

Village of Owensville

Zoning Ordinance

March 1, 2016

Village of Owensville
Zoning Ordinance – Table of Contents

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Village of Owensville
ARTICLE 1 - GENERAL PROVISIONS

SECTION 1.01 – AUTHORITY

In accordance with the authority granted by the Ohio Revised Code, the Village of Owensville hereby ordains and enacts into law an Official Zoning Ordinance.

SECTION 1.02 – PURPOSE

This Ordinance is hereby adopted in order to better promote the public health, safety, comfort, convenience, prosperity, and general welfare. In addition, The Official Zoning Ordinance is enacted to achieve all of the following:

- (a) to secure the most appropriate uses of land
- (b) to facilitate orderly and harmonious development
- (c) to protect the visual as well as historical character of the Village
- (d) to prevent overcrowding and blighting influences
- (e) to stabilize and enhance the value of property
- (f) to minimize air, water, and noise pollution
- (g) to facilitate the provision of adequate and economic public facilities and services

SECTION 1.03 – TITLE

This ordinance shall be effective throughout the Village of Owensville, and shall hereafter be known, referred to, and recited to as The Official Zoning Ordinance of the Village of Owensville, Ohio.

SECTION 1.04 – ZONING MAP

The various zoning districts hereby established by The Official Zoning Ordinance shall conform to the boundaries identified on The Official Zoning Map for the Village of Owensville, Ohio. The boundaries of individual zoning districts are intended to follow property lines, lot lines, or, the centerlines of streets as they existed at the time of adoption of this zoning ordinance.

SECTION 1.05 – INTERPRETATION

The word “shall” is meant to be mandatory and not discretionary.

SECTION 1.06 – MINIMUM STANDARDS

In interpreting and applying the multiple provisions of this ordinance, unless otherwise stated, they shall be held to be minimum requirements. Where the requirements of this ordinance are more restrictive than those established by other provisions of law the standards of this ordinance shall govern.

SECTION 1.07 – SEVERABILITY

Should any section, subsection, clause, part or provision of this ordinance be declared to be unconstitutional or invalid, such invalidity shall not affect any other section, subsection, clause, part or provision of this ordinance as they shall be severable, and, shall continue to have full force and effect.

SECTION 1.08 – CONFLICT

Where conflict occurs between the regulations of this ordinance and the building code, or, other regulations adopted by the Village of Owensville, the more restrictive of such regulations shall apply.

SECTION 1.09 – CONFORMITY REQUIRED

Except as hereinafter specified, no land, building, structure, or premises shall hereafter be used, and no building or part thereof or other structure shall be located, used, erected, moved, reconstructed, extended, enlarged, or altered except in conformity with the regulations herein specified for the zoning district in which it is located.

Village of Owensville
ARTICLE 2 - DEFINITIONS

TERM	DEFINITION
Abandonment	<p>The discontinuance of the occupation and productive use of the property by the owner. Abandonment may be presumed if the property is unoccupied and any of the following may occur:</p> <p>A. Orders have been issued against the owner of the property for violations of any State, County, or municipal building, health, fire or property maintenance code associated with the use, and attempts to serve process on such orders and/or criminal citations have been unsuccessful;</p> <p>B. The owner no longer resides at the tax mailing address;</p> <p>C. The owner is a corporation that is not licensed to do business in the State of Ohio or, having been licensed, is no longer in good standing; or</p> <p>D. The named owner is deceased and no probate estate has been opened within six (6) months of the death of the named owner.</p>
Abutting	<p>Having a common border with, or being separated from such a common border by a right-of-way, alley or easement.</p>
Accessory Building	<p>A subordinate structure which is customarily incidental in area, extent, and purpose to the principal building which it serves. Accessory buildings can be attached to or detached from a principal structure, and include, among other improvements, garages, carports, decks, tool sheds and gazebos.</p>
Adjacent	<p>See "Abutting."</p>
Adult Entertainment Facility(Establishment)	<p>Any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common area of the premises for the purposes of viewing adult-oriented motion pictures; or wherein an entertainer provides adult entertainment to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for profit, direct or indirect. An adult oriented establishment includes, but is not limited to the following:</p> <p>A. Adult Bookstore - An establishment which includes, but is not limited to, booths, cubicles, rooms or stalls for the presentation of adult entertainment, including adult-oriented films, movies or live performances for observation by patrons therein, or which, as part of its regular and predominant course of conduct, offers for sale, rent, trade, lease, inspection or viewing, books, films, video cassettes, magazines or other periodicals, which are distinguished or characterized by their emphasis on matters depicting, describing or relating to specified anatomical areas or specified sexual activities.</p> <p>B. Adult Entertainment - Any exhibition of any motion pictures, live performances, displays or dances of any type, which has as a significant or substantial portion of such performance, or is distinguished or characterized by an emphasis on, any actual or simulated performance of specified sexual activities, or exhibition and viewing of specified anatomical areas, appearing unclothed, or the removal of articles of clothing, to reveal specified anatomical areas.</p> <p>C. Adult Motion Picture Theater - An establishment which is significantly or substantially used for presenting motion picture films, video cassettes, cable television or any other such visual media, distinguished or characterized by an emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas for observation by patrons therein.</p>

TERM	DEFINITION
Agriculture	The use of land for agricultural purposes including: farming; ranching; aquiculture; apiculture; horticulture; viticulture; animal husbandry, including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals; poultry husbandry and the production of poultry and poultry products; dairy production; the production of field crops, tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, or mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production; barns and greenhouses when used in conjunction with agricultural uses. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.
Airport	Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas. , hangars and other necessary buildings, and open spaces.
Alley	A public thoroughfare which affords only a secondary means of access to abutting property.
Alterations, Structural	See structural alterations.
Animal Hospital/Veterinary Clinic	A place, licensed by the State of Ohio, used for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for treatment, observation and/or recuperation.
Antenna	The physical device through which telecommunications, radio, or television signals are transmitted or received.
Antique	An item or artifact whose value is determined because of its age, quality, availability and demand by collectors, rather than its original purpose. For the purpose of this Resolution, "antique" shall include "historical" motor vehicles as defined in Section 4501.01, G. of the Ohio Revised Code.
Apartment	A room or suite of rooms in a multiple dwelling, rented or leased, intended or designed for use as a residence by a single family. This includes one (1) or more units in a building used primarily for nonresidential uses.
Apartment House	See dwelling, multiple.
Auditorium	A place where large groups of people gather for events and programs for recreational, social or educational purposes.
Automotive Repair Station	A business conducting general repair, rebuilding or reconditioning of engines, motor vehicles or trailers, including but not limited to: body work, frame work, welding and painting.
Automotive, Mobile Home, Travel Trailer and Farm Implement Sales	A display and temporary storage, for sale, of new or used motor vehicles including RV's, trucks, motorcycles, and farm equipment and implements, where repair or service work is incidental to the operation of new vehicle sales.
Automotive Wrecking	The dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale, or dumping of dismantled, obsolete or wrecked vehicles or their parts.
Average Front Yard Setback	A numerical value, indicated in feet, calculated by dividing the sum total of the specified front yard setbacks by the total number of front yards specified in the

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	regulations.
Bar or Tavern	An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises
Barn	A building used primarily for the storage of grain, hay, and other farm related products, and/or the sheltering of livestock or farm equipment.
Basement	A story having part but not more than one-half (½) its average height below grade. A basement is counted as a story for the purpose of height regulations.
Bed and Breakfast Establishments	A single family dwelling whose premises are permanently occupied by a family that offers overnight accommodations and breakfast to transient guests for compensation.
Berm	A level space, shelf, or raised mound of earth, often landscaped, and used especially as a barrier separating two areas
Best Management Practices (BMP's)	The policies, practices, procedures, or structures implemented to mitigate the adverse environmental effects on surface water quality resulting from development. BMP's are categorized as structural or non-structural. A BMP policy may affect the limits on a development.
Board	The Village of Owensville Board of Zoning Appeals as created by this ordinance.
Buffer	The use of land, topography, difference in elevation, space, fences or landscape planting to screen, or partially screen, a use or property from another use or property, and thus reducing undesirable influences such as sight, glare, noise, dust and other external effects.
Buildable Area	The area remaining after subtracting required open space from the site area.
Building	Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.
Building, Height of	The vertical distance measured from the average level of the proposed or finished grade to the highest point of the roof, ridge, or parapet wall on the main building, excluding chimneys, ventilating and air conditioning equipment, and elevator equipment rooms.
Building Line	A line separating buildable area from any required yards or open spaces as defined herein. The "building line" will constitute the largest extremity of the building (e.g. overhang or eave), rather than the foundation.
Building Pad	An area delineated within a lot to which construction of a dwelling is limited, and outside of which no dwelling may be erected or used.
Building, Principal	A building which contains the primary use of the lot, as contrasted to accessory building or use. In any residential zone a dwelling shall be deemed to be the principal building on the lot.
Car Wash	The use of a tract of land, building, or portion thereof, for the manual or automatic washing and cleaning of passenger vehicles, recreational vehicles or other light duty equipment.
Cellar	A story having more than one-half (½) of its average height below grade. A cellar is counted as a story for the purpose of height regulation only if used for dwelling purposes.
Cemetery	Land used or dedicated for the burial of the dead, including crematoriums, mausoleums, necessary sales, and maintenance facilities.
Channel	A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.
Child Day Care	Any place recognized by Ohio Revised Code Section 5104.01 in which child care is provided for preschool or school age children

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Church or Other Place of Worship	An institution that a congregation of people regularly attend to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denomination are held.
Clinic	A place for the treatment of persons in need of medical or dental care that does not include overnight care facilities.
Club	A nonprofit association of persons who are bona fide members paying regular dues, and who are organized for some common purpose. Clubs shall exclude places of worship or groups organized solely or primarily to render a service carried on as a commercial enterprise.
Collectible	An item whose value is enhanced because of collector demand due to its rarity and/or excellence. For the purpose of this Resolution, "collectible" shall include "collector's vehicle" as defined in 4501.01, F. of the Ohio Revised Code.
Collocation	The use of a telecommunication facility by more than one provider.
Commercial Entertainment Facilities	A facility for any profit making activity which provides services related to the entertainment field within an enclosed building. Examples include: theaters, motion picture theaters, miniature golf, bowling alleys, pool and billiard halls and similar entertainment activities, excluding adult entertainment facility.
Comprehensive Development Plan	See, "Growth Management Plan".
Conservation Easement	The grant of a property right stipulating that the described land will remain in its natural state and precluding future or additional development.
Debris	The remains of something broken down, destroyed, fragmented, burnt or razed.
Deck	An unroofed raised structure, either attached or freestanding, which does not contain walls and may or may not include rails, and which is intended to function as an outdoor patio.
Demolition	To tear down, raze, do away with, or destroy any structure.
Density	The number of dwelling units per acre of land.
Development Plan	A report, in map and text form, submitted as the second step of a Planned Unit Development (PUD) proposal, including depiction of the location, purpose, type of land use, circulation pattern, the primary relationship between site elements and between the proposed development and surrounding development, and information on the proposed developer.
District	A Section or Sections of the unincorporated territory of Village of Owensville for which the regulations governing the use of buildings and premises, the height of buildings, size of yards and the area of lots are uniform.
Drive Thru Establishment – also drive-in facility	Any portion of a building or structure from which business is transacted or is capable of being transacted, directly with customers located in a motor vehicle during such business transaction.
Dwelling	A building or portion thereof containing living, sleeping, housekeeping accommodations, and sanitary facilities for occupancy by one (1) family
Driveway	A surface, usually consisting of concrete or blacktop, which provides access to one or more off street parking areas, including garages and carports.
Dwelling Unit	Space within a building comprised of living, dining and sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one (1) family
Dwelling, Single-Family	A residential building designed for, or occupied exclusively by, one (1) family.
Dwelling, Two-Family	A residential building designed for, or occupied exclusively by, two (2) families.
Dwelling, Mobile Home	A non-self propelled vehicle that is constructed in such a manner as will permit the

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	use and occupancy thereof for continuous human habitation and which has a wheeled chassis as an integral part of its structure for the purpose of being transported from site to site. Multiple units mounted on individual chassis and joined on site (i.e. double wide mobile homes) are not distinguished from single unit vehicles in this definition and are considered strictly as mobile homes. This definition is to include any prefabricated unit or units designed for use as a dwelling that may not conform in all respects to State and County building codes for dwellings.
Dwelling, Multiple	A residential building or portion thereof designed for, or occupied exclusively by more than two (2) families.
Dwelling, Permanently Sited Manufactured Home	A permanently sited home that is manufactured in two (2) or more component sections that are transported to the home site and assembled on a permanent foundation and whose construction meets all specifications of the State and County building codes. Manufactured homes shall be considered as buildings, dwellings or structures for the purposes of this Resolution.
Easement	A grant by a property owner for use of a parcel of land by the public or any person for any specific purpose or for purposes of access, constructing and maintaining utilities, including: sanitary sewers, water mains, electric lines, telephone lines, cable television lines, other transmission lines, storm sewer, storm drainage ways, gas lines or other service utilities.
Education Institution: Vocational, College, University, Business or Training Center	A public or private post-secondary facility, with academic curricula, including uses, structures, and/or facilities sanctioned by, ancillary or necessary to the operation of such institution. This includes, but is not limited to, dormitories, food sales, retail sales, indoor and/or outdoor recreation facilities, offices, printing, museums, and professional service (affiliated with the college or university, vocational, business or training center).
Education Institution: Elementary School, Junior High School, High School	A public or private facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.
Ephemeral Stream	A natural watercourse that has flowing water only during and for a short duration after, precipitation events in a typical year. Ephemeral stream beds are located above the water table year-round. Groundwater is not a source of water for the stream. Runoff from rainfall is the primary source of water for stream flow.
Family	A person or group of persons occupying a premise and living as a single housekeeping unit, whether or not related to each other by birth or marriage as distinguished from a group occupying a boarding house, lodging house, bed and breakfast establishment or hotel as defined herein.
Farm Market	A market where fifty (50) percent or more of the gross income received from the market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.
Fence	An improvement, other than a building, which acts as a barrier, boundary, means of security, confinement, or visual or physical separation.
Financial Institution	A building, property or activity where the principal use or purpose of which is the provision of financial services including, but not limited to banks, credit unions, savings and loan institutions, lending establishments and mortgage companies
Flood Plain	Those areas designated in the 100 year floodplain by the Federal Emergency Management Agency as "areas of special flood-related erosion hazard" or "area of special flood hazard" on any Flood Hazard Boundary Map issued by the

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	Administrator of the Federal Emergency Management Agency.
Floor Area Ratio	A measure derived by dividing the gross floor area (GFA) of a building or structure by the size of the lot.
Food Processing	The preparation, storage or processing of food products. Examples of these activities include bakeries, dairies, canneries and other similar businesses.
Frontage	The distance a parcel of property faces a street and that is measured along the length of said street between the intersections of the parcel's property lines and the right-of-way for a public street or the easement line for a private street. For the purposes of this Resolution, where a single parcel has property facing both sides of a right-of-way or easement line, only the frontage of one side shall be considered in the fulfillment of any frontage requirements.
Fuel Station	A facility limited to the retail sales of motor oil, lubricants, motor fuels, travel aides, minor automobile accessories and convenience goods to the public. In addition, such facilities may provide minor vehicle servicing, minor repairs and maintenance, but may not include engine rebuilding, the reconditioning of motor vehicles, and collision services such as painting, body, frame or fender straightening.
Funeral Home	An establishment engaged in undertaking services such as preparing the dead for burial, arranging and managing the display or the deceased, and providing rituals connected therewith before burial or cremation.
Garage, Private	An accessory building, detached or attached, housing no more than four (4) motor vehicles normally operated by a resident of the premises, and two (2) of which may be passenger automobiles owned by non-residents of the premises.
Garage, Public	A principal building or accessory building, other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no vehicle sales or service shall be provided for a fee.
Garage, Storage	Any building or premises used for housing only, of motor vehicles pursuant to previous arrangements and not to transients, and at which automobile fuels and oils are not sold, and motor vehicles are not equipped, repaired, hired or sold.
General Provisions	A Zoning Resolution regulation that pertains to more than one Zoning District.
Golf Course	A tract of land laid out with at least nine holes for playing a game of golf and improved with tees, greens, fairways and hazards. A clubhouse, maintenance facility and shelters may be permitted as accessory uses.
Grade	The average elevation of the land around a building as measured in feet above sea level.
Greenhouse	A building largely constructed of glass or other transparent or translucent material in which the temperature and humidity can be regulated for the cultivation of plants for the subsequent sale or for personal enjoyment
Gross Area	The total land and water surface contained within the boundaries of a lot.
Gross Floor Area	The sum of the total horizontal areas of every floor of every building or structure (other than an accessory building) on a lot that is designed and useable to support occupancy by persons or storage of goods or equipment. The measurement of gross floor area (GFA) shall be computed applying the following criteria: A. The horizontal area is measured from the outside face of all exterior walls. B. Excluding unfinished cellars, basements, attics, covered or uncovered porches, balconies and decks, enclosed storage or mechanical areas, mezzanines and similar structures.
Growth Management Plan	A compilation of policy statements, goals, standards and maps for guiding the physical, social, and economic development, both private and public, of the Village

