VILLAGE OF OBETZ
RECORD OF ORDINANCES

ORDINANCE: 37-13 PASSED: August 12, 2013

AN ORDINANCE TO AMEND SECTIONS 1133.02, 1143.05, 1165.08, AND 1173.02 OF THE CODIFIED ORDINANCE; DELETE SECTIONS 1135.06, 1138.03, 1139.03, 1141.03, 1142.03, AND 1143.03 OF THE CODIFIED ORDINANCES; CREATE CHAPTER 1171 IN THE CODIFIED ORDINANCES; DELETE CHAPTER 1177 OF THE CODIFIED ORDINANCES; AND TO DECLARE AN EMERGENCY.

WHEREAS, the Planning and Zoning Commission and Council desire to update the regulations associated with accessory and temporary uses; and,

WHEREAS, the Planning and Zoning Commission held a public hearing on August 8, 2012 and continued to discuss the changes until its May 8, 2013 meeting at which time it recommended approval of the proposed zoning modifications.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF OBETZ THAT:

Section 1. Section 1133.02 of the Codified Ordinances is hereby amended to read as follows:

1133.02 DEFINITIONS.

(1) "Access Drive" means a way or means of approach to provide physical entrance to a property, as in driveway or curb cut.

(2) "Accessory Structure or Use" means a structure of use that: (1) is subordinate in area, extent, and purpose to the principal use; (2) contributes to the comfort, convenience, or necessity of the principal use; and (3) is located on the same lot and in the same zoning district as the principal use. See Chapter 1171.

(3) "Agriculture" means the use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

(4) "Alley" or "Lane" means a public or private way not more than thirty feet wide affording only secondary means of access to abutting property.

(5) "Alteration" means any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, as well as any change in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another.

(6) "Animal Hospital" means a place which animals or pets are given medical or surgical treatment and the boarding of animals is limited to short-term care incidental to the hospital use.

(7) "Attic" means that part of a building which is immediately below and wholly or partly within the roof framing.

(8) "Automobile" means a self-propelled free moving vehicle, with four or more wheels, primarily for conveyance on a street or roadway.

(9) "Automobile Convenience Market" means a place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience food market or supermarket.

(10) "Automobile repair services and garages" means establishments primarily engaged in furnishing automobile repair, rental, leasing, and parking services to the general public.

(11) "Automobile service station" means an establishment where gasoline and other petroleum products are sold as the principal use of the property. Light maintenance activities such as engine tune-ups, lubrication, and minor repairs may also be provided if incidental to such principal use. Service stations do not include premises where retail sales space exceeds 25 percent of the total building area or 500 square feet of gross floor area, whichever is less. Service stations do not include premises where heavy automobile maintenance activities, such as engine overhauls, automobile painting, and bodywork, are conducted.

(12) "Automobile wash" and "automatic car wash" means any building or premises or portions thereof where mechanical devices are used for washing automobiles.

(13) "Automotive, mobile home, trailer, and farm implement sales" means the sale or rental of new and used motor vehicles, mobile homes, trailers, or farm implements, but not including repair work except incidental warranty repair of same to be displayed and sold on the premises.

(14) "Automotive wrecking" means the dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

(15) "Base flood" means the flood having a one percent (1%) chance of being equaled or exceeded in any given year.

(16) "Basement" means a story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

(17) "Bedroom" means a private room planned and intended for sleeping, separable from other rooms by a door, and accessible to a bathroom without crossing another bedroom or living room.

(18) "Best efforts" means the best reasonable efforts under the circumstances, taking into consideration, among other appropriate matters, safety, expedition, available technology, human resources and cost.

(19) "Billboard or off-premise" means a sign that directs attention to a business, commodity, service, or entertainment conducted, sold or offered at a location other than the premises on which the sign is located.

(20) "Buffer" means a strip of land, fence, or border of trees, etc., between one use and another, which may or may not have trees and shrubs planted for screening purposes, designed to set apart one use area from another.

(21) "Buildable Area" means the area of a lot remaining after the minimum yard and open space requirements of the Zoning Code have been met.

(22) "Builder" means a person who builds or contracts to build a building or structure within Obetz.

(23) "Building" means any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature.

(24) "Building, accessory" means a subordinate structure on the same lot as the principal or main building or use occupied or devoted to a use incidental to the principal use.

(25) "Building coverage" means the horizontal area measured within the outside of the exterior walls of the ground floor of all principal and accessory buildings on a lot.

(26) "Building height" means the vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

(27) "Building line" means a line parallel to the street line at a distance there from equal to the depth of the front yard required for the zoning district in which the lot is located.

(28) "Building, principal" means a building in which is conducted the main or principal use of the lot on which the building is situated.

(29) "Building envelope" means the area designated by the developer or builder for the construction of the principal building(s) upon the site in accordance with the following:

(a) In platted residential subdivisions or residential site condominiums. The buildable area remaining on the lot, parcel or unit after complying with zoning setback and maximum lot or site coverage requirements, or such smaller building area designated by the developer for construction of building upon a lot, parcel or unit within the development.

(b) In all other developments. The building area(s) plus ten (10') feet around the perimeter of the building(s) provided such areas do not encroach into any required setback.

(30) "Carport" means a roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

(31) "Carry-Out Restaurant" means an establishment which by design of physical facilities or by service or packaging procedures permits or encourages the purchase of prepared ready-to-eat foods intended primarily to be consumed off the premises, and where the consumption of food in motor vehicles on the premises is not permitted or not encouraged.

(32) "Cemetery" means land used or intended to be used for the burial of the animal or human dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

(33) "Census Tract" means areas into which communities are divided by the U.S. Department of Commerce, Bureau of the Census, for statistical purposes.

(34) "Certificate of Zoning Compliance" means a statement, signed by an administrative officer, setting forth that a building, structure, or use complies with the zoning ordinance and building codes and that the same may be used for the purposes stated on the permit.

(35) "Channel" means a natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

(36) "Child Care or Day Care Center" means a private establishment enrolling children and where tuition, fees, or other forms of compensation for the care of the children is charged, and which is licensed or approved to operate as a day care center.

(37) "Chimney" means a structure lesser in function than a smoke stack and containing one or more flues for drawing off emissions from stationary sources of combustion.

(38) "Church" or "House of Worship" means a building or structure or groups of buildings or structures which by design and construction are primarily intended for the conducting of organized religious services and accessory uses associated therewith.

(39) "Clinic" means a place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premises.

(40) "Club" means a building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

(41) "Commercial nursery or tree farm" means a plant or tree nursery or farm in which trees are planted and grown for sale to the general public in the ordinary course of business.

(42) "Commercial entertainment facilities" means any profit-making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

(43) "Commercial Use" means any activity carried out for pecuniary gain.

(44) "Community Association" or "Homeowners Association" means an association organized to own, maintain, and operate common facilities and to enhance and protect their common interests.

(45) "Comprehensive Plan" means a plan, or any portion thereof, adopted by the Planning and Zoning Commission and/or Council showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major streets, parks, schools, and other community facilities. This plan establishes the goals, objectives and policies of the community.

(46) "Conditional Use" means a use of occupancy of a structure, or a use of land, permitted only upon issuance of a conditional use permit and subject to the limitations and conditions specified herein.

