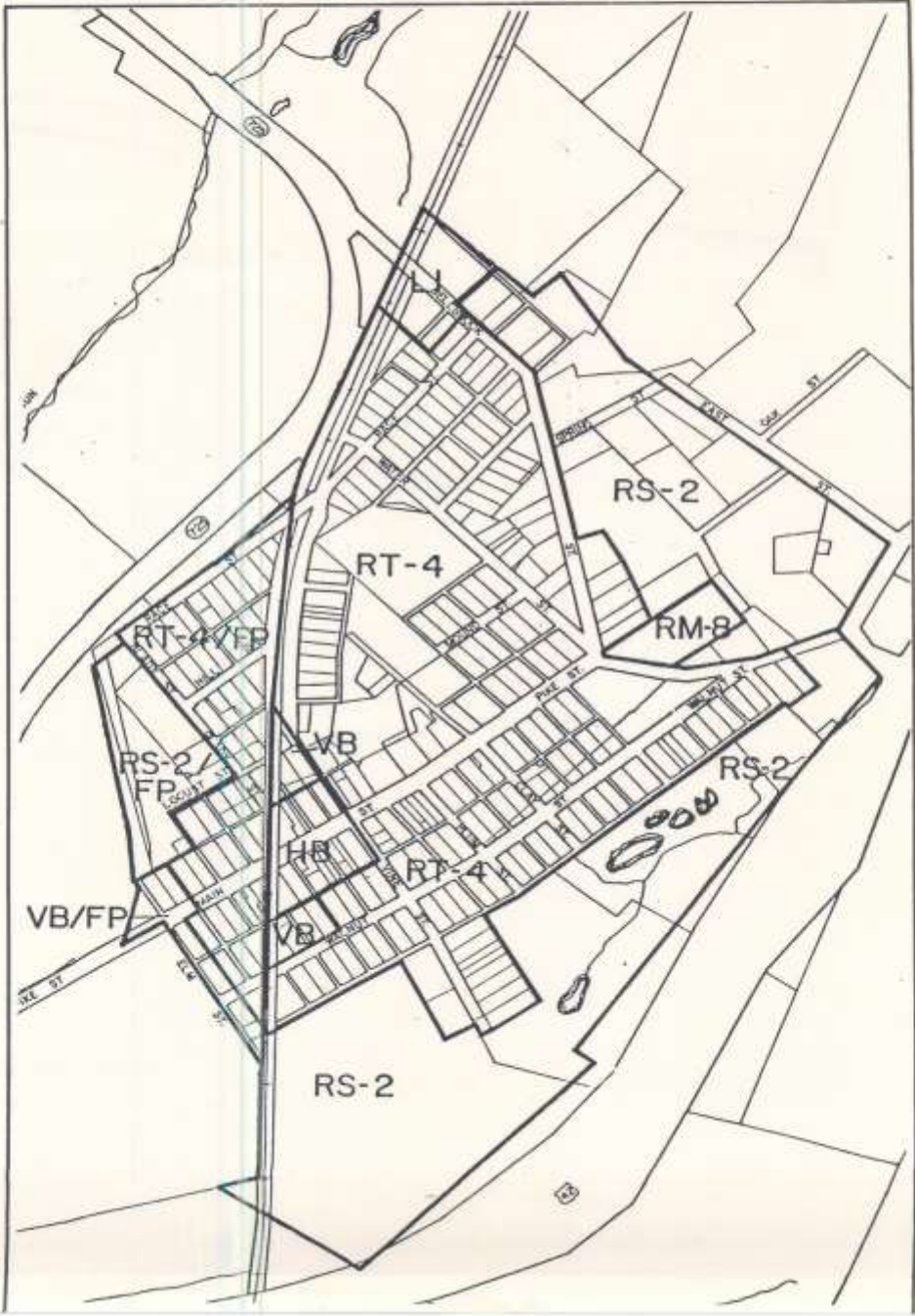


SPRING VALLEY VILLAGE

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**ZONING REGULATIONS
SPRING VALLEY VILLAGE**

December 2015

Spring Valley Village
Zoning Regulations
as Amended

Certified to be the text and map adopted and approved by the Spring Valley Village Council.