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	and its environs, adopted by the Village, and as may be amended from time to time.
Hedge	A row of closely planted shrubs, bushes or similar plant material that forms a compact, dense boundary, fence or shields and area from view.
Hobby	A subordinate non-profit occupation pursued by an individual for the purpose of relaxation and/or enjoyment in addition to the individuals' regular occupation.
Home Occupation	A gainful enterprise of limited extent, incidental and secondary to the residential use of the property so zoned, operated only by a family member or members residing on said premises without changing the outward residential appearance of said property or endangering the health, safety and welfare of the surrounding residential neighborhood.
Homeowners Association	A community association that is organized in a residential development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities
Hospital	An institution providing inpatient and outpatient medical and surgical care, diagnosis and treatment for sick or injured persons including beds for overnight care, laboratories, training facilities, and other necessary accessory facilities.
Hotel or Motel	A building in which lodging is provided and offered to the public for compensation and which is open to transient guests and which may include additional accessory services such as restaurants, meeting rooms and personal fitness facilities
Household Pets	Any domestic animal kept within a dwelling or upon the premises for the resident's personal use and enjoyment. Animals which are normally found in the wild state and are not indigenous to the immediate area are not included within the meaning of domestic animal.
Impervious Surface	Any material that prevents the absorption of storm water into the ground located directly below the material including any compacted areas serving as a driveway or parking area.
Impervious Surface Ratio	The measure of intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross area of the site.
Intermittent Stream	A natural watercourse that has flowing water during certain times of the year, when groundwater provides water for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water from stream flow.
Junk	Old, used, or scrap aluminum, copper, brass, iron, steel, other metal alloys and nonferrous materials, batteries, rope, lumber or building materials, paper, cloth, rubber, ceramics, plastics or other products thereof.
Junk Motor Vehicle	Vehicles as defined by the Ohio Revised Code, regardless of value, which are not currently registered or are inoperable due to damage, dismantling or mechanical failure, including recreational, collectible, or antique vehicles and watercraft.
Junk Buildings, Junk Shops, Junk Yards	Any land, property, structure, building, or combination of the same, on which junk is stored or processed.
Kennel	Any premises where any person engages in the business of boarding, grooming, breeding, buying, letting for hire, training for a fee or selling of three (3) or more animals.
Landscaped Surface Ratio (LSR)	The area of landscaped surfaces of a lot divided by the total area of the lot.
Landscaping	The alteration of the natural terrain by the planting of trees, grass, shrubs, and installation of ground cover indigenous to Zone 6 of the U.S. Dept. of Agriculture Plant Hardiness Zone Map.

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Limited Soils	Those soils listed in the Soil Survey of Clermont County as having severe limitations for septic systems.
Loading Space, Off-Street	The portion of a lot or space accessible from a street, alley or way, in or outside of a building, designed to serve the purpose of loading or unloading for all types of vehicles.
Lodging House	A building where lodging only is provided for compensation to three or more, but not more than eight persons.
Lot	A parcel of land occupied or intended for occupancy by a use permitted by this Resolution and the open spaces required by this Resolution and having principal frontage upon a street or road.
Lot, Area	Any area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which such lot abuts, even if the title to such street is held by the owner of the lot.
Lot, Corner	A lot abutting two or more streets at their intersection or upon two parts of the same street, and in either case, forming an interior angle of less than 135°.
Lot Coverage	The total ground covered by a building or structures expressed as a percentage of lot area (see also impervious surface ratio)
Lot, Depth of	The average horizontal distance between the front and rear of lot lines.
Lot, Double Frontage	A lot having a frontage of two non-intersecting streets, as distinguished from a corner lot.
Lot, Flag	A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way, easement or driveway
Lot, Interior	A lot other than a corner lot.
Lot Line	A line dividing one lot from another lot or from a street or alley
Lot Line, Front	A boundary of a lot which abuts a dedicated public street
Lot Line, Rear	A boundary of a lot which is opposite the front lot line
Lot Line, Side	Any boundary of a lot which is not a front lot line or a rear lot line
Lot of Record	A parcel of land which has been legally described and recorded in the offices of the County Recorder and County Auditor of Clermont County
Lumber Yard and Building Material Sales	An area used for the storage, distribution and sale of finished or rough-cut lumber and lumber products, which may include the manufacture or fabrication of lumber, lumber products or firewood. Other building materials such as brick, tile, prepackaged cement, insulation and roofing materials shall be incidental and accessory to the sale of the lumber.
Maintenance and Storage Facilities	Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.
Manufacturing, Heavy	Manufacturing, processing, assembling, storing, testing and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution and water pollution but not beyond the district boundary
Manufacturing, Light	Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.
Manufacturing, Extractive	Any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing of any mineral natural resource.
Mini Warehouse	A storage facility which is surrounded by fencing or walls, or a combination

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	thereof, and which contains a group of enclosed and secured storage units for long term storage of household goods and business items.
Mixed Use	Any building or structure that is occupied by two or more owners, renters or land uses, which is managed as a single property
Motor Home	The word "trailer" shall include trailer coach, mobile home, camp car or any self-propelled or non-self-propelled vehicle constructed, or reconstructed or added to by any means of accessories in such a manner as will permit the use and occupancy thereof for human habitation, storage or conveyance of machinery, tools or equipment whether resting on wheels, jacks or other foundation or used or so constructed that it is or may be mounted on wheels or any similar transportation devices and used as a conveyance on highways and streets.
Natural Resource Area	Areas in which human activities are very limited and where the natural environment is protected from man made changes.
Non-Conforming Lot	A lot of record which does not comply with the lot requirements for any permitted use in the zone in which it is located.
Non-Conforming Use	Any building or land lawfully occupied by a use on the effective date of this Resolution or any amendment or supplement thereto, which does not conform with the use regulations of the district in which it is situated
Nursing Home	A home for the aged or infirm in which three or more persons, not of the immediate family, are received, kept or provided with food, shelter or care for compensation, and by reason of advanced age, chronic illness or infirmity are unable to care for themselves. A hospital, clinic or similar institution shall not be construed to be included in this definition.
Nursery, Plant Materials	Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.
Office, Business or Professional	A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations
Outdoor Display	An area of designated size outside of an enclosed building used for the sample display of merchandise, goods, wares or tangible property normally sold, rented or leased within the business on the property where the merchandise is sold, rented or leased.
Outdoor Storage	The keeping, outside of an enclosed building or structure, of personal or business property, goods, wares or merchandise which are not located in that specific area for customer viewing or immediate sale, in the same place for a period of more than 72 hours.
Parking Lot	A permanently surfaced parcel of land devoted to unenclosed parking spaces, other than a street or alley.
Parking Space	A permanently surfaced area of not less than 180 square feet, whether within a structure or in the open, exclusive of driveways or access drives, for the parking of a motor vehicle.
Patio	Level areas predominately open to the sky which is intended for outdoor dining, lounging, and other means of relaxation and enjoyment.
Performance Standards	Regulations which permit uses based upon the application of a specific set of standards of operation rather than a specific type of use. Performance standards are directed at limiting noise, air pollution, emissions, odors, vibration, dust, dirt, glare, heat, fire, hazards, wastes, and, traffic and/or visual impacts.
Personal Services	Any business activities which caters to customers personal needs, and which may include the incidental sale of products. Personal services may include barber

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	shops, beauty shops, dry cleaners, health clubs, pet grooming and tanning spas. Personal services shall not include adult entertainment or sexually oriented businesses.
Personal Storage	A building containing individual, compartmentalized and controlled access stalls, rooms or lockers that are leased, rented or owned by different individuals for the storage of individual possessions or personal property.
Planned Unit Development	A land development project which is comprehensively planned as a single entity via a unitary site plan. The primary emphases of PUD is: the preservation of special site features, the provision of open space and clustering of land uses. All planned unit developments shall be designed to minimize both infrastructure costs and surface runoff.
Plat	A map, graphics or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record title. The plat is a recorded, legal document and must conform to all Ohio State Statutes.
Porch	A covered but unenclosed platform extending from the main wall of a building.
Public Owned and Operated Properties and Facilities	A building, structure, land or property, owned and operated by the Village or other government agency, including fire stations, the Village Hall, public works and park facilities, library.
Public Uses	Public parks, schools, administrative and cultural buildings and structures not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.
Recreation Camp	An area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture or equipment that is used or intended to be used in connection with providing such accommodations.
Recreation, Commercial	Land or facilities that are operated as a business and which are open to the general public for a fee, the primary purpose of which is to provide the general public with an amusing or entertaining activity. Commercial recreation facilities may include, but are not limited to water parks, skating rinks, billiard parlors, driving ranges, and batting cages.
Recreation, Non-Commercial	Any land or facility operated by a governmental agency or non-profit organization and which is open to the public or to members of the non-profit organization, without a general fee, that may include, but are not limited to, playgrounds, athletic fields, swimming pools, picnic areas and bike/hike trails
Recreational Vehicle	A wheeled vehicle designed primarily for the purpose of personal recreation, pleasure, or travel, but not for permanent habitation. Examples include camper trailers, boats, as well as dune buggies, stock cars, and motorbikes that are not street legal.
Research and Development Facility	A facility in which scientific research, investigation, testing or experimentation is conducted, but not including the manufacturing or sale of products, except as incidental and accessory to the main purpose of the facility.
Residential Facility	A facility that provides resident services to a group of individuals of whom one (1) or more are unrelated. These individuals may be mentally retarded, handicapped, aged or disabled, are undergoing rehabilitation, and are provided services to meet their needs. This category includes uses licensed, supervised, or under contract by any Federal, State, County, or other political subdivision. Residential facilities includes, but is not limited to, the following listed categories: A. <i>Adult Family Home</i> - A residential facility that provides accommodations to three (3) to five (5) unrelated adults and supervision and personal care services to

TERM	DEFINITION
	<p>at least three (3) of these adults pursuant to Title 37 of the Ohio Revised Code.</p> <p>B. <i>Adult Group Home</i> - A residential facility that provides accommodations to six (6) to sixteen (16) unrelated adults and provides supervision and personal care services to at least three (3) of the unrelated adults pursuant to Title 37 of the Ohio Revised Code.</p> <p>C. <i>Family Home</i> - A residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for at least six (6) but not more than eight (8) mentally retarded or developmentally disabled persons pursuant to Title 51 of the Ohio Revised Code.</p> <p>D. <i>Family Foster Home</i> - A private residence in which children are receiving care apart from their parents, guardian, or legal custodian by an individual for hire, gain or reward for non-secure care, supervision, or training twenty-four (24) hours a day pursuant to Title 51 of the Ohio Revised Code. Family foster home does not include babysitting care provided for a child in the home of a person other than the parents, guardian or legal custodian of the child.</p> <p>E. <i>Foster Family Home</i> - A residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for not more than five (5) mentally retarded or developmentally disabled persons pursuant to Title 51 of the Ohio Revised Code.</p> <p>F. <i>Foster Home</i> - Foster home means a family home in which any child is receiving care apart from the child's parents for care, supervision or training pursuant to Title 51 of the Ohio Revised Code.</p> <p>G. <i>Group Home</i> - Group home means a residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine (9) but not more than sixteen (16) mentally retarded or developmentally disabled persons pursuant to Title 51 of the Ohio Revised Code.</p> <p>H. <i>Semi-Independent Living Home</i> - Semi-independent living home means a residential facility for a mentally retarded or developmentally disabled person where, according to the person's individual habilitation plan, the person demonstrates skills that would enable the person to function for specified periods of time without supervision. Such skills include, but are not limited to, home management, community mobility, personal hygiene, interpersonal relationship skills, and self-preservation pursuant to Title 51 of the Ohio Revised Code.</p>
Restaurant	A business establishment, with or without table service, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state in individual servings.
Restaurant, Fast Food	A business establishment whose principal business is the sale of rapidly prepared food, directly to the consumer in a ready to consume state for consumption either within the restaurant or off-premises, in an average preparation time of 240 seconds or less.
Retail Business	A commercial enterprise that provides goods, wares, merchandise, and/or services directly to the consumer, where such goods are available for immediate purchase.
Right of Way	A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and intended to or occupied by a road, public sidewalk, crosswalk, railroad, electric distribution or transmission line, telephone line, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.
Right of Way Line	A dividing line between a lot, tract or parcel of land and a contiguous street. The right-of-way of any street or road shall be deemed to be fifty (50) feet unless a

TERM	DEFINITION
	greater right-of-way is proposed in the official highway map of Clermont County. In that case, front yards shall be measured from the proposed right-of-way as shown in said map.
Rubbish	A collection of worthless, useless waste and rejected matter
Rural	Pertaining to or characteristic of the country, agricultural farmland, ranches, woodlands and district from more intensively settled urban and suburban areas
Satellite Dish	A devise incorporating a reflective surface in the shape of a shallow dish used to receive electromagnetic waves between terrestrially and/or orbitally based uses
Satellite Station	Any accessory structure or devise, including the main dish, tower and antenna, which is roof, building or ground mounted receiving satellite, television or other electromagnetic or radio frequency communication signals directly by line of sight.
Setback Line	The required distance the largest extremity of a building or structure (overhang or eave) must be located from a lot line, easement, right-of-way, adjacent building or other feature as indicated in this Resolution.
Sewers, Central or Group	An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community or region.
Sewers, on site	A septic tank or similar installation on an individual lot which utilizes an anaerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction
Sexually Oriented Business	An adult arcade, adult bookstore, adult cabaret, adult motel, adult motion picture theatre, adult novelty store, adult theatre, adult video store, escort agency, massage parlor, nude model studio or sexual encounter establishment, as regulated by Ordinance
Shelter, Telecommunications Equipment	The structure that houses the equipment needed for receiving and transmitting telecommunications.
Sidewalk	That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic. See walkway.
Sign	Any emblem, figure, letter, pictorial representation, symbol, writing which is affixed to or painted upon a building, structure, or piece of land in order to identify, announce, communicate, direct attention to, or advertise an object, product, place, activity, person, institution, organization, or place of residence or business.
Sign Area	A total exterior surface area of any signing, computed in square feet, which is located within a frame or border, whether single or double faced.
Site Plan	A map or graphics, prepared to scale, depicting the development of a tract of land, including the location and relationship of the structures, streets and driveways, recreation areas, parking areas, signage, utilities, drainage, landscaping, existing and proposed grading, walkways and other site development information as related to a proposed development.
Stable, Private	A non-commercial shelter for the care of animals for personal use of the landowner.
Stores, Strip	A multi-tenant building housing several individual businesses.
Storm water Management	See WMSC
Story	That part of a building between the surface of a floor and the ceiling immediately above it.
Stream Bed	The substrate of the stream channel between the ordinary high water marks. The

TERM	DEFINITION
	substrate may be bedrock or inorganic particles that range in size from clay to boulders. Wetlands contiguous to the stream bed, but outside of the ordinary high water marks are not considered part of the stream bed.
Street	All property dedicated or intended for public or private street, highway, freeway or roadway purpose or subject to public easements therefore.
Structure	Anything constructed or erected, the use of which require permanent location on or in the ground or attached to something having a permanent location (see building).
Structural Alterations	Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any increase in the area or cubical contents of the building.
Supply Yards	A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.
Swimming Pool	Any indoor or outdoor structure, chamber, or tank containing a body of water for swimming or diving that is intended to be used collectively for swimming, diving or bathing.
Telecommunications	The exchange of information through the transmission of voice, video, or data signal by means of electrical or electromagnet systems.
Temporary Building	A building or structure without any foundation or footings and that is removed when the designated time period, activity or use for which the temporary building was erected has ceased.
Thoroughfare Plan	The Clermont County Thoroughfare Plan of, and as adopted by, the Clermont County Planning Commission, establishing the location and official right-of-way widths of principal highways and roads in the County, together with all amendments thereto subsequently adopted.
Trailer	Any wheeled vehicle designed to be hauled, pulled, or towed by automobile, truck, tractor, or other vehicle, including but not limited to utility wagons, construction and farm implements.
Transfer of Development Rights	The conveyance of the right to build by deed, easement or other legal instrument, authorized by local law, from one parcel of land to another parcel of land and the recordation of that conveyance in the Clermont County Recorder's Office.
Trash	Any garbage, litter, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, appliances, tires, or anything else of any unsightly or unsanitary nature thrown, dropped, discarded, placed or deposited by a person on public or private property.
Use	The purpose or activity for which the land or building thereon is designed, arranged or intended, for which it is occupied, utilized or maintained.
Use, Accessory	A use subordinate to and serving the principal use or structure on the same lot and customarily incidental thereto.
Use, Conditional	A use that is permitted in a District only if a conditional use permit is expressly authorized by the Board of Zoning Appeals in accordance with the provisions in this Zoning Resolution
Use, Permitted	A public or private use which of itself conforms to the purposes, objectives, requirements, regulations and performance standards of a particular District.
Use, Principal	That use of a zoning lot which is among the uses allowed as a matter of right under the zoning classification.
Useable Floor Area	Useable floor area shall be the first floor space, in square feet, designed and used for living quarters, exclusive of basements, utility rooms, porches, garages, breezeways, terraces, attics and partial stores.