(47) "Conditional Use Permit" means a permit issued by the Zoning Inspector upon approval by the Planning and Zoning Commission to allow a use other than a principally permitted use to be established within the district.

(48) "Condominium" means a building or group of buildings in which units are owned individually and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

(49) "Condominium association" means the community association which administers and maintains the common property and common elements of a condominium.

(50 "Construction" means on-site erection, fabrication, installation, alteration, demolition, or removal of an structure, facility, or addition thereto, including all related activities, but not restricted to clearing of land, earth moving, blasting and landscaping.

(51) "Convenience Food Market" means a retail establishment offering for sale limited food, beverage and related consumer products with or without on premises preparation of food and beverages.

(52) "Council" means the Council of the Village of Obetz.

(53) "Crawl Space" means a space with more than one-half (½) of its floor-to-ceiling height below the average level of the adjoining ground and with a floor-to-ceiling height of less than six and one-half (6 ½) feet.

(54) "Decorative Features" means any approved natural or constructed feature, including mulch, gravel, stone, brick, sculpture, and lighting.

(55) "Density" means the number of dwelling units per unit of land. To determine density divide the total number of dwelling units by the net developable site as measured in acres.

(56) "Detention basin" means a structure or facility, natural or artificial, which stores stormwater on a temporary basis and releases it at a controlled rate.

(57) "Developer" means a person who installs or contracts for the installation of improvements such as sewers, streets and water mains in a residential, office, commercial, or industrial development.

(58) "Drive-In Restaurant" means a building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, often in a motor vehicle on the site.

(59) "Drive-In Use" means an establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

(60) "Drive-up window service" means a building opening, including windows, doors, or mechanical devices through which occupants of a motor vehicle receive or obtain a product or service.

(61) "Driveway envelope" means an area designated by the developer or builder not more than twenty (20') feet in width to provide vehicular access to the building or parking areas.

(62) "Dwelling" means a structure or portion thereof in which person or persons reside.

(63) "Dwelling, attached" means a one-family dwelling attached to two (2) or more one-family dwellings by common vertical walls.

(64) "Dwelling, detached" means a dwelling which is not attached to any other dwelling by any means.

(65) "Dwelling, multi-family" means a dwelling containing more than two dwelling units.

(66) "Dwelling, semidetached" means a one-family dwelling attached to one (1) other one-family dwelling by a common vertical wall, and each dwelling located on a separate lot.

(67) "Dwelling, single family" means a building consisting of a single dwelling unit only, separated from other dwelling units by open space.

(68) "Dwelling, townhouse" means a one-family dwelling in a row of at least three (3) such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one (1) or more common fire resistant walls.

(69) "Dwelling, two-family" means a structure on a single lot containing two (2) dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.

(70) "Dwelling unit" means one (1) or more rooms, designed, occupied or intended for occupancy as separate living quarters, with cooking, sleeping, and sanitary facilities provided within the dwelling unit for the exclusive use of a single family maintaining a household.

(71) "Dwelling unit, efficiency" means a dwelling unit consisting of not more than one habitable room together with kitchen or kitchenette and sanitary facilities.

(72) "Easement" means a grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

(73) "Excavation" means the removal or recovery by any means whatsoever of soil, rock, mineral substances, or organic substances other than vegetation, from water or land on or beneath the surface thereof, or beneath the land surface, whether exposed or submerged.

(74) "Factory built housing" means a factory built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. Factory built housing shall include the following:

(a) Manufactured home - A non self-propelled building unit or assembly of closed construction fabricated in an off-site facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974,

and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the numbers of square feet in a structure's exterior dimensions are measured at the largest horizontal projection when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows."(ORC 4501.01) For the purposes of this section, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

(b) Mobile home - A non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable chassis which is eight (8) feet or more in width and more than thirty-five (35) feet in length, which when erected on site is three hundred twenty (320) or more square feet, that is transportable in one or more sections and which does not qualify as a manufactured home or industrialized unit.

(c) Industrialized unit - A building unit or assembly of closed construction fabricated in an off site facility, that is substantially self sufficient as a unit or as a part of a greater structure and that requires transportation to the site of intended use. Industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Industrialized unit does not include a manufactured or mobile home as defined herein.

(d) Modular home - Factory built housing certified as meeting the local or state building codes as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes. Modular homes are required to be placed upon a solid masonry foundation.

(75) "Family" means one or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, or marriage, no such family shall contain over five persons.

(76) "Family Home" means a residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for six to eight mentally retarded or developmentally disabled persons.

(77) "Farm" means a parcel of land used for agricultural activities.

(78) "Farm Animals" means those animals or livestock typically associated with a farm or agricultural operation.

(79) "Farm Stand" means a booth or stall located on a farm from which produce and farm products are sold to the general public.

(80) "Fast-Food Restaurant" means an establishment whose principal business is the sale of pre-prepared or rapidly prepared food directly to the customer in a ready-to-consume state for consumption either within the restaurant building or off premises.

(81) "Floodway fringe" means that portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

(82) "Flood Insurance Rate Map (FIRM)" means the official map(s) on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

(83) "Flood Insurance Study" means the official report in which the Federal Emergency Management Agency has provided flood profiles, as well as the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

(84) "Flood Plain" means the land, including the floodway fringe and the floodway, subject to inundation by the regional flood.

(85) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one-half foot.

(86) "Floor Area, Finished" means the sum of the gross horizontal area of all interior floors of a residential building that are finished and heated, excluding basements, breezeways, carports, garages, storage areas with only outside access, porches, and other unheated and/or unfinished areas attached to the dwelling.

(87) "Floor Area, Gross" means the sum of the gross horizontal areas of the several floors of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

(88) "Floor Area, Ground" means the sum of the gross horizontal area of the ground floor of a residential building, excluding basements, breezeways, carports, garages, storage areas with only outside access, porches, and other unheated and/or unfinished areas attached to the dwelling.

(89) "Floor Area, Net" means the total of all floor areas of a building, excluding stairwells and elevator shafts, equipment rooms, interior vehicular parking or loading; and all floors below the first or ground floor, except when used or intended to be used for human habitation or service to the public.

(90) "Floor area, non-residential" (used in calculating parking requirements) means the floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and similar areas.

(91) "Franchise" means the nonexclusive right pursuant to the Constitution and laws of Ohio and/or the United States, granted by the Municipality pursuant to its current franchise agreement to operate or provide cable television or services to consumer within the Municipality.

(92) "Garage" means a deck, building or structure, or part thereof, used or intended to be used for the parking and storage of vehicles.

(93) "Garage Sale" means the sale or offering for sale to the general public of over five items of personal property on any portion of a lot in a residential zoning district, whether

within or outside any building.

(94) "Gas Station" – See Automobile Service Station

(95) "Glare" means the effect produced by brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

(96) "Gross Developable Acres" means the land area within a subdivision including areas dedicated to the public, including parks, open space, public right-of-ways, and utility easements.

(97) "Group Home" means a residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for nine to sixteen mentally retarded or developmentally disabled persons.

(98) "Home Occupation" means any activity carried out for gain by a resident conducted as an accessory use in the resident's dwelling unit.

(99) "Hot tub" means an artificial container of water with a liquid capacity greater than 100 gallons and designed with a mechanical air injection system and/or recirculating devise. These devises may filter and/or disinfect the water for reuse and are not intended to be drained between uses.

