or other property open to the public for purposes of vehicular travel or parking, or upon or within the right-of-way of any road or highway, for forty-eight (48) hours or longer;
  - B. Three model years old or older;
  - C. Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, or transmission;
  - D. Apparently inoperable.
- (3) All vehicles that are parked/stored and are visible from the street shall have currently registered license plates.
- (c) On-site construction debris shall be stored in an enclosed container so that debris is not spread to any neighboring properties or streets. Any materials and/or debris cleared from the building site shall be disposed of properly, pursuant to applicable regulations.
- (d) All grass and vegetation shall be maintained. Grass height shall be kept to 8" or below. All other vegetation including bushes, shrubs, and trees shall be trimmed so as not to become overgrown or create a site or vision hazard.
- (e) Vacant buildings shall be maintained and shall be secure at all times. If a property owner does not keep any vacant building secure, the Village may perform the work and may place a lien on the property taxes.
- (f) Penalties.
  - (1) In the event the public nuisance is not abated by the date set forth in the notice, or, if an extension date has been given by the Chief of Police or the Chief's Designee or by the Village Council, then by such date, the owner and occupant shall be guilty of an unclassified misdemeanor, punishable by a fine of not less than two hundred fifty dollars (\$250.00) nor more than one thousand dollar (\$1,000.00). Each day of non-abatement shall constitute another offense. It shall be an affirmative defense under this subsection that the particular defendant did not have the authority to correct the nuisance or did not know of the nuisance.
  - (2) The Village Administrator may proceed to have the nuisance abated and the total cost shall be collected by either a civil suit or certification of such total cost to the County Auditor for placement upon the tax duplicates.
  - (3) The Village Administrator may enforce this chapter by injunction brought in the Court of Common Pleas of Fulton County.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1145.11 SALVAGE YARDS.**

- (a) Submission Requirements.
  - (1) The applicant shall provide a complete and accurate legal description of the entire site.
  - (2) A Conditional Use Request and a Site Plan that conforms to all applicable requirements of this Ordinance shall be submitted.
- (b) Motor Vehicle Salvage Yard.
  - (1) Motor Vehicle Salvage Yards shall maintain a list of vehicles in stock and submit this list to the Village upon request.
  - (2) All Motor Vehicle Salvage Yards shall be licensed as required by the Ohio Revised Code.

(c) Storage/Loading. All loading and unloading of vehicles/materials and/or temporary storage of these items shall occur within the salvage yard behind the required fencing and out of view from the public.

(d) Hours of Operation. Hours of operation shall be no earlier than 7:00 a.m. and no later than 7:00 p.m.

(e) Fencing and Screening. Any area used as a salvage yard shall be effectively screened on all sides by means of walls, fences and plantings. Walls or fences shall be six (6') feet in height with no advertising thereon. Fencing/screening shall consist of completely opaque wood and/or concrete material and shall be reviewed and approved as part of the Conditional Use review process. Storage of materials shall not exceed the fence height. A strip of land not less than fifteen (15') feet in width on the perimeter of the yard shall be planted and maintained with evergreen hedges or other plant material with year-round foliage. The plant material shall be a minimum of one half the height of the fence or wall at the time of planting and shall be planted a maximum of ten (10') feet apart.

(f) Yard Requirements. Whenever a salvage yard abuts a residential district, the yard requirements shall be doubled along property lines adjacent to that residential district.

(g) Pavement. All roadways internal to the site shall be paved or maintained to minimize dust. (Ord. 2022-05. Passed 8-10-22.)

#### **1145.12 SMALL WIND TURBINE.**

(a) General Requirements.

- (1) Small wind turbines are permitted in the R Districts on parcels three (3) acres or greater in size.
- (2) The small wind turbine shall service only one residence.

(b) Specific Requirements.

- (1) Height: The total height of the tower shall not exceed one hundred (100') feet. The minimum distance between the ground and any protruding blades shall be fifteen (15') feet as measured at the lowest point of the arc of the blades.
- (2) Fall zone: The small wind turbine shall be a distance of at least 100% of height of the total structure from any property line, dwelling, or right-of-way.
- (3) Set-back: No part of the small wind turbine structure, including guy wire anchors, shall extend closer than ten (10') feet to the property line.
- (4) Lighting: The maximum lighting used on the structure is a low intensity red light regulated by the Federal Aviation Administration.
- (5) Noise: Noise coming from the small wind turbine shall not exceed 65 dBA to the nearest property line.
- (6) Fencing: The supporting tower shall be enclosed with a six (6) foot high fence unless the base of the tower is not climbable for a distance of twelve (12') feet.
- (7) Base: All tower support bases shall comply with Building Department regulations and construction plans shall be prepared by a professional engineer.
- (8) The wind turbine transmission lines shall be underground.  
(Ord. 2022-05. Passed 8-10-22.)

**1145.13 SUPPLEMENTAL YARD REGULATIONS.**

In addition to all yard regulations specified in each zoning district, the following provisions shall be required as indicated:

- (a) Setback Requirements for Corner Lots. On a corner lot, the principal building and any accessory structures shall be the same setback distance from all right-of-way lines as is required for the front yard setback in the district in which the structures are located.
- (b) Visibility at Intersections. On a corner lot in any Zoning District, nothing shall be located, planted, or allowed to grow in such a manner as to impede, or restrict vision.
- (c) Additional Yard Requirements for Buffering Purposes. To secure a desirable transition between land zoned for residential purposes and other zoning districts (C or M), larger yard setbacks shall be provided on the lot that is not zoned for residential purposes. The additional setback shall be along the lot line(s) that abut land zoned for residential purposes. When property that is zoned C or M abuts residentially zoned property, the yard requirements for that yard adjacent to the residentially zoned property for the main building, parking areas, and any/all accessory structures shall be increased two times the usual setback, up to a maximum setback of seventy-five (75') feet.
- (d) Major Roadway Setback Requirements. On lots abutting the following roads and streets, no building shall hereafter be constructed, enlarged, or reconstructed to extend nearer to the centerline of the right-of-way than listed below:

<u>Setback</u>	<u>Road</u>
100 feet	Main St.
100 feet	Route 66/S. Fayette Street
100 feet	Industrial Parkway
100 feet	N. Fayette Street
60 feet (minimum)	All other streets

(Ord. 2022-05. Passed 8-10-22.)

**1145.14 SWIMMING POOLS.**

Outdoor swimming pools are permitted as an accessory use and regulated as follows:

- (a) Residential Swimming Pools. Private swimming pools are permitted as an accessory use in any district provided the following conditions are met:
  - (1) The pool shall be used solely for occupants and guests of the principal use of the lot on which the pool is located.
  - (2) The pool shall not be located, including accessory structures adjacent thereto, closer than ten (10') feet to any lot line of the property on which it is located, and shall be located behind the principal building in the rear yard.
  - (3) The swimming pool area shall have a fence or wall that provides a secure barrier with a minimum height of four (4') feet, and shall be maintained. A swimming pool that is at least four (4') feet above grade on all sides shall be secured with a lockable or removable ladder and no fencing shall be required.

- (4) Wading pools, swim spas, landscape pools, and similar decorative pools which have a maximum depth of twenty-four (24") inches or less are exempt from the provisions of this Section. Hot tubs less than one hundred (100) square feet in size are also exempt from the provisions of this section, however, they shall be located to the rear of the home and shall have a secured cover in place at all times when not in use.
- (b) Community or Club Swimming Pool. Community or Club Swimming Pools shall comply with the following conditions and requirements:
  - (1) The pool shall be for the sole use of the members and guests of the association or club.
  - (2) The pool and other accessory uses including decks and patios shall be setback a minimum distance of twenty-five (25') feet from any lot line.
  - (3) The swimming pool area shall have a perimeter fence or wall of a minimum height of four (4') feet, and shall be maintained.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1145.15 TELECOMMUNICATION TOWER.**

In accordance with the Telecommunications Act of 1996, when a telecommunication tower is planned to be constructed the procedures indicated therein shall be followed. All zoning districts where dwellings of any kind are permitted shall be construed to be an area zoned for residential use. All telecommunication towers are subject to Chapter 1151 - Site Plan Review and shall meet the following standards when located within a residential district:

- (a) The applicant shall provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation).
- (b) The applicant shall demonstrate that no suitable site is available in a non-residential district.
- (c) All accessory buildings shall be screened with fencing, masonry, walls, shrubbery or other screening.
- (d) The applicant shall notify the Village Administrator within thirty (30) days of ceasing operations at the site. The removal of the structures and buildings is required within sixty (60) days of ceasing operations.
- (e) No advertising or illumination other than that which is required by law may be located on the structure.
- (f) The telecommunication tower and all accessory structures shall meet all required area and setback requirements and shall not exceed one hundred twenty (120') feet in height.
- (g) The applicant shall demonstrate that a "co-location" of the telecommunication tower equipment with other telecommunication towers or facilities in the vicinity was considered. Co-location is encouraged wherever feasible.
- (h) Applicant shall utilize stealth technology.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1145.16 TEMPORARY BUILDINGS AND USES.**

(a) Temporary buildings, construction trailers, equipment and materials used in conjunction with construction work may be permitted only on the lot on which construction is occurring and only during the period construction work is in progress. Such temporary facilities shall be removed upon completion of the construction work.

(b) Real estate sales offices, which shall contain no residence, may be permitted within any district for any new subdivision for a period of one (1) year beginning on the date the Final Plat is approved. Extensions of such use may be granted by the Administrator. Such offices shall be removed upon the completion of the sales of the subdivision lots, or upon the expiration or extension of the Zoning Certificate, whichever occurs first.

(c) A Zoning Certificate may be issued for outside or seasonal sales within any commercial district. All goods located outside must be within four (4') feet of the principal building or as indicated on an approved plot plan. Such outside or seasonal sales shall not create a safety, fire, vehicular, or pedestrian hazard. Temporary structures used for seasonal or outside sales may be permitted for one (1) continuous thirty (30) day period each calendar year. The temporary structure shall not create a safety, fire, vehicular, or pedestrian hazard and all goods shall be located within the temporary structure.

(d) Temporary Storage Containers may be allowed for a period of thirty (30) days or less without a Zoning Certificate. These shall not be placed in any right-of-way and shall not become a safety hazard.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1145.17 YARD / GARAGE SALES.**

Yard/ Garage Sales are permitted in all Residential Districts as an accessory use and are regulated as follows:

- (a) No more than two (2) yard/garage sales shall be conducted within any consecutive twelve (12) month period on any property.
- (b) Yard/Garage sales shall not to exceed three (3) consecutive days.
- (c) Items displayed for sale shall not encroach into the right-of-way at any time.
- (d) Prior to holding a garage/yard sale, a permit is required from the Village of Fayette.
- (e) Permit shall be visibly posted during all hours of the garage sale.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1145.18 VEHICLE SALES IN RESIDENTIAL DISTRICTS.**

(a) No more than one automobile and/or recreational vehicle shall be sold at the same time in a Residential District. The vehicle shall not encroach into any right-of-way or create a safety hazard.

(b) The sale of any commercial vehicle is prohibited in all Residential Districts.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1145.19 ACCESS FOR FIRE PROTECTION.**

Access for fire protection shall be provided to all lots and to all buildings and structures on all lots prior to construction of any building or structure thereon. "Access for Fire Protection" means an all-weather roadway capable of supporting fire department vehicles and related equipment from the public highway to the lot and to the building or structure located or proposed to be located thereon.

(Ord. 2022-05. Passed 8-10-22.)

**1145.20 SELF STORAGE FACILITIES.****(a) General Requirements.**

- (1) Self-storage facilities shall be limited to rental of storage units, pickup and deposit of storage.
- (2) Radioactive material, explosives and flammable or hazardous chemicals shall be prohibited from storage. This prohibition shall be included in the lease agreement of storage units. A copy of the lease agreement shall be filed with the Administrator as a condition of the Zoning Certificate.

**(b) Specific Requirements:**

- (1) Lot Area: Minimum lot area shall be two (2) acres.
- (2) Lot Coverage: Maximum lot coverage of units and storage areas shall be as specified in the underlying zoning district(s).
- (3) Setback:
  - A. Front Yard - fifty (50') feet
  - B. Side or Rear Yard - twenty-five (25') feet when abutting or opposite an "R" District and fifteen (15') feet when opposite or abutting a "C" or "M" District.
- (4) Height: Height of structures shall be in conformance with or equal to the average height of structures on properties abutting or opposite to self-storage facilities. Where no adjacent structures exist, the maximum height shall be fifteen (15') feet to highest point of building.
- (5) Lighting: Lighting shall be provided to illuminate facility entrances, driveways, parking areas and storage entrance areas and so arranged to direct light away from adjoining property or any public right-of-way.
- (6) Pavement: All roadways and parking areas shall be surfaced with concrete, asphalt or bituminous pavement.
- (7) No door opening for any storage unit shall be constructed facing any residentially zoned property or public right-of-way.
- (8) Fencing, and/or landscaping/plant screening shall be required around the perimeter of the facility.
- (9) Special Requirements: When adjacent to a Residential District:
  - A. Fencing shall consist of decorative materials compatible with surrounding residential dwellings.
  - B. Hours of operation shall not be earlier than 7:00 a.m. or later than 9:00 p.m. daily.
- (10) Outside storage shall be prohibited.
- (11) Self-Storage facilities shall not be permitted in any building within the Downtown Overlay District.  
(Ord. 2022-05. Passed 8-10-22.)

**1145.21 DWELLING UNITS ABOVE THE GROUND LEVEL**

Single-, two-, and multiple-family dwelling units in a C-1 or C-2 District shall be subject to the following requirements:

- (a) All dwelling units shall be located above the ground level of a Permitted or Conditional Use in the district.
- (b) Off street parking shall be provided in accordance with the provision of Chapter 1155 of this Resolution in addition to the requirements of other uses on the site.
- (c) The maximum height of the structure may not exceed the maximum height requirement of the district the structure is located in.  
(Ord. 2022-05. Passed 8-10-22.)