TERM	DEFINITION
Variance	To authorize upon appeal, such variance from the terms of this zoning Resolution in a specific case.
Vegetated Buffer	A vegetated upland or wetland next to rivers, streams, lakes or other open waters which separates the open water from developed areas, including agricultural land. Vegetated buffers provide a variety of aquatic habitat functions and values and help improve or maintain local water quality. Mowed lawns are not considered vegetated buffers because they provide little or no aquatic habitat functions and values.
Vicinity Map	A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.
Vision Corner	A triangular approach zones at street and/or driveway intersections intended to allow visibility of approaching traffic, pedestrians and bicycles.
Walkway	A public way, four feet or more in width, for pedestrian use only, whether along the side of the road or not.
Wall	A solid barrier constructed of concrete, stone, brick or other similar type material that limits visibility across a horizontal plane.
Warehousing	A building used primarily for the storage of goods and materials.
WMSC	Water Management Soil Conservation (through Clermont County)
Wetlands	Those areas subject to regulation as “wetlands” by the U.S. Environmental Protection Agency, the U.S. Army Corps of Engineers or the Ohio Environmental Protection Agency.
Wholesale Establishments	A business which maintains a stock of goods, other than samples on premises, and is engaged in the resale of commodities in quantity, to businesses, industries and institutions.
Woodlands	The following shall be construed as woodlands: A. <i>Mature Woodland</i> - A wooded area, or stand of trees, with an area of at least 5,000 square feet, which contains an average of at least 2 trees per 1,000 square feet of land area, which have a caliper of 14” or greater measured at 48” above the ground. B. <i>Mid-Growth Woodland</i> - A wooded area, or stand of trees, with an area of at least 5,000 square feet, which contains an average of at least 5 trees per 1,000 square feet of land area, which have a caliper of 9” or greater measured at 48” above the ground, and which does not contain enough trees to be classified as a “Mature Woodland”. C. <i>Young Woodland</i> - A wooded area, or stand of trees, with an area of at least 5,000 square feet, which contains an average of at least 5 trees per 1,000 square feet of land area, which have a caliper of 4” or greater measured at 48” above the ground, and which does not contain enough larger trees to be classified as “Mid-growth Woodland” or “Mature Woodland”.
Yard	An open space on the same lot with a building, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the average horizontal distance between the right-of-way/lot lines and the main building shall be used.
Yard Front	A yard extending the front of a lot, between the side lot lines and the minimum horizontal distance between the right-of-way line and the building or any projections thereof, other than the projection of the usual steps or entrance way.

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Yard, Rear	A yard extending across the rear of the lot between the side rear lot line and the main building or any projections thereof, other than steps, unenclosed balconies or unenclosed porches. On both corner lots and interior lots, the rear yard shall be the opposite end of the lot from the front yard and the main entrance to the residence.
Yard, Side	A yard between the main building and the side lines of the lot extending from the front yard or front lot line to the rear yard or rear lot line.
Zoning Amendment	A change of the zoning map or zoning text authorized by the Village, either in the allowable uses within a District, in the boundaries of a District or in a change to the Resolution text.
Zoning Inspector	The Zoning Inspector of the Village of Owensville is appointed by the Village Council, to enforce the provisions and regulations of this Zoning Resolution.
Zoning Map, Official	The map or maps incorporated into this Resolution as a part thereof, designating the Zoning Districts.
Zoning Permit	A document issued by the Zoning Inspector authorizing buildings, structures or uses which are consistent with the terms of this Zoning Resolution and for the purpose of carrying out and enforcing its provisions.

Village of Owensville
ARTICLE 3 – ZONING DISTRICTS/ZONING MAP

SECTION 3.01 – ZONING DISTRICTS

In order to regulate and restrict land use within the Village of Owensville, the following zoning districts are hereby established:

R-1	Single Family Residential District
R-2	Residential District
R-3	Residential District
C-1	Neighborhood Business District
CBD	Central Business District
LI	Light Industrial
HI	Heavy Industrial
A	Agriculture
PUD	Planned Unit Development
PO	Professional Office District

SECTION 3.02 – OFFICIAL ZONING MAP

The designations, locations, and boundaries of each of the zoning districts listed above are shown on the Official Zoning Map for the Village of Owensville. Said map, together with all explanatory data thereon, is hereby adopted and incorporated as a part of this ordinance. Said Map shall be displayed in the Village office.

SECTION 3.03 – ZONING MAP AMENDMENTS

Whenever a change in the boundary of any zoning district is authorized by Village Council, said change shall promptly be reflected on the Official Zoning Map.

SECTION 3.04 – ZONING DISTRICT BOUNDARIES

The following rules shall apply in determining the boundary as well as the classification of any zoning district shown on the Official Zoning Map:

- (a) Where the indicated zoning district or zoning boundary is identified as approximately following street or alley lines, the centerline of such streets or alleys shall be construed to be the boundary.
- (b) If a zoning district boundary line divides or splits a lot of record, the lot shall be deemed to be included within the district which is the more restrictive.
- (c) Where a street, alley, or right of way is officially vacated, the property formerly situated in such street, alley, or right-of-way shall be included within the appropriate zoning district designated for all adjoining property. In the event such street, alley, or right-of-way was a boundary

- between 2 or more different zoning districts, the new zoning district boundary shall be the new property line which is created by such vacation.
- (d) Where uncertainty still exists, the Planning Commission shall, by written resolution, recommend the location of a zoning district boundary line to the Village Council for its action and final decision.

SECTION 3.05 – AREAS NOT WITHIN A ZONING DISTRICT

Whenever land is annexed into or otherwise becomes a part of the Village of Owensville, or, whenever property already located in the Village has not been specifically included within a zoning district either through error or omission, such property shall be officially included in the R-1 zoning district until otherwise classified.

Within 60 calendar days after an annexed area officially becomes a part of the Village of Owensville, or, an error or omission is recognized, the Village of Owensville shall obligate itself to take action in order to initiate a zone change of the area in question to enable its most appropriate zoning classification.





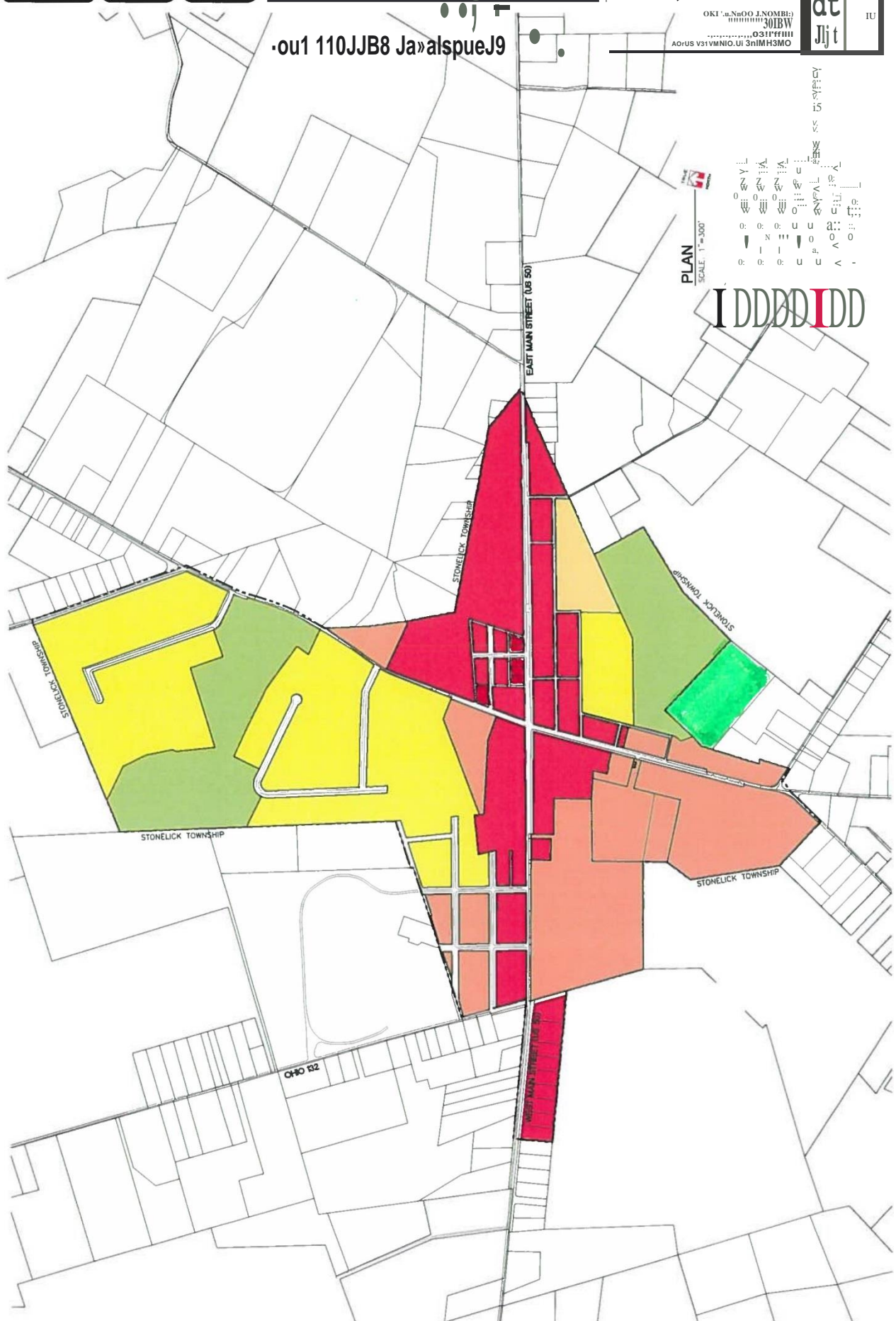
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Village of Owensville
ARTICLE 4 - R-1 Single Family Residential District

SECTION 4.01 - PURPOSE

The purpose of the R-1 zoning district is to encourage the development of moderate density single family housing.

SECTION 4.02 - PRINCIPAL PERMITTED USES

Single family detached dwellings

SECTION 4.03 - ACCESSORY BUILDINGS, STRUCTURES AND USES

- A. Decks, fences, patios, decorative walls, and retaining walls
- B. Gazebos and greenhouses
- C. Non-commercial gardening
- D. Private garages and carports
- E. Private recreation courts and related structures
- F. Swimming pools, hot tubs, and saunas
- G. Temporary buildings incidental to construction and limited to a period not to exceed completion of primary structure or development
- H. Tool and garden sheds
- I. Accessory structures:
 - a. stories: 1
 - b. height: 20 feet
 - c. placed at least 6 feet from rear property line and 3 feet from side property line
 - d. no accessory building shall be located closer to the street than the front building line of the main structure

SECTION 4.04 - CONDITIONAL USES

- A. Buildings owned by or for the use of the Village of Owensville, and recreational structures or sites governed, operated or leased by the Village of Owensville
- B. Cemeteries
- C. Churches and other places of worship, provided they are located on or adjacent to an arterial street
- D. Country clubs, golf courses, including driving tees or ranges
- E. Day care and nursery schools, provided they are located on or adjacent to an arterial street
- F. Farms and related farm buildings (must meet all requirements listed in RA District)
- G. Funeral homes
- H. Home day care for up to six (6) children

- I. Parks, playgrounds, community recreation centers, museums, and club houses, public and parochial schools, provided they are located on or adjacent to an arterial street

SECTION 4.05 - PROPERTY DEVELOPMENT STANDARDS

- A. Minimum Lot Area: 12,000 square feet
- B. Minimum Lot Width at building setback line: 60 feet
 - 1. Lots located on a cul-de-sac shall be required to have a minimum street frontage of 30 feet
- C. Minimum Yard Requirements:
 - Front: 25 feet
 - Rear: 30 feet
 - Side: There shall be two side yards each having a width of not less than 7 1/2 feet. On a corner lot, the front yard set back shall be observed on all side of the lot bordering on a public street
- D. Maximum Building Height: 35 feet

SECTION 4.06 - OTHER DEVELOPMENT CONTROLS

- A. Planning Commission may increase minimum property development standards for all conditionally permitted uses if, because of factors such as traffic and off-street parking, it is determined that the best interests of the Village will be better served.
- B. When considering approval of a Conditional Use Permit, Planning Commission may require installation of a buffer in order to mitigate potential negative impacts.
- C. Submission of a site plan (plot plan showing all existing buildings and/or structures) shall be required for all uses within the R1 Zoning District.

Village of Owensville
ARTICLE 5 - R-2 Residential District

SECTION 5.01 - PURPOSE

The purpose of the R-2 zoning district is to permit the development of both single family and two family dwelling units.

SECTION 5.02 - PRINCIPAL PERMITTED USES

Any use or structure permitted and as regulated in the R-1 District, except as herein modified.

SECTION 5.03 - ACCESSORY BUILDINGS, STRUCTURES AND USES

- A. Decks, fences, patios, decorative walls, and retaining walls
- B. Gazebos and greenhouses
- C. Non-commercial gardening
- D. Private garages and carports
- E. Private recreation courts and related structures
- F. Swimming pools, hot tubs, and saunas
- G. Temporary buildings incidental to construction and limited to a period not to exceed completion of primary structure or development
- H. Tool and garden sheds
- I. Accessory structures:
 - a. stories: 1
 - b. height: 20 feet
 - c. placed at least 6 feet from rear property line and 3 feet from side property line
 - d. no accessory building shall be located closer to the street than the front building line of the main structure

SECTION 5.04 - CONDITIONAL USES

- A. Buildings owned by or for the use of the Village of Owensville, and recreational structures or sites governed, operated or leased by the Village of Owensville
- B. Cemeteries
- C. Churches and other places of worship, provided they are located on or adjacent to an arterial street
- D. Country clubs, golf courses, including driving tees or ranges
- E. Day care and nursery schools, provided they are located on or adjacent to an arterial street
- F. Farms and related farm buildings (must meet all requirements listed in Agriculture District)
- G. Funeral homes
- H. Home day care for up to six (6) children

- I. Parks, playgrounds, community recreation centers, museums, and club houses, public and parochial schools, provided they are located on or adjacent to an arterial street

SECTION 5.05 - PROPERTY DEVELOPMENT STANDARDS

- A. Minimum Lot Area
20,000 square feet for single family dwellings
- B. Minimum Lot Width at building setback line is 80 feet
- C. Minimum Yard Requirements:
 - Front: 25 feet
 - Rear: 30 feet
 - Side: There shall be two side yards each having a width of not less than 7 1/2 feet. On a corner lot, the front yard set back shall be observed on all side of the lot bordering on a public street.
- D. Maximum Building Height: 35 feet

SECTION 5.06 - OTHER DEVELOPMENT CONTROLS

- A. Planning Commission may increase minimum property development standards for all conditionally permitted uses if, because of factors such as traffic and off-street parking, it is determined that the best interests of the Village will be better served.
- B. When considering approval of a Conditional Use Permit, Planning Commission may require installation of a buffer in order to mitigate potential negative impacts.
- C. Submission of a site plan (plot plan showing all existing buildings and/or structures) shall be required for all uses within the R2 Zoning District.

Village of Owensville
ARTICLE 6 - R-3 Residential District

SECTION 6.01 - PURPOSE

The purpose of the R-3 Residential Multi-family District is to provide for land areas at appropriate locations able to accommodate well-planned multifamily developments for apartments and/or condominiums. Such multifamily developments shall be conceived and planned in related to the physical features of the site, the availability of utilities, the surrounding development, traffic and access, in order to afford an attractive setting for multifamily housing uses and to harmonize such uses with their surroundings.