(100) "Hotel or motel" means a building or group of buildings in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a rooming or boarding house as herein defined.

(101) "In-Lieu Fees" means fees paid by a private individual or party to Obetz to compensate for the mandatory land dedication provisions of the Zoning Code when said land dedication is waived by Council.

(102) "Industrial Park" means a large tract of land that has been planned, developed, and operated as an integrated facility for a number of individual uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

(103) "Industrialized Unit" see Factory Built Housing.

(104) "Inoperable Vehicle" means a vehicle that is not mechanically operable and/or that lacks all four tires.

(105) "Institutional Use" means a nonprofit or quasi-public use or institution such as a church or similar house of worship, library, public or private school, hospital, or publicly-owned or operated building, structure or land used for public purpose.

(106) "Junkyard" means any area, lot, land, parcel, building, or structure or part thereof used for the storage, collection, processing, purchase, sale, or abandonment of wastepaper, rags, scrap metal, or other scrap or discarded goods, materials, machinery, or two (2) or more unregistered, inoperable motor vehicles or other type of junk.

(107) "Kennel, Commercial" means any building or buildings and/or land used, designed or arranged to facilitate the raising, breeding, boarding and grooming of such domesticated animals as dogs and cats for profits. Farm animals such as pigs and fowl or exotic animals, such as snakes, are expressly prohibited.

(108) "Kennel, Private" means any building or buildings and/or land used, designed or arranged for the care of three (3) or more dogs and/or cats belonging to the owner of the

principal use, kept for purposes of show, hunting, or as pets.

(109) "Land clearing" means operations which remove trees and vegetation in connection with the installation of storm or sanitary sewers, public or private utilities, street, and any other clearing or grading of the property at any time prior to construction of a building.

(110) "Landscaping" means any portion of a parcel of land that includes trees, shrubs, bushes, planting bed, hedges, earth mounds or other natural or decorative material or feature.

(111) "Loading space, off-street" means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

(112) "Lot" means a designated parcel, tract or area of land established by plat, subdivision or as otherwise permitted by law, to be used, developed or built upon as a unit.

(113) "Lot, corner" means a lot or parcel of land abutting upon two or more streets at their intersection, or upon two parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

(114) "Lot coverage" means the portion of the lot that is covered by buildings and structures.

(115) "Lot, double frontage" means a lot which fronts upon two parallel streets, or which fronts upon two (2) streets which do not intersect at the boundaries of the lot.

(116) "Lot, buildable" means a lot having the required street frontage as required by the zoning district on an improved public right-of-way and the required square footage for the appropriate district in which it is located.

(117) "Major Thoroughfare Plan" means the comprehensive plan adopted by the Planning and Zoning Commission and/or Regional Planning and Zoning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the corporate limits and/or unincorporated areas within three miles thereof.

(118) "Maintenance and storage facilities" means land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

(119) "Mandatory Land Dedication" means the mandatory dedication of private land to Obetz for the purpose of providing space for park, recreation, open space and other public uses.

(120) "Manufactured Home". See Factory Built Housing.

(121) "Manufacturing" means the mechanical or chemical transformation of materials or substances into new products, including the assembling of component parts, the manufacturing of products, and the blending of materials, such as lubricating oils, plastics, resins, or liquors.

(122) "Manufacturing, heavy" means the 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.

(123) "Manufacturing, light" means the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing.

(124) "Mayor" means the Mayor of Obetz.

(125) "Mini-Warehouse" means a structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

(126) "Mobile Home". See Factory Built Housing.

(127) "Mobile Home (Trailer) Park" means any site or tract of land under single or multiple ownership, upon which three (3) or more mobile or manufactured homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, over which the Public Health Council has exclusive rule making power.

(128) "Modular Home". See Factory Built Housing.

(129) "Municipal Engineer" means the Engineer of the Village of Obetz duly registered in the State of Ohio.

(130) "Net Developable Acres" means the land area within a subdivision excluding the minimum open space requirements, all areas designated for public and private streets and alleys, open bodies of water including streams, creeks and ditches, retention and detention areas and all other dedicated right-of-way.

(131) "No-Build Zone" means an area or portion of a lot that is designated by deed not to contain any buildings, structures or other built improvement on a permanent basis.

(132) "Nonconformance" means a situation wherein the lawful conditions existing prior to the adoption, revision or amendment of the Zoning Code fail by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

(133) "Nonconforming lot" means a lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Code, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the zoning district.

(134) "Nonconforming structure or building" means a structure or building the size, dimensions or location of which was lawful prior to the adoption, revision or amendment to the Zoning Code, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

(135) "Nonconforming use" means a use or activity which was lawful prior to the adoption, revision or amendment of the Zoning Code, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the zoning district.

(136) "Nursing Home" means an extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

(137) "Off-Street Parking Space" means a temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located on a dedicated street right-of-way.

(138) "On-Street Parking Space" means a temporary storage area for a motor vehicle which is located on a dedicate street right-of-way.

(139) "One-and-a-Half-Story" means a residential dwelling having a ground floor and a second floor equal to less than one hundred (100) percent of the finished floor area of the first floor, under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls (also known as "knee wall") are not more than five (5) feet above the floor of such story.

(140) "Opacity" means a degree of obscuration of light.

(141) "Open Space" means any parcel or area of land or water essentially unimproved and set aside, dedicated, designated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

(142) "Open space, common" means land within or related to a development, not individually owned or dedicated for public use, which is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.

(143) "Operations" means locating, moving, depositing, or grading of any material or any construction, use of activity, or combination of such activities, which modifies the conditions of property subject to this Zoning Code.

(144) "OUPS" means the Ohio Utilities Protection Service.

(145) "Outdoor Display" means the temporary outdoor display of material and merchandise for the purposes of retail sales.

(146) "Outdoor Storage" means the keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place.

(147) "Overlay District" means a type of zoning district that applies more restrictive standards to an underlying zoning district.

(148) "Parish House" means a residential structure, such as a parsonage, that is subordinate to a church or other place of worship.

(149) "Park" means a tract of land designated and designed for the use by members of the public for active and passive recreation.

(150) "Performance Bond" or "Surety Bond" means an agreement by a subdivider or developer with the Municipality for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

(151) "Permittee" means any person issues a permit pursuant to this Zoning Code.

(152) "Person" means any person, corporation, partnership, company, contracting firm or other entity, including those employed by the municipality or under a contract with the municipality.

(153) "Personal Services" means establishments primarily engaging in providing services involving the care of a person or his or her apparel.

(154) "Planning and Zoning Commission" means the body of five members created by the Municipality in compliance with the Ohio Revised Code to administer planning and land use regulations and provide recommendations on a wide array of land use and land use policy issues.

(155) "Plat" means a map representing a tract of land, showing the boundaries and location of individual properties and streets. A portable structure map of a subdivision or site plan.

(156) "Principal Use" means the primary or predominant use of any lot.

(157) "Public Use" means a land use that is owned and/or operated by the public and is accessible to the public.

(158) "Public way" means an alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway, right-of-way, road, sidewalk, street, subway, tunnel, viaduct, walk, or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

(159) "Reconstruction" means the rebuilding or substantial remodeling of an existing structure.