## **CHAPTER 1147 Non-Conformity**

<b>1147.01 Purpose.</b>	<b>1147.04 Non-conforming buildings and structures.</b>
<b>1147.02 Non-conforming lots of record.</b>	<b>1147.05 Prior zoning approvals.</b>
<b>1147.03 Non-conforming use of land.</b>	<b>1147.06 Repairs and maintenance.</b>

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### **1147.01 PURPOSE.**

In order to encourage development and redevelopment consistent with this Zoning Ordinance and to enable property owners with a reasonable use of their land, it is the intent of the Village of Fayette to allow uses, structures, and lots that came into existence legally, and that conformed with the applicable requirements at the time, to continue to exist and to bring as many aspects of such non-conformities into compliance with existing requirements as is reasonably possible. Non-conformities shall not be enlarged, expanded or extended, and shall not be used for adding or substituting other structures, buildings or uses that are prohibited in the same district. This Section establishes the regulations governing uses, structures, lots, and other zoning related items that came into existence legally but that do not conform to one or more provisions of this amended Ordinance.

(Ord. 2022-05. Passed 8-10-22.)

### **1147.02 NON-CONFORMING LOTS OF RECORD.**

In any district in which a single-family dwelling is permitted, a single-family dwelling and accessory building may be constructed on any single lot of record on the effective date of this amended Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot shall not be contiguous to any other lot of the same ownership, shall not be less than forty five (45') feet in width at the building line and shall comply with all other district requirements as to height, lot coverage, and setback requirements.

(Ord. 2022-05. Passed 8-10-22.)

**1147.03 NON-CONFORMING USE OF LAND**

The lawful use of land which use would not be permitted by the provisions of this Ordinance may be continued so long as such use remains otherwise lawful, and provided:

- (a) No such non-conforming use shall be enlarged or increased in its size, dimension, intensity and shall not be extended to occupy a greater area of land than such use occupied at the effective date of this Ordinance.
- (b) No such non-conforming use shall be moved in whole or in part to any area of the lot other than that occupied by such use at the effective date of this Ordinance.
- (c) Once a nonconforming use is abandoned, the use's nonconforming status is eliminated and any subsequent use of the property shall comply with the regulations of the zoning district in which it is located. A non-conforming use will be considered abandoned when any of the following occurs:
  - (1) The intent of the owner to discontinue the use is apparent;
  - (2) The use has been voluntarily discontinued for a period of two (2) years or more;
  - (3) The characteristic equipment and the furnishings associated with the nonconforming use have been removed from the premises and have not been replaced by similar equipment within the two (2) year period;
  - (4) The nonconforming use has been replaced by a conforming use;
  - (5) A Zoning Permit to reconstruct a damaged nonconforming use has not been secured within one (1) year of the date of occurrence of such damage, or construction has not been diligently pursued.
- (d) No additional structures shall be located on a lot with a non-conforming use of land. (Ord. 2022-05. Passed 8-10-22.)

**1147.04 NON-CONFORMING BUILDINGS AND STRUCTURES.**

Where a lawful building or structure exists at the effective date of this Ordinance that is not otherwise permitted pursuant to this Ordinance due to building area, lot coverage, height, setbacks, yards, or location on the lot, such building or structure may continue so long as it remains otherwise lawful, subject to the following:

- (a) In the event that any non-conforming building, or structure, is destroyed by any means to the extent or more than sixty percent (60%) of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Ordinance. When such a non-conforming structure is damaged or destroyed to the extent of sixty percent (60%) or less of the replacement cost, no repairs, or rebuilding shall be permitted except in conforming with all applicable regulations of this Ordinance and the following conditions:
  - (1) A Zoning Permit for such restoration shall be first obtained within one (1) year of such damage or destruction;
  - (2) Such repair shall not cause a new or additional nonconformity; such repair shall not increase the size, dimension or intensity of the non-conformity that existed prior to such damage or destruction.
- (b) Non-conforming buildings and/or structures shall not be enlarged, expanded or extended in any way.  
(Ord. 2022-05. Passed 8-10-22.)

**1147.05 PRIOR ZONING APPROVALS.**

Any zoning or land use approval granted prior to the adoption of this amended Ordinance shall remain in effect pursuant to the terms of such approval. Any changes to the approved zoning or site plan shall require re-submittal of the zoning or site plan request and shall meet all requirements of this amended Ordinance.

(Ord. 2022-05. Passed 8-10-22.)

**1147.06 REPAIRS AND MAINTENANCE.**

(a) Repairs and maintenance of any non-conforming structure or portion thereof containing a non-conforming use may be done on ordinary maintenance repair, or repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided the cubic content that existed when it became non-conforming shall not be increased. Nothing in this Section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a Zoning Permit for such activities shall be required.

(b) If a nonconforming structure or portion of a structure containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulation of the district in which it is located.

(Ord. 2022-05. Passed 8-10-22.)



## CHAPTER 1149 Signs and Outdoor Advertising

<b>1149.01</b>	<b>Purpose.</b>	<b>1149.06</b>	<b>Off-premise sign.</b>
<b>1149.02</b>	<b>Definitions.</b>	<b>1149.07</b>	<b>Signs in residential/open space districts.</b>
<b>1149.03</b>	<b>General provisions.</b>	<b>1149.08</b>	<b>Signs in commercial and industrial districts.</b>
<b>1149.04</b>	<b>Prohibited signs.</b>		
<b>1149.05</b>	<b>Exemptions.</b>		

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### **1149.01 PURPOSE.**

This section provides standards for the time, place and circumstances in the use of signs in the Village of Fayette. These standards are to provide for the public health and safety, pedestrian and traffic safety, and to control adverse effects of signs on public and private property; and (where legislatively permitted) to provide for the general welfare of the public.  
(Ord. 2022-05. Passed 8-10-22.)

### **1149.02 DEFINITIONS.**

**Abandoned Sign:** A Sign or Sign Structure which no longer identifies or advertises a business, service, owner, product, or activity, or is in disrepair. Such Sign and Sign Structure shall be removed within 30 days of notice to the property owner by the Zoning Inspector or designee.

**Animated Sign:** A Sign or display manifesting either kinetic or illusionary motion occasioned by natural, manual, mechanical, electrical, or other means of power. Such Signs have lights or illuminations that change the visual image depicted, including visual images that may flash, move, rotate, flicker, depict action, or create a scene, blink, vary in intensity or color, or use intermittent electrical impulses, scrolling text or a Sign which has revolving, or rotating parts or other visible mechanical movements. An Animated Sign does not include a Changeable Copy Sign.

**Area Identification Sign:** A Sign, which identifies a subdivision or a group of building whether residential, commercial, or industrial.

**Awning/Canopy Sign:** A Sign attached to an awning covering a doorway, window, or face of the building. Awning/Canopy Signs are Wall Signs, as provided for in Section 1149.08.

**Banner Sign:** A temporary sign display including a Sign on a Flag, strip of lightweight material, paper, cloth, or fabric which may be located on the ground or attached to a building, another Sign, or any other structure. Banner Signs may not be displayed for more than thirty (30) days per year and shall require a permit.

**Billboard:** (See Off-Premise Sign)

**Building Face Or Wall:** All window and wall area of a building in one plane or elevation.

**Building Frontage:** The length of the outside Building Wall along a right-of-way.

**Changeable Copy Sign:** A Sign, or portion thereof with letters, numbers, or illustrations that can be periodically manually changed or rearranged without altering the underlying or supportive face of or surface of the Sign.

**Clearance of Sign:** The smallest vertical distance between the grade of the adjacent street, highway, or street curb and the lowest point of any Sign, including its framework extending over that grade.

**Commercial Message:** Any wording, logo, or other visual copy that directly or indirectly identifies, advertises, or calls attention to a business, product, service, or other commercial activity.

**Copy:** The graphic content of a Sign surface in either permanent or removable letter, pictographic, symbolic (logo), or alphabetic form.

**Onsite Traffic Directional Sign:** An on-premise Sign that is designed to facilitate traffic flow, does not contain any advertising and provides direction to an on-premise place or object.

**Double-Faced Sign:** A Sign with two faces.

**Electronic Message Center:** A Sign whose visual display includes alphabetic, numeric or symbolic content that can be changed or altered on a fixed display screen composed of electronically illuminated segments.

**Embellishment:** The decorative or ornamental structure or frame that contains a Sign. Embellishments are not included in the square footage of the Sign's area calculation; Embellishments shall not exceed twenty-five percent (25%) of the single face area and shall not exceed the Sign's maximum permitted height or be located within required setbacks.

**Exempted Signs:** Exempted from sign permit requirements.

**Façade:** The entire building front including the parapet.

**Flag:** Any fabric displaying the name insignia, emblem, colors, patterns or symbols used as a message of a political subdivision or private entity.

**Temporary Future Development Sign:** A Temporary, freestanding Sign located on the premises of a proposed development/construction project that indicates the future construction or development of a building or area which may identify the architect, financial institution, contractor, subcontractor, and/or material supplier participating in the construction on the property.

**Height:** The vertical distance measure from the highest point of the Sign, including decorative Embellishments, to the grade of the adjacent street or the surface grade beneath the Sign, whichever vertical distance is less.

**Low Profile/ Monument Sign:** A Sign placed directly on the ground, and independent from any building or other structure on the lot.

**Message:** The wording or Copy on a Sign, Flag or Pennant.

**Non-Conforming Sign:** A Sign which was placed on the property legally, but which does not comply with Chapter 1149.

**Off-Premise Sign (Billboard):** A Sign Structure advertising an establishment, merchandise, service, or entertainment, which is not sold, produced, manufactured, or furnished on the lot on which said Sign is located.

**Pennant:** Any lightweight plastic, fabric, or any other material, frequently in a series, whether or not containing a message of any kind, suspended from a rope, wire, or string, designed to move in the wind.

**Pole Sign:** Any Sign supported by upright structure(s) or support(s) that are anchored in the ground and that are independent from any building or other structure on the lot.

**Portable Sign:** Any Sign not permanently attached to the ground or other permanent structure, or a Sign designed to be transported including, but not limited to: Signs designed to be transported by wheels; "A" or "T" frame Signs; menu and sandwich board Signs; umbrellas used for advertising; and Signs and/or Copy attached to or painted on vehicles parked and visible from the public right-of-way, unless said vehicle is used regularly in the usual and customary operations of the business. Yard Signs are not included in this category.

**Projecting Sign:** A Sign that projects more than fifteen inches (15') from a building wall or other structure and not specifically and solely designed to support the Sign.

**Roof Sign:** Any Sign erected and constructed wholly on and over the roof of a building, supported by the roof structure, and extending vertically' above the highest portion of the roof.

**Sign:** Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce, or identify a person, entity, product, service, establishment, activity or sale which communicate information of any kind.

**Sign Area:** Total area for one (1) side of sign.

**Sign Face:** Area of the Sign upon which copy can be placed.

**Sign Structure:** Any structure, which supports, has supported, or is capable of supporting a Sign, including a decorative cover.

**Temporary Sign:** A sign not permanently attached to the ground, wall or a building, and not designed or intended for permanent display.

**Wall Sign:** A Sign attached to, painted on, or placed against a wall of a building, with the Sign Face parallel to the Building Wall and extending away from the Building Wall parallel to the adjacent grade not more than fifteen (15") inches there from, which Copy advertises the use carried on within such building.

**Window Sign:** Any Sign placed inside a window in a building or structure or upon the building's interior window panes or glass or an opening recessed from the building face such that the copy is visible from the exterior of the premises.  
(Ord. 2022-05. Passed 8-10-22.)

### **1149.03 GENERAL PROVISIONS.**

(a) Unless otherwise provided by this Ordinance, all new Signs shall require a Zoning Permit prior to the sign's installation. An application for a zoning certificate shall be made to the Zoning Inspector. Fees shall be in accordance with the Permit Fee Schedule. No Zoning Permit is required for the maintenance of a Sign or for a change of copy on painted, printed, changeable copy signs, or Electronic Message Centers so long as the Sign Area or Sign Structure is not modified in any way for the existing business.

(b) An application for a Zoning Permit shall include the following information:

- (1) Name and address of the owner of the Sign.
- (2) Street address or location of the property on which the Sign is to be located, along with the name and address of the property owner.
- (3) The type of Sign or Sign Structure as defined in this Ordinance.
- (4) A site plan with dimensions showing the proposed location of the Sign with vertical and horizontal measurements from all property lines and right-of-ways along with the location of all existing Signs and buildings on the same premises.
- (5) A drawing/picture of the proposed Sign showing the following specifications: dimensions, height, clearance of sign, copy, illumination, and construction details (materials, structural supports, and electrical components)
- (6) A list of the total number and the square footage of existing and proposed Signs on the premises.

(c) No Sign shall be placed or project into any right-of-way. No Sign shall obstruct traffic visibility at the road or highway intersections.

(d) If a Sign is installed, constructed, or maintained in violation of any of the terms of this Ordinance, the Zoning Inspector shall notify the property owner and the Sign owner or lessee thereof to alter such Sign so as to comply with this Ordinance. Any owner, lessee, or Sign contractor who installs a Sign without a Zoning Permit shall be subject to three (3) times the normal fee schedule at the discretion of the Zoning Inspector.



(e) All Signs, Marquees, and Awnings/Canopies shall be maintained at all times in a safe structural condition and in a neat and clean condition, and shall be kept free from defective or missing parts or peeling paint. Signs which provide time and/or temperature readings shall be maintained to reflect current readings.

(f) All Onsite Traffic Directional Signs shall not exceed four (4) square feet per face with a maximum Height of forty-two (42") inches. Such Signs shall not contain the business name or logo. Onsite Traffic Directional Signs are not included in the Sign Area calculations; a zoning permit is required.

(g) The following regulations shall apply to Electronic Message Centers:

- (1) No more than one (1) Electronic Message Center attached to a permitted on premise freestanding Sign shall be allowed per property.
  - (2) Each message displayed on an Electronic Message Center must be static and must be depicted for a minimum of eight (8) seconds. When a message is changed, the change shall occur within three (3) seconds. The continuous scrolling of messages is prohibited.
  - (3) All Electronic Message Centers shall have a dimming device for day/night operation. The illumination shall not create excessive brightness and/or pose a safety hazard to the public.
  - (4) No freestanding Electronic Message Center shall exceed fifty percent (50%) of the total allowable square footage for any on premise freestanding Sign.
  - (5) The addition of any Electronic Message Center to any Non-Conforming freestanding Sign is prohibited.
- (Ord. 2022-05. Passed 8-10-22.)