Public hearing: December 28, 2015

Recommended approval: December 28, 2015

Certified to be true and correct copy of the amended text and map of Spring Valley Village Zoning Regulations as adopted by the Spring Valley Village Council, on December 28, 2015, ordinance number 15-4.

Public hearing: December 28, 2015

Ordinance passed: December 28, 2015

Certified
Eric Snell, Mayor
Spring Valley Village Council

Attest
Janet Miller
Clerk, Spring Valley Village

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ARTICLE 1
GENERAL PROVISIONS

SECTION 101PURPOSE: This is a Zoning Regulation for Spring Valley Village Greene County, Ohio, adopted and amended pursuant to Chapter 713 of the Ohio Revised code for the following purposes, among others:

101.1 To promote the health, safety, comfort, and general welfare of the present and future inhabitants of Spring Valley Village;

101.2 To protect the agriculturally based economy and promote the orderly development of residential, business, industrial, recreational, and public areas within Spring Valley Village in accordance with Perspectives: A Future Land Use Plan for Greene County, Ohio;

101.3 To protect the quality of life within Spring valley Village through the protection of the total environment, the prevention of nuisances, and the provision of adequate light, air, and convenience of access to property;

101.4 To achieve such timing, density, and distribution of land development and use as will prevent environmental pollution and the overloading of systems for providing water supply, wastewater disposal, storm drainage, police protection, fire protection, education, and other public services within Spring Valley Village;

101.5 To achieve an accessibility, design, and density of land development and use as will secure safety from fire, floods, and other dangers within Spring Valley Village;

101.6 To achieve such density, distribution, and design of land development and use as will protect and preserve the design capacity of the streets and roads within Spring Valley Village and prevent traffic congestion or hazards;

101.7 To achieve such density, design, and distribution of housing as will protect and enhance residential property and secure adequate housing for every citizen within Spring Valley Village; and

101.8 To insure the compatibility of land uses which are either adjacent or in close proximity to each other.

SECTION 102TITLE: This Regulation, including the Official Zoning District Map made a part hereof, shall be known and may be referred or cited to as the "Spring Valley Village Zoning Regulation.

SECTION 103INTERPERTATION: In their interpretation and application, the provisions of this Regulation shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general welfare. Whenever the requirements of this Regulation are at variance with the

requirements of any other lawfully adopted rules, regulation, ordinances, resolutions, or private covenant, the most restrictive, or that imposing the higher standards shall govern.

SECTION 104AREA OF JURISDICTION: The provisions of this Regulation shall apply to all land within the incorporated area of Spring Valley Village, Greene County, Ohio.

SECTION 105SEPARABILITY: Should any section, paragraph, clause, sentence, item, phrase, or provision of this Regulation be declared by a Court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of this Regulation as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 106REQUIRED CONFORMANCE: Except as herein provided, no building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building structure or land be used, nor shall any excavation or fill be made;

106.2 Except in conformance to the height and bulk limits established for the district in which such building or structure or use is located;

106.3 Except in conformance to the area, frontage, and yard regulations of the district in which such building or structure or use is located; and

106.4 Except in conformance to the off-street parking and off-street loading space regulations of the district in which such building or structure or use is located.

ARTICLE 2
CONSTRUCTION OF
LANGUAGE AND DEFINITIONS

SECTION 201 CONSTRUCTION OF LANGUAGE: For the purpose of this Regulation, certain terms or words shall be interpreted as follows:

201.1 Words used in the singular shall include the plural, and the plural the singular;

201.2 Words used in the present tense shall include the future tense;

201.3 The word "shall" is mandatory and not discretionary;

201.4 The word "may" is permissive;

201.5 The phrase "used for" shall include the phrases "arranged for," "designed for," "intended for," "maintained for," and "occupied for;"

201.6 The word "person" includes a firm, association, organization, partnership, trust, company, or corporation, as well as, an individual; and

201.7 The word "dwelling" includes the word "residence."

SECTION 202 DEFINITIONS: All words used in this Regulation shall have their customary meanings as defined in Webster's New World Dictionary, except those specifically defined in this Section:

202.001 Accessory Use or Structure: A use or structure incidental and subordinate to the principal use or structure on the lot and serving a purpose customarily incidental and subordinate to the use of the principal building.