(160) "Recreational and Camping Equipment" means boats, boat trailers, snowmobiles, snowmobile trailers, utility trailers, recreational and camping vehicles, horse trailers, and other similar equipment.

(161) "Recreational and Camping Vehicles" means vehicular-type structures primarily designed as temporary living quarters for recreation, camping or travel use which either has its own motive power or is mounted on or drawn by another vehicle which is self-powered.

(162) "Recreation, camp" means 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 of equipment that is used or intended to be used in connection with providing such accommodations.

(163) "Recreation facilities" means public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

(164) "Regulation" means any rule adopted by and pursuant to the authority of this Zoning Code.

(165) "Residential development" means any one-family or multiple-family residential development, including one-family residential subdivisions, one-family cluster housing, residential condominiums, residential site condominiums and multiple-family developments.

(166) "Residential District" means a zoning district in which residential uses are included as permitted uses.

(167) "Restrictive Covenant" means a restriction on the use of land usually set forth in the deed.

(168) "Retail Services" means establishments providing services or entertainment as opposed to products.

(169) "Retention basin" means a wet or dry stormwater holding area, either natural or manmade, which does not have an outlet to adjoining watercourses or wetlands other than an emergency spillway.

(170) "Right-of-way" means the surface of and the space above and below any public street, public road, public highway, public freeway, public lane, public path, public way, public alley, public court, public sidewalk, public boulevard, public parkway, public drive or any public easement now or hereafter held by the Municipality.

(171) "School" means any building or portion thereof which is designed, constructed or used for educational or instruction in any branch of knowledge.

(172) "Seat" means the number of seating units installed or indicated, or each twenty-four lineal inches of benches, pews, or space for loose chairs.

(173) "Setback" means the minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

(a) "Setback, Front" means the minimum allowable distance from the street right-of-way line to the closest pint of the foundation of a building or projection thereof, parking lot, or detention pond.

(b) "Setback, Rear" means the shortest distance between the building line and the rear lot line.

(c) "Setback, Side" means the shortest distance between the building line and the side lot line.

(174) "Setback line" means the distance measured perpendicularly from either the front, side, or rear property line of the building.

(175) "Sewage disposal, on-site" means a septic tank or similar installation on an individual lot which utilizes an aerobic 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.

(176) "Shed" means a freestanding accessory structure or building primarily used for storage purposes. The height and floor area of a shed may vary based on the principal structure.

(177) "Sidewalk" means that portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

(178) "Split Level" means a residential dwelling containing finished floor area on two (2) or more levels with not less than three (3) feet nor more than six (6) feet vertical distance

between the plane of one floor level and the place of the next higher level.

(179) "Spot Zoning" means the rezoning of a lot or parcel of land to benefit an owner for a use incompatible with surrounding uses and not for the purpose or effect of furthering the comprehensive zoning plan.

(180) "Story" means that portion of a building, including between the surface of any floor and the surface of the floor next above it, or, if there is no floor above it, then the space between the floor and the ceiling next above it.

(181) "Street" means any vehicular way which: (1) Is an existing state, county, municipal or village roadway; or (2) is shown upon a plat approved pursuant to law; or (3) is approved by other official action; or (4) is shown on a plat duly filed and recorded in the office of the Franklin County Recorder prior to the appointment of the Planning and Zoning Commission and the grant to such board of the power to review plats; and includes the land between the street lines, whether improved or unimproved.

(182) "Street, collector" means a street which collects traffic from local streets and connects with minor and major arterial.

(183) "Street, local" means a street designed to provide vehicular access to abutting property and to discourage through traffic.

(184) "Street, major arterial" means a street with access control, channelized intersections, restricted parking, and which collects and distributes traffic to and from minor arterial.

(185) "Street, minor arterial" means a street with access controls, signals at important intersections and stop signs on the side streets, and which collects and distributes traffic to and from collector streets.

(186) "Structure" means anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground.

(187) "Supermarket" means food markets, or combination food markets and department stores with more than 5,000 square feet of floor area.

(188) "Surveyor" means a surveyor registered by the State of Ohio.

(189) "Swimming Pool" means any portable pool or permanent structure containing a body of water 18 inches or more in depth and 250 square feet or more of water surface and intended for recreational purposes, including a wading pool, but not including an ornamental reflecting pool or fish pond or other type of pool, located and designed so as not to create a hazard or be used for swimming or wading.

(a) "Community Swimming Pool" means a swimming pool operated with a charge for admission.

(b) "Portable Swimming Pool" means a pool that does not require water filtration, circulation and purification; does not exceed 18 inches in depth; does not exceed a water surface of 100 square feet; and does not require braces or supports.

(c) "Private Swimming Pool" means a swimming pool exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community; the members and guests of a club; or the patrons of a motel or hotel.

(190) "Trailer" means a structure standing on wheels, towed or hauled by another vehicle and used for short-term human occupancy, carrying materials, goods or objects, or as a temporary office.

(191) "Travel Trailer" means a recreation vehicle that is towed by a car or truck.

(192) "Tree" means any self-supported, woody plant of a species which normally grows to an overall height of thirteen (13') feet or more, including coniferous and deciduous trees.

(193) "Tree, Large" means any tree species which normally attains a full grown height equal to or greater than forty-five (45) feet.

(194) "Tree, Medium" means any tree species which normally attains a full grown height of between twenty-five (25) and forty-five (45) feet.

(195) "Tree, Small" means any tree species which normally attains a full grown height of under twenty-five (25) feet.

(196) "Tree Lawn" means that part of a street right-of-way not covered by sidewalk or other paving, lying between the property line and that portion of the street right-of-way that is paved and usually used for vehicular traffic.

(197) "Two-Story" means a residential dwelling having a ground floor and a second floor having a finished square footage equal to or exceeding one hundred (100) percent of the required minimum ground floor finished square footage.

(198) "Undeveloped" means a parcel of land which is substantially unimproved with buildings or structures on the effective date of this Zoning Code.

(199) "Use" means the purpose or activity for which land or buildings are designed, arranged or intended, or for which land or buildings are occupied or maintained.

(200) "Variance" means a departure from any provision of the zoning requirements for a specific parcel, except use, without changing the zoning ordinance or the underlying zoning of the parcel.

(201) "Vehicular Use Area" means any area used by vehicles.

(202) "Video Rental Store" means an establishment primarily engaged in the retail rental or lease of video tapes, films, DVDs, laser discs, electronic games, cassettes, or other electronic media. Sales of film, videotapes, laser discs, DVDs, and electronic merchandise associated with VCRs, DVD players, video cameras, and electronic games are permitted accessory uses.

(203) "Village Administrator" means the chief executive officer of the Village of Obetz.

(204) "Yard" means a required open space that lies between the principal or accessory building or buildings and the nearest lot line. Such yard is unoccupied and unobstructed from the ground upward except as may be specifically provided in the Zoning Code.

(205) "Yard, front" means a yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

(206) "Yard, rear" means a yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building. For corner lots the rear yard

shall constitute that area of the lot that is adjacent to the rear portion of the principle structure.

(207) "Yard, side" means a yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Section 2. Sections 1135.06, 1138.03, 1139.03, 1141.03, 1142.03, and 1143.03 of the Codified Ordinances are hereby deleted.