#### **1149.04 PROHIBITED SIGNS.**

The following types of Signs are prohibited in all districts:

- (a) Abandoned Signs
- (b) Animated Signs
- (c) Balloon Signs
- (d) Blinking Signs
- (e) Flashing Signs
- (f) Inflatable Signs
- (g) Intermittent Signs
- (h) Moving Signs
- (i) Reflective Signs
- (j) Rotating Signs
- (k) Scrolling Signs
- (l) Signs attached or painted on Trees, Rocks or natural features
- (m) Signs in the right-of-way
- (n) Signs installed, attached or painted on fences
- (o) Signs or Sign support structures that obstruct means of egress, including any fire escape, any window, any door opening, any stairway, any opening, any exit, any walkway, any utility access or Fire Department Connection.
- (p) Snipe or Bandit Signs

- (q) Unlawful Vehicle Signs
- (r) Portable Signs
- (s) Any Sign or other object attracting attention to a business that interferes with the safety of the traveling public.
- (t) Roof Signs that exceed the highest point of the roof that the Sign is installed upon or that expose bracing and other mounting materials.
- (u) Signs that resemble or conflict with traffic control Signs or signals.
- (v) Signs or devices that emit audible sound, smoke, gas and/or odor.
- (w) Window Signs occupying greater than thirty percent (30%) of the total window area.
- (x) Any Sign unlawfully installed, erected, or maintained.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1149.05 EXEMPTIONS.**

The following signs do not require a Zoning Permit:

- (a) **Government Signs** erected by the Village, County, State, or the Federal government in furtherance of their governmental responsibility.
- (b) **Any Sign wholly inside a building** which does not exceed thirty percent (30%) of the total window area and is unable to be read or be discerned from any property line or any public right-of-way.
- (c) **Informational Signs** attached to a building and not exceeding three (3) square foot and are limited to business identification, hours of operation, address, and emergency information of the occupant(s) of the building. Such Signs shall be permitted in addition to other permitted Signs.
- (d) **Temporary Future Development Sign and Construction Signs** - A non-illuminated sign not exceeding one (1) sign per entry, shall not exceed five (5) feet in height and thirty-two (32) square feet in Sign Area, and shall be removed upon completion of the project or within two (2) years of the Signs erection, whichever occurs first.
- (e) **Memorial Signs or tablets, name of buildings and dates of construction**, provided that such Signs do not exceed two (2) square feet in Sign Area.
- (f) **Address numbers for dwellings** shall not exceed two (2) square feet in area and address numbers for commercial or industrial buildings shall not to exceed six (6) square feet in area unless the address number is an integral component of a Sign for which a Zoning Permit is required by this Ordinance.
- (g) **Flags-** All Flags shall be displayed as follows:
  - (1) Maximum Flag size forty (40) square feet.
  - (2) Maximum pole height of thirty-five (35') feet or not more than ten feet above the roof line of the primary building, whichever is less.
  - (3) All Flags shall be flown on a pole, with a maximum of three Flags per lot with no more than one (1) Flag other than that of a nation, state, or political subdivision.
  - (4) Flags may not be located in such a way as to intentionally attract the attention of the public for commercial purposes.
  - (5) The Flag and flag pole shall be maintained in good condition.
  - (6) Flag pole(s) must be set back from all property boundaries a minimum of fifteen (15') feet or setback a distance which is at least equal to the Height of the pole, whichever is greater.

- (h) Now hiring signs may be placed on the property where the hiring is taking place. Such signs may not exceed four (4') square feet in size and shall not project into any right-of-way area or cause a safety hazard.
- (i) Political Signs shall not be placed in the right-of-way, shall not pose a safety hazard, and shall be removed within fourteen (14) days following the election. (Ord. 2022-05. Passed 8-10-22.)

#### **1149.06 OFF-PREMISE SIGN.**

A total of one (1) Off-Premise Sign per parcel is permitted in non-residential districts. Off-Premise Signs shall be setback a minimum distance of one hundred (100') feet from the nearest right-of way and one hundred (100') feet from any property line. Off-Premise Signs shall not exceed fifteen (15') feet in height and shall not exceed one hundred (100) square feet of Sign Area. (Ord. 2022-05. Passed 8-10-22.)

#### **1149.07 SIGNS IN RESIDENTIAL/OPEN SPACE DISTRICTS.**

(a) One (1) Low Profile or one (1) Wall Sign shall be allowed for each lot which contains a non-residential main building permitted in the district. Low-profile Signs shall not exceed sixty (60") inches in Height and thirty-two (32) square feet per face (maximum of two (2) faces) and shall be setback a minimum distance of fifteen (15') feet from the nearest right-of-way line and setback a minimum of ten (10') feet to any adjacent lot. Wall Signs in residential districts shall not exceed twenty-four (24) square feet of Sign Area.

(b) Home occupation Signs shall not exceed two (2) square feet in Sign Area and shall be a Wall Sign.

(c) A church or school allowed by this Zoning Ordinance may locate two (2) Signs on the lot; one Sign shall be a Wall Sign; the face of which shall not exceed twenty-four (24) square feet in area, and a second Sign, which shall be a free-standing Low-Profile Sign not to exceed thirty two (32) square feet per face (maximum of two (2) faces) and shall be setback from the nearest right-of-way a minimum distance of fifteen (15') feet and setback a minimum distance of ten (10') feet to any adjacent lot. Low Profile Signs shall not exceed five (5') feet in Height.

(d) No Sign of any type shall be permitted in a residential district, other than as specifically permitted in this Section 1149.07. (Ord. 2022-05. Passed 8-10-22.)

#### **1149.08 SIGNS IN COMMERCIAL AND INDUSTRIAL DISTRICTS.**

(a) The following Signs as listed below may be permitted on a lot in the Commercial and Industrial Zoning Districts as follows:

ZONING DISTRICT	TYPE OF SIGN PERMITTED	MAXIMUM SIGN AREA IN SQ. FT. Pole Sign (1)(5)	MAXIMUM SIGN AREA IN SQ. FT. Wall Sign (2)(4)	MAXIMUM SIGN AREA IN SQ. FT. Low Profile/Monument Sign (1)(3)(5)(6)	MAXIMUM SIGN AREA IN SQ. FT. Projecting Signs (1)(3)
C-1	Wall, Low Profile Projecting	Not Permitted	1.5 feet per Linear Foot of Building Frontage	32 per face at ROW	30 per face
C-2	Wall, Low Profile, Pole	60 per face	1.5 feet per Linear Foot of Building Frontage	48 per face at ROW	30 per face
M-1 M-2/M-3	Wall, Low Profile	Not Permitted	1.5 feet per Linear Foot of Building Frontage	32 per face at ROW	N/A

- (1) There shall be a maximum of two (2) faces for low-profile/monument, pole, and projecting signs.
- (2) Awning and canopy signs are wall signs for the purposes of this table.
- (3) No low profile/monument sign or projecting sign is permitted when a pole sign is located on the lot.
- (4) For multi-tenant buildings, the total square footage permitted shall be based on each occupant's linear building frontage.
- (5) One pole or one low profile/monument sign, or one projecting sign may be used in combination with a wall sign.
- (6) Listed square foot is the maximum square feet per face when a sign is at the right-of-way (ROW) with two (2) square feet of additional surface area per one (1) linear foot set back from the right-of-way (ROW) up to a maximum of one hundred (100) square feet.

(b) Pole Signs and Low-profile/ Monument Signs on Double Frontage Lots. If a lot is bordered by two streets that do not intersect at the lot's boundaries (double frontage lot), then the lot may (subject to total Sign Area limitation in subsection (a) hereof) have a pole or Low Profile/Monument Sign on each street.

(c) Location, Height of Pole Signs. All pole signs shall be located a minimum distance of twenty (20') feet from the nearest right-of-way line, a minimum of twenty (20') feet from any adjacent lot line, and shall not exceed a height of twenty (20') feet.

(d) Wall Signs. The square footage for a Wall Sign is calculated on the wall area facing the right of way. On corner lots, only one Building Frontage may be used in the size calculation. Multiple Wall Signs are permitted provided the combined Sign Area is less than the total Wall Sign size limit set forth in subsection (a) hereof. Awning/Canopy Signs are allowed and are calculated as part of the overall square footage. Awning/Canopy Signs shall not be lower than eight feet (8') above curb grade and Awning/Canopy Signs shall not project vertically above the surface of the canopy or awning. Square footage for any wall sign shall not exceed 180 square feet.

(e) Low-profile/ Monument Signs. Low-Profile/Monument signs are allowed to be placed at the edge of the right-of-way or shall be setback a minimum of ten (15') feet from the edge of the pavement, whichever is greater. They may not project into any right-of-way. The sign shall be setback a minimum of five (5') feet from any adjacent property line. Maximum height of any Low-Profile/Monument sign shall be (5') feet in height when placed at the right-of-way. Maximum height may increase at a rate of three (3") inches per one (1') foot of setback from the right-of-way up to a maximum height of ten (10') feet.

(f) Projecting Signs. One Projecting Sign is allowed per business. The maximum projection length beyond the Building Face shall be four (4') feet. A Projecting Sign must have its lower edge a minimum of eight (8') feet above the surrounding grade. Projecting Signs shall not exceed the height of the wall that they are attached on.

(g) Special Event Signs.

- (1) For the opening of a new business or re-opening of a seasonal business located in a commercial or industrial district, a temporary, on-site Sign advertising the grand opening may be permitted for a total period of thirty (30) continuous days, and shall have a Zoning Permit.
- (2) For existing businesses, temporary, on-site Signs advertising a special event may be permitted for four (4) two (2) week continuous periods per calendar year. Each special event Sign requires a Zoning Permit. The Sign shall be removed on or before the end of the two week period. These Signs shall not exceed thirty-two (32) square foot in size and shall be located on the wall of the building where the special event is taking place.  
(Ord. 2022-05. Passed 8-10-22.)



## CHAPTER 1151 Site Plan Review

<b>1151.01</b>	<b>Purpose.</b>	<b>1151.04</b>	<b>Approval procedure.</b>
<b>1151.02</b>	<b>When site plan review is required.</b>	<b>1151.05</b>	<b>Expiration and extension of site plan approval.</b>
<b>1151.03</b>	<b>Requirements.</b>		

### **1151.01 PURPOSE.**

The purpose of Site Plan Review is to ensure compliance with this Zoning Ordinance. Site plan review provides the Village with a procedure with specific standards for non-residential development proposals. Items to be considered include but are not limited to: preservation of existing natural features, safe and efficient access for pedestrians and vehicles, lighting, landscaping, architectural design, off-street parking, storm water management, and compatibility with adjacent land uses, in a manner that will promote public safety, general welfare, and convenience. (Ord. 2022-05. Passed 8-10-22.)

### **1151.02 WHEN SITE PLAN REVIEW IS REQUIRED.**

- (a) Site plan review shall be required in the following situations:
- (1) All new main buildings.
  - (2) All new accessory buildings and structures greater than twelve hundred (1200) square feet in size.
  - (3) An expansion to an existing building whereby the expansion is greater than five thousand (5,000) square feet.
  - (4) An expansion to an existing building whereby the expansion is greater than twenty five percent (25%) of the existing gross floor area.
  - (5) When the number of parking spaces on a lot is increased by ten (10) or more.
  - (6) All Telecommunication Tower(s)
  - (7) Whenever expressly required by any other chapter of this Zoning Ordinance.
- \* Single family dwellings, two-family dwellings, and related accessory structures and buildings are exempt from the Site Plan Review procedure.

(b) Accessory Structures. The following items (and similar items) may not require site plan review but shall first be reviewed by the Zoning Inspector to determine its compliance with Chapter 1151.

- (1) Accessory structures less than 1200 square feet.
- (2) An expansion to an existing building whereby the expansion is less than 5,000 square feet.
- (3) An expansion to an existing building whereby the expansion is less than twenty-five percent (25%) of the existing gross floor area.
- (4) Change in parking area/ drive aisles.
- (5) Co-locations of telecommunication equipment.  
(Ord. 2022-05. Passed 8-10-22.)

### **1151.03 REQUIREMENTS.**

An applicant shall file with the Zoning Inspector the following documents along with the application fee:

(a) Basic Requirements.

- (1) A letter of submittal from the property owner or an agent authorized in writing by the property owner shall accompany the site plan which contains the applicant's phone number, e-mail address, and mailing address.
- (2) The site plan documents shall include a complete legal description of the property and a general location sketch showing nearby section lines and/or residential and major roadways.
- (3) The site plan shall indicate the scale of the drawing and shall use an engineer's scale. The scale of the site plan shall not exceed one (1") inch to sixty (60') feet. The site plan shall have the north arrow pointing either toward the top of the drawing or to the right side of the drawing. The location map and site plan orientation shall be the same.
- (4) The following documents shall be filed: Ten (10) blue-line or black-line prints including, but not limited to: the site plan, lighting plan, landscaping plan, and building elevation plan on paper no larger than twenty-four (24) inches by thirty-six (36) inches. In addition, electronic files of all submitted plans shall be submitted.

(b) Site Plan Requirements. The site plan and associated documents shall indicate the following:

- (1) The zoning classification(s) and existing uses of the property and all abutting property; the approximate location of buildings and driveway locations opposite to, and adjacent to the property.
- (2) The dimensions including area of the property, the dimensions of the existing and proposed buildings to be constructed, and any buildings to be removed or other alterations to occur on the property.
- (3) The distance of existing and proposed structure(s) to all right-of-way lines and the distances of the structure(s) to all property lines.
- (4) The name of all adjacent roadways and the width of the existing pavement and the right-of-way.
- (5) The location, height, and material of all existing and proposed fences and/or walls on the property.
- (6) The location, height, lighting and dimensions of existing or proposed signs on the property.