SECTION 6.02 - PRINCIPAL PERMITTED USES

Multi-family dwelling units
(as regulated in the R1 and R2 districts, except as herein modified)

SECTION 6.03 - ACCESSORY BUILDINGS, STRUCTURES AND USES

- A. Decks, fences, patios, decorative walls, and retaining walls
- B. Gazebos and greenhouses
- C. Non-commercial gardening
- D. Private garages and carports
- E. Private recreation courts and related structures
- F. Swimming pools, hot tubs, and saunas
- G. Temporary buildings incidental to construction and limited to a period not to exceed completion of primary structure or development
- H. Tool and garden sheds
- I. Accessory structures:
 - a. stories: 1
 - b. height: 20 feet
 - c. placed at least 6 feet from rear property line and 3 feet from side property line
 - d. no accessory building shall be located closer to the street than the front building line of the main structure

SECTION 6.04 - CONDITIONAL USES

- A. Buildings owned by or for the use of the Village of Owensville, and recreational structures or sites governed, operated or leased by the Village of Owensville
- B. Cemeteries
- C. Churches and other places of worship, provided they are located on or adjacent to an arterial street
- D. Country clubs, golf courses, including driving tees or ranges
- E. Day care and nursery schools, provided they are located on or adjacent to an arterial street

- F. Farms and related farm buildings (must meet all requirements listed in the Agriculture District)
- G. Funeral homes
- H. Home day care for up to six (6) children
- I. Parks, playgrounds, community recreation centers, museums, and club houses, public and parochial schools, provided they are located on or adjacent to an arterial street

SECTION 6.05 - PROPERTY DEVELOPMENT STANDARDS

A. Lot Requirements – Multi-Family:

- 1. Minimum Lot Area
 - (a) zero or one bedroom 4,000 sq. ft./dwelling unit
 - (b) two bedroom 5,000 sq. ft./dwelling unit
 - (c) three or more bedrooms 6,000 sq. ft./dwelling unit
- 2. Minimum Lot Width 100 ft.

C. Maximum Height:

- 1. Principle Building (Multifamily)
 - a. stories 3
 - b. height 50 ft.

D. Minimum Yard Requirements, Single Family/Multi-Family

- 1. Front 25 ft.
- 2. Side There shall be two side yards each having a width of not less than 7 1/2 feet. On a corner lot, the front yard set back shall be observed on all side of the lot bordering on a public street
- 3. Rear (Principle Structure) 30 ft.
(Accessory Structure)10 ft.

E. Minimum Clearance Between Buildings

- 1. Face to Face 30 ft.
- 2. Face to Rear 50 ft.
- 3. Rear to Rear 60 ft.
- 4. End to End 15 ft.
- 5. End to Face/End to Rear 30 ft.

F. Other Requirements (maximum)

- 1. Single Structure Building Length (Multifamily) 120 ft.
- 2. Single Structure with Overlapping Building Length 120 ft.
- 3. Multifamily Building Length (Overlapping Walls) 200 ft.

4. Maximum Number of Dwelling Units/Structure 16

SECTION 6.06 - OTHER DEVELOPMENT CONTROLS

- A. Planning Commission may increase minimum property development standards for all conditionally permitted uses if, because of factors such as traffic and off-street parking, it is determined that the best interests of the Village will be better served.
- B. When considering approval of a Conditional Use Permit, Planning Commission may require installation of a buffer in order to mitigate potential negative impacts.
- C. Submission of a site plan (plot plan showing all existing buildings and/or structures) shall be required for all uses within the R3 Zoning District.

Village of Owensville
ARTICLE 7 – Neighborhood Business District (C-1)

SECTION 7.01 – PURPOSE

The purpose of the Neighborhood Business District is to provide for the establishment of integrated neighborhood centers for convenient, limited office, retail or service outlets which deal directly with the customer for whom the goods or services are furnished. The C-1 District is further intended to provide for a transition between residential and commercial development.

SECTION 7.02 – PRINCIPAL PERMITTED USES

- a. All uses permitted in all “R” Residential Districts.
- b. Automotive, truck, trailer, boat and farm implement establishments, for display, hire, sale and minor repairs, including sales lots, provided all operations, other than display and sales shall be conducted within a completely enclosed building. Buildings used for repairs shall not be closer than fifty (50) feet to any “R” District.
- c. Bar, restaurant, night club, pool hall, bowling alley, dance hall, roller skating rink, wheel and frame alignment shop and auto and truck engine repair, excluding major body repair, and similar enterprises, provided that such is conducted within a completely enclosed building and is at least fifty (50) feet from any “R” District.
- d. Professional services and office buildings.
- e. Community centers, theater (indoor), funeral home, banks, clubs, lodges.
- f. Photographic studio, publishing firm, newspaper printing, sign and advertising shops.
- g. Miniature golf courses, driving tees and ranges.
- h. Any local retail business, such as a grocery, carry out, baker, meat locker, and/or sales, dairy bar, drug store, clothing, dime, appliance, hardware, jewelry or florist store, furniture sales, auto parts shop and other similar type business or store.
- i. Barber shop, beauty shop, dry cleaners, Laundromat, and shoe repair shop.
- j. Insurance firms, real estate and loan companies.

Any business use not specifically listed above, will be considered prohibited.

SECTION 7.03 – ACCESSORY BUILDINGS, STRUCTURES AND USES

All accessory structures must be located behind the front building line of the principle structure.

- a. Fences
- b. Storage Buildings
- c. Trash Collection Areas
- d. Signs

SECTION 7.04 – RESTRICTIONS OF SALES OR DISPLAYS ON SIDEWALKS

No advertising or displays of merchandise, including vending machines, shall be placed more than thirty (30) inches from the exterior wall of the building into the public way or right-of-way. NO display or advertising shall reduce the width of the public way or right-of-way to less than forty-eight (48) inches, excluding grass strips to plantings. All advertising or displays shall be during regular hours only, while the business remains open. This shall not affect signs permitted by Article 14 of this Zoning Ordinance. For the purposes of this section, the terms “right-of-way” and “public way” are limited to sidewalks and ways usually traveled by the public on foot and excludes any alley, street or highway open to vehicle traffic.

SECTION 7.05 – PROPERTY DEVELOPMENT STANDARDS

- a. Lot Requirements
 - 1. Minimum Lot Area: 12,500 sq. ft.
 - 2. Minimum Lot Width: 80 ft.
- b. Maximum Height
 - 1. Principal Building
 - i. Stories 2 1/2
 - ii. Height 35 ft.
 - 2. Accessory Structures
 - i. Stories 1 (one)
 - ii. Height 20 ft.
- c. Minimum Yard Requirements
 - 1. Front 25 ft.
 - 2. Side 10 ft. (except where abuts an R use) On a corner lot, the front yard setback shall be observed on all side of the lot bordering on a public street
 - 3. Rear 10 ft. (except where abuts an R use) On a corner lot, the front yard setback shall be observed on all side of the lot bordering on a public street

SECTION 7.06 – GENERAL PROVISIONS

- a. all business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas.
- b. Trash Collection Areas

- c. Nonresidential Buffer Zone
- d. Lighting
- e. Exterior Storage
- f. Parking Requirements
- g. Signage

Village of Owensville
ARTICLE 8 - Central Business District

SECTION 8.01 - PURPOSE

The purpose of the CBD zoning district is to accommodate and encourage the expansion, as well as preservation of, the historical business area within the Village. Encouraging a variety of businesses, institutional, public, quasi-public, cultural, residential and other related uses in order to provide the mix of activities necessary to sustain a vital downtown area is a high priority.

SECTION 8.02 – PRINCIPAL PERMITTED USES

- a. Accounting, auditing, and bookkeeping services
- b. Advertising and public relations agencies
- c. Antiques and used merchandise
- d. Appliance, carpet, furniture, and home furnishings stores
- e. Arts, crafts, and hobby supplies and products
- f. Automobile parts and accessories
- g. Bakeries, candy stores, and ice cream shops
- h. Banks, savings and loans, credit unions, and other financial service businesses
- i. Barber, beauty, nail, and tanning shops
- j. Bed and breakfast accommodations
- k. Bicycle sales and repair stores
- l. Book, card, gift, and stationery stores
- m. Camera stores and photographic supplies
- n. Churches and other places of worship
- o. Clinics, medical and dental
- p. Clothing, accessories, consignment, shoe, and sporting goods stores
- q. Clubs, lodges, and social organizations
- r. Coffee shops
- s. Community and senior citizen centers
- t. Day care, nursery schools, and early education centers
- u. Delicatessens and sandwich shops
- v. Drugstores and pharmacies
- w. Drycleaners and laundromats
- x. Fire and police stations
- y. Florist shops and flower stores
- z. Food and grocery stores
- aa. Funeral homes
- bb. Galleries and museums
- cc. Glass, hardware, paint, wallpaper, and window covering stores
- dd. Health, physical fitness, and weight loss studios
- ee. Insurance agencies
- ff. Interior decorating studios
- gg. Jewelry and watch stores

- hh. Movie theatres
- ii. Office supply and office furniture stores
- jj. Opticians and eyeglass stores
- kk. Parks, plazas, and squares
- ll. Photography, dance, and music studios
- mm. Post offices
- nn. Professional, medical, dental, and chiropractic offices
- oo. Printing and copying shops
- pp. Residential dwellings – 1, 2, and 3 families
- qq. Restaurants
- ss. Travel agencies
- tt. Video, CD, DVD, and music stores
- uu. Uses determined to be similar to the above

SECTION 8.03 – ACCESSORY BUILDINGS, STRUCTURES AND USES

- a. Decks, fences, patios, decorative walls and retaining walls
- b. Storage facilities
- c. Off street parking
- d. Signs

SECTION 8.04 – CONDITIONAL USES

- a. Automatic teller machines
- b. Automotive and vehicle repair, provided all business activities are conducted within a completely enclosed building
- c. Bars, pubs, and taverns
- d. Billiard and pool halls
- e. Businesses with drive thrus
- f. Car washes
- g. Dwelling units above a business
- h. Liquor, wine, and cigarette stores
- i. Multi-family dwellings
- j. Public parking lots
- k. Tattoo parlors, branding, and body piercing

SECTION 8.05 – PROPERTY DEVELOPMENT STANDARDS

- a. Minimum Lot Area: The minimum land area or lot size per dwelling unit and the minimum width of the lot at the building lines shall be the same as the minimum requirements for dwelling in the R-3 Multi-Family Residential District as in Article 6, Section 6.05.
- b. Area and lot dimensions for all other permitted uses: there shall be no minimum land area or minimum lot width requirements for any other permitted use in the CDB Central Business District.
- c. Front yard: There shall be no minimum front yard required for any permitted building (including dwelling) in the CBD Central Business District.

- d. Rear Yard:
 - For dwellings there shall be a rear yard with depth of not less than 30 feet.
 - For other permitted uses in the CBD there shall be no minimum rear yard required except when the lot on which a permitted use is located abuts at the rear lot line on a residence district, in which case a rear yard having a depth of not less than 15 feet shall be required.
- e. Side Yard:
 - The side yard requirements for dwellings are the same as those for dwellings in the Article 6 R-3 Multi-Family Residential District as set forth in Article 6, Section 6.05.
 - For other permitted used in the CBD there shall be no minimum side yard required except on a side yard which abuts a residence district where a side yard of not less than 10 feet shall be required.
- f. Height restrictions: no building or structure shall exceed 5 stories or 75 feet in height.
 - exceptions to height limitations: the height limitations of the Ordinance shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy or to monuments, water towers, observation towers, power transmission towers, silos, chimneys, smoke stacks, derricks, conveyors, flag poles, cell, radio and television towers, masts and aerials.
- g. Except where they abut upon a residence district there shall be no side, rear or front yard set back requirements for accessory buildings, uses and structures permitted in the CBD. When they abut upon a residential district such accessory uses and buildings shall be governed by the same restrictions as set forth in Article 4, Section 4.03.

SECTION 8.06 – OTHER DEVELOPMENT CONTROLS

- a. When considering the approval of a Conditional Use Permit, Planning Commission may require installation of a buffer in order to mitigate potential negative impacts
- b. Submission of a site plan shall be required for all uses in the CBD zone.

Village of Owensville
ARTICLE 9 - Heavy Industrial District

SECTION 9.01 – PURPOSE

The purpose of the Heavy Industrial zoning district is to provide areas where manufacturing, processing, packaging, storage, treatment, and assembling of a wide variety of goods and products can take place.

SECTION 9.02 – PRINCIPAL PERMITTED USES

- a. Assembly
- b. Building materials sales and storage
- c. Cleaning
- d. Foundries which do not produce noxious fumes or odors
- e. Freight terminals
- f. Manufacturing
- g. Mini warehouses
- h. Motor vehicle maintenance and repair
- i. Packaging and shipping
- j. Printing and engraving
- k. Processing and treatment facilities
- l. Research and development
- m. Storage structures and yards
- n. Warehousing and wholesaling
- o. Uses similar to the above

SECTION 9.03 – ACCESSORY BUILDINGS, STRUCTURES AND USES

- a. Cafeterias
- b. Fences, decorative walls and retaining walls
- c. Off street parking
- d. Signs

SECTION 9.04 – CONDITIONAL USES

- a. Public utility facilities
- b. Sexually oriented businesses
- c. Storage of chemicals, explosives and fireworks

SECTION 9.05 – PROPERTY DEVELOPMENT STANDARDS

Minimum Lot Area: 1 acre

Minimum Lot Width at building setback line: 150 feet

Minimum Yard Requirements:

- Front: 75 feet
- Rear: 50 feet
- Side: 50 feet

Maximum Building Height: 60 feet

SECTION 9.06 – OTHER DEVELOPMENT CONTROLS

- a. All outside storage areas shall contain a visual barrier which screens such areas from the view of adjoining properties as well as all public right-of-ways, and, shall be setback a minimum distance of 50 feet from any residential structure
- b. Where any yard or any use permitted in this zone abuts land in a residential zoning district, it shall be required to contain a minimum 10 foot wide buffer
- c. Submission of a site plan shall be required for all uses in the Heavy Industrial zone

SECTION 9.07 – PERFORMANCE STANDARDS

- a. All principal and conditionally permitted uses shall be in full compliance with the performance standards identified in Article 20 of these zoning regulations

Village of Owensville
ARTICLE 10 - Light Industrial District

SECTION 10.01 – PURPOSE

The purpose of the Light Industrial zoning district is to provide areas where manufacturing, processing, packaging, storage, treatment, and assembling of a wide variety of goods and products can take place in close proximity to residential uses.

SECTION 10.02 – PRINCIPAL PERMITTED USES

- a. Assembly
- b. Building materials sales and storage
- c. Cleaning
- d. Manufacturing
- e. Mini warehouses
- f. Motor vehicle maintenance and repair
- g. Packaging and shipping
- h. Printing and engraving
- i. Processing and treatment facilities
- j. Research and development
- k. Storage structures
- l. Warehousing and wholesaling
- m. Uses similar to the above

SECTION 10.03 – ACCESSORY BUILDINGS, STRUCTURES AND USES

- a. Cafeterias
- b. Fences, decorative walls and retaining walls
- c. Off street parking
- d. Signs

SECTION 10.04 – CONDITIONAL USES

- a. Public utility facilities
- b. Sexually oriented businesses

SECTION 10.05 – PROPERTY DEVELOPMENT STANDARDS

Minimum Lot Area: none

Minimum Lot Width at building setback line: none

Minimum Yard Requirements:

- Front: 35 feet
- Rear: 20 feet
- Side: 50 feet combined, one side 20 feet

Maximum Building Height: 35 feet

SECTION 10.06 – OTHER DEVELOPMENT CONTROLS

- a. All outside storage areas shall contain a visual barrier which screens such areas from the view of adjoining properties as well as all public right-of-ways, and, shall be setback a minimum distance of 50 feet from any residential structure
- b. Where any yard or any use permitted in this zone abuts land in a residential zoning district, it shall be required to contain a minimum 10 foot wide buffer.
- c. Submission of a site plan shall be required for all uses in the Light Industrial zone

SECTION 10.07 – PERFORMANCE STANDARDS

- a. All principal and conditionally permitted uses shall be in full compliance with the performance standards identified in Article 20 of these zoning regulations.

**Village of Owensville ARTICLE 11 -
Professional Office District**

SECTION 11.01 - PURPOSE

The purpose of the Professional Office District is to provide for planned office districts at appropriate locations throughout the Village.

SECTION 11.02 - PRINCIPAL PERMITTED USES

- A. Financial institutions including banks, savings and loans, financial companies or other similar offices;
- B. Professional offices;
- C. Medical or dental clinics;
- D. Police and fire stations;
- E. Post offices;
- F. Real estate offices;
- G. General offices of federal, state or local governments, individuals or corporations devoted to office use and not used for manufacturing, storage and warehousing;
- H. Any office building as determined by the Planning Commission to be of similar use as above.
- I. Nursery and Child Care Centers

SECTION 11.03 - ACCESSORY BUILDINGS, STRUCTURES AND USES

All accessory structures must be located behind the front building line of the principal structure.