Section 3. Section 1143.05 of the Codified Ordinances is hereby amended to read as follows:

1143.05 DEVELOPMENT STANDARDS.

In addition to the provisions of Chapter 1165, the following standards for the arrangement and development of land and buildings are required in the Multi-Family Residential District (M-12):

(a) Minimum Lot Area. 15,000 square feet for five or fewer dwelling units plus 2,000 square feet per each additional dwelling unit over five.

(b) Minimum Lot Width. Seventy (70) feet.

(c) Minimum Front Yard. Twenty-five (25) feet as measured from the right-of-way.

(d) Minimum Side Yard. Twelve feet with a minimum of five (5) feet on each side as measured from the side property line. If a multi-family development abuts a single family residential district, the required side yard is twenty feet with a minimum of eight (8) feet on each side.

(e) Minimum Rear Yard. Twenty-five feet as measured from the rear property line.

(f) Maximum Lot Coverage. No lot shall be covered more than forty-five percent (45%) by the structure.

(g) Minimum Dwelling Structure Size. No dwelling unit shall have a minimum total floor area of less than 750 square feet in a one-bedroom unit. Additional floor area of 225 square feet per bedroom is required.

(h) Maximum Height of Principal Structure. Thirty-five feet unless prior approval is received from the Fire Chief and Zoning Inspector.

(i) Supplemental Standards. The following supplemental standards shall apply within the Multi-Family Residential District (M-12):

(1) Multiple Structures. Two (2) or more multiple-unit structures located on the same lot shall locate no closer than twenty (20) feet to each structure.

Section 4. Section 1165.08 of the Codified Ordinances is hereby amended to read as follows:

1165.08 PORTABLE STRUCTURES.

(a) Portable Residential Structures. No mobile home, trailer or similar portable residential structures in use shall be permitted in any district in the Municipality except for camping and traveling trailers specified in Section 1165.11.

(b) Portable Non-Residential Structures. Portable non-residential structures shall not be permitted in the Municipality, except for those structures that are permitted under Chapter 1171.

Section 5. Section 1173.02 of the Codified Ordinances is hereby amended to read as follows:

1173.02 DEFINITIONS.

(1) "Fence" means an artificially constructed barrier of wood, masonry, stone, wire, metal, vinyl, or other manufactured material or combination of materials erected to enclose, screen, or separate areas. For purposes of this Zoning Code, a fence shall not be considered an accessory structure.

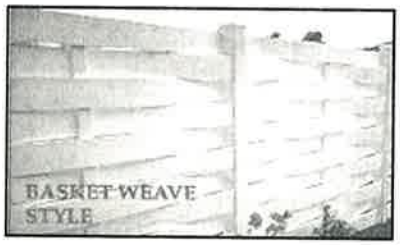
(2) "Fence, barbed wire" means one or more strands of wire or other material having intermittent sharp points of wire or metal that may puncture, cut, tear, or snag persons, clothing, or animals. The term "barbed wire" as used herein excludes razor ribbon.

(3) "Fence, chain link" means an open mesh fence made entirely of wire woven in squares of approximately 1.5 inches in diameter with vertical supports spaced not less than six feet, and not more than eight feet, apart.

(4) "Fence, decorative" means a designed open or solid fence or wall that meets all of the following: (a) It contributes to the identification and beauty of the principal use; (b) It is not erected to satisfy any other provision of this code; (c) It does not act as a retaining structure; (d) It is not a privacy or stockade fence.

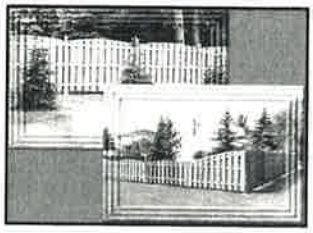
(5) "Fence, privacy" means a fence no more than six feet in height intended to inhibit public view and provide seclusion, and when viewed at right angles has less than sixty-six percent (66%) of its area open to light and air. Examples of privacy fences include but are not limited to:

A. Basketweave or woven fences. Made of interwoven strips of slats of flexible material in which the pattern has the appearance of a "basketweave".



B. Louver or ventilating fences. Made of a series of slats placed at an angle or positioned so as to provide air but to deflect light perpendicular to its plane.

C. Board on board fence, also known as a stockade fence. A fence made of vertical wood planks supported by horizontal framing with the vertical planks usually mounted on alternating sides of the framing. The planks may or may not be placed with a space between.



D. Masonry walls.

(6) "Fence, temporary" means fences erected for a specific function and limited time duration. For the purposes of these regulations, temporary fences are limited to "snow fences" in place no longer than from November 1 - April 15, and "construction fences" which enclose a construction site for the duration of the construction period.

(7) "Fence height" means the height above the horizontal property grade that represents not less than sixty percent (60%) of the property plane.

Section 6. Chapter 1171 is hereby created and shall read as follows:

CHAPTER 1171
ACCESSORY AND TEMPORARY USES AND STRUCTURES

1171.01 Purpose.
1171.02 Definition.
1171.03 General development standards for accessory structures.
1171.04 Development standards for accessory structures associated with single family residential uses.
1171.05 Development standards for accessory structures associated with multi-family residential uses.
1171.06 Development standards for accessory structures associated with commercial, office, industrial, and institutional uses.
1171.07 Temporary accessory structures and uses.
1171.08 Temporary use permits.
1171.99 Penalty.

CROSS REFERENCES

Chapter 1133 - Definitions
Fences – Chapter 1173

1171.01 PURPOSE.

It is the purpose of this Chapter to regulate accessory uses and structures in order to promote the public health, safety, and welfare by permitting such structures and uses to be established in a manner that makes them compatible with the principal use of the property at issue and harmonious with all uses upon adjacent properties.

1171.02 DEFINITION.

"Accessory Structure or Use" means a structure or use that: (1) is subordinate in area, extent, and purpose to the principal use; (2) contributes to the comfort, convenience, or necessity of the principal use; and (3) is located on the same lot and in the same zoning district as the principal use. Examples of accessory structures include, but are not limited to, detached garages, carports, sheds, greenhouses, decks, patios, gazebos, swimming pools (above or below ground), hot tubs, pergolas, and permanent athletic/recreational facilities (tennis courts, basketball courts, etc). For purposes of these regulations, a fence shall not be considered an accessory structure but shall still require a Certificate of Zoning Compliance. An example of an accessory use, as distinguished from an accessory structure, is a home occupation. Refer to Chapters 1133 and 1173 for more definitions of specific accessory structures or uses.

1171.03 GENERAL DEVELOPMENT STANDARDS FOR ACCESSORY STRUCTURES AND USES.

The following general development standards apply to all accessory structures regardless of the use of the principal structure:

(a) Area. The square footage of an accessory structure shall not exceed the square footage of the principal structure regardless of lot size, and may be required to follow more restrictive standards based on the Principle Use of the property as set forth in this Chapter.

(b) Location. Accessory Structures and Uses shall not be placed or operated within easements or Village owned Right of Way.

(c) Number. No more than one Accessory Structure of any single type shall be permitted in the following zoning districts: Low Density Residential; Medium Density Residential; Old Town Residential; and single family areas in a Planned District. Accessory Structures in all other zoning districts require a Conditional Use Permit from the Planning and Zoning Commission. The Planning and Zoning Commission shall determine the maximum number of Accessory Structures permitted at the time of issuance of a Conditional Use Permit.