- (7) The width and location of existing or proposed sidewalks, and the location of all drive approaches adjacent to and opposite the site. The proposed drive approach width(s) shall be indicated where the apron meets the roadway pavement and shall be dimensioned at the throat. The plan shall also indicate the pavement composition of driveways and parking areas.
  - (8) Any and all ditches, known wetlands and creeks, or other natural features that may affect the development of the property. Where appropriate, two (2') foot contours and the 100 year floodplain elevation shall be shown on the site plan. Information on this requirement may be obtained from Fulton County.
  - (9) The storm water management design shall be based on the Fulton County Engineer's drainage criteria and shall not exceed the Village of Fayette Public Works Storm Sewer Infrastructure existing scope and/or system limitations.
  - (10) The location of the existing and proposed sanitary and storm sewers, water lines, and fire hydrants. In the event these improvements are not proposed, the site plan shall indicate the location of proposed or existing wells and sewage system both on-site and on abutting parcels.
  - (11) The location and dimensions of existing or proposed off-street parking spaces and drive aisles, and the number of spaces proposed and required, including handicap spaces. If the off-street parking area is located next to an existing parking area or on another parcel, the plan shall indicate the method of circulation between the two areas.
  - (12) A site plan with a proposed drive-thru window operation shall indicate where the vehicles will be lined-up and how many vehicles can be stored at one time while waiting to use the order board and drive-thru window.
  - (13) Colored exterior building elevation(s) and proposed building materials.
  - (14) The location, height, wattage, and photo metrics of all proposed site lighting.
  - (15) Existing and proposed grades including grades of abutting properties.
  - (16) Proposed or existing dumpster size, location, and screening material(s).
  - (17) Detailed Landscape Plan (See Chapter 1153)
- (c) Architectural Review Requirements. All new non-residential buildings, additions, and/or alterations shall be reviewed as part of the site plan for architectural design elements. The architectural design of such buildings shall include the consideration of the following elements:
- (1) Scale and proportion;
  - (2) Suitability of building materials;
  - (3) Design in relation to surrounding buildings;
  - (4) Design in relation to proposed landscaping; and
  - (5) Aesthetics of the proposed building.
- (Ord. 2022-05. Passed 8-10-22.)

#### **1151.04 APPROVAL PROCEDURE.**

- (a) The property owner or an authorized representative, hereafter referred to as Applicant, submits the Site Plan Review Application consisting of the Site Plan Review Application, Letter of Submittal, Drawings Checklist, Plans, and other documents to the Village of Fayette.

(b) If the applicant fulfills all of the requirements of Chapter 1151 of this Ordinance then the application will be deemed complete and forwarded to the appropriate governmental review agencies for their review and recommendations. If the applicant does not meet the requirements of Chapter 1151 of this Ordinance, the application will be deemed incomplete and returned to the applicant. The review process will not commence until an application is deemed complete.

(c) Comments from the Zoning Inspector and other review agencies will be sent to the applicant to make any required revisions. The applicant may ask to convene an administrative meeting with the Zoning Inspector to review comments. The complete plans can then be presented to the Village Planning Commission for their review and recommendations.

(d) If the Zoning Inspector determines that a variance is required then an application to the Board of Zoning Appeals shall be submitted. Variances shall be reviewed and a decision rendered by the Board of Zoning Appeals prior to approval of the Site Plan Review. A variance request may add time to the process depending on the schedule of the Board of Zoning Appeals and notice requirements.

(e) If the Planning Commission determines that the site plan conforms to all applicable requirements, a zoning certificate may be issued for the proposed project.

(f) As part of the site plan review process, a bond, escrow, or other suitable guarantee to insure the implementation of site improvements shall be required before issuance of any permit.

(g) Changes to the approved site plan shall require re-submittal for review pursuant to this Section. The Zoning Inspector shall review the changes and determine if the changes are in conformance with this Ordinance. Further review by other agencies may be required.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1151.05 EXPIRATION AND EXTENSION OF SITE PLAN APPROVAL.**

If construction of any phase of the development begins within two (2) years after approval is granted, the approval shall be valid until the development is completed. If no construction has begun within two (2) years after the approval is granted, the site plan's approval shall be void. An extension of the time limit may be approved at the discretion of the Zoning Inspector.  
(Ord. 2022-05. Passed 8-10-22.)

## **CHAPTER 1153 Landscaping Requirements**

<b>1153.01 Purpose.</b>	<b>1153.04 Specific requirements.</b>
<b>1153.02 Developments requiring landscaping plans.</b>	<b>1153.05 Plant material specifications.</b>
<b>1153.03 General requirements.</b>	<b>1153.06 Maintenance and replacement requirements.</b>

### **1153.01 PURPOSE.**

The landscaping requirement is to establish standards to enhance appearance, preserve native vegetation, and natural features unique to the Village of Fayette. To the greatest extent practical, development should preserve natural features. The use of native vegetation is encouraged and may be approved as part of the landscape review process.  
(Ord. 2022-05. Passed 8-10-22.)

### **1153.02 DEVELOPMENTS REQUIRING LANDSCAPING PLANS.**

A landscaping plan shall be submitted for the following developments:

- (a) For all Site Plan Review submissions pursuant to Chapter 1157 of this Ordinance.
- (b) For all Planned Unit Development submissions pursuant to Chapter 1143 of this Ordinance.
- (c) For all multi-family developments.

NOTE: Landscaping plans are not required for single-family and two-family dwellings.  
(Ord. 2022-05. Passed 8-10-22.)

### **1153.03 GENERAL REQUIREMENTS.**

Landscaping for all uses except single and two-family dwellings shall be provided in the following areas. Before any work is done in the right-of-way, please consult with the Village of Fayette.

- (a) At the perimeter of sites to buffer, separate, and/or screen adjacent land uses;
- (b) At the perimeter of parking lots to shade, separate, and/or screen the view of parked cars from adjacent streets and land uses;
- (c) In the interior of parking lots to provide shade;
- (d) Around the perimeter of buildings to enhance the appearance of structures;
- (e) When barriers or fences are utilized, plant material shall be included;

- (f) Required landscape areas shall not include any portion of the right-of-way;
  - (g) All loading areas shall be landscaped for screening purposes;
  - (h) Trash receptacles shall be screened and shall not be placed within any required setback areas.
- (Ord. 2022-05. Passed 8-10-22.)

#### **1153.04 SPECIFIC REQUIREMENTS.**

(a) A planting strip at least five (5') feet in width shall be located along the perimeter of a parking area but not within any right-of-way. Within this area, there shall be one (1) two and a half (2.5") inch caliper deciduous shade trees per fifty (50) linear feet of perimeter parking area. There shall also be a four (4') feet tall solid hedge of shrubs (evergreen or deciduous) to provide screening. An alternative arrangement of perimeter landscaping material such as mounding, fencing, or walls may be considered as part of the site plan review process.

(b) Landscaping within parking areas is necessary not only to reduce the generation of heat and water runoff but to break up visually the expanse of paved areas. The use of shade trees in these landscape areas shall be required. Any open parking area (including loading areas) containing more than six thousand (6,000) square feet of area or fifteen (15) or more parking spaces shall provide the following interior landscaping in addition to the required perimeter screening:

- (1) An area equal to five percent (5%) of the total area devoted to parking spaces and aisle ways shall be landscaped and permeable.
- (2) For parking areas over thirty thousand (30,000) square feet in size, the required landscaping shall be designed to break up the visual expanse with landscape features such as boulevards, larger landscape islands, or areas of preserved on-site native vegetation. This landscaping requirement may also include storm water retention areas or drainage courses, if designed so as to provide an attractive natural asset to the site.
- (3) All required landscape areas shall be protected by curbing or a suitable barrier to prevent vehicle encroachment.
- (4) The required plant materials for the interior of parking areas shall be one deciduous tree for every three thousand (3,000) square feet of area. Where site distance or maneuvering conflicts exist, trees shall have a clear trunk of at least five (5') feet above the ground, and the remaining required landscape areas shall be planted with shrubs or ground cover not to exceed two feet in height.
- (5) Foundation plantings are required for all exterior building walls that are visible from a road. Foundation plantings shall be placed within five (5') feet of the building perimeter. Ten (10) shrubs shall be required for every one hundred (100') lineal feet of horizontal exterior building wall visible from the road, street, or highway. If foundation plantings are deemed not practical due to unique features of the site and/or building, an alternative plan may be considered as part of the site plan review process.

- (6) A landscape strip between the roadway building and/or parking area shall be provided along the full width of a lot. The width of this landscape strip shall be not less than fifteen (15') feet measured from the right-of-way line. The landscape strip shall be unoccupied except for landscape material, steps, walks, terraces and driveways. Innovative treatments are encouraged in this area, but the design must not interfere with adequate sight distance. Within the landscape strip, at least one (1), two and one-half (2 ½") inch caliber deciduous or two (2), six (6') foot high evergreen trees, or a combination, shall be installed for each one hundred (100') feet of property frontage along with other appropriate landscape materials.
- (7) An irrigation system shall be installed in all required landscape areas unless drought resistant, native species are utilized.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1153.05 PLANT MATERIAL SPECIFICATIONS.**

The following sections include specifications for plant materials. Alternatives to these specified plant materials which demonstrate both the intent and requirements of this Ordinance may be approved as part of the Site Plan:

- (a) Deciduous Trees. A minimum caliper of at least two and one-half (2 ½") inches measured twelve (12") inches above ground level at time of planting.
- (b) Evergreen Trees. A minimum of six (6') feet high and a minimum spread of three (3') feet at time of planting.
- (c) Shrubs. Shrubs shall be at least thirty (30") inches average height and twenty-four (24") inches width at the time of planting.
- (d) Ground cover and Grass. Ground cover shall be planted a minimum of eight inches on center and shall be planted in such a manner so as to present a finished appearance and seventy-five percent (75%) coverage after one complete growing season. If approved as part of a Site Plan, ground cover may also consist of rocks, pebbles, shredded bark, mulch, and other material. Grass shall be planted in species normally grown in permanent lawns.
- (e) Prohibited Tree/Shrub Species. The following tree and shrub species shall not be used unless already existing in the proposed landscape area:  
 Ash (Fraxinus)  
 Box Elder (Acer negundo) Walnut  
 Mulberry (Morus alba)  
 Willow (Salix babylonica)  
 Siberian Elm (Ulmus pumila)  
 Hickory (Carya sp.\*)  
 European Alder-Buckthorn (Rhamnus frangula)  
 Common Buckthorn (Rhamnus cathartica)  
 Autumn Olive (Elaeagnus Umbellata)  
 Multiflora Rose (Rosa multiflora)  
 Purple Loosestrife (Lythrum salicaria)  
 Tree of Heaven (Ailanthus altissima)  
 Black Walnut (Juglans nigra)  
 Silver Maple (Acer Saccharinum)  
 Black Locust (Robinia pseudo-acacia)

Catalpa (all species)  
Cottonwood (*Populus deltoides*)  
Poplar

\*Indicates numerous species.

(Ord. 2022-05. Passed 8-10-22.)

**1153.06 MAINTENANCE AND REPLACEMENT REQUIREMENTS.**

The property owner shall be responsible for the maintenance of all landscaping. The following requirements shall apply:

- (a) Landscape material shall not interfere with public utilities, restrict pedestrian or vehicular access, or otherwise constitute a traffic hazard.
- (b) Within two (2) years of installation (or incorporation of existing vegetation), all trees, shrubs, ground covers and other plant materials shall be replaced if they fail to thrive.
- (c) Replacement plants shall conform to the approved plan. Dead or unhealthy plants shall be replaced within the next planting season.
- (d) As part of the Site Plan, a bond, escrow, or other suitable guarantee shall be filed with the Village of Fayette to ensure the landscape material is installed and maintained for a two (2) year period. No Zoning Permit shall be issued until the bond, escrow or other suitable guarantee is received.

(Ord. 2022-05. Passed 8-10-22.)

**CHAPTER 1155**  
**Parking Requirements**

<b>1155.01</b>	<b>General parking requirements.</b>	<b>1155.04</b>	<b>Parking space requirements.</b>
<b>1155.02</b>	<b>Off-street parking design standards.</b>	<b>1155.05</b>	<b>Off-street areas with drive-up/drive-thru service.</b>
<b>1155.03</b>	<b>Determination of required spaces.</b>	<b>1155.06</b>	<b>Parking space requirements.</b>

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**1155.01 GENERAL PARKING REQUIREMENTS.**

Any building, structure or use of land that is constructed, enlarged, or used shall provide off-street parking spaces for automobiles in accordance with the following minimum provisions. (Ord. 2022-05. Passed 8-10-22.)

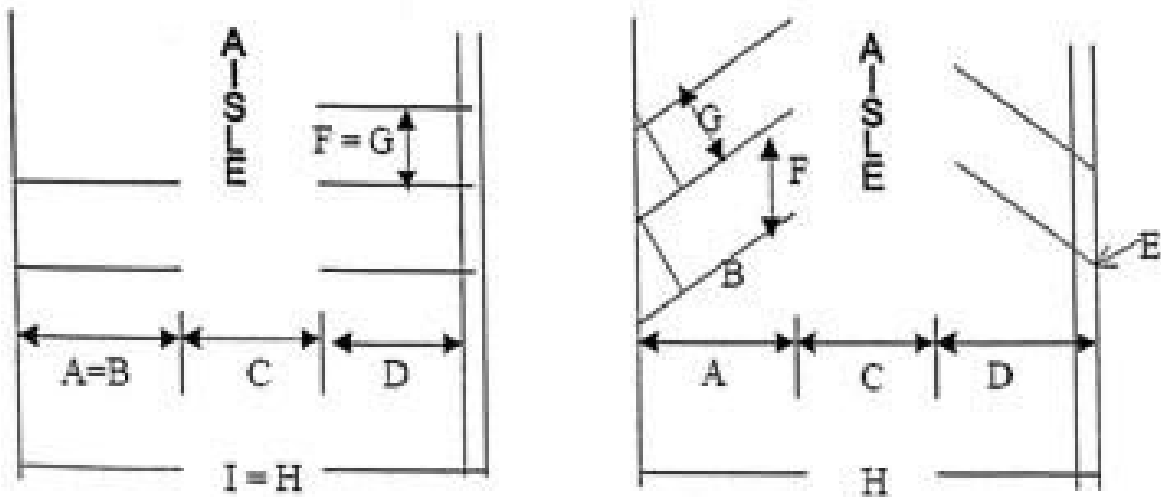
**1155.02 OFF-STREET PARKING DESIGN STANDARDS.**

All off-street parking including driveways, entrances, exits, circulation and maneuvering areas, aisles and interior lanes, and parking spaces shall be in accordance with the following minimum standards and specifications:

- (a) Parking Space Dimensions. All new or altered parking lots shall conform to the parking space stall width and length and aisle width, as set out in Table 1 and illustrated in Figure 1.