- A. Any accessory uses or structures customary and incident to any principal permitted use;
- B. Fences and walls;
- C. Signs as regulated by Article 14 of the Zoning Ordinance;
- D. Uses as listed below included within and entered from within any office building as a convenience to the occupants thereof, and their patients, clients or customers providing no exterior advertising displays for any accessory uses shall be placed outside the building.
 - (1) Barber shop,
 - (2) Coffee shop and refreshment stand,
 - (3) Beauty shop,
 - (4) Delicatessens and sandwich shops,
 - (5) Laboratories, medical and dental,
 - (6) News and confectionary stand, and
 - (7) Prescription pharmacy.

SECTION 11.04 - GENERAL PROVISIONS

In each district and use there are general provisions that apply. Refer to the appropriate section of the Zoning Code as listed for further information.

- A. All business activities permitted within this zone shall be conducted within a completely enclosed building, with the exception of off-street parking and loading and/or unloading areas.
- B. Trash Collection Areas
- C. Nonresidential Buffer Zone
- D. Lighting
- E. Exterior Storage
- F. Parking Requirements
- G. Signage
- H. A site plan shall be required for any use permitted in this zone. Such site plan shall include the layout of the entire area, screening areas and shall show a functional circulation system. The site plan shall be approved by the Planning Commission prior to the issuing of a zoning permit.

SECTION 11.05 - PROPERTY DEVELOPMENT STANDARDS

- A. Lot Requirements:
 - 1. Minimum Lot Area 22,500 sq. ft.
 - 2. Minimum Lot Width 100 ft.
- B. Maximum Height:
 - 1. Principle Building
 - a. stories 2 1/2
 - b. Height 35 ft.
 - 2. Accessory Structures
 - a. stories 1
 - b. Height 20 ft.
- C. Minimum Yard Requirements, Single Family/Multi-Family
 - 1. Front 40 ft.
 - 2. Side 15 ft.
 - 3. Rear (Principle Structure) 25 ft.
(Accessory Structure) 15 ft.
- D. Maximum Building Coverage to Site Area 30%

SECTION 11.06 - OTHER DEVELOPMENT CONTROLS

- A. Planning Commission may increase minimum property development standards for all conditionally permitted uses if, because of factors such as traffic

And off-street parking, it is determined that the best interests of the Village will be better served.

B. When considering approval of a Conditional Use Permit, Planning Commission may require installation of a buffer in order to mitigate potential negative impacts.

C. Submission of a site plan (plot plan showing all existing buildings and/or structures) shall be required for all uses within the Professional Office District.

Village of Owensville
ARTICLE 12 - Agriculture District

SECTION 12.01 - PURPOSE

The purpose of the Agriculture District is to provide for agriculture districts at appropriate locations throughout the Village.

SECTION 12.02 - PRINCIPAL PERMITTED USES

- A. Agriculture, including greenhouses and the usual agricultural buildings and structures;
- B. Any use permitted in the R-1 Single Family Residence District;
- C. Mobile homes on individual lots if such a lot contains at least two hundred (200) feet or frontage on a public street.

SECTION 12.03 - OTHER DEVELOPMENT CONTROLS

- A. Planning Commission may increase minimum property development standards for all conditionally permitted uses if, because of factors such as traffic and off-street parking, it is determined that the best interests of the Village will be better served.
- B. When considering approval of a Conditional Use Permit, Planning Commission may require installation of a buffer in order to mitigate potential negative impacts.
- C. Submission of a site plan (plot plan showing all existing buildings and/or structures) shall be required for all uses within the Professional Office District.

Village of Owensville
**ARTICLE 13 - OFF STREET PARKING, LOADING
AND ACCESS CONTROL REGULATIONS**

SECTION 13.01 – PURPOSE

The purpose of these regulations is to provide a series of standards which will ensure that all developments have adequate capacity and circulation for the movement of vehicles without negatively impacting surrounding areas.

SECTION 13.02 – GENERAL PROVISIONS

- a. The provisions of this chapter, except where there is a change in land use, shall not apply to any existing building, structure, or land use.
- b. Whenever a building, structure, or land use is established, enlarged in floor area, number of dwelling units, seating capacity, number of employees, or requires the need for additional off street parking spaces, the provisions of this chapter shall apply.
- c. Off street parking and loading areas shall not be used for the repair, servicing, or storage of vehicles, except that off street parking areas for residential uses may be used for customary and periodic maintenance of vehicles which are owned and operated by the residential occupant(s).
- d. No off street parking or loading facility may be reduced in capacity unless all zoning requirements are fully satisfied.
- e. Requirements for types of buildings or uses not specifically identified herein shall be determined by the Zoning Administrator, or referred to the Planning Commission, based upon the requirements for similar land uses, and upon the particular characteristics of the building or use.
- f. Access to any off street parking and loading area shall not be permitted to occur through the use of a continuous curb cut.
- g. No entrance or exit, including driveways, to off street parking and loading areas shall be situated closer than 5 feet from a side yard property line.
- h. Off street parking facilities for one commercial use may be considered as providing required off street parking for another commercial use or mixed use development only if the hours of principal use are substantially different, or, if excess parking capacity exists. The Zoning Administrator shall determine and the Planning Commission shall affirm where off street parking facilities may be shared.
- i. All off street parking lots and loading areas shall be graded and drained so as to dispose of all surface water accumulated in the required parking area. In no instance shall storm water be permitted to flow onto an adjoining property.
- j. No motor vehicle shall be displayed for sale in any off street parking area unless said area is either a part of an authorized sales facility or is owned or rented by the vehicle's owner.

SECTION 13.03 – PARKING AND LOADING PLANS REQUIRED

A parking plan, and where applicable, a loading plan shall be required for all developments requiring site plan review and approval. Such plans shall be required for all new developments, as well as for individual pieces of property. All such plans shall clearly identify individual parking spaces.

SECTION 13.04 – SIZE OF OFF STREET PARKING SPACES

All off street parking spaces shall meet the following minimum rectangular dimensional requirements:

- a. for 90 degree (perpendicular) parking, not less than 9 feet in width and 19 feet in length
- b. for 60 degree (angled) parking, not less than 10 feet in width and 19 feet in length
- c. for 45 degree (angled) parking, not less than 12 feet in width and 19 feet in length
- d. for parallel parking, not less than 9 feet in width and 23 feet in length

All required dimensions shall be exclusive of driveways, aisles and other circulation areas. Where handicap parking spaces are provided, they shall conform to the requirements of the Ohio Basic Building Code.

SECTION 13.05 – REQUIRED AISLE WIDTHS AND ACCESS DRIVES

- a. for 90 degree (perpendicular) parking, 24 feet for both one way and 2 way circulation
- b. for 60 degree (angled) parking, 18 feet for one way circulation
- c. for 45 degree (angled) parking, 13 feet for one way circulation
- d. for parallel parking, 12 feet for one way circulation

All driveways providing access to off street parking shall be a minimum of 24 feet wide. In addition, all vehicles entering or leaving a parking area from or into a public or private street shall be traveling in a forward motion.

SECTION 13.06 – BUFFERING OF OFF STREET PARKING AND LOADING AREAS

All off street parking areas within multi-family, commercial and industrial zoning districts which adjoin single family residential development shall be required to provide a buffer as described in Section 13.09. Off street loading areas shall be subject to the same requirement.

SECTION 13.07 – PARKING LOT LIGHTING AND STRIPING

All parking area and loading areas which are to be used during non-daylight hours shall be properly illuminated in order to help prevent accidents. All lighting used to illuminate such parking areas shall concentrate lighting on nearby parking and loading

spaces and shall not reflect light onto adjoining property or onto any street. With the exception of one and two family residential areas, all off street parking spaces shall be required to be striped.

SECTION 13.08 – PAVING AND MAINTENANCE OF OFF STREET PARKING AND LOADING AREAS

All new off street parking and loading areas, as well as those associated with a change in use, shall be paved with a durable dustless surface consisting of either asphalt or concrete, or, if approved, a similar paving material. Gravel parking areas shall not be permitted regardless of land use. The owner of any property used for off street parking and/or loading shall be responsible for periodic maintenance.

SECTION 13.09 – LOCATION OF OFF STREET PARKING

- a. In single family and two family residential zones, front yard parking shall be permitted as long as the ratio of unpaved area to paved area (parking and driveway areas) is maintained at a ratio of at least 3:1.
- b. In multi-family zoning districts, off street parking shall be required to be setback minimum of 10 feet from front and rear yard property lines, and at least 5 feet from side yard property lines.
- c. In commercial zones, off street parking shall be setback a minimum of 5 feet from side and rear property lines. In front yards, a minimum setback of 15 feet from the street right-of-way line shall be required for off street parking.
- d. In industrial zones, off street parking shall be setback a minimum of 10 feet from the rear yard property line, and shall not be permitted in the minimum required side yard. Where parking occurs in a front yard, it shall not be permitted within the required setback.

SECTION 13.10 – JOINT USE OF PARKING FACILITIES

Two or more uses may share off street parking facilities in accordance with the following:

- a. A use may have the number of required parking spaces reduced when a joint use parking facilities plan has been reviewed by the Zoning Administrator and approved by the Planning Commission. In granting its approval, the Planning Commission may impose one or more conditions in order to insure that adequate off street parking will be provided for all uses. Any violations shall nullify the approved joint use parking facilities plan.
- b. The applicant must clearly demonstrate that the hours of operation and/or scheduling of facility usage are such that each use meets its parking requirement.
- c. Joint use parking facilities shall be located no more than 150 feet from each use served by said facility unless otherwise approved by Planning Commission.

- d. Any change in the type of uses or activities served by the joint use parking facility shall be deemed an amendment to the approved plan, and will require Planning Commission review and approval.

SECTION 13.11 – PARKING LOT GRADE

No area of any parking lot shall have a slope in excess of 5%. No access drive shall be permitted to have a slope which exceeds 8%.

SECTION 13.12 – PROTECTION OF BUFFER AND LANDSCAPE AREAS

All buffer and landscaped areas adjacent to off street parking areas shall be protected from vehicular damage by either a raised concrete curb or wheel stop concrete barrier. The wheel stops need not be continuous.

SECTION 13.13 – MAINTAINING CLEAR SIGHT DISTANCE

In order to prevent an interrupted street level view to each motorist, no obstruction shall be permitted to be placed, planted, or constructed near where a driveway, alley, and/or street intersect. The Planning Commission shall determine what constitutes a safe distance. In doing so, it may ask for assistance from the Village’s police or public works department. In no instance however, shall a potential obstruction having a height of 3 or more feet be permitted to be situated closer than 15 feet from the edge of an intersection of a driveway, alley, and/or street.

SECTION 13.14 –HANDICAPPED PARKING REQUIREMENTS

With the exception of residential districts allowing single family and two family housing, parking spaces for disabled persons shall be provided in all other zoning districts as follows:

Total Required	Disabled Spaces Required
1 – 25	1
26 – 50	2
51 – 75	3
76 – 100	4
101 – 150	5
151 – 200	6

- a. All handicap accessible parking shall be at least 8 feet wide and 19 feet long, and, shall have an adjacent access aisle which is a minimum of 5 feet wide.
- b. Two handicap parking spaces may share a common access aisle.
- c. Whenever handicap parking is provided, a curb ramp shall also be provided in order to facilitate building access.
- d. Handicap parking shall be provided in the area closest to the entrance(s) of a building(s).

- e. Parking for disabled persons shall be designated as reserved for handicapped parking by a sign showing the international symbol of accessibility.

SECTION 13.15 – OFF STREET PARKING REQUIREMENTS

Land Use	Parking Requirement
<u>Residential:</u>	
- Single family	2 spaces per unit
- Multifamily	2 spaces per unit
- Nursing & extended care facilities	2 spaces for every 3 beds
- Bed & breakfast housing	1 space per guest bedroom, plus 1 space per resident
- Dwellings above the first floor of a business	1 space per unit 1 space
<u>Civic, Cultural, Public and Educational Facilities:</u>	
- Community centers	10 spaces, plus 1 for each 300 square feet of floor area in excess of 1,000 square feet
- Day care and early education centers	10 spaces, plus 1 for each employee
- Libraries	1 space per 200 square feet of floor area
- Elementary and junior high schools	1 space per school employee, plus 1 per classroom
- High schools	1 space per school employee, plus 1 for every 5 auditorium seats
- Governmental offices	1 space per 200 square feet, plus 1 space per 100 square feet of assembly area
- Police and fire stations	1 space per employee on the largest shift
- Post offices	1 space per 200 square feet of floor area
<u>Religious:</u>	
- Churches and other places of worship	1 space 4 fixed seats
<u>Offices:</u>	
- Medical, dental and Chiropractic offices	1 space per employee, plus 1 space for each doctor, plus

and clinics	1 space per exam room, plus 1 space for every 4 seats in the reception/waiting area
- Professional offices	1 space per 200 square feet of floor area
<u>Commercial:</u>	
- Appliance, carpet, furniture, and home furnishings	1 space per 500 square feet of floor area
- Auto parts and accessories (not including automotive and vehicle repair and service)	1 space per 350 square feet of floor area
- Automotive and vehicle repair and service	1 space per employee, plus 1 space per 3 service bays
- Auto and motor vehicle sales	1 space for each 300 square feet of floor area, plus 1 Space for each 3,000 square feet of open lot sales area
- Bakeries, candy stores and ice cream shops	1 space per 250 square feet of floor area
- Banks, savings and loans, credit unions and other financial Service businesses	1 space per 200 square feet
- Barber, beauty, nail, and tanning shops	1 space per 100 square feet of floor area, plus 1 for each Shift employee
- Billiard and pool halls	1 space per 150 square feet of floor area
- Book, card, gift, and stationery stores	1 space per 200 square feet of floor area
- Carryout and delivery businesses	1 space per 150 square feet
- Clothing, accessories, consignment, shoe, and Sporting goods stores	1 space per 250 square feet
- Coffee shops	1 space per 100 square feet of floor area
- Convenience stores	1 space per 250 square feet of floor area
- Delicatessens and sandwich shops	1 space per 3 seats
- Drugstores and pharmacies	1 space per 300 square feet of floor area
- Drycleaners	1 space per 350 square feet of floor area
- Food and grocery stores	1 space per 500 square feet
- Glass, hardware, paint, wall-	1 space per 350 square feet

Paper, and window covering stores	of floor area
- Health, physical fitness, Athletic clubs	1 space per 150 square feet of floor area
- Jewelry and watch stores	1 space per 350 square feet of floor area
- Laundromats	1 space per 2 washing machines
- Liquor, wine and cigarette stores	1 space per 350 square feet of floor area
- Photography, dance and music studios	1 space per 350 square feet of floor area
- Printing and copying shops	1 space per 250 square feet of floor area
- Restaurants, bars, pubs and taverns	1 space per 2 seats
- Shopping centers	1 space per 250 square feet, plus 1 space for each 200 square feet of floor area used for eating and drinking purposes having seating for 15 or more
- Tire, muffler, automotive	1 space per service bay, plus 1 per shift employee
- Veterinarian offices	1 space per 400 square feet of floor area
- Video stores	1 space per 200 square feet of floor area

INDUSTRIAL:

- Building materials sales and storage	1 space per 500 square feet of floor area
- Freight terminals	1 per shift employee
- Manufacturing	5 plus 1 per shift employee
- Mini-warehouses	1 space for the manager, plus 1 for every 25 storage units
- Processing	5 plus 1 per shift employee
- Research and development	5 plus 1 per shift employee
- Warehousing	5 plus 1 per shift employee

OTHER:

- Clubs, lodges, and social	1 space per 4 seats
- Funeral homes	10 plus 1 space per 50 square feet of visitation/viewing area
- Retail uses not listed	1 space per 250 square feet of floor area

SECTION 13.16 – LOADING AND UNLOADING REQUIREMENTS

- a. Location
 - All off street loading and unloading spaces shall be located on the same lot as the building or structure to which they are accessory, except that, within industrial zones, trucks waiting to be loaded or unloaded within 300 feet from the lot being served shall be permitted.
 - No loading space shall be located in a required front yard, be closer than 50 feet to any lot in a residential zoning district, or be closer than 10 feet to a rear yard property line.
- b. Space size:
 - A loading/unloading space shall measure 14 feet in width and 35 feet or more in length, depending upon the size of trucks used for loading and unloading.
- c. Screening:
 - When bordered by a residential zone, each off street loading/unloading space shall be screened from view through the use of a dense evergreen planting, decorative fence, masonry wall, or berm.
- d. Hindering movement:
 - Off street loading/unloading vehicles shall not, at any time, hinder the movement of pedestrian and/or vehicular traffic.
- e. Number of required spaces:
 - non residential uses of 20,000 or fewer square feet, 1 space
 - non residential uses of 20,001 – 49,999 square feet, 2 spaces
 - 1 space for each additional 50,000 square feet of floor area

Village of Owensville
ARTICLE 14 – SIGN REGULATIONS

SECTION 14.01 – PURPOSE

The multiple purposes of this section are to: regulate and control all signs placed for exterior observation; coordinate the type, placement and physical dimensions of signs; encourage the reasonable, orderly, and effective display of signs; enhance the physical appearance of the Village; protect property values; prevent visual clutter; and, authorize the use of signs which are compatible with their surroundings.