No more than one Accessory Use is permitted in the following zoning districts: Low Density Residential; Medium Density Residential; Old Town Residential; and single family areas in a Planned District. The Planning and Zoning Commission shall determine the maximum number of Accessory Structures and Uses permitted in all other zoning districts at the time a Conditional Use Permit is issued.

(d) Height. Accessory Structures shall not exceed fourteen (14) feet in height with the exception of detached garages which may be up to eighteen (18) feet in height or the highest peak of the principal structure, whichever is most restrictive.

(e) Living quarters. Accessory buildings may not be used for living quarters.

(f) Lot coverage. Any accessory structure (1) covered by a roof or, (2) consisting of an impervious or paved surface – including decking – shall be counted toward the maximum lot coverage permitted in the applicable zoning district.

(g) Accessory buildings without main building. In any district, no permanent Accessory Structure shall be constructed before construction of the principal building.

1171.04 DEVELOPMENT STANDARDS FOR ACCESSORY STRUCTURES ASSOCIATED WITH SINGLE FAMILY RESIDENTIAL USES.

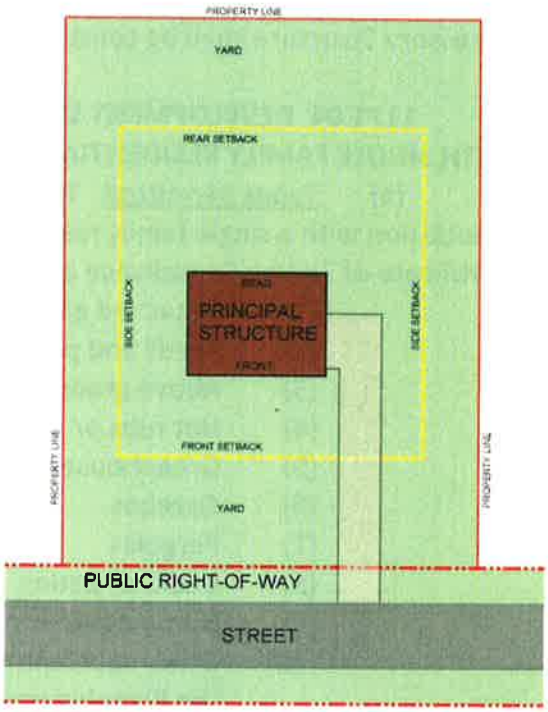
(a) Types permitted. The following Accessory Structures and Uses are permitted in association with a single family residential use; and, provided the applicant has obtained a Certificate of Zoning Compliance as required under Chapter 1183.02:

(1) Detached garages or carports
(2) Sheds and pole barns
(3) Above ground or in-ground swimming pools
(4) Hot tubs or spas
(5) Greenhouses
(6) Gazebos
(7) Pergolas
(8) Decks or patios
(9) Home occupations – See Section 1171.08
(10) Other substantially similar structures not listed above as determined by the Planning and Zoning Commission

(b) Area. The maximum area of Accessory Structures is limited as follows:

(1) Lots less than 21,780 square feet. Thirty-five percent (35%) of the square footage of the principal structure as set forth on the Franklin County Auditor's website, subject to Village confirmation, or 480 square feet, whichever is less restrictive.
(2) Lots between 21,781 square feet and 32,670 square feet. Thirty-five percent (35%) of the square footage of the principal structure as set forth on the Franklin County Auditor's website, subject to Village confirmation, or 640 square feet, whichever is less restrictive.
(3) Lots between 32,671 square feet to 43,560 square feet. Thirty-five percent (35%) of the square footage of the principal structure as set forth on the Franklin County Auditor's website, subject to Village confirmation, or 920 square feet, whichever is less restrictive.
(4) Lots more than 43,560 square feet (one acre). Thirty-five percent (35%) of the square footage of the principal structure as set forth on the Franklin County Auditor's website, subject to Village confirmation, or 1080 square feet, whichever is less restrictive.

(5) Maximum lot coverage. No more than sixty (60) percent of the lot may be covered with the principal structure and accessory structure(s).



(c) Location.

(1) All Accessory Uses and Structures must be located behind the rear of the Principal Structure unless otherwise set forth in the Codified Ordinances.

(2) Detached garages, swimming pools, pole barns, greenhouses, sheds, gazebos, and other similar accessory structures as determined by the Zoning Inspector shall not be closer than ten (10) feet to the principal structure and shall follow other location requirements as set forth in this Chapter.

(3) All Accessory Structures must be located at least ten (10) feet from the rear property line and five (5) feet from the side property line(s) with the exception of swimming pools. Swimming pools shall be no closer than ten (10) feet to any property line.

(4) All fences except Front Yard Fences as regulated in Chapter 1173 shall be set back ten (10) feet from the front of the principal structure.

1171.05 DEVELOPMENT STANDARDS FOR ACCESSORY STRUCTURES ASSOCIATED WITH MULTI-FAMILY RESIDENTIAL USES.

(a) Conditional Use Permit Required. All Accessory Structures and Uses associated with multi-family residential uses require submittal and approval of a Conditional Use Permit from the Planning and Zoning Commission consistent with the requirements of Chapter 1181 with the exception of patios installed at individual units at the time of construction.

(b) Types permitted. The following Accessory Structures are permitted in association with a multi-family residential use subject to issuance of a Conditional Use Permit as required under Section 1171.05(a):

(1) Detached garages
(2) In-ground swimming pools
(3) Hot tubs or spas
(4) Gazebos
(5) Pergolas

(6) Club houses
(7) Athletic or recreational facilities such as basketball or tennis courts
(8) Picnic shelters
(9) Guard shacks
(10) Other substantially similar structures not listed upon approval of the Planning and Zoning Commission

(c) Area. The maximum area of Accessory Structures shall be determined by the Planning and Zoning Commission at the time of issuance of the Conditional Use Permit. The maximum size permitted will be based on the size of the lot. In no instance may more than 50 percent of the lot be covered with the principal structure(s) and accessory structures.

(c) Location. All Accessory Structures and Uses unless otherwise set forth in this Chapter cannot be located in the front, side, or rear yard setbacks and cannot be located in front of the principal structure with the exception of guard shacks.

1171.06 DEVELOPMENT STANDARDS FOR ACCESSORY STRUCTURES AND USES ASSOCIATED WITH COMMERCIAL, OFFICE, INSTITUTIONAL, AND INDUSTRIAL USES.

(a) Conditional Use Permit Required. All Accessory Structures and Uses associated with commercial, office, industrial, or institutional uses require submittal and approval of a Conditional Use Permit from the Planning and Zoning Commission consistent with the requirements of Chapter 1181.

(b) Types Permitted. The following Accessory Structures are permitted in commercial, office, industrial, and institutional districts subject to issuance of a Conditional Use Permit as required under Section 1171.06(a) unless otherwise noted below:

(1) Guard shacks
(2) Pump houses
(3) Picnic shelters
(4) Athletic or recreational facilities
(5) Wireless telecommunication facilities consistent with the requirements of Chapter 1191 and permitted in industrial districts only
(6) Automated teller machines not attached to the principal structure
(7) Other substantially similar structures not listed upon approval of the Planning and Zoning Commission

(c) Retail Sales and Services as Accessory Uses. Retail sales and services are permitted as Accessory Uses to office, institutional, and industrial uses when clearly incidental to the principal use provided the following:

(1) The area used for retail sales and services shall not comprise more than 25 percent of the floor area of the principal use; and,
(2) The use shall be conducted wholly within the principal building without exterior display.