**TABLE 1**

DIMENSION	ANGLE				
	45	60	75	90	
A. STALL DEPTH TO WALL		17	18.5	19	18
B. STALL DEPTH PARALLEL TO VEHICLE		18	18	18	18
C. VEHICLE AISLE WIDTH		12	18	22	25
D. STALL DEPTH TO INTERLOCK		15	17	18	18
E. STALL DEPTH REDUCTION DUE TO INTERLOCK	2	1.5	1	0	
F. STALL WIDTH PARALLEL TO AISLE	1	12.7	10.4	9.3	9
G. STALL WIDTH PERPENDICULAR		9	9	9	9
H. MODULE WIDTH WALL TO WALL	45	54	60	61	
I. MODULE WIDTH INTERLOCK TO INTERLOCK		42	51	52	51

**FIGURE 1**



## Exceptions to TABLE 1:

- (1) For bumper overhang deduct one and one-half (1 ½') feet from stall depth to wall or three (3') feet from wall to wall for forty-five (45) degree and sixty (60) degree parking. The equivalent dimensions for seventy-five (75) degree and ninety (90) degree parking are two (2') feet and four (4') feet respectively.
- (2) Where natural and/or man-made obstacles, obstructions, or other features such as landscaping, support columns, or grade difference exist, the Village of Fayette Zoning Commission may approve a reduction in required stall width, length, and/or aisle width as part of the Site Plan review process. In all instances where a reduction is requested, emergency vehicle access shall be considered and incorporated into the parking lot design.
- (b) Access. For single or two family residential dwellings, driveways/lanes shall be a minimum of nine (9') feet in width so as to provide clearance for any Fire Apparatus. Driveway approaches shall be a maximum width of twenty-two (25') feet. The Village of Fayette shall review and approve any new driveway and/or driveway expansions.
- (c) Setbacks.
  - (1) No parking shall be permitted in the front yard of any residential property except on an asphalt, concrete or gravel driveway. No vehicle shall be parked along any curbed or non-curbed street that creates a safety or vision hazard.
  - (2) Off-street parking areas in commercial districts shall not be located in the required landscape strips, or closer than five (5') feet from any side or rear property line. No part of any loading space shall be permitted closer than fifty (50') feet to any residential district nor closer than five (5') feet to any right-of-way.
  - (3) Whenever any non-residential zoning district adjoins a residential district, the off-street parking for the non-residential use may not be located within twenty (20') feet from the residential district boundary, and shall not be located within ten (10') feet of any right-of-way.
- (d) Screening. See Chapter 1153 - Landscaping Requirements.
- (e) Surfacing. All nonresidential off-street parking spaces, driveways, aisles, entrances, exits, circulation and maneuvering areas, and interior lanes shall be surfaced prior to occupancy of the building. Surfacing for any new driveway shall be accomplished with asphalt, concrete or masonry-type material. Stone or gravel is not considered a masonry-type material.
- (f) Drainage. All parking spaces, driveways, entrances, exits, circulation and maneuvering areas and interior lanes, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public roads. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system. All such plans shall be submitted along with the permit application for approval consideration.
- (g) Striping. All parking areas in nonresidential districts shall be marked with paint lines, curbs, or some other manner approved by the Zoning Inspector, and shall be clearly identified.

- (h) Maintenance. Parking areas shall be maintained in good condition and free of trash, or other debris.
- (i) Signs. Where necessary in nonresidential districts, entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.
- (j) Parking of Commercial Vehicles. Truck tractors and/or truck trailers, dump trucks, and other vehicles with a gross vehicle weight of 12,000 lbs. or greater shall not be parked, stored or kept in front of the principal building on any parcel in any agricultural or residential district except when making deliveries. Vehicles used for agricultural purposes are exempt from this section.
- (k) Shared Parking. Two (2) or more non-residential uses may jointly provide and use parking spaces when the hours of operation do not normally overlap, provided that a written agreement is submitted and the request is first approved by the Board of Zoning Appeals.
- (l) Parking of Vehicles for Sale. The parking of any vehicle for sale shall be prohibited on any undeveloped parcel or any parcel which does not have a use occurring on the site with the exception of a used car sales lot. Any vehicle for sale shall not project into the right-of-way, shall not interfere with vision of traffic, and shall not create a safety hazard. There may be only one (1) vehicle for sale at any time on a parcel and personal sales of vehicles may not exceed five (5) vehicles per year. (Ord. 2022-05. Passed 8-10-22.)

#### **1155.03 DETERMINATION OF REQUIRED SPACES.**

In computing the number of parking spaces required by this Ordinance, the following shall apply:

- (a) Whenever there is more than one type of use on a parcel, the area allocated for each specific use must be identified.
- (b) Each separate or distinct use on the site shall meet its own specific parking space requirements. Any proposed use on a site which cannot satisfy the parking requirements shall be strictly prohibited.
- (c) The total number of parking spaces required on-site shall be the sum of the requirements for each use on the premises.
- (d) Whenever the total sum computed for required off-street parking or loading spaces includes a fraction, the next higher whole number shall be required.
- (e) For purposes of off-street parking and loading requirements, "gross floor area" shall include all of the area on each floor whether or not such area is enclosed by walls, exclusive of interior areas used for off-street parking or loading facility.
- (f) Where seating capacity is the standard for determining parking space requirements, the capacity means the number of seating units, or each eight (18) lineal inches of benches, or pews, unless occupancy standards set by the Fire Marshal, require a greater number of parking spaces, which shall then be the minimum number of parking spaces required.
- (g) The parking space requirements for a use not specifically identified in this Resolution shall be the parking requirements for the use that is most similar. (Ord. 2022-05. Passed 8-10-22.)

**1155.04 PARKING SPACE REQUIREMENTS.****(a) Residential Uses:**

Assisted living facilities/Nursing Homes: One (1) for every three (3) beds.

Multi-family with three (3) or more dwelling units: One and one-half (1 1/2) per dwelling unit.

Multi-family with three (3) or more dwelling units designated exclusively for occupancy by the elderly or physically disabled (including congregate housing): One-half (1/2) per dwelling unit; plus an area on the site reserved for future parking to accommodate one (1) parking space per dwelling unit.

Rooming or boarding house: One (1) for each two (2) sleeping rooms.

Single-family or two-family dwelling: Two (2) per dwelling unit.

**(b) Commercial Uses:**

Adult Entertainment: One (1) for each seventy-five (75) square feet of gross floor area.

Amusement arcade: One (1) for each two-hundred (200) square feet of gross floor area.

Auditorium, stadium, theater, conference center, or large place of assembly: One (1) for each thirty (30) square feet of gross floor area of the auditorium or assembly space.

Automobile car wash, automatic, self-service: Two (2) per site. A washing space is not a parking space.

Automotive repair: Two (2) per bay. A service bay is not a parking space.

Automobile sales: One (1) for each 5,000 square feet of developed lot area used for vehicle display and one (1) for each 300 square feet of gross floor area.

Bank or financial institution: One (1) for every 200 square feet of floor area.

Barber and beauty shop: One (1) for every 200 square feet of gross floor area.

Bowling Alley: Five (5) per alley or lane.

Funeral Home: One (1) for every 150 square feet of gross floor area.

General Office: One (1) for each 300 square feet of gross floor area.

Golf Course: Six (6) for each hole.

Hotel or motel: One (1) per guest room.

Medical or Dental Office or Clinic: One (1) for each 200 square feet of gross floor area.

Meeting or Reception Hall: One (1) for each seventy-five (75) square feet of gross floor area.

Outdoor recreation: One (1) for each 500 square feet of use area.

Self-service storage facility: Four (4) plus one (1) space per employee.

Retail: One (1) for each 250 square feet of gross floor area.

Restaurant or tavern: One (1) for each seventy-five (75) square feet of gross floor area or one (1) for each 125 square feet of gross floor area when located within a multi-tenant building.

Salvage Yard: Five (5) spaces per acre.

Any other type of commercial use: One (1) for each 250 square feet of gross floor area.

(c) Institutional Uses:

Church or place of worship: One (1) for each forty (40) square feet of gross seating area of the sanctuary, auditorium, or main place of worship, whichever has the greater area.

Club or lodge: One (1) for each five (5) members.

Correctional Facilities: One (1) for every two (2) beds.

Day Care Facility: One (1) space per each 250 square feet of gross floor area.

Elementary school (K-9): Two (2) per classroom and one for each sixty (60) square feet of gross floor area in the auditorium or assembly hall.

Hospital: One (1) space for every four (4) beds.

Library, museum, or art gallery: Ten (10) plus one (1) for each 300 square feet of gross floor area in excess of 2000 square feet.

(d) Industrial Uses

Manufacturing, Utility, Research, and Development Facilities: One (1) per one and one-half (1 1/2) employees.

Truck Terminal: One (1) space per loading dock.

(Ord. 2022-05. Passed 8-10-22.)

**1155.05 OFF-STREET AREAS WITH DRIVE-UP/DRIVE-THRU SERVICE.**

Establishments shall provide off-street vehicle storage areas in accordance with the following requirements:

- (a) Photo pickups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three (3) minutes or less shall provide no less than five (5) vehicle storage spaces per window, not including the space at the window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each stopping point.
- (b) Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four (4) storage spaces per window.
- (c) Self-serve automobile washing facilities shall provide no less than four (4) stacking spaces per stall. All other automobiles washing facilities shall provide a minimum of ten (10) stacking spaces per entrance.
- (d) Motor vehicles service stations shall provide no less than two (2) stacking spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen (15) feet to any right-of-way line.  
(Ord. 2022-05. Passed 8-10-22.)

**1155.06 PARKING SPACE REQUIREMENTS.**

The number of off-street parking spaces required for various uses shall be no less than the minimum set forth.

(Ord. 2022-05. Passed 8-10-22.)



## **TITLE SEVEN - Zoning Administration**

- Chap. 1157. Procedures and Requirements for Conditional Uses.
- Chap. 1159. Zoning Changes and Text Amendments.
- Chap. 1161. Zoning Certificates.
- Chap. 1163. Planning Commission.
- Chap. 1165. Board of Zoning Appeals.

### **CHAPTER 1157**

#### **Procedures and Requirements for Conditional Uses**

<b>1157.01 Purpose.</b>	<b>1157.05 Conditions of approval.</b>
<b>1157.02 Standards.</b>	<b>1157.06 Expiration or revocation</b>
<b>1157.03 Procedure.</b>	<b>of conditional use.</b>
<b>1157.04 Requirements.</b>	

#### **1157.01 PURPOSE.**

In addition to those uses specifically permitted in each Zoning District, there are certain uses that are necessary for the good of the public, but due to the potential impact on the community, require additional review and consideration.  
(ORD. 2022-05. Passed 8-10-22.)

#### **1157.02 STANDARDS.**

The Board of Zoning Appeals shall review each proposed Conditional Use and shall consider the following:

- (a) The proposal will be in accordance with the general objectives, or with any specific objectives of any applicable land use plan;
- (b) The proposal is harmonious with the existing or intended character of the general vicinity of the lot and will not change the essential character of the area;
- (c) The proposal will not be hazardous or disturbing to existing or future neighboring uses;

- (d) The proposal will be served adequately by essential public facilities and services;
- (e) The proposal 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, vibration or odors.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1157.03 PROCEDURE.**

A Conditional Use may be requested by the lot owner or their authorized agent. The procedure set forth in Chapter 1165 - Board of Zoning Appeals shall be complied with.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1157.04 REQUIREMENTS.**

All Conditional Uses shall comply with the requirements of the underlying zoning district in which the proposed Conditional Use is located, and the standards of Section 1157.02.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1157.05 CONDITIONS OF APPROVAL.**

In granting any Conditional Use, the Board of Zoning Appeals may require the following items to protect the general health, safety and welfare (where permitted) of the community:

- (a) Increased landscaping requirements.
- (b) Screening between proposed Conditional Use and adjacent property and/or roadway.
- (c) The location of parking areas.
- (d) Hours and/or days of operation.
- (e) Lighting locations, source, intensity, and areas to be illuminated.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1157.06 EXPIRATION OR REVOCATION OF CONDITIONAL USE.**

A Conditional Use shall expire if the permitted activity has not commenced within one (1) year from the date on which the Conditional Use was granted by the Board of Zoning Appeals, or if for any reason the use shall cease for more than a two (2) year continuous period. Violation of any condition(s) of approval shall be cause for the revocation of the Conditional Use by the Board of Zoning Appeals.  
(Ord. 2022-05. Passed 8-10-22.)



**CHAPTER 1159**  
**Zoning Changes and Text Amendments**

<b>1159.01</b>	<b>Authority.</b>	<b>1159.06</b>	<b>Public hearing and notice</b>
<b>1159.02</b>	<b>Procedures.</b>		<b>by the Village Council.</b>
<b>1159.03</b>	<b>Application and fees.</b>	<b>1159.07</b>	<b>Action by the Village</b>
<b>1159.04</b>	<b>Hearing and notice by</b>		<b>Council.</b>
	<b>Planning Commission.</b>	<b>1159.08</b>	<b>Effective date and referendum.</b>
<b>1159.05</b>	<b>Recommendation by</b>		
	<b>Planning Commission.</b>		

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**1159.01 AUTHORITY.**

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the Village of Fayette may amend, supplement, change or repeal the regulation, restrictions and district boundaries or classification of property, now or established by this Ordinance or amendments in this ordinance.  
(Ord. 2022-05. Passed 8-10-22.)

**1159.02 PROCEDURES.**

Amendments or supplements to this Ordinance may be initiated in one of the following ways.

- (a) By passage of a resolution by Village Council;
  - (b) By a motion of the Planning Commission;
  - (c) By the filing of an application by at least one (1) owner, or a duly authorized agent of the owner of the property within the area proposed to be changed.
- (Ord. 2022-05. Passed 8-10-22.)

**1159.03 APPLICATION AND FEES.**

The application for any change of zoning classifications of property shall be made on forms obtainable at the office of the Zoning Inspector. The application shall be accompanied by information that may be required by the Planning Commission, and verified by the owner as to accuracy. A fee shall be paid upon the filing of the application and no action shall be taken on an application until all fees are paid in full.  
(Ord. 2022-05. Passed 8-10-22.)

**1159.04 HEARING AND NOTICE BY PLANNING COMMISSION.**

Upon the adoption of such motion, or the certification of such resolution, or the filing of such application, the Planning Commission shall hold a public hearing. The Planning Commission shall set a date for the public hearing, which date shall not be less than twenty (20) or more than forty (40) days from the date of the certification of such resolution or the date of the adoption of such motion or the date of the filing of such application. Notice of such hearing shall be given as follows:

- (a) On-site notice shall be posted in a secure fashion and maintained within five (5) feet of the lot line adjacent to the public road during the period in which the application is being considered by the Village of Fayette. No one shall remove or tamper with any such notice during the time it is required to be posted and maintained. The Village of Fayette shall provide the notice and its content. Failure to post a notice shall not invalidate any such amendment.
- (b) A notice shall be published in one (1) or more newspapers of general circulation in the Village at least ten (10) days before the date of such hearing. The published and mailed notices shall set forth the time and place of the public hearing, the nature of the proposed amendment or supplement, and a statement that after the conclusion of such hearing the matter will be referred for further determination to the Village of Fayette Council.
- (c) If the proposed amendment or supplement intends to rezone ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning Commission, by first class mail, at least (10) days before the date of the public hearing, to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned or redistricted, to the addresses of such owners appearing on the Village of Fayette's current tax list. The failure of delivery of such notice shall not invalidate any such amendment or supplement. (Ord. 2022-05. Passed 8-10-22.)