202.002 Agribusiness: Manufacturing, warehousing, storage, and related industrial and commercial activities that provide services for or are dependent upon agricultural activities found within the Agricultural District, and are not necessarily suited to locations within an established community. Agribusinesses include, but are not limited to the following uses: fertilizer production, sales, storage, and blending; sales and servicing of farm implements and related equipment; preparations and sale of feeds for animals and fowl; seed sales; poultry hatchery services; corn shelling, hay baling, and threshing services; grain elevators and bulk storage of feed grains; horticultural services; veterinary services; agricultural produce milling and processing; feed lots; livestock auctions; and retail nurseries.

202.003 Agriculture: The use of a tract of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided, however, that:

a. The operation of any such accessory use mentioned above shall be secondary to that of normal agricultural activities:

b. The above uses shall not include the feeding of garbage or offal to swine or other animals:

c. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within one hundred (100) feet of any residential zoning district:

d. The above uses shall not include the operation or maintenance of a feedlot or a commercial stockyard.

202.004 Airport, Commercial: Any runway, landing strip, or other similar facility designed or used for the landing and takeoff by the public for commercial purposes, and may also include services such as fuel sales, storage, repair services, and aircraft sales.

202.005 Airport, Private: Any runway, landing strip, or other facility designed or used by any person for the landing, take-off, and storage of aircraft on his own property principally for his own use.

202.006 Alterations: Any change in the supporting members (bearing walls, beams, columns, girders, etc.) of a building or structure: or movement of a building or structure from one location to another.

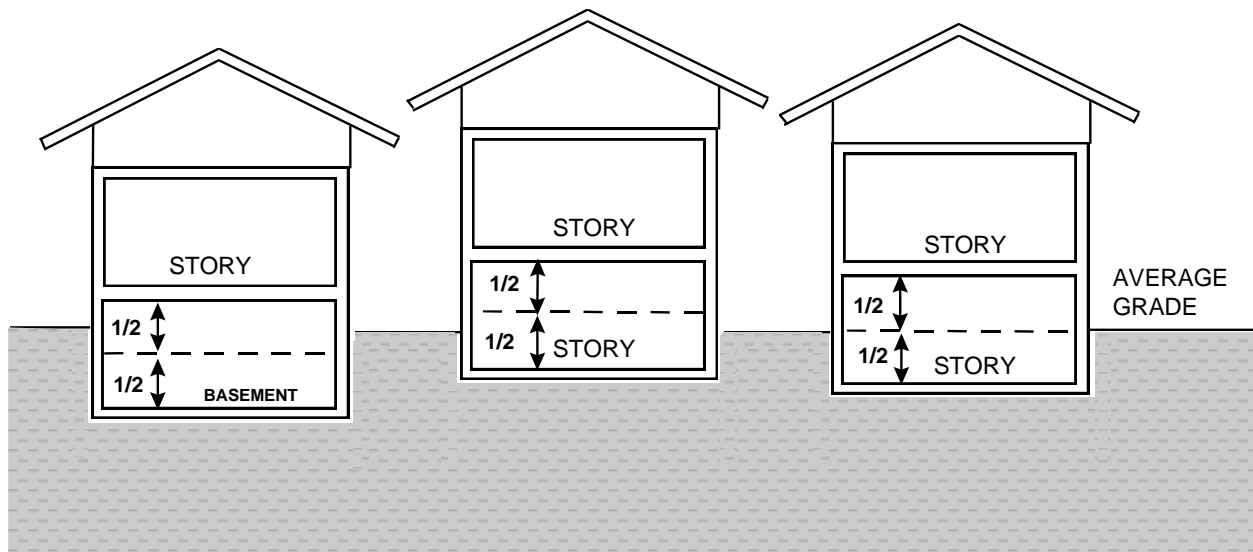
202.007 Automobile Service Station: A building, lot, or both, having pumps and underground storage tanks at which fuels, oils, or accessories for the use of motor vehicles are dispensed, sold, or offered for retail sale, and where mechanical repair service may be incidental to the dispensing of such items. The storage of junk or inoperable vehicles shall not be included in this definition.