SECTION 14.02 – GOVERNMENT SIGNS EXCLUDED

Signs which are erected and maintained as a result of any law, order, or government regulation, including traffic control signs, shall not be subject to the requirements of this ordinance.

SECTION 14.03 – GENERAL PROVISIONS

- (a) Compliance: No sign shall be erected, displayed, relocated or altered unless it is in full compliance with the regulations for the zone in which it is located, and, meets all applicable provisions and regulations of this ordinance.
- (b) Sign Permit: Unless otherwise specified, an application for a sign permit shall be filed and approved by the Zoning Administrator prior to the placement of any and all signs.
- (c) Enforcement: The Zoning Administrator shall have the duty and authority to remove, or cause to be removed, any sign which is not in full compliance with the requirements of this ordinance. In such instances, the owner of the sign in violation shall bear the full costs of such removal, along with any penalty which has been assessed.
- (d) Maintenance: All signs and component parts thereof, as well as braces, cables, poles, uprights, and other supporting structures, shall be maintained in a safe, clean, and attractive condition.
- (e) Code Standards: All signs shall be designed and constructed to be in conformance with both the National Electric Code and the Ohio Basic Building Code.
- (f) Nonconforming Signs: Signs which legally existed prior to the enactment of these regulations are entitled to be kept, repaired, or replaced in a manner which maintains their preexisting nonconforming condition. However, whenever a nonconforming sign has been damaged to more than one half of its replacement value, it shall not be permitted to be repaired or replaced. In addition, any nonconforming sign which has been structurally altered, relocated, or replaced shall immediately be made to conform to the provisions of these regulations.
- (g) Traffic Hazards: No sign shall be erected within the public right-of-way in such a manner which obstructs free and clear vision, or, at any location

where by reason of position, shape, motion, or color it may interfere with, obstruct the view of, or be confused with any traffic sign, signal, or device which makes use of the words “stop,” “look,” “danger,” or, misleads and/or confuses traffic.

- (h) Illuminated Signs: Illuminated signs shall be designed and constructed so as to concentrate the illumination upon the sign and prevent glare upon any street or adjacent property.

SECTION 14.04 – MEASUREMENT OF SIGN AREA

The entire area within the outermost perimeter on which written or graphic information is displayed shall constitute sign area. Where double faced signs exist, each sign face shall be included when computing allowable sign area. Frames and structural members, unless used for advertising purposes, shall be excluded from the computation of surface area.

SECTION 14.05 – RELOCATING SIGNS

If any legally permitted sign is moved from one location to another, a new sign permit shall first be obtained.

SECTION 14.06 – ALTERATION OR ENLARGEMENT OF SIGNS

Alteration or enlargement of any legally existing sign shall first require the issuance of a new sign permit

SECTION 14.07 – PROHIBITED SIGN LOCATIONS

The following types of signs are prohibited in all districts:

1. Signs that have changing light, color or motion effects, whether intentional or resulting from a defect. This includes, but is not limited to:
 - a. Blinking, flashing, chasing, strobe and alternating color lights
 - b. Electronic message centers
 - c. “Eye catchers” and similar shiny devices designed to reflect light and create a glimmering or flashing effect
 - d. Signs emitting flame, smoke, steam or other visual matter
 - e. Signs with animated, moving or rotating lights

This prohibition does not apply to:

- a. Signs with flashing or chasing lights on concessions and rides at special events such as fairs and festivals
- b. Holiday decorations and light strings displayed during holidays
- c. Rotating barber poles at a legitimate barber or beauty shop

- d. Accurate time and temperature displays
 - e. Warning signs and markers placed by government officials
2. Signs using exposed light sources which are or contain any color other than white or amber
 3. No sign shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners or other similar moving device for the purpose of advertising or attracting attention for commercial or advertising reasons
 4. Air activated graphics or balloons used for commercial or advertising reasons
 5. Signs imitating or resembling official traffic or government signs or signals
 6. Signs containing or displaying any obscene, indecent or immoral matter
 7. Abandoned Signs
 - a. Any sign which no longer advertises a bona fide business conducted on the premises or a product sold on the premises for a period of six months shall be deemed abandoned
 - b. Such a sign shall be taken down and removed by the owner, agent or person having the beneficial use of the building or structure upon which such a sign may be found within thirty (30) days after written notification to the owner from the code enforcement officer.

SECTION 14.08 – DANGEROUS SIGNS

Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Administrator proceed at once to put such sign in a safe and secure condition or remove the sign.

SECTION 14.09 – PROMOTIONAL ADVERTISING DISPLAYS

Upon issue of a temporary sign permit, advertising displays shall be permitted, but, only for a maximum period of 14 days and not more than 2 times during any one calendar years.

SECTION 14.10 – SIGNS NOT REQUIRING A PERMIT

- (a) Real estate for sale and for rent signs not exceeding a total of 12 square feet in residential zoning districts, and 24 square feet in all other districts
- (b) Real estate open house signs displayed a maximum of 72 hours before an open house and removed the day of the open house

- (c) Circulation and directional signs which individually do not exceed 10 square feet in area
- (d) Professional name plates not exceeding 4 square feet in area
- (e) Subdivision, neighborhood, and community entry/gateway signing which does not exceed 8 feet in height
- (f) Signs for churches, schools, government buildings, libraries, civic and social clubs, museums, parks, and recreation facilities which are not taller than 8 feet and are 40 square feet or less in area
- (g) Auction signs not exceeding 32 square feet in area which are posted not more than 21 days prior to sale and removed within 3 days after the conclusion of an auction
- (h) Construction signs associated with new development, remodeling, and redevelopment which do not exceed 32 square feet in sign area, have a maximum height of 8 feet above grade, are setback a minimum distance of 10 feet from the edge of any public right-of-way or road, and, are not illuminated
- (i) Temporary decorations, displays, and signs celebrating the occasion of traditionally accepted patriotic, religious holidays, or community events
- (j) No trespassing and other similar posted signs on private property
- (k) Signs identifying historical structures, sites or landmarks
- (l) Signs inside a building which are not intended to be seen from the exterior

SECTION 14.11 – MISREPRESENTATION OF INFORMATION

Any sign not constructed as represented on an approved sign permit application shall be construed as a misrepresentation of facts and a violation of this ordinance. In such instances, the sign in violation shall be promptly removed or the error in violation corrected within a period of time specified by the Zoning Administrator.

SECTION 14.12 – CLASSES OF SIGNS

Two classes of signs, structural and functional, shall be permitted to be displayed within individual zoning districts in the Village of Owensville. These are:

- (a) Structural signs include freestanding pole/pylon, monument, projecting, wall, and window signs as defined herein.
- (b) Functional signs include auction, awning, canopy, circulation, construction, courtesy, directional, electronic message board, government, identification, name plate, political, real estate, traditional message boards, and temporary signs as defined herein.

SECTION 14.13 – SIGNAGE DEFINITIONS BY CLASS

- (a) Individual structural signing definitions are as follows:
 - Freestanding pole/pylon signs include any ground mounted sign which is suspended or supported by one or more poles, columns, or

braces. Such signs shall have a clearance of 8 or more feet above ground level, and, shall not exceed 20 feet in height.

- Monument signs include any ground mounted sign whose foundation or base sits directly on the ground. Such signs shall have a maximum height of 8 feet above ground level.
- Projecting signs include any sign which is suspended from or supported by a building or structure and which extends more than 8 inches but less than 5 feet beyond the surface of such building or structure.
- Wall signs include any sign which is directly attached to or painted on to the exterior surface of a building or structure, and does not extend more than 8 inches beyond the surface of such building or structure.
- Window signs include any sign, picture, symbol, or combination thereof which is painted, glued, taped, or otherwise affixed to a window. Such signs shall not be limited in number, but, shall not be permitted to exceed 50% of total window area.

(b) Individual functional signing definitions are as follows:

- Auction signs include any sign which directs the attention of the general public to the sale of personal or real property.
- Awning signs include any sign which is affixed, attached, or painted onto a surface covering either a window or a door of a business.
- Canopy signs include any unenclosed roof structure supported by poles or columns which provide a fascia area for the purpose of providing limited signing in conjunction with the placement of gasoline pumps.
- Circulation signs include any sign which is intended to promote orderly vehicular movement directly onto or within a premises.
- Construction signs include any sign which identifies the name, address, telephone number, or email address of a development, or, one or more of the following: a builder, an architect, an engineer, a contractor, a developer, a landscape architect, a plumber, an electrician, or other business firm providing a specialized skill.
- Courtesy signs include any sign which is used for the purpose of advertising the price of one or more products or services offered on the premises of a gasoline station or convenience store.

- Directional signs include any off premise sign which directs traffic to a particular location.
- Electronic message board includes any sign which incorporates the use of lights, neon, liquid crystal display, or other device in order to display a message or pattern that informs people of information items such as, but not limited to, time and temperature.
- Government signs include any sign which is displayed and maintained in the public interest by a municipal, county, state, or federal entity.
- Identification signs include items such as the name, address, telephone number, occupation, and/or service being provided at a particular address.
- Name plate includes any sign which displays only the name and address, or the name, address, and occupation of a person providing services from an office located within a building.
- Political signs include any sign which identifies a candidate or an issue in an election.
- Real estate signs include any sign which announces the sale, rental, lease, or selling of a building, land, or a structure.
- Traditional message boards include any sign which displays the name of a religious, educational, community, or other public or semi-public institutional building for the announcement of related activities, events, or services
- Temporary signs include any display constructed of canvas, cardboard, cloth, paper, plastic, plywood, or other material which is intended to be used only for a limited period of time.

SECTION 14.14 – SIGNS PERMITTED IN COMMERCIAL, CENTRAL BUSINESS DISTRICT, AND INDUSTRIAL DISTRICTS, AND IN THE PROFESSIONAL OFFICE OVERLAY ZONE

Freestanding pole/pylon, monument, projecting, wall, and window signs shall be permitted.

SECTION 14.15 – CUMULATIVE SIZES OF SIGNS PERMITTED

Two factors, the amount of building frontage and building setback, shall be the basis for determining the maximum allowable sign area permitted for any business choosing to utilize any combination of freestanding pole/pylon, monument, projecting, wall, and/or window signs. More specifically,

- (a) 2 square feet of sign area for every one lineal front foot of horizontal building facing the principal street where a business address is identified up to a maximum of 150 square feet
- (b) one square foot of sign area per one foot of building setback up to a maximum of 50 feet from the edge of the public right-of-way
- (c) with the exception of the Central Business District, where a building is located on a corner lot it shall be entitled to an automatic bonus of 15% of the total allowable sign area
- (d) businesses choosing to display monument signs instead of freestanding pole/pylon signs shall be entitled to a bonus of 25% of the total allowable sign area
- (e) monument and freestanding pole/pylon signs which are placed in a landscape planter area shall be entitled to a bonus based upon the following:
 - 10% for landscape planter areas of 50-75 square feet
 - 15% for landscape planter areas of 76-125 square feet
 - 20% for landscape planter areas of more than 125 square feet

SECTION 14.16 – ADDITIONAL SIGN STANDARDS

- (a) every building which has a permitted sign area of 199 square feet or less shall be entitled to one freestanding pole/pylon sign
- (b) every building which has a permitted sign area of 200 or more square feet shall be entitled to one freestanding pole/pylon sign and one monument sign
- (c) buildings situated on corner lots shall be entitled to have 2 freestanding pole/pylon signs only when each street frontage is 300 or more feet in length with the exception of freestanding pole/pylon signs
- (d) for each one foot of sign placement beyond the required setback, a freestanding pole/pylon sign may be increased a maximum of 2 square feet up to a maximum of 50 square feet
- (e) no freestanding pole/pylon or monument sign shall be located closer than 5 feet from any property line

SECTION 14.17 – REQUIRED SIGN SETBACKS

The following setback requirements shall govern the placement of all signs:

- (a) monument signs and temporary signs in the Central Business District shall be setback a minimum of 10 feet from the edge of the future right-of-way
- (b) freestanding pole/pylon signs shall be setback a minimum of 20 feet from the edge of the future right-of-way

VILLAGE OF OWENSVILLE
ARTICLE 15 – ADMINISTRATION AND ENFORCEMENT

SECTION 15.01 – PURPOSE

The purpose of these regulations is to establish both a functional and meaningful system of zoning administration and enforcement.

SECTION 15.02 – ZONING ADMINISTRATOR RESPONSIBILITIES

Unless otherwise decided by the Mayor, the Zoning Administrator shall be the Village Administrator. He or she shall have direct responsibility for (a) receiving and processing applications, (b) helping interpret as well as enforce the provisions of this Ordinance, (c) maintaining the Zoning Ordinance, the Zoning Map, and all records of zoning proceedings, (d) providing guidance and assistance to local elected and appointed officials, and (e) hearing and deciding upon certain applications.

SECTION 15.03 – ENFORCEMENT AND PENALTIES

- (a) The Zoning Administrator, acting as the zoning enforcement officer shall, upon exhibiting proper credentials, have the right to enter, at any reasonable hour, upon any premises or any building under construction or alteration.
- (b) It shall be unlawful for any person or entity to interfere with the Zoning Administrator's performance of any of the duties and responsibilities identified herein.
- (c) The Zoning Administrator shall have the authority to order the discontinuance of any illegal use of land, buildings, structures, additions, alterations, or structural Changes thereto, and to order the discontinuance of any illegal work being done.
The Zoning Administrator is also authorized to order the removal of any illegal buildings, structures, additions, or alterations.
- (d) The Zoning Administrator shall further be authorized to take any action to ensure full compliance with, or to prevent violations of this Ordinance, including the issuance of zoning permits.

SECTION 15.04 – ZONING PERMITS

Unless a conditional use permit or variance application has been approved in accordance with the provisions of this Ordinance, no owner of property in the Village of Owensville shall use, or permit the use of any structure, building, land, or part thereof, hereafter created, erected, changed, converted, or enlarged wholly or partly, until a Zoning Permit application has been issued by the Zoning Administrator. All applications for a Zoning Permit shall be accompanied by:

- (a) an application completed on a form provided by the Zoning Administrator
- (b) the required application fee

- (c) a development plan and accompanying scaled building and elevation drawings required by this Ordinance
- (d) any additional or supplemental information which the Zoning Administrator deems necessary in order to further insure that the proposed activity fully conforms with all zoning requirements

SECTION 15.05 – EXPIRATION OF ZONING PERMIT

When no construction activity, such as the setting of building forms or the start of excavation, has been started within one (1) year of the issuance of a Zoning Permit, a renewal of the original permit shall be required prior to the start of any work or activity.

SECTION 15.06 – CERTIFICATE OF ZONING COMPLIANCE

Prior to the occupancy or use of any newly erected building or structure, and prerequisite to the continued occupancy of a newly altered, reconstructed or enlarged building or structure, a Certificate of Zoning Compliance shall be issued by the Zoning Administrator. Prior to issuing said certificate, the Zoning Administrator shall be responsible for determining that full conformance with the information contained in an approved zoning permit application, conditional use permit application or variance application.

SECTION 15.07 – VIOLATIONS

The Zoning Administrator shall be responsible for making a field investigation prior to issuing a notice of violation. Where technical complexity, non-availability of equipment, or extraordinary expenses makes it unreasonable, in the opinion of the Zoning Administrator, to make a determination, then procedures shall be established for:

- (a) causing corrections of apparent violations of performance standards
- (b) protecting individuals from arbitrary, capricious and unreasonable administration and enforcement of performance standards, and
- (c) protecting the general public from unnecessary costs for administration and enforcement

If the Zoning Administrator finds, after site investigations have been made by qualified experts, that there is a violation of the adopted performance standards, then he or she shall take or cause to be taken such lawful action which would result in compliance with required performance standards.