**1159.05 RECOMMENDATION BY PLANNING COMMISSION.**

The Planning Commission shall study the proposed change in the terms of public necessity, public safety, general welfare, good zoning practice, and any Village adopted Master Plan. The Zoning Commission shall, within thirty (30) days after such hearing, recommend the approval or denial of the proposed amendment or supplement or the approval of some modification thereof, and submit such recommendation together with such application or resolution, the text and map to the Village Council. (Ord. 2022-05. Passed 8-10-22.)

**1159.06 PUBLIC HEARING AND NOTICE BY THE VILLAGE COUNCIL.**

Within thirty (30) days from the receipt of the recommendation of the Planning Commission, the Village Council shall hold a public hearing. Notice of the public hearing shall be given by the Village with at least one (1) publication in a local newspaper of general circulation at least ten (10) days before the date of the public hearing. This notice shall set forth the time and place of the public hearing and the nature of the proposed request. (Ord. 2022-05. Passed 8-10-22.)

**1159.07 ACTION BY THE VILLAGE COUNCIL.**

Within twenty one (21) days after such public hearing, the Village Council shall either adopt or deny the recommendations of the Zoning Commission or adopt some modification thereof. (Ord. 2022-05. Passed 8-10-22.)

**1159.08 EFFECTIVE DATE AND REFERENDUM.**

(a) Such amendment or supplement adopted by the Village Council shall become effective in thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment or supplement there is presented to the Village Council a petition, signed by a number of registered electors residing in the Village included in the zoning plan equal to not less than eight percent (8%) of the total vote cast for all candidates for governor in such area at the most recent general election at which a governor was elected, requesting the Village submit the amendment to the electors of such area for approval or rejection at a special election to be held on the day of the next primary or general election.

(b) No amendment or supplement for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.  
(Ord. 2022-05. Passed 8-10-22.)



## CHAPTER 1161 Zoning Certificates

<b>1161.01</b>	<b>Zoning Inspector.</b>	<b>1161.05</b>	<b>Schedule of fees, charges, and expenses.</b>
<b>1161.02</b>	<b>Zoning permit required.</b>	<b>1161.06</b>	<b>Minor subdivisions (lot splits).</b>
<b>1161.03</b>	<b>Approval of zoning permit.</b>		
<b>1161.04</b>	<b>Enforcement and penalties.</b>		

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### **1161.01 ZONING INSPECTOR.**

The Zoning Inspector shall be appointed by the Village of Fayette and shall have the following responsibilities:

- (a) Review Applications for Zoning Permits, Site Plan Review, Conditional Uses, and Zoning Changes.
- (b) On-Site Inspections.
- (c) Investigation of violations and enforcement of this Ordinance.
- (d) Maintain records of zoning activity including non-conforming and Conditional Uses. (Ord. 2022-05. Passed 8-10-22.)

### **1161.02 ZONING PERMIT REQUIRED.**

No building or other structure, including temporary structure, shall be constructed, moved, added to, altered, nor shall any building, structure, or land be established or changed in use without a Zoning Permit issued by the Zoning Inspector. Zoning Permits shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal or variance. Zoning Permits may be issued for the following:

- (a) Construction. Before any structure, as defined in this Ordinance is built, erected, enlarged, or placed on a property, a Zoning Permit shall be required. The Zoning Inspector shall issue a Zoning Permit when satisfied that according to the information submitted by the applicant, the proposed structure will conform to all requirements of this Ordinance.
- (b) Change of Use/Occupancy. When the use of a property or a building or structure changes, or a new business occupies an existing structure, a Zoning Permit is required. The Zoning Inspector shall issue a Zoning Permit when the requirements of this Ordinance are met.

- (c) Signs. Before any sign, except those exempted in this Ordinance, may be placed, constructed, or structurally altered, on or attached to a building, or on a parcel of land, a Zoning Permit is required.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1161.03 APPROVAL OF ZONING PERMIT.**

Within thirty (30) days after the receipt of an application for a Zoning Permit, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All Zoning Permits shall, however, be conditional upon the commencement of work within six (6) months. If the work described in any Zoning Permit has not begun within six (6) months from the date of issuance thereof, said Zoning Permit shall expire. All Zoning Permits shall expire after a one (1) year period but may be renewed subject to the filing of an application with the Zoning Inspector.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1161.04 ENFORCEMENT AND PENALTIES.**

(a) This Ordinance shall be enforced by the Village of Fayette or such enforcement officer as may be designated by the Village Council. No Zoning Permit(s) may be issued if the building or use currently is or would be in violation of any of the provisions of this Ordinance except in those cases where it is being obtained to remedy an existing violation on the property.

(b) Except as expressly provided in this Ordinance, it shall be unlawful to locate, erect, construct, reconstruct, enlarge, structurally alter, or use any building or structure or use and land without obtaining a Zoning Permit.

(c) Any Zoning Permit issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Village Council, the Zoning Permit shall be revoked by notice in writing to be delivered to the holder of the void Zoning Permit upon the premises concerned, or in case such holder be not found there, by posting the said notice of revocation in some conspicuous place upon the said premises. Any person who proceeds, thereafter, with such work or use without having obtained a new Zoning Permit, in accordance with this Ordinance, shall be deemed guilty of violation thereof.

(d) In case any building is located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this Ordinance, the Village Council, the Village Law Director, the Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceedings to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

(e) Any person, firm, or corporation violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and shall be subject to any applicable penalties from the Court and applicable penalties may be imposed as outlined in Part Five of the Village of Fayette General Offenses Code.

(f) Failure to obtain a Zoning Permit shall result in paying three (3) times the regular fee schedule. (Ord. 2022-05. Passed 8-10-22.)

**1161.05 SCHEDULE OF FEES, CHARGES, AND EXPENSES.**

The Village Council shall establish a schedule of fees, charges, and expenses and a collection procedure for Zoning Permits, amendments, appeals, variances, conditional use permits, site plan approvals, and other matters pertaining to the administration and enforcement of this Ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be available in the Office of the Zoning Inspector, and may be amended only by Village Council. No Zoning Permit will be issued until the appropriate fee has been paid. No hearing or appeal will be conducted until the fee has been paid.  
(Ord. 2022-05. Passed 8-10-22.)

**1161.06 MINOR SUBDIVISIONS (LOT SPLITS).**

Approval without a plat of a minor subdivision may be granted by the Village Planning Commission, if the proposed division of a parcel of land meets all of the following conditions:

- (a) The proposed subdivision is located along an existing public road and involves no opening, widening or extension of any street or road;
- (b) No more than five (5) lots are involved after the original parcel has been completely subdivided;
- (c) The proposed subdivision is not contrary to applicable subdivision or zoning regulations; and
- (d) The property has been surveyed and a sketch and legal description of the property is submitted with the application. If the request is complete and complies with all applicable zoning regulations, the Village Planning Commission shall approve such proposed division. The authorized representatives of the Commission shall sign the conveyance.

(Ord. 2022-05. Passed 8-10-22.)





**CHAPTER 1163  
Planning Commission**

**1163.01 Village of Fayette Planning  
Commission.  
1163.02 Organization.**

**1163.03 Meetings.  
1163.04 Duties of the Planning  
Commission.**

**1163.01 VILLAGE OF FAYETTE PLANNING COMMISSION.**

The Village of Fayette Planning Commission shall be composed of five (5) members including the mayor, one council member and three other appointed members of the community. Vacancies shall be appointed by Village Council for any unexpired term. Village Council may appoint alternate members to this Board.  
(Ord. 2022-05. Passed 8-10-22.)

**1163.02 ORGANIZATION.**

The Planning Commission shall organize and keep a written record of its actions and determinations, adopt rules and procedures to effectively carry out duties and obligations, all of which shall be a public record.  
(Ord. 2022-05. Passed 8-10-22.)

**1163.03 MEETINGS.**

At the first meeting of each year the Planning Commission shall elect a Chairperson and Vice-Chairperson for a term of one (1) year. There shall be a fixed place of the meeting and all meetings shall be open to the public. The Planning Commission shall keep a record of its proceedings showing the action of the Planning Commission and showing the vote of each member on each request considered. All recommendations of the Planning Commission shall be a public record. A quorum to conduct a meeting shall consist of at least three (3) members of the Planning Commission. This Board meets on an as needed basis.  
(Ord. 2022-05. Passed 8-10-22.)

**1163.04 DUTIES OF THE PLANNING COMMISSION.**

The Village Planning Commission shall have the following authority:

- (a) Initiate proposed amendments to the Zoning Ordinance and zoning map;
  - (b) Consider, review, and recommend all proposed amendments to Village Council;
  - (c) May consider, review, and approve or deny all site plan reviews, as needed.
- (Ord. 2022-05. Passed 8-10-22.)



**CHAPTER 1165**  
**Board of Zoning Appeals**

<b>1165.01</b>	<b>Village of Fayette Board of Zoning Appeals.</b>	<b>1165.05</b>	<b>Requirements for a variance request and approval.</b>
<b>1165.02</b>	<b>Meetings.</b>	<b>1165.06</b>	<b>Conditions of approval.</b>
<b>1165.03</b>	<b>Duties of the Board of Zoning Appeals.</b>	<b>1165.07</b>	<b>Applications.</b>
<b>1165.04</b>	<b>Appeal requirements.</b>	<b>1165.08</b>	<b>Public hearing and notice.</b>

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**1165.01 VILLAGE OF FAYETTE BOARD OF ZONING APPEALS.**

The Village of Fayette Board of Zoning Appeals shall consist of five (5) members who reside in the Village of Fayette. The terms of all members shall be so arranged so that the term of one (1) member expires each year. Village Council shall fill by appointment any vacancies including unexpired terms. Village Council may appoint alternate members to this Board. (Ord. 2022-05. Passed 8-10-22.)

**1165.02 MEETINGS.**

At the first meeting of each year the Board of Zoning Appeals shall elect a Chairperson and Vice-Chairperson for a term of one (1) year. There shall be a fixed place of the meeting and all meetings shall be open to the public. The Board of Zoning Appeals shall keep a record of its proceedings showing the action of the Board of Zoning Appeals and showing the vote of each member on each request considered. All records of the Board of Zoning Appeals shall be a public record. A quorum to conduct a meeting shall consist of at least three (3) members of the Board of Zoning Appeals. This Board meets on an as needed basis. (Ord. 2022-05. Passed 8-10-22.)

**1165.03 DUTIES OF THE BOARD OF ZONING APPEALS.**

The Board of Zoning Appeals shall have the following authority:

- (a) To organize, adopt rules, hold meetings and keep records as required by law.
- (b) To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determinations made by the Zoning Inspector in the enforcement of this Ordinance. This includes hearing and deciding matters of interpretation of the provisions of the text of this Resolution and the "Official Village of Fayette Zoning Map".

- (c) To authorize, upon appeal, in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of the Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. No variance shall be granted except in conformance with the provisions of Section 1165.05.
- (d) To allow the construction of more than one (1) main building on a single parcel unless specifically permitted in Supplemental Regulations.
- (e) To review and decide on all proposed Conditional Use applications.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1165.04 APPEAL REQUIREMENTS.**

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Board of Zoning Appeals, a notice of appeal specifying the grounds. The following information shall be included in any application brought before the Board of Zoning Appeals for consideration of an appeal or matter of interpretation:

- (a) The request must include the action or order of the Zoning Inspector such as the citation of zoning violation and/or a Zoning Permit being denied or revoked.
- (b) The specific reference, including chapter(s) and sections(s), of the zoning text or portions of the "Official Village of Fayette Zoning Map" that may be appealed.
- (c) The facts and information showing the basis of the appeal, including factors or characteristics unique to a parcel.
- (d) The specific remedy proposed or proposed interpretation shall be described.  
(Ord. 2022-05. Passed 8-10-22.)

#### **1165.05 REQUIREMENTS FOR A VARIANCE REQUEST AND APPROVAL.**

The Board of Zoning Appeals may authorize upon appeal, in specific cases, such variance from the terms of the Zoning Ordinance as will not be contrary to the public interest, where, owing to specific conditions, a literal enforcement of the Ordinance will result in unnecessary hardship, and so that the spirit of the Resolution shall be observed and substantial justice done. The Board of Zoning Appeals shall consider the following:

- (a) That due to exceptional narrowness, shallowness, or shape or exceptional topographic conditions or other extraordinary situation or condition of a lot, the strict application of the terms of this Ordinance would result in peculiar and exceptional practical difficulties.
- (b) That special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity.
- (c) That a variance from the strict application is necessary to relieve such difficulties or hardship, and that such relief may be granted without substantial detriment to the public good and without substantially altering the intent of this Ordinance.
- (d) The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.

- (e) The condition from which relief or a variance sought did not result from action by the applicant.
- (f) No variance may be applied for or granted which would allow a use that is not allowed in a zoning district.
- (g) The authorization of a variance will not impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonably diminish or impair the health, safety, convenience or general welfare of the inhabitants of the Village. (Ord. 2022-05. Passed 8-10-22.)

#### **1165.06 CONDITIONS OF APPROVAL.**

In granting a variance, the Board of Zoning Appeals may stipulate the manner in which the variance shall be carried out, and may require other improvements and safeguards for the protection of public health, safety, and welfare. In such cases the Board of Zoning Appeals may attach conditions.

(Ord. 2022-05. Passed 8-10-22.)

#### **1165.07 APPLICATIONS.**

All applications shall be in writing, shall be signed by the owner of the property involved or his duly authorized agent or attorney, shall specify the request and grounds thereof, and shall be filed in the Office of the Zoning Inspector.

(Ord. 2022-05. Passed 8-10-22.)

#### **1165.08 PUBLIC HEARING AND NOTICE.**

(a) Once the application has been received, one or more on-site notices shall be posted. Posted notices shall be removed within ten (10) days after the decision of the Board of Zoning Appeals. No one shall remove or tamper with any such notice during the time it is required to be posted and maintained.