202.008 Automobile Repair Station: A building, lot, or both, in or upon which the business of general motor vehicle repair and service is conducted, to include engine rebuilding, rebuilding or reconditioning of motor vehicles, body repair, and painting and undercoating of automobiles, but excluding a junk yard as defined in this Section.

202.009 Automobile Sales or Rental: A building, lot;-or both used for the display, sale, or rental of new or used motor vehicles in operable condition and where repair service is incidental.

202.010 Barn: An accessory structure upon a lot Customarily used for the housing of livestock and for the storage of crops and/or machinery used in bonafide agricultural activities as previously defined in this section.

202.011 Basement: Floor space in a building partially or wholly underground, but having more than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground. A basement shall be counted as a story if it does not meet the definition above or is subdivided and used for dwelling or business purposes by other than a janitor employed on the premises. (See Illustration)



202.012 Beginning of Construction: The beginning of construction is the incorporation of labor and material within the walls of a building or buildings:

the incorporation of labor and materials at the site, lot, or parcel where a building is to be constructed, and for the incorporation of labor and material where land is to be used for purposes other than construction of a building.

202.013 Billboard: See Sign.

202.014 Block: A tract of land bounded by streets, a combination of streets, railroad right-of-way, unsubdivided acreage, river or live stream, or any other barrier to the continuity of development, including corporation lines.

202.015 Board of Zoning Appeals: The Board of Zoning Appeals of Spring Valley Village Greene County, Ohio.

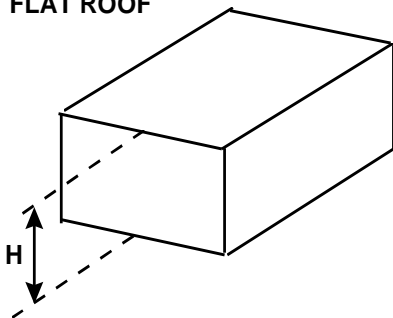
202.016 Boarding House: Any building, originally designed for and used as a single-family dwelling or part thereof, where rooms for lodging, with or without meals are provided for compensation for five (5) or less persons who are not members of the keeper's family. A boarding house, which is operated for more than five (5) persons, shall be deemed to be a motel or hotel as defined in this Section.

202.017 Buffer Area: That portion of a lot set aside for open space and visual screening purposes, pursuant to applicable provisions of this regulation, to separate or screen different use districts and/or uses on one property from uses on another property.

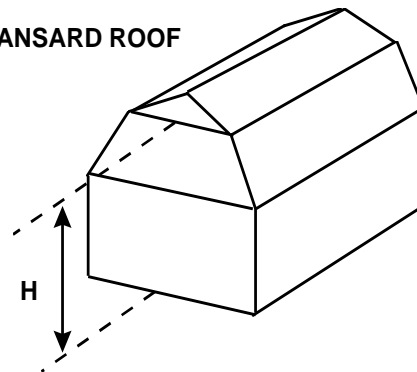
202.018 Building: Any structure having a roof supported by poles, columns, or by walls which is designed for the shelter, support, or enclosure of persons, animals, chattels, or property of any kind.

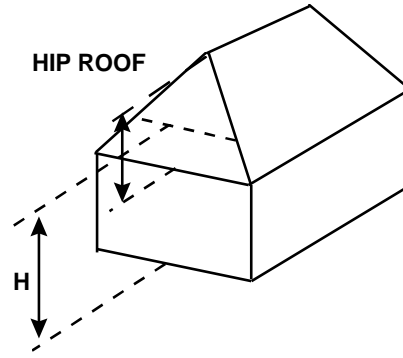
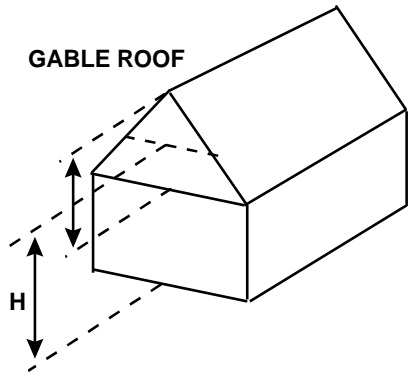
202.019 Building Height: The vertical distance from the average elevation of the finished grade at the front of the building to (a) the highest point of a flat roof, (b) the deck line of a mansard roof, (c) the average height between the eaves and ridge for gable, hip, and gambrel roofs, or (d) the average height between high and low points for a shed roof. (See Illustration)