SECTION 15.08 – COMPLAINTS REGARDING VIOLATIONS

Whenever a violation of this Ordinance occurs, or, is alleged to have occurred, any person may file a written complaint with the Zoning Administrator.

The Zoning Administrator shall properly record such a complaint, promptly investigate, promptly decide, and subsequently provide the complainant, in writing, with the basis for the decision which has been made.

SECTION 15.09 – FAILURE TO COMPLY

Failure to obtain a Zoning Permit or Certificate of Zoning Compliance shall be a violation of this Ordinance. Any person or entity who violates any of the provisions of this Ordinance shall, upon conviction, be fined not more than \$50.00 for the first violation and \$100.00 for each additional violation, with the overall fine not to exceed \$500.00. Each day of violation shall constitute a separate offense.

SECTION 15.10 – CIVIL PROCEEDINGS

Whenever the Zoning Administrator is satisfied that one or more provisions of this Ordinance have been violated and have not been remedied as required by the provisions of this Ordinance, the Zoning Administrator shall contact the Village Solicitor. The Village Solicitor shall, after reviewing the information provided by the Zoning Administrator, make a decision whether or not to institute civil proceedings.

All civil proceedings or appeals shall be filed in the name of the Village. Nothing in this section and no action taken thereunder shall be held to exclude such criminal proceedings as may be authorized by this Ordinance or any of the laws or resolutions in force in the Village, nor shall they exempt anyone violating this Ordinance or any part thereof from any penalty which may be subsequently incurred.

SECTION 15.11 – PROCEDURES REGARDING PERFORMANCE STANDARDS

Whenever the Zoning Administrator determines that a probable violation of adopted performance standards exists, the following procedures shall be followed:

- (a) Written notice from the Zoning Administrator shall be provided by certified mail to the person(s) or business responsible for the alleged violation. The notice shall provide a detailed description of the alleged violation(s) and request that an answer or correction be provided within 30 calendar days of receipt. Said notice shall specifically state that failure to reply or correct the alleged violation to the satisfaction of the Zoning Administrator within 30 calendar days of the receipt of said notice shall constitute an admission of violation of the terms of this Ordinance.
- (b) The notice from the Zoning Administrator shall also state that, upon request of the person(s) notified, a technical investigation will be made by a qualified expert(s), and that should any violations be documented, all investigative costs will become the financial responsibility of those responsible for the violation. Furthermore, said notice shall state that other penalties may be appropriate. Should an investigation determine that no violation exists, the full cost for conducting an investigation shall be paid by the Village.
- (c) If there is no reply within 30 calendar days of receipt of said notice, but the alleged violation has been corrected to the satisfaction of the Zoning Administrator, it shall be noted that the violation has been corrected on the official copy of said notice.

- (d) If there is no reply within 30 calendar days of receipt of said notice and the violation has not been corrected, the Zoning Administrator shall proceed to take or cause to be taken, such action as is warranted by this Ordinance.
- (e) If a written reply is received by the Zoning Administrator within 30 calendar days of receipt of said notice indicating that the alleged violation is in the process of being corrected but requests more time, the Zoning Administrator may choose to grant an extension if it is determined that no imminent peril to life, health or property exists.
- (f) When a written request for technical determination has been received within 30 calendar days of receipt of said notice, the Zoning Administrator shall proceed to call in properly qualified experts to conduct an investigation.

SECTION 15.12 – PUBLIC HEARINGS

Should a public hearing be required by this Ordinance, the following shall apply:

- (a) Notice of public hearing shall be published in a newspaper of general circulation within the Village of Owensville at least once. For public hearings held by the Board of Zoning Appeals, publication shall occur at least 10 days but not more than 21 days prior to the date of the hearing. For all other public hearings, publication shall occur at least 15 days but not more than 30 days before said hearing.
- (b) Notice shall be sent to every property owner within 200 feet of any part of the subject property. In addition, said notice shall set forth the time and place of the hearing and identify the nature of the issue to be heard.

SECTION 15.13 – PLANNING COMMISSION

- (a) The Planning Commission for the Village shall consist of 5 members comprised of the Mayor, or his or her appointee, one (1) member of Village Council who shall serve for the remainder of his or her elected term, and 3 citizens of the Village. The terms of all members shall be staggered in order to allow the term of one member to expire each year. All members shall serve without compensation.
- (b) The Planning Commission shall annually select from its membership a Chairman and Vice Chairman. It shall also adopt bylaws, keep minutes and written records of all proceedings and show how each member voted on each agenda item.
- (c) The Zoning Administrator shall annually serve as the Secretary to the Planning Commission and shall also act in an advisory capacity.
- (d) The Planning Commission shall be required to meet on a monthly basis. In addition to zoning matters, Planning Commission shall be responsible for discussing and taking action on a variety of land use and comprehensive planning matters.

Specific responsibilities of the Commission shall include:

1. Initiating proposed amendments to the Zoning Ordinance and Zoning Map
- (e) Making recommendations to Village Council and Board of Zoning appeals
 1. Reviewing and approving or denying Conditional Use Permit Applications
 2. Conducting site plan reviews
 3. Administering the Village's adopted Subdivision Regulations
 4. Making zoning interpretations and determinations
 5. Establishing a schedule of fees and charges
 6. Delegating responsibilities to the Zoning Administrator
- (f) Members of the Planning Commission may be removed from office by Village Council when attendance drops below 75% of regularly scheduled and special meetings, for misconduct, conflict of interest, malfeasance or non-performance of duty.
- (g) Whenever budget funds allow, members of the Planning Commission shall, either individually or collectively, attend workshops, conferences, lectures, and/or continuing education sessions in order to become more knowledgeable and effective in carrying out the above described planning, zoning and subdivision responsibilities.

SECTION 15.14 – BOARD OF ZONING APPEALS

- (a) The Board of Zoning Appeals shall consist of at least 3 members, not more than 2 of whom are members of the Planning Commission.
- (b) The Mayor shall appoint members of the Board of Zoning Appeals subject to approval of Village Council. *The Mayor shall also appoint a Chairperson for the Board of Zoning Appeals.*
- (c) The terms of office for the Board of Zoning Appeals shall be staggered to allow the term of one member to expire each year. All members shall serve without compensation.
- (d) The Board of Zoning Appeals shall keep minutes and written records of all proceedings and show how each member voted on each agenda item.
- (e) The Zoning Administrator shall act as an advisor and secretary to the Board of Zoning Appeals.
- (f) The Board of Zoning Appeals shall meet as required. Specific responsibilities of the Board shall include:
 1. Hearing and deciding appeals where it is alleged there is an error in any order, requirements, decision, interpretation, grant, or refusal made by the Zoning Administrator.
 2. Authorizing dimensional variances where, by reason of exceptional narrowness, shallowness, unusual shape, or extraordinary condition of a site, the literal enforcement of the dimensional requirements of this Ordinance would result in a hardship which would result in depriving an applicant of the reasonable use of the land. When granting such a variance, the Board of Zoning Appeals shall determine that doing so will not adversely impact the public health, safety, comfort, convenience,

prosperity, character and general welfare of either the neighborhood or the Village of Owensville.

3. When authorizing a dimensional variance, the Board of Zoning Appeals shall conclude that it is not conferring upon the applicant any special privilege that is not conferred by this Ordinance to other property, structures, or buildings in the same zoning district and may prescribe appropriate conditions and safeguards to insure compliance. All dimensional variances apply to the property, not the applicant, and are legally transferable to a future owner of the land.

4. Authorizing an area variance whenever a property owner can demonstrate that practical difficulties will occur in the future use of the property. In making its decision, the Board of Zoning Appeals shall determine whether there can be any beneficial use of the property without a variance, whether the variance is substantial, whether the character of the neighborhood would be substantially altered, if any adjoining property would suffer a substantial detriment and whether the delivery of essential public services would be negatively impacted.

5. Changing one nonconforming use to another nonconforming use whenever it is determined that the new nonconforming use is in the same or more restrictive classification of use as the prior nonconforming use. Required findings shall include all of the following: that the new nonconforming use will not generate an increase in traffic, noise levels, or air pollution, and will be equal or more in character with the existing neighborhood than the prior nonconforming use. In making its decision, the Board may prescribe appropriate conditions and safeguards to insure compliance. Changes authorized for nonconforming uses shall apply to the property, not the applicant, and therefore cannot be transferred by the applicant to another property. If no change in nonconforming use has occurred within one (1) year of authorization, the change of nonconforming use shall become null and void.

- (g) The Board of Zoning Appeals shall not be authorized to grant a variance which would permit a use of land, building, or structure which is not permitted, nor shall it be authorized to alter any density requirements. In addition, no nonconforming use of neighboring property and structures located within the same zoning district shall be considered grounds for granting a variance.
- (h) The Board of Zoning Appeals shall be authorized to issue subpoenas to compel a witness to attend one or more of its meetings and provide testimony and present evidence bearing upon the questions before it. In such instances, the Chairman of the Board shall have the power to administer an oath to a witness prior to any testimony before the Board on any issue.
- (i) The Board of Zoning Appeals shall, within 60 days after approval of a dimensional or use variance, change from one nonconforming use to another, or administrative appeal, furnish or cause to be furnished, a copy of its written findings to Village Council.

- (j) Members of the Board of Zoning Appeals may be removed from office by Village Council when attendance drops 75% of regularly scheduled and special meetings, for misconduct, conflict of interest, malfeasance, or non-performance of duties.

VILLAGE OF OWENSVILLE
ARTICLE 16 – ZONING AMENDMENTS

SECTION 16.01 – PURPOSE

The purpose of this section is to enable amendments to boundaries and designations for individual zoning districts, as well as authorize changes to the standards and regulations contained in these zoning regulations.

SECTION 16.02 – INITIATION OF ZONING AMENDMENTS

A proposed amendment may originate with Staff, Planning Commission, Village Council, or, by application from one or more owners of property. Regardless of origin, the proposed amendment shall first be acted upon by Planning Commission, which shall then be responsible for making a written recommendation to Village Council.

SECTION 16.03 – FILING OF APPLICATION

All applications for a zoning amendment shall be filed in writing on forms furnished by the Village. The fee required for applying for such amendment shall be identified in the fee schedule established by Village Council. Upon submission, the Zoning Administrator shall be responsible for making a thorough investigation and analysis, and, for preparing a detailed written report, including recommendations.

SECTION 16.04 – REQUIRED ACTIONS

- a. Within 45 days of the receipt of an application for a zoning amendment, the Planning Commission shall conduct a public hearing.
- b. Prior to holding a public hearing, notice of such hearing shall be published in a newspaper of general circulation within the Village not less than 15 days but not more than 30 days before the scheduled public hearing. The notice shall set forth the time and place of the public hearing, and shall describe the specific item to be considered.
- c. If the amendment intends to rezone property shown on the Official Zoning Map, written notice shall be mailed by first class postage at least 15 days prior to the public hearing to all property owners contiguous to and directly across the street from the area subject to amendment. Such notices shall be sent to the addresses of such owners appearing on the Clermont County Auditor's current tax list. Whenever an application has been submitted by one or more property owners, the mailing list shall be furnished to the Zoning Administrator by the applicant(s). Said notice shall contain the same information as required in (b) above.
- d. Unless Planning Commission decides to continue a public hearing, it shall have 30 days after the public hearing in which to make its decision. Afterwards, Planning Commission shall make one of the following recommendations to Village Council: approval, approval subject to specified modifications, or denial. Said recommendation shall be in

writing and shall include: (1) a list of the persons who testified at the public hearing(s), (2) a summary of the facts resulting from the public hearing(s), (3) a resolution setting forth the findings of the Commission, and (4) copies of any maps or text language which identifies the nature of any change.

- e. Upon receipt of a written recommendation from Planning Commission, Village Council shall schedule a public hearing as described in (a), (b), and (c) above. Within 60 days after beginning the public hearing process, Village Council shall decide to grant as requested, modify, or deny the proposed amendment. In doing so, Council shall be required to make appropriate findings.

SECTION 16.05 – ZONING AMENDMENT RESUBMISSION REQUESTS

An application by a property owner requesting that a zoning amendment be reconsidered by Planning Commission and Village Council shall not be permitted to be filed for a period of at least 12 months following Council's action.

VILLAGE OF OWENSVILLE
ARTICLE 17 – APPEALS AND INTERPRETATIONS

SECTION 17.01 – PURPOSE

The purpose of this article is to identify the procedures for the granting of appeals, as well as identify how interpretation decisions are made.

Section 17.02 – APPEALS

An appeal to the Board of Zoning Appeals may be made by any person, or entity claiming to be injuriously affected or aggrieved by an official action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Administrator or Zoning Inspector. All appeals shall be made within 30 days after an administrative decision on forms provided by the Zoning Administrator, and shall be accompanied by an application fee established by Village Council.

Upon receipt of an appeal, the Zoning Administrator shall transmit to the Planning Commission all papers constituting the record. The Planning Commission will review the documents and make a recommendation to the Board of Zoning Appeals at the next regularly scheduled meeting. The Zoning Administrator shall also be responsible for scheduling a public hearing for the Board of Zoning Appeals and for providing the appellant with written notice of said meeting. Notice of public hearing shall be published in a newspaper of general circulation within the Village at least 10 days but not more than 21 days prior to the date of the hearing. Upon conclusion of the public hearing, the Board shall affirm, re-verse, or modify the decision of the Zoning Administrator or Zoning Inspector provided such action is in conformity with all of the provisions of this Ordinance.

An affirmative vote of each member of the Board of Zoning Appeals shall be necessary to reverse an official action, order, requirement, interpretation, grant, refusal, or decision of the Zoning Administrator or Zoning Inspector.

SECTION 17.03 – STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed unless the Zoning Administrator, by reason of facts stated in the application, certifies to the Board of Zoning Appeals that, by reason of the facts stated in the application a stay would cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order granted by a court of record.

SECTION 17.04 – APPEALS FROM ACTIONS OF THE BOARD OF ZONING APPEALS

Any person or entity, including the Village of Owensville, claiming to be injured or aggrieved by any final action of the Board of Zoning Appeals, may appeal the Board's decision to the Village Council of the Village of Owensville. Should any party dispute the

outcome of the appeals process through the Village of Owensville, said party may appeal the decision to the Court of Common Pleas of Clermont County. Such appeal shall be filed within 30 consecutive calendar days after a decision has been made by the Village Council of the Village of Owensville. Should the party disputing the decision be the Village of Owensville, the Village of Owensville may appeal directly to the Court of Common Pleas of Clermont County.

When an appeal has been filed, the Clerk of the Court of Common Pleas shall issue a summons to all parties and shall cause it to be delivered to said parties.

All Board of Zoning Appeals actions which have not been appealed within 30 consecutive calendar days shall become final.

SECTION 17.05 – INTERPRETATIONS

The Planning Commission shall be responsible for (a) determining if the nature of a use not specifically mentioned in this Ordinance is similar to a use which is permitted within a particular zoning district, and (b) interpreting the provisions of this Ordinance whenever any ambiguity arises.

When making a determination of similarity, Planning Commission shall:

- a. require the Zoning Administrator to make a thorough investigation and analysis of the similarity request
- b. require the Zoning Administrator to prepare both a written report of findings and a written recommendation
- c. hold a meeting to determine the similarity of the proposed use to either a principal or conditional use which is already permitted within the same zoning district

Whenever Planning Commission determines that the proposed use will not be detrimental to the public health, safety, comfort, convenience, prosperity, and general welfare of the Village, and that it is similar in nature to an already permitted principal or conditional use within the same zoning district, it shall either authorize the Zoning Administrator to proceed with the processing of a zoning permit application or require the filing of a conditional use permit application.

When making a decision regarding ambiguity, the Planning Commission shall:

- a. require the Zoning Administrator to make a thorough investigation and analysis regarding the nature of the ambiguity
- b. ask the Zoning Administrator to contact the Village Solicitor regarding the nature of the ambiguity and request that a written recommendation be provided, and
- c. hold a meeting to determine how the matter of ambiguity will be addressed, including whether an amendment to the Zoning Ordinance is, in fact, necessary

SECTION 17.06 – FEES

No fee shall be required for making an interpretation related to either similarity of use or ambiguity.

VILLAGE OF OWENSVILLE
ARTICLE 18 – CONDITIONAL USES

SECTION 18.01 – PURPOSE

The purpose of this Article is to insure the proper integration of uses which, because of their special nature, may be suitable only in certain locations and be sited or operated in a particular manner.