(b) The Board of Zoning Appeals shall fix a reasonable time for the hearing of a matter to come before it and shall give at least ten (10) days' notice to the parties in interest, stating the time and place. In addition, notice of such public hearing shall be given in one publication in one or more newspapers of general circulation at least ten (10) days before the date of such hearing. The Board of Zoning Appeals shall make its findings and determination in writing within sixty (60) days from the date of the filing of the request. At the hearings, any party may appear in person by agent or by attorney and shall be given the opportunity to be heard. A copy of the findings and determination made by the Board of Zoning Appeals shall be transmitted to the applicant within fourteen (14) days following the hearing.

(Ord. 2022-05. Passed 8-10-22.)



**TITLE NINE - Zoning Definitions**  
Chap. 1167. Definitions.

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**CHAPTER 1167**  
**Definitions**

**1167.01 Definitions.**

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**1167.01 DEFINITIONS.**

For the purpose of this Ordinance certain terms and words are defined in the various chapters of this Ordinance including Chapter 1149 - Signs and Outdoor Advertising and in this chapter. Words used in the present tense include the future, and the plural includes the singular, and the singular the plural. The word "shall" is mandatory; "occupied" or "used" shall be considered as though followed by the words ". . . or intended, arranged, or designed to be used or occupied." Except where specifically defined, all words used in this Ordinance shall carry their customary meanings.

**Abandoned:** To cease or discontinue a use or activity without intent to resume, but excluding temporary or short term interruptions to use or activity during periods of remodeling, maintaining, or otherwise improving or rearranging a facility, during normal periods of vacation or seasonal closure.

**Accessory Structure:** A subordinate structure including those without a permanent foundation, detached from but located on the same lot as the principal structure, the use of which is incidental and accessory to that of the principal structure.

**Accessory Use:** A use incidental to, and on the same lot as, a principal use. Accessory uses include any use of a subordinate nature to the principal use on the same lot.

**Agriculture:** The use of land for agricultural purposes, including farming, dairying, pasturage agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

**Alteration:** Any change, addition, or modification in construction or use of an existing structure.

**Assisted Living Facility:** A residential living facility licensed by the State of Ohio for four (4) or more persons that provides assistance with daily needs which may include medical assistance, transportation, meal preparation, and laundry services. Such facility may also provide other services, such as transportation for routine social and medical appointments, and counseling.

**Automobile Service Center:** A place that provides routine maintenance and replacement of parts such as tires, mufflers, and oil changes within a completely enclosed building with no service or storage outside.

**Automobile Wrecking Yard (see also Salvage Yard):** The place where the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two (2) or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable of operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute evidence of an automobile wrecking yard.

**Bar or Lounge:** Any premises wherein alcoholic beverages are sold at retail for consumption on the premises.

**Bed and Breakfast:** An establishment located within a single-family dwelling that is the principle residence of the operator, where short-term lodging is offered for compensation and which includes the service of one (1) or more meals to guests.

**Buildings:** A structure having a roof supported by columns or walls; for the shelter, support, enclosure or protection of persons, animals, or property. When separated by party or shared walls, each portion of such a building shall be considered a separate structure.

**Building, Main:** The building on a parcel in which the principal use is conducted.

**Canopy:** Means any structure, movable or stationary, attached to and deriving its support from framework or posts or other means independent of a connected structure for the purpose of shielding an area from the elements, or a roof-like structure of a permanent nature which projects from the wall of a structure and overhangs a doorway, window, walkway, or driveway.

**Car Wash:** An area of land and/or structure with machine or hand-operated facilities used principally for the cleaning, washing, polishing, or waxing of motor vehicles.

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

**Church or Place of Worship:** A place that people regularly attend for religious services, meeting, and other activities, which may include day care services. The word "Church" shall not carry a secular connotation. Church shall include buildings in which religious services and related activities of any denomination are held.

**Clinic:** A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.



**Club:** Buildings or facilities occupied for social, educational, or recreational purposes, but not primarily of profit or for rendering a service that is customarily carried on as business and not open to the general public.

**Commercial Vehicle:** A cab, limousine, truck, truck trailer or other vehicle with a total maximum gross vehicle weight of three (3) tons or greater and is used or designed to be used for business or commercial purposes.

**Community or Club Swimming Pools:** A community or club swimming pool shall be any pool constructed by an association of lot owners, or by a private club for use and enjoyment by members of the association or club.

**Conservation Area:** Areas having significant natural vegetation, wildlife or physical features.

**Contractor Yard:** A place used for the storage of heavy equipment, commercial vehicles and materials used for construction or maintenance purposes.

**Crematorium:** A facility where a dead human or animal corpse is cremated.

**Day Care Facilities:** A building or part thereof other than a permanent residence which administers to the needs of children or adults providing social, recreational, or educational activities on a daily basis with no provisions for resident care.

**Density:** The number of dwelling units permitted per net acre of land (excluding right-of-way).

**Design Standards:** A set of guidelines defining parameters to be followed in site and/or building design and development.

**Detention/Retention Basin:** A facility separate and distinct from a lake or pond and for the temporary storage of storm water runoff.

**Development:** All structures and other modifications of the natural landscape above and below ground or water, on a particular site.

**Distribution Center:** The storage, wholesale, and distribution of manufactured products, supplies, and equipment.

**Drive-Thru Facility:** An establishment that by design, and/or service, permits customers to receive a service or obtain a product while remaining in vehicle.

**Dwelling:** A building or portion thereof use exclusively for residential purposes, including one-family, two-family, and multiple family dwellings. The term "dwelling" shall include permanently sited manufactured homes and Ohio Basic Building Code (OBBC) certified units, but shall not include mobile homes, recreational vehicles, hotels, motels, boarding or lodging houses, and group living.

**Dwelling, Multi-Family:** A building or portion thereof used for occupancy by three (3) or more families living independently of each other and containing three (3) or more dwelling units.

**Dwelling Unit:** A place for residential occupancy by one family with separate toilets and facilities for cooking and sleeping.

**Exception(s):** Means permission to depart from the requirements or design standards of this Resolution with respect to the submission of required documents.

**Family:** One (1) or more persons occupying a premises and living as a single housekeeping unit, whether or not related to each other by birth or marriage, as distinguished from persons occupying a boarding house, lodging house or hotel, or group living as herein defined. This definition shall include the following:

- (a) A group of persons with disabilities (meaning persons who are considered handicapped or disabled as those terms are defined either by the Fair Housing Act or the Americans with Disabilities Act) who need not be related by blood or marriage or adoption, living together as a single housekeeping unit.
- (b) A foster home as defined by Ohio Revised Code Section 5103.02 (D).

**Farm Market:** A retail establishment where the majority of products for sale have been grown or raised on-site and/or on land owned or operated by the market operator, and then sold directly to the consumer.

**Fence:** A fence is a structure without a roof, plant material, or similar screening device erected in such a manner and in such a location as to enclose, secure, partially enclose or secure, provide privacy for, decorate, define, or enhance all or any part of a lot. Fencing shall be constructed with an acceptable building material and not random mismatched materials.

**Frontage:** The side of a lot abutting on a public street or private place and ordinarily regarded as the front of the lot.

**Funeral Home:** A building or part thereof used for human funeral services. Such building may contain space and facilities for:

- (a) Embalming and the performance of other services used in preparation of the dead for burial;
- (b) Performance of autopsies and other surgical procedures;
- (c) Storage of caskets, funeral urns, and other related funeral supplies;
- (d) Storage of funeral vehicles, but shall not include facilities for cremation;
- (e) A funeral chapel

**Group Living:** The residential occupancy of a structure by other than a family, where units or quarters do not each have its own kitchen facilities. Includes the following:

- (a) **Adult Family Home.** A state-licensed home or facility that provides accommodations to three (3) to five (5) unrelated adults and supervision and personal care services to at least three of those adults.
- (b) **Drug and Alcohol Residential Facility.** A home or facility that provides habilitation services for persons with drug and alcohol addictions but not including methadone treatment.

- (c) **Group Rental.** Unrelated persons who do not constitute a family or a functional family as defined in this Zoning Ordinance, living as a single housekeeping unit in which individual sleeping quarters may be occupied by the residents of the dwelling thereof, and in which the relationship among the members of the group rests primarily upon a cost-sharing arrangement.
- (d) **Halfway House.** A state-licensed facility for the care and treatment of adult offenders. ORC 2967.14(C).
- (e) **Home for the Aging.** A state-licensed home that provides services as a Residential Care Facility and a Nursing Home, except that the home provides its services only to individuals who are dependent on the services of others by reason of both age and physical or mental impairment." ORC 3721.01(A)(8). A facility that conforms to the definition for Residential Facility (Small) or Residential Facility (Large) shall be treated as such a Residential Facility, regardless of the fact that it may also meet this definition.
- (f) **Homeless Shelter.** A home or facility that provides temporary housing, with or without meals, to indigent, homeless, or transient persons. Such home or facility shall not provide lodging on a regular basis.
- (g) **Nursing Home.** A state-licensed home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services. ORC 3721.01(A)(6). Also includes Residential Care Facility, ORC 3721.01(A)(7).
- (h) **Other Group Living.** Includes fraternity and sorority houses and other community-based housing not provided for elsewhere in this code.
- (i) **Residential Facility, Large.** A state-licensed or state-regulated home or facility that provides room and board, personal care, habilitation services, and supervision in a family setting for more than nine (9) but not more than sixteen (16) persons who require such care because of any of the following: mental retardation or a developmental disability; physical disability; age; long-term illness, including HIV; domestic violence; or being a runaway minor. Includes the following types of facilities identified under state law: residential facility, ORC 5123.19(L); shelter for victims of domestic violence, ORC 3113.33(C); and other similar uses of the same size licensed by the state but not requiring skilled nursing care.
- (j) **Residential Facility, Small.** A state-licensed or state-regulated home or facility that provides room and board, personal care, habilitation services, and supervision in a family setting for as many as six (6) (or, if allowed by state law, eight (8)) persons who require such care because of any of the following: mental retardation or a developmental disability; physical disability; age; long-term illness, including HIV; domestic violence; or being a runaway minor. Includes the following types of facilities identified under state law: residential facility, ORC 5123.19(L); shelter for victims of domestic violence, ORC 3113.33(C); and other similar uses of the same size licensed by the state but not requiring skilled nursing care.
- (k) **Rest Home.** A home or facility that provides personal care services but not skilled nursing services to adults who reside at the facility. Includes Residential Care Facility ORC 3721.01(A)(7). A facility that conforms to the definition for Adult Foster Home, Adult Family Home, Residential Facility (Small) or Residential Facility (Large) shall be treated as such, regardless of the fact that it may also meet this definition.

**Height (of building or other structure):** The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

**Highway, Major:** A street or road of considerable continuity and used primarily as a traffic artery.

**Home Occupation:** A use incidental and secondary to a property's primary residential use. A home occupation use shall not change the residential character of the property or the neighborhood and shall meet all requirements of Section 1145.06.

**Hospital:** A care facility providing clinical and emergency services of a medical or surgical nature to human patients and licensed by the State of Ohio to provide such facilities and services.

**Internet Café:** A place or restaurant that provides internet access to the public, usually for a fee. These businesses usually provide snacks and drinks, hence the café in the name. The fee for using a computer is usually charged as a time-based rate. This use does not include viewing or ability to view pornographic or sexually oriented materials, and does not include internet sweepstakes establishments.

**Internet Sweepstakes Establishment:** An establishment that promotes the sale of prepaid internet time cards, phone cards or similar device to retail customers in varying amounts for use at its business location which entitle each cardholder to participate in sweepstakes. The sweepstakes system allows for a customer to use the phone card, internet time cards or similar device at a game terminal to browse the internet or participate in games which reveal sweepstakes entries, prizes, prize values or the like. Internet Sweepstakes Establishments are not permitted in any zoning district.

**Kennel:** An establishment to operate a facility housing more than three (3) dogs, cats, or other household pets, over four (4) months of age, where grooming, breeding, boarding, training, or selling of animals is conducted.

**Lake:** A body of water at least five (5) acres in surface area.

**Landfill:** A site for the disposal of solid wastes in a manner that minimizes environmental hazards by spreading or compacting to the smallest volume, and applying cover material over all exposed waste at the end of each operation day.

**Landscape Contractor:** A business principally engaged in providing landscape services, including construction, soil preparation, and planting. The business may also include growing and selling nursery stock and may include property maintenance services including yard mowing, landscape maintenance, tree trimming, and/or snow plowing.

**Landscape Strip:** An area of land located along the right-of-way which contains decorative treatments, such as fencing or walls, and natural features, such as lawns, trees, plants, or mulch.

**Laundry, Self-service:** A business that provides washing, drying, and/or ironing machines for hire to be used by customers on the premises.

**Limousine/Taxi Fleet Service:** The commercial business of providing motor vehicles for carrying or transportation of passengers for a fixed charge or fee, or offering a vehicle with driver for a fixed charge or fee. This does not include private transportation services from third party ride services.

**Lot:** A parcel of land.

**Lot (corner):** A lot with frontage on and at the intersection of the rights-of-way of two (2) or more streets.

**Lot (interior):** An interior lot is a lot other than a corner lot.

**Lot (through):** A lot, other than a corner lot, having frontage on two (2) parallel, or approximately parallel, roads.

**Lot Area:** Total area bounded by property lines excluding any roadway easements and rights-of-ways.

**Lot Coverage:** Determined by dividing the total surface of all buildings, including covered porches and accessory buildings, and any other impervious surfaces, except sidewalks, located on the lot by the total area of the lot.

**Lot Depth:** The average horizontal distance of the lot between the front and rear lot lines.

**Lot Line:** A line dividing one lot from another lot or from the street or alley.

**Lot of Record:** A lot that has been recorded or registered in a deed or on a plat.

**Lot Width:** The horizontal distance of the lot between side lot lines measured at the required front setback line.

**Manufactured Home:** A factory-built, single-family structure that is transportable in one or more sections, and is used as a place of habitation. A manufactured home conforms to the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards.

**Permanently Sited Manufactured Home:** A "permanently sited manufactured home" means a manufactured home that meets all of the following criteria as specified in ORC 3781.06:

- (a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- (b) The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area of at least 900 square feet, excluding garages, porches, or attachments;
- (c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch minimum eave overhang, including appropriate guttering;
- (d) The structure was manufactured after January 1, 1995;
- (e) The structure is not located in a manufactured home park.