1171.07 TEMPORARY ACCESSORY STRUCTURES AND USES.

(a) Model homes or sales offices. Model homes or sales offices are permitted within all residential subdivisions and condominium developments provided the model home or sales office obtains a Temporary Use Permit and meets the requirements below:

(1) No exterior lighting other than usual and customary residential lighting shall be permitted at the model home after 9:00 PM.

(2) Model homes and sales offices shall be permitted during active construction projects where two or more new homes are constructed per year. Once construction is completed, the model home and sales office shall be converted to a home that can be offered for sale to the general public.

(3) Signage for model homes and sales offices shall meet the requirements of Chapter 1175.

(b) Temporary offices and equipment sheds for contractors. Temporary offices including mobile offices for contractors and equipment sheds incidental to construction projects may be permitted within any district provided a building permit for the construction has been issued by the Building Department and a Temporary Use Permit has been issued by the Zoning Inspector. No more than one temporary office and one equipment shed may be permitted without permission of the Zoning Inspector. The Zoning Inspector may issue a permit for multiple offices and sheds based on the scope of the construction project. Temporary offices and equipment sheds shall be removed within seven (7) days of completion of the construction project or within 24 hours if construction stops for more than thirty (30) days. If the Temporary Use Permit expires prior to the completion of construction, the Permit must be renewed or the office(s) and/or equipment shed(s) removed within 24 hours of expiration of the permit.

(c) Seasonal merchandise sales. Seasonal merchandise sales shall be permitted in the General Commercial, Limited Industrial, and Restricted Industrial zoning districts. Such sales shall be conducted in compliance with the following standards:

(1) Conditional Use Permit Required. A Conditional Use Permit must be obtained from the Planning and Zoning Commission in accordance with Chapter 1181.

(2) Duration. The maximum duration of seasonal merchandise sales shall be up to 35 days, the exact duration to be determined by the Planning and Zoning Commission as a part of the Conditional Use Permit.

(3) Hours of operation. Seasonal merchandise sales shall be allowed on a daily basis and may operate only between the hours of 10:00 AM and 8:00 PM.

(4) Parking. Parking at a ratio of one space for each 2,000 square feet of lot area used for seasonal merchandise sales shall be provided at the property where the seasonal merchandise sales occur.

(5) Temporary structures. Temporary structures shall be permitted subject to the review and approval of the Planning and Zoning Commission.

(6) Site cleanup. During the course of the seasonal sale, the site shall be maintained free of trash and other debris. After the seasonal merchandise sales event is completed or after expiration of the duration specified in the Conditional Use Permit, whichever first occurs, all associated structures and trash shall be removed from the site within 24 hours.

(d) Portable vending food carts. Freestanding, portable vending food carts shall be permitted in the Restricted Industrial, Limited Industrial, and Planned Industrial District (PID) zoning districts. Such operations shall be in compliance with the following standards:

(1) Conditional Use Permit required. A Conditional Use Permit must be obtained from the Planning and Zoning Commission in accordance with Chapter 1181. The application for a Conditional Use Permit shall include all elements required as a part of Chapter 1181.05(a) as well as the following:

A. A physical description of the cart including a color photograph or rendering;
B. A detailed description of the goods from the cart;
C. A list of the days and hours of operation; and,
D. A site plan showing where the cart and refuse containers will be placed on the property and how the refuse containers will be screened.

(2) Mobile Food Vending Permit required. A Mobile Food Vending Permit must be obtained from the Zoning Inspector following issuance of a Conditional Use Permit from the Planning and Zoning Commission.

(3) Number. No more than one cart may be located on a property at a time.

(4) Removal of cart. All carts shall be removed from the site within one hour of the end of the operating hours established in Chapter 1171.07(d)(7) herein or whenever the cart is closed for the day, whichever comes first.

(5) Location.

A. Carts shall be located on private property and shall not block pedestrian walkways, drive aisles, fire routes, or entrances or exists.
B. Carts shall not be located on a vacant lot. They must be on a lot with an occupied building.
C. Carts shall not be located in a manner that obstructs the lines of site at intersections and driveway entrances or exists.
D. Carts shall be a minimum of twenty (20) feet from the edge of the public right of way. When no right of way exists, carts shall be a minimum of forty (40) feet from the edge of the pavement.
E. Carts shall be a minimum of twenty (20) feet from any lot line unless the lot is adjacent to a residential use in which case carts must be a minimum of fifty feet (50) feet from any lot line.

F. Carts must be located on a paved surface but may not be located on a required parking space. If more parking is provided at the site than is required by Chapter 1169, the cart may be located in one of these additional spaces provided there is adequate area for pedestrians to safely access the cart and wait for service.

(6) Seating. Seating or tables for customers shall not be provided.

(7) Hours of operation. Carts may operate from 7:00 AM to 10:00 PM, unless otherwise granted by the Planning and Zoning Commission, in the Restricted Industrial, Limited Industrial, and Planned Industrial District (PID) zoning districts.

(8) Signage. All signage must meet the requirements of Chapter 1175.

(9) Outdoor storage. Outdoor storage of materials for the cart will not be permitted. Temporary structures may be permitted subject to the review and approval of the Planning and Zoning Commission.

(10) Site maintenance and refuse containers. The cart operator shall maintain the area in a clean and attractive manner, ensuring that all refuse is collected and disposed of in proper containers. Refuse containers shall be provided near the cart and shall be screened from view of the public rights of way.

(e) Portable on-demand temporary storage units. Portable on-demand temporary storage units are permitted in all zoning districts provided a Temporary Use Permit has been issued and the following restrictions are met.

(1) Definitions. The following definitions shall apply to this Section herein:

A. "Applicant" shall mean the person that owns, rents, occupies, or controls the property and obtains the required permit for a portable temporary storage unit.

B. "Portable temporary storage unit" shall mean temporary, transportable storage units designed and used primarily for temporary storage of building materials, goods, personal items and other materials for use on a limited basis on the property. Accessory structures such as sheds are not considered portable temporary storage units. Job trailers or tool sheds sited in conjunction with a building project shall not be regulated by this Section.

C. "Supplier" shall mean the company or vendor which supplies the portable temporary storage unit to the property.

(2) Duration. Permits shall be granted for a period of seven (7) consecutive days including the days of delivery and removal. No more than two (2) permits shall be issued within any twelve (12) month period, and a minimum of thirty (30) days shall elapse between the end of one (1) permit period and the beginning of another. If the property owner has an active building permit, a permit may be issued for up to forty-five (45) days. In the event of fire, tornado, or natural disaster causing substantial

damage to the structure, the property owner may apply to the Zoning Inspector for permission to extend the time that a portable temporary storage unit may be located on the property. Application for such extended duration shall be made in writing and filed with the Zoning Inspector, and shall give sufficient information to determine whether such extended duration should be granted. In the event of an adverse decision by the Zoning Inspector, the applicant may appeal such decision to the Planning and Zoning Commission.

(3) Location. Portable temporary storage units shall not be placed on a public street, road, alley, or right-of-way. The unit shall be placed only on a hard-surfaced driveway or parking area and shall not be placed in a way that interferes with the property ingress or egress, the sight triangle, or creates a traffic hazard for neighboring property owners. In non-residential districts, the unit shall not be placed in the front yard setback.