FLAT ROOF

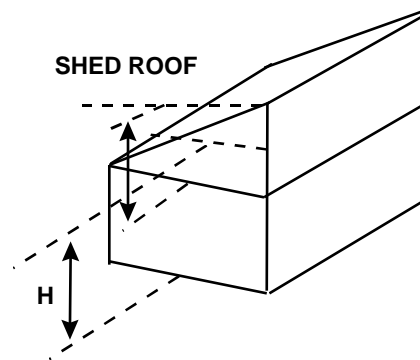
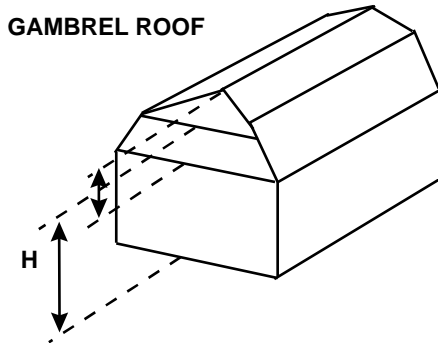


MANSARD ROOF





H=
Building
Height



202.020 Cemetery: Land used or intended to be used for the burial of 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.

202.021 Clinic: 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 not provided with board or room or kept overnight on the premises.

202.022 Club: A premises owned or operated by a person or persons for a civic, social, cultural, religious, literary, political, recreational, or like activity, but not primarily for profit or to render a service which is customarily carried on as a business.

202.023 Commercial Recreational Facilities, Indoor: Any commercial activity conducted primarily indoors which is related to the recreation field,

such as bowling alleys, skating rinks, indoor tennis courts, indoor motion picture theaters, and similar recreational activities.

202.024 Commercial Recreational Facilities, Outdoor: Any commercial activity conducted primarily outside of a building which is related to the recreation field, such as drive-in theaters, community swimming pools, miniature golf, driving ranges, skiing facilities, country clubs, and similar activities.

202.025 Community-Based Residential Social Service Facilities: Facilities providing resident services for the care and/or rehabilitation of groups of individuals who require protective supervision within a residential environment, including the following five (5) types of facilities:

a. Foster Homes: A private residence providing resident services and protective supervision for the care and/or rehabilitation of one (1) child, adolescent, or adult within a home environment, all under the regulation of the appropriate social service agency having authority under law to license the operation.

b. Family Care Home: A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for not more than eight (8) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All family care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.

c. Group Care Home: A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for more than eight (8) but not more than sixteen (16) persons with developmental disabilities. A developmental disability shall be defined as a disability that originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All group care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.

d. Home for Adjustment: A residential facility operated by a court, a social service agency, or private citizens which provides therapy, counseling, and a residential environment for eight (8) or less adolescents or adults for the following purposes: 1) to assist them in recuperation from the effects of drugs or alcohol; 2) to assist them in adjusting to living with the handicaps or emotional or mental disorder in lieu of or subsequent to confinement within an institution; or 3) to provide housing and a supervised living arrangement in lieu of or subsequent to placement within a correctional institution. The residents of any home for adjustment shall be limited to those individuals who will not pose a threat to life or property within the community, as determined by the responsible court or social service agency. All homes for adjustment shall possess a license from the appropriate court, or state or local agency having authority under law to license the operation.

e. Institution: A facility such as a hospital, nursing home, rest home, or a correctional facility. An institution shall also be defined as any residential facility designed or used for more than sixteen (16) persons functioning under the