**Manufactured Home Park:** A parcel of land planned and improved upon which three (3) or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes and including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such manufactured home park.

**Mineral Extraction, Storage, and Processing:** Any mining, quarrying or processing of limestone, sand, gravel, oil, natural gas, or other mineral resources.

**Mobile Home:** A transportable, factory built home, designed to be used as year-round residential dwelling and built prior to the enactment of the Federal Manufactured Home Construction and Safety Standards Act of 1974 which became effective June 15, 1976. Mobile homes and manufactured homes that do not meet the definition of a "Permanently Sited Manufactured Home" as defined in Section 26 of this Ordinance shall be located only in Manufactured Home Park Zoning Districts.

**Motel/Hotel:** A facility offering transient lodging accommodations on a daily rate to the general public and providing additional services, such as restaurants, meeting rooms, and recreational facilities.

**Motor Vehicle Salvage Yard:** The place where the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale, or dumping of dismantled or wrecked vehicles or their parts. The presence on any lot or parcel of land of two (2) or more motor vehicles, which, for a period exceeding thirty (30) days, have not been capable or operating under their own power and from which parts have been or are to be removed for reuse or sale, shall constitute prima-facie evidence of an automobile wrecking yard.

**Non-Conforming Lot:** A lot, which does not meet the requirements of this Ordinance.

**Non-Conforming Structure (legal):** A building or structure which was lawfully existing at the time of adoption, revision, or amendment to this Ordinance that at the present time does not comply with the site area, coverage, setback, height, or other applicable regulations for its zoning district.

**Non-Conforming Structure (illegal):** A building or structure which did not legally exist at the time of adoption, revision, or amendment to this Ordinance and that does not comply with the site area, coverage, setback, height, or other applicable regulations for its zoning district.

**Non-Conforming Use (legal):** A use of land which lawfully existed at the time of adoption, revision, or amendment to this Ordinance that at the present time does not comply with the use regulations for its zoning district.

**Non-Conforming Use (illegal):** A use of land which did not legally exist at the time of adoption, revision, or amendment to this Ordinance and that does not comply with the use regulations for its zoning district.

**Outdoor Storage:** Any goods, material, merchandise, or vehicles in the same exterior place for more than twenty-four (24) consecutive hours.

**Permanent Foundation:** A locally approved permanent masonry, concrete, footing or foundation, to which a structure may be affixed.

**Personal Service:** A business that provides services such as hair care, shoe repair, laundry mat, dry cleaning, travel agency, beauty salon, and other similar activities.

**Personal Solar Panel:** A solar panel or panels designed to provide solar electricity to a single dwelling. This shall be considered an accessory structure and shall be subject to all applicable accessory structure regulations.

**Plant Nursery:** The cultivation of crops, fruit trees, nursery stock, and garden products or similar plant materials outside or within greenhouses.

**Pond:** A body of water with a minimum surface area of one-half (1/2) and a maximum surface area not to exceed five (5) acres.

**Principal Use:** The main use of land or structures, as distinguished from a secondary or accessory use.

**Principal Building:** A building in which the primary use of the lot on which the building is located is conducted.

**Private Place:** A duly approved and platted private thoroughfare other than a public street permanently reserved as the principal means of access to abutting property and/or platted lots in a subdivision.

**Professional Office:** Establishments that may cater to a specific professional service such as outpatient medical/dental offices, insurance agencies, real estate offices, travel agencies, and other similar activities.

**Professional/Trade School:** A facility that provides a curriculum for an occupation, skill, or trade.

**Public Use:** Any land, use or activity owned and operated by a public agency such as a post office, government building/structure, school, police or fire station, open space or park.

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

**Recreational Facilities:**

- (a) **Indoor:** Public or private facilities including bowling alley, racquetball courts, tennis courts, basketball courts, swimming pools, ice skating rinks, firing range, exercise facilities, arcade.
- (b) **Outdoor:** Public or private facilities including golf courses, driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, carnivals, campgrounds, tennis courts or basketball courts.

**Recreational Vehicle:** A vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreation, and vacation uses and is classified as follows:

- (a) **Fifth Wheel Trailer:** A vehicle that is of such size and weight as to be movable without a special highway permit, that has gross trailer area of four hundred (400) square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch originally installed in the bed of the truck.
- (b) **Motor Home:** A self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
- (c) **Park Trailer:** A vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute A119.5 (1998) for park trailers, is built on a single chassis, has a gross trailer area of four hundred (400) square feet or less when set up, is designed for seasonal or temporary quarters, and may be connected to utilities necessary for the operation of installed features and appliances.
- (d) **Tent-Type Foldout Camping Trailers:** Any vehicle intended to be used, when stationary, as a temporary shelter with living and sleeping facilities, and which is subject to the following properties and limitations:
  - (1) A minimum of twenty-five percent (25%) of the foldout portion of the tip and sidewalls combined must be constructed of canvas, vinyl, or other fabric, and form an integral part of the shelter.
  - (2) When folded, the unit must not exceed:
    - A. Fifteen (15) feet in length, exclusive of bumper and tongue,
    - B. Sixty (60) inches in height from the point of contact with the ground,
    - C. Eight (8) feet in width,
    - D. One (1) ton gross weight at time of sale.
- (e) **Travel Trailer:** A non-self-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred and twenty (320) square feet of space when erected on site. "Travel Trailer includes a tent-type fold-out camping trailer as defined in this resolution.
- (f) **Truck Camper:** A non-self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck Camper" does not include truck covers that consist of walls and a roof, but do have floors and facilities enabling them to be used as a dwelling.

**Recycling Center:** An area where recoverable resources, such as newspapers, glassware, and metal cans are collected, but no processing of recyclable materials occur.

**Residential Care Facility:** Includes Assisted Living Facility, Nursing Home, Rest Home, Adult Day Care, Group Home, or and other similar institution.

**Retail:** The sale or rental of commonly used goods and merchandise for personal or household use and rendering services incidental to the sale or rental of such goods. Such sale or rental shall be conducted exclusively indoors unless specifically allowed in this resolution. Typical uses include grocery stores, department stores, furniture stores, clothing stores and establishments providing the following products or services: household electronic equipment, sporting goods, bicycles, office supplies, home furnishings, household appliances, wallpaper, carpeting and floor-covering, art supplies, kitchen utensils, jewelry, drugs, cosmetics, books, notions, antiques or automotive parts and accessories.



**Rooming House:** A dwelling that is the primary residence of the owner and where lodging is provided by the owner, for compensation, to three or more unrelated adult persons. This shall maintain the single-family residential character of the dwelling.

**Salvage Yard:** (see also Automobile Wrecking Yard) An area where inoperable used materials are bought, sold, exchanged, stored, processed, or handled. The word "materials" shall include but are not limited to scrap iron and other metals, paper, rags, rubber tires, and bottles. An Automobile Wrecking Yard is also considered a Salvage Yard.

**School:** A public or privately funded facility that provides a curriculum of academic instruction, including kindergarten, elementary, middle, junior, and high schools, colleges and universities.

**Screening:** The method by which a view of one site from another adjacent site is shielded, concealed, or hidden. Screening techniques include fences, walls, hedges, berms, or other methods.

**Self-Storage Facility:** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods excluding boats or recreational vehicles.

**Setback(s):** The required minimum distance between the building line and the nearest front, side, or rear property line.

**Sexually Oriented Business:** As used in this Zoning Ordinance, 'sexually-oriented business' means an inclusive term used to describe collectively: adult media store, bathhouse, lingerie modeling or photograph studio, massage parlor/studio (except for massage therapy as licensed by the State of Ohio in Ohio Revised Code Section 4731.16), motion picture arcade booth, sex shop, sexual encounter center, sexually-oriented cabaret or sex-oriented cabaret, sexually-oriented cinema, sexually-oriented motion picture theater, or sex-oriented cinema. Terms relating to "sexually oriented business" are defined as follows:

**Adult Media:** Includes magazines, books, videotapes, movies, slides, CD-ROM's or other devices used to record computer images, or other media that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to explicit sexual material.

**Adult Media Store:** An establishment that rents and/or sells media, and that meets any of the following three (3) tests: forty percent (40%) or more of the gross public floor area is devoted to adult media; forty percent (40%) or more of the stock-in-trade consists of adult media; or it advertises or holds itself out in any forum as 'XXX', 'adult', 'sex', or otherwise as a sexually-oriented business other than an adult media store, sexually oriented cinema, sexually oriented motion picture theater, or sex-oriented cinema, or sexually-oriented cabaret or sex-oriented cabaret.

**Bathhouse:** An establishment or business which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, unless operated by a medical practitioner or professional physical therapist, licensed by the state.

**Book or Media Store:** A book or media store which devotes less than ten percent (10%) of its gross public floor area or ten percent (10%) of the number of items in inventory to explicit sexual material shall be treated for zoning purposes as a retail establishment. A book or media store which devotes more than ten percent (10%) of its gross public floor area or ten percent (10%) of the number of items in inventory to explicit sexual material, but which devotes less than forty percent (40%) of its gross public floor area and less than forty percent (40%) of the number of items in inventory to explicit sexual material shall be treated for zoning purposes as a book or media store and not as an adult media store, provided that it meets the following conditions: all explicit sexual material shall be maintained in a room that is separated from other material by an opaque wall that extends to the ceiling or eight (8) feet above the floor, whichever is less; access to the room containing the explicit sexual material shall be through an opaque door; the room containing explicit sexual material shall be posted with a notice indicating that only persons eighteen (18) years of age or older (adults) are allowed in the room; and access to the room will be physically limited to adults through control of access by an employee of the store, through use of an access release located at least sixty-six (66) inches off the floor, or through constant monitoring of the room by an employee on duty through electronic means or through a window or mirror providing visibility into the room from the manager's or cashier's work station.

**Gross public floor area:** The total area of the building accessible or visible to the public, including showrooms, sexually-oriented cinemas, sexually oriented motion picture theaters, or sex-oriented cinemas, motion picture arcade booths, service areas, behind counter areas, storage areas visible from such other areas, restrooms (whether or not labeled 'public'), areas used for sexually-oriented cabarets or sex-oriented cabarets, plus aisles, hallways, and entryways serving such areas.

**Massage:** Touching, stroking, kneading, stretching, friction, percussion and vibration, and includes holding, positioning, causing movement of the soft tissues and applying manual touch and pressure to the body (excluding an osseous tissue manipulation or adjustment).

**Massage parlor/studio:** An establishment offering massage therapy and/or body work by a massage therapist not licensed under ORC 4731.16 or under the direct supervision of a licensed physician.

**Media:** Anything printed or written, or any picture, drawing, photograph, motion picture, film, videotape or videotape production, or pictorial representation, or any electrical or electronic reproduction of anything that is or may be used as a means of communication. Media includes but shall not necessarily be limited to books, newspapers, magazines, movies, videos, sound recordings, CD-ROM's, other magnetic media, and undeveloped pictures.

**Motion picture arcade booth:** Any booth, cubicle, stall or compartment which is designed, constructed or used to hold or seat customers and is used for presenting motion pictures or viewing publications by any photographic, electronic, magnetic, digital or other means or medium (including, but not limited to, film, video or magnetic tape, laser disc, CD-ROM, books, magazines or periodicals) for observation by customers therein. The term 'booth', 'arcade booth,' 'preview booth', and 'video arcade booth' shall be synonymous with the term 'motion picture arcade booth'.

**Primary live entertainment:** Entertainment that characterizes the establishment, as determined (if necessary) from a pattern of advertising as well as actual performances.

**Sex shop:** An establishment offering goods for sale or rent and that meets any of the following tests: it offers for sale items from any two of the following categories: adult media; lingerie; leather goods marketed or presented in a context to suggest their use for sadomasochistic practices, and the combination of such items make up more than ten percent (10%) of its stock in trade or occupies more than ten percent (10%) of its gross public floor area; more than five percent (5%) of its stock in trade consists of sexually oriented toys or novelties; or more than five percent (5%) of its gross public floor area is devoted to the display of sexually oriented toys or novelties.

**Sexual encounter center:** A business or commercial establishment that, as one of its principal business purposes, offers for any form of consideration a place where two or more persons may congregate, associate, or consort for the purpose of 'specified sexual activities'. The definition of sexual encounter center or any sexually-oriented business shall not include an establishment where a medical practitioner, psychologist, psychiatrist, or similar professional person licensed by the state engages in medically approved and recognized sexual therapy.

**Sexually oriented cabaret or sex-oriented cabaret:** An establishment and/or building or portion of a building regularly featuring dancing or other live entertainment if the dancing or entertainment which constitutes the 'primary live entertainment' is distinguished or characterized by an emphasis on the exhibiting of 'specific sexual activities' or 'specified anatomical areas' for observation by customers therein. A cinema or motion picture theater which shows explicit sexual material on more than half the days that it is open, or which is marketed as or offers features described as 'adult', 'XXX', or sexually oriented.

**Sexually oriented cinema, sexually-oriented motion picture theater, or sex-oriented cinema:** A cinema or motion picture theater which shows explicit sexual material on more than half the days that it is open, or which is marketed as or offers features described as 'adult', 'XXX', or sexually oriented.

**Small Wind Turbine:** A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity of not more than 100 kW and which is intended to primarily reduce on-site consumption of utility power.

**Story:** The portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between such floor and the ceiling above it.

**Structure:** A combination of materials constructed or placed for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

**Truck Service Center:** A place that provides routine maintenance and replacement of commercial vehicle parts such as tires, mufflers, and oil changes within a completely enclosed building with no service or storage outside.

**Truck Terminal:** Land and buildings used as a relay station for the transfer of a load from one vehicle or building to another or one party to another. The terminal facility may include truck storage and repair.

**Yard:** Any open space located on the same lot with a building, unoccupied and unobstructed from the ground, except for accessory structures, parking, or such projections as are expressly permitted in these regulations. The minimum depth or width of a yard is the horizontal distance between the lot line and the nearest point of the foundation wall of the main building.

**Yard, Front:** A yard extending along the full width of the lot between side lot lines and from the front lot line to the front building line.

**Yard, Rear:** A yard extending across the full width of the lot between the side lot lines and lying between the rear lot line and the nearest wall of the main building. Rear yard depth shall be measured from the rear building wall to the nearest point of the rear lot line.

**Yard, Side:** A yard lying between the side lot line of the lot and the nearest building wall of the main building, between the front yard and the rear yard.  
(Ord. 2022-05. Passed 8-10-22.)