SECTION 18.02 – PROCESS FOR GRANTING CONDITIONAL USE PERMITS

- a. The Planning Commission shall be responsible for determining the merits of an application for a Conditional Use Permit.
- b. Application for a Conditional Use Permit shall be made in writing only upon consent of the owners. The fee for filing such an application shall be as established by Village Council.
- c. Upon receipt of an application for a Conditional Use Permit, the Zoning Administrator shall make a thorough investigation and analysis, and shall afterwards prepare a written report, including recommendations, for consideration by the Planning Commission.
- d. Within 45 days of the receipt of a Conditional Use Permit application, the Planning Commission shall hold a public hearing. Notice of public hearing shall be published in a newspaper of general circulation within the Village not less than 15 days but not more than 30 days before said hearing. The notice shall set forth the time and place of the public hearing, and shall describe the conditional use being requested.
- e. The Zoning Administrator shall be responsible for notifying by mail, at least 10 days in advance of the public hearing, all property owners contiguous to and directly across the street from the property in question, of the conditional use permit application.
- f. The Planning Commission shall approve or conditionally approve a Conditional Use Permit request only when it has determined that the proposed use will not constitute a nuisance, or be detrimental.

SECTION 18.03 – FAILURE TO COMPLY

Upon failure to comply with the conditions imposed by the Planning Commission, a certified letter shall be sent to the grantee stating that full compliance shall occur within 30 calendar days, and that failure to remedy the violation shall result in revocation of the Conditional Use Permit.

SECTION 18.04 – TIME LIMITATION AND VALIDITY

Unless extended by the Planning Commission, all Conditional Use Permits shall be implemented within a one year period of time. All Conditional Use Permits shall run with the land, and shall be valid for any and all successors in interest of the original grantee.

SECTION 18.05 – STANDARDS GOVERNING APPROVAL

- a. The site for the intended use is adequate in size and shape to accommodate the proposed use or building and all related activities
- b. The type and quantity of traffic generated by the intended use will not have an adverse impact on the immediate and surrounding areas
- c. The intended use will not create the need for major public improvements, facilities and/or services
- d. No destruction, loss or damage to a natural, scenic or historic feature of local value will occur

SECTION 18.06 – SCOPE OF CONDITIONS

In order to better promote the public health, safety, comfort, convenience, prosperity, and general welfare, the Planning Commission may require any of the following:

- a. Additional setbacks
- b. Fences and/or walls
- c. Buffers and screening
 - Limits on lighting and signing
 - Regulation of hours of operation
 - Regulation of vehicular points of ingress and egress
 - Regulation of displays, noise, vibration, and/or odors
 - Provision of public improvements, easements, and/or dedications
- d. Any other conditions which are capable of facilitating orderly and efficient development in conformity with the intent and purposes set forth in this Ordinance

VILLAGE OF OWENSVILLE
ARTICLE 19 – NONCONFORMITIES

SECTION 19.01 – PURPOSE

The purpose of this Article is to regulate, reduce and eliminate conflicts arising from the presence in any zoning district of land, uses or structures which do not currently conform to the requirements of this Ordinance.

SECTION 19.02 – AVOIDANCE OF UNDUE HARDSHIP

In order to avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance.

Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction.

SECTION 19.03 – CONTINUANCE OF NONCONFORMITY

- a. Any use, building, or structure existing at the time of the enactment of this Ordinance which does not conform with the requirements of the zoning district in which it is located shall be deemed to be legally nonconforming, and, shall be permitted to be maintained and repaired.
- b. A nonconforming use or structure shall not be enlarged, extended, or moved, except that a nonconforming structure may be reconstructed in such a manner as to make it conforming.
- c. Where nonconforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.
- d. Whenever a nonconforming use of a structure, or, structure and use in combination, is discontinued for a period of 2 years, such a use shall not thereafter be reestablished except in conformance with the regulations of the zoning district in which it is located.
- e. Alterations or repairs of a structural nature shall be permitted to be made to a nonconforming structure only when such improvements will not exceed 25% of the building's current value, as determined by the Clermont County Assessor.
- f. In any zoning district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any lot of record existing at the effective date of this Ordinance. This provision shall apply even though such a lot fails to meet the requirements for area or lot frontage, or both, that are applicable in the zoning district

where such a lot is located, provided that all other requirements of the underlying zoning district are satisfied.

- g. Ordinary repairs, maintenance or nonstructural alterations shall be permitted to be made to a nonconforming structure in order to keep said structure in sound condition.
- h. Subdivisions which have been granted preliminary plan approval prior to the adoption of this Ordinance may be developed in conformance with the preceding regulations.
- i. This section shall not apply to any use, building, or structure established in violation of the previously adopted zoning regulations unless such use, building, or structure presently conforms to the requirements of this Ordinance.

VILLAGE OF OWENSVILLE
ARTICLE 20 – PERFORMANCE STANDARDS FOR INDUSTRIAL ZONING
DISTRICTS

SECTION 20.01 – PURPOSE AND SCOPE

The purpose of these regulations is to establish performance standards which can help to prevent objectionable land use impacts. As of the effective date of this Ordinance, all uses which are established or changed, as well as any building, structure, or tract of land which is developed, constructed, extended, enlarged or reconstructed, or used for any principally permitted, accessory or conditional use within the Light and Heavy Industrial zoning districts shall not be permitted to create any dangerous, injurious, noxious, harmful or otherwise objectionable conditions, and shall comply with all of the performance standards herein set forth.

SECTION 20.02 – TIME SCHEDULE FOR COMPLIANCE

- (a) All new installations shall comply at the initiation of their operation.
- (b) All existing businesses not in compliance upon the adoption of this ordinance shall be in full compliance within one (1) calendar year of the effective date of this ordinance unless the owner or person responsible for the operation of the business has submitted a written compliance program and schedule to the Planning Commission indicating when full compliance will be achieved. The Planning Commission shall determine the reasonableness of the request, and shall decide to either approve, modify or deny the extension request. Prior to reaching a decision, the Planning Commission may elect to seek input from the Stonelick Township Fire Chief.

SECTION 20.03 – SPECIFIC PERFORMANCE STANDARDS

- (a) Air pollution, radioactivity and hazardous wastes shall all be subject to the regulations established by the Ohio Environmental Protection Agency.
- (b) All uses shall be operated either within a building or within an area which is completely buffered from all non-industrial property which either directly abuts or is located across the street from the subject business.
- (c) No use shall be permitted to operate where the noise produced by any machine, equipment, or mechanical device which has a frequent or constant noise level which, when measured at the lot line of the property affected exceeds 70 decibels. Noise which is produced by the operation of motor vehicles shall be exempted from this requirement, as shall warning sirens.
- (d) Any activity producing humidity in the form of steam or moist air, or producing heat or glare shall be carried on in such a manner that the steam, moist air, heat or glare is not perceptible from any street or property located outside of an industrial zone. Welding which is required

for the exterior construction of a building shall be exempt from these regulations. Furthermore, no exterior building, signing, or parking lot lighting shall be positioned or placed such that it would extend glare onto an adjacent property or public right-of-way.

- (e) No activities shall be permitted which emit electrical disturbance affecting the operation of any equipment other than that of the creator of such disturbance. Any generated electrical disturbance shall comply with all applicable regulations of the Federal Communications Commission.
- (f) No erosion, by either wind or water, shall be permitted which would carry objectionable substances onto any neighboring property.
- (g) Adequate safety devices shall be provided where there are activities involving any burning or storage of flammable or explosive materials. Adequate firefighting and suppression measures and controls shall be provided. In no instance shall the burning of waste materials in an open fire be permitted.
- (h) No discharge into any public sewer, private sewage disposal system, stream, or into the ground of any materials of such nature and temperature capable of contaminating any water supply, interfere with bacterial processes required in sewage treatment, or otherwise cause the emission of dangerous or unsafe elements shall be permitted. In addition, the use of dumpsters or other types of waste containers for the disposal of potentially dangerous liquid and solid waste materials shall be prohibited.
- (i) Every industrial use shall be operated in a manner which prevents ground vibration from being perceptible without the use of instruments beyond any lot line which adjoins the subject business.
- (j) Provisions for storm water drainage, including the need for either on site retention or detention, shall be taken into consideration, with particular reference to adjoining and nearby properties.

Village of Owensville
Zone Change Request Form

Owner Name: _____
(please print clearly)

Owner Address: _____

Owner Primary Phone: _____ Secondary Phone: _____

LOCATION OF PROPERTY REQUESTED FOR RE-ZONING:

Address: _____ Parcel No. _____
(parcel number is mandatory)

Nearest Major Cross Streets: _____

I would request this property be re-zoned to: _____

REASON FOR REQUEST-INTENDED PROPERTY USE:

PROVIDE NAMES AND VALID MAILING ADDRESS(ES) FOR ALL PROPERTY OWNERS WITHIN 300 FEET OF SUBJECT PROPERTY, USE ADDITIONAL SHEET IF NECESSARY:

I, _____,
(please print clearly)

am the owner of this property and I
approve this zoning change request.

Signed: _____ Date: _____
(signature of owner)

(A \$250.00 fee must accompany application. Make checks payable to the Village of Owensville)

Village of Owensville
Board of Zoning Appeals

Date: _____

When requested the Zoning Administrator will give two (2) copies to the applicant. Upon completion, the applicant will return all forms together with the fee of \$_____. Applications for appeal must be presented within thirty (30) days after date of the decision or refusal of the Zoning Administrator from which appeal is taken.

APPLICANT NAME: _____

ADDRESS (STREET/ROAD): _____

CITY/STATE: _____

Applicant hereby requests the Board of Zoning Appeals to authorize issuance of a (Variance Certificate) (Special Approval) or (Conditional Use) for _____

_____ or hereby appeals the decision of the Zoning Administrator, dated: _____.
An exact statement is attached hereto, or reads as follows: _____

The property is now zoned as an _____ District.

The property consists of _____ acres.

Lot numbers involved _____.

Plat Number _____.

Name of Plat _____ Township _____

The Applicant _____ is the owner of said property situated along the _____ side of _____

approximately _____ fee of intersection _____

with _____.

Applicant acquired above property _____.

If lessee, state date and term of lease _____.

If any restrictions were placed on the type of use on said property, give use and expiring date:

Three (3) maps or sketches must accompany this request showing location and dimensions of boundaries, buildings, roadways, lakes or ponds, parking and all facts in order that the Village of Owensville is fully advised.

1. Is the land developed at present? _____
2. New construction _____, existing building _____
Addition _____, number of stories _____
3. Length: _____ feet and Width: _____ feet of existing or proposed roadway.
4. Length: _____ feet and Width: _____ feet of existing or proposed building.
5. Length: _____ feet and Width: _____ feet of existing or proposed parking area.
6. _____ feet right side yard; _____ feet front yard from property lines.
7. If addition is added to existing building, state Length: _____ feet;
Width: _____ feet; Height: _____ feet; and _____ number of stories.
8. If an occupation is conducted in the home, give room size: Length: _____ feet;
Width: _____ feet; and Height: _____ feet.
9. Will said occupation be operated by owner _____, by others _____ . Number of employees _____.

State fully the facts on which the appeal is based (Attach additional sheets if necessary):

Give names and addresses of the owners of all abutting lots or property and those on the other side of the street(s), immediately opposite said property (attach additional sheets if necessary):

I hereby depose and say that all the above statements and the statements contained in all the exhibits transmitted herewith, are true and accurate.

Applicant/Appellant

Sworn to before me and subscribed in my presence this ____ day of _____,
20____.

Notary Public
My Commission Expires:_____

VILLAGE OF OWENSVILLE
APPLICATION FOR ZONING PERMIT

Please Print Clearly

APPLICATION NO. _____

ADDRESS: _____

OWNER OF PROPERTY: _____

APPLICANT (if different from above): _____

APPLICANT ADDRESS (if different from above): _____

APPLICANT PHONE: _____

ZONING DISTRICT: PIN No. _____

EXISTING USE: _____

PROPOSED USE (if applicable): _____

PROPOSED ACTIVITY:

- | | | | |
|-------|---------------------|-------|---------------|
| _____ | New Construction | _____ | Deck |
| _____ | Expansion | _____ | Fence |
| _____ | Site Plan Approval | _____ | Swimming Pool |
| _____ | Change of Use | _____ | Sign |
| _____ | Accessory Structure | _____ | Curb Cut |
| _____ | Home Occupancy | _____ | Other: _____ |
| _____ | Notice of Appeal | | |

I/We understand this application is for zoning purposes only. Any required building, plumbing, and/or electrical permits must be obtained through Permit Central: Clermont County Building Department (513) 732-7213.

Applicant Signature

Date

TO BE FILLED IN BY ZONING ADMINISTRATOR

I have examined the foregoing application, plans and specifications and with the corrections noted on the plat plans have
 approved disapproved them for permit on the ___ day of _____, 20__.

Permit Granted No. _____

Zoning Administrator

If disapproved, list reasons for action: _____

All papers constituting the record upon which your action was taken must be transmitted to the chairman of the Board of Zoning Appeals/Planning Commission.

NOTE: The Board shall hold a hearing on an appeal, give public notice thereof, and decide the same within reasonable time. The board will meet within 30 days of its receipt of this request but not sooner than 10 days.

The application for a zoning permit and/or notice of appeal shall include the following, unless filing requirements are amended by the Zoning Administrator and/or Planning Commission:

1. Application fee.
2. Legal description of property.
3. Plot plan, indicating the following:
 - a. Property lines
 - b. Public right-of-ways or easements
 - c. All existing buildings, fences, or other structures
 - d. All proposed buildings, fences, or other structures
 - e. Existing and proposed utilities or services, if applicable
 - f. Existing and proposed dimensions from all buildings and structures from property lines
 - g. Any other information as needed by determination of Zoning Administrator and/or Planning Commission
4. Sign permits require submittal of the following:
 - a. Rendering of proposed sign, with dimensions
 - b. Proposed location of sign
 - c. Horizontal measurement of building facing street(s) where business is identified to exist
 - d. Information regarding size and placement of any existing signage on property
6. Architect's name, address and phone number
7. Contractor's name, address and phone number
8. This appeal **MUST** be accompanied by a copy of the plans and specifics, drawn to scale and in INK. Said plans shall show the dimensions of the lot in which a building is to be located or altered; the exact location, size and height of the building; side yards; setback lines; intended use of structure or part thereof; number of families or housekeeping units; off street parking; and other such information as may be required by the zoning administrator. All dimensions shall be based on actual survey. The lot and location of the building shall be staked out on the grounds before construction is started for the zoning administrator's approval.

* All zoning permits are subject to review by the Planning Commission. The Planning Commission meets the first Monday of each month.

* By submitting and signing this application, the applicant agrees to conform to all zoning and development regulations of the Village of Owensville as they relate to the property included as part of the zoning permit application and affirms that all the information submitted is true and correct to the best of the applicant's knowledge.

Village of Owensville - Zoning Fees

WHEREAS, it is necessary to establish fees charged by the Village of Owensville for zoning matters in order to defray the costs of zoning administration.

THEREFORE, BE IT ORDAINED by the Council of the Village of Owensville that:

- (1) The list of zoning fees which is listed hereto and incorporated herein, is hereby adopted by the Village of Owensville;
- (2) This ordinance shall take effect March 1, 2016.

Schedule of fees, charges & expenses for Zoning

I. Certificates

a. Single Family Dwellings	\$ 45.00
b. Two-family Dwellings	\$ 40.00/unit
c. Multi-family Dwellings (apts., condo, hotel, motel)	\$ 45.00/unit
d. Additions to Residences	\$ 35.00
e. Accessory Buildings	\$ 15.00
f. Detached Garage	\$ 30.00
g. Fences/Screens	\$ 20.00
h. Accessory Buildings	
a. 144 Sq. Feet or less	\$ 20.00
b. Over 144 Sq. Feet	\$ 30.00
i. Swimming Pool/Decks	\$ 20.00
j. Commercial/Industrial Buildings	
a. Up to 2000 Sq. Feet	\$150.00
b. 2001 Sq. Feet and over	\$150.00 plus .05/Sq. Foot
k. Signs	\$250.00 (up to 12 ft of text/advertisement)
	\$500.00 (12 square feet to 32 square feet and if over 32 square feet, an additional charge of \$.50 per square foot)
l. Change of Use	\$ 15.00
m. Home Occupancy	\$ 35.00
n. Curb Cut	\$ 35.00

II. Other

a. Zone Change Request	\$250.00
b. Appeals/Variance/Conditional Use	\$100.00
c. Planned Unit Development	\$500.00 *
d. Planned Industrial Development (plus applicable fees for each building Use within the PID)	\$500.00 *
e. Demolition	\$ 25.00
f. Banner	\$ 5.00/day
g. Yard Sale (2 per year/any after)	\$ 5.00/day

*Village of Owensville does not currently have a PUD

**Fee for

Note: all permits encompass new and/or remodel. Questions, contact Zoning Administrator, Ruth McEvoy, at (513) 383-1622 or (513) 732-5350