(4) Size and number of units. Such unit shall not exceed eight feet six inches (8'6") in height, ten feet (10') in width, or twenty feet (20') in length. No more than one (1) portable temporary storage unit may be located on a property at one time. In the case of a two-family, or multi-family dwelling, no more than one unit per address shall be permitted.

(5) Use and maintenance. No portable temporary storage unit shall be used as a dwelling unit, for retail sales, or to store solid waste, construction debris, demolition debris, recyclable materials, or any other illegal or hazardous material. The applicant, as well as the supplier, shall be responsible for ensuring that the unit is maintained in good condition, free from evidence of deterioration, weathering, discoloration, graffiti, rust, ripping, tearing, or other holes or breaks at all times.

(f) Construction waste receptacles. Construction waste receptacles may be located on property in conjunction with a valid building permit for a building or site improvement project, or for home improvement projects that do not require a building permit such as window replacement.

(1) No more than one (1) construction waste receptacle may be located on a single-family residential property at one time. In the case of a two-family, or multi-family dwelling, no more than one unit per address shall be permitted. More than one (1) construction waste receptacle may be located on commercial and industrial property based on the scope of the project.

(2) The receptacle must be placed on a hard surfaced drive or parking area, and may remain on site only during active construction or improvements.

(3) The receptacle(s) cannot be located on single-family or multi-family residential property for more than seven (7) consecutive days or commercial and industrial property for more than thirty (30) days without permission of the Zoning Inspector. The Zoning Inspector can grant an extension provided construction is underway.

(4) The receptacle(s) must be removed within 24 hours if construction stops for more than thirty (30) days.

(g) Portable toilets.

(1) Definition. A portable toilet is defined as an independent, portable, self-contained outhouse usually made of molded plastic.

(2) Use. Portable toilets can be placed on property in any zoning district provided there is active construction or for a large event or gathering.

(3) Number permitted. No more than one (1) portable toilet is permitted in single family zoning districts. In all other zoning districts, the regulations of the Occupational Safety and Health Administration (OSHA) shall apply.

(4) Duration. Portable toilets must be removed within 24 hours of the completion of the construction project or large event or gathering.

1171.08 HOME OCCUPATIONS

(a) Permitted Use. A home occupation shall be permitted as an accessory use within a dwelling unit provided the occupation does not occupy more than thirty (30) percent of the gross floor area or three hundred (300) square feet of the dwelling unit, whichever is larger, and provided the following criteria are met.

(b) Permitted Use Requirements. The following requirements shall apply to permitted home occupation uses:

(1) The home occupation shall only be conducted within a principal structure and shall not be conducted within an accessory use or structure.

(2) The external appearance of the principal structure shall not be altered and the home occupation within the residence shall not be conducted in a manner which would cause the premises to differ in any way.

(3) No more than one (1) non-resident employee shall be engaged in such home occupation.

(4) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or televisions receivers off the premises, or causes fluctuations in line voltage off the premises.

(5) There shall only be limited sales on the premises of goods produced on the premises.

(6) There shall be no external indication of such home occupation other than one (1) sign, controlled by the sign regulations in this Zoning Code under Chapter 1175.

(7) There shall be no outside storage of any kind related to such home occupation.

(8) Specialized tutoring or instruction shall be limited to one (1) individual in the principal structure during said tutoring or instruction.

(9) No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as to use as specified under Chapter 1169, and shall not be located in front of the building line.

(10) There should not be any excessive solid waste generated as a part of such home occupation.

(c) Conditional Use. It is recognized that there may exist certain home occupations that fail to meet the criteria of Section 1171.08(b), but which may be appropriate for a residential area provided the following additional criteria are met through the Conditional Use procedure of Chapter 1181 including the requirements therein.

(d) Conditional Use Requirements. Home occupation conditional uses shall be limited by the following criteria and/or any other conditions as determined by the Planning and Zoning Commission in order to protect the residential character of the subject area:

(1) There shall be no more than three (3) non-resident employees.

(2) The conduct of the home occupation may be approved within a structure accessory to the principal structure.

(3) Sales of commodities not produced on the premises may be permitted provided such commodities are specified and approved as a part of the application for a Conditional Use, provided the Planning and Zoning Commission determines that such sales will not become a detriment to the existing residential character of the lot or neighborhood through a resulting increase in traffic, noise, vibration, glare, fumes, odors or electrical interference or any other factor resulting in an adverse impact.

(4) Organized instruction may be permitted provided the class size does not exceed six (6) pupils during any one period of instruction, provided the Planning and Zoning Commission determines that such organized instruction will not become a detriment to the existing residential character of the lot or neighborhood through a resulting increase in traffic, on-street parking, or any other factor resulting in an adverse impact.

(5) No outside storage of any kind associated with a home occupation conditional use shall be permitted unless it is totally screened from the adjacent residential lots and the abutting street(s).

(6) The off-street parking requirements of Chapter 1169 apply and such off-street parking area shall not be located in front of the building line.

(7) Validity. For the purposes of this Zoning Code, a Home Occupation Conditional Use ceases to be valid once the premises used for the home occupation is no longer occupied by the holder of the Certificate of Zoning Compliance or upon the conduct of a home occupation in a manner not approved by the Planning and Zoning Commission.

1171.09 TEMPORARY USE PERMITS.

Application for a Temporary Use Permit shall be made to the Zoning Inspector. Such applications must contain a graphic description of the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setback, sanitary facilities, parking spaces for the proposed temporary accessory structure or use, and any other information deemed appropriate by the Zoning Inspector. Unless otherwise stated, temporary use permits expire within one (1) year of issuance.

1171.99 PENALTY.

Any person, persons, firm, or corporation violating any provision, amendment or supplement of this chapter, or failing to obey any lawful order of the Zoning Inspector issued in pursuance thereof, shall be deemed guilty of a minor misdemeanor. Each and every day during

which such violation of any provision, amendment, or supplement of this chapter occurs, or each and every day during which there is a failure to obey any lawful order of the Zoning Inspector, may be deemed a separate offense.

Section 7. Chapter 1177, Home Occupations, is hereby deleted in its entirety.

Section 8. This ordinance shall be declared an emergency necessary for the public health, safety and welfare of the citizens of the Village of Obetz, such emergency arising from the need to ensure that the Village's zoning provisions are up to date and responsive to the changing needs of the community; WHEREFORE, this ordinance shall take effect and be in force from and after its passage.

Passed this 12th day of August, 2013.

ATTESTS:

Stacey Boumis

Stacey Boumis, Clerk of Council

D. Greg Scott

D. Greg Scott, Mayor

Council Pres. Pro-Tem

APPROVED AS TO FORM

Eugene Hollins, Esq., Village Solicitor

CERTIFICATION OF PUBLICATION

Pursuant to the Village Charter, I, Stacey E. Boumis, Clerk of Council of the Village of Obetz, Ohio, do hereby certify that Ordinance 37-13 was duly posted at 3:00 PM (time) on the 27 day of August, 2013, at the Obetz Government Center, Obetz Athletic Club, and Obetz Community Center as well as on the Obetz website.

Stacey Boumis

Stacey Boumis, Clerk

8/27/2013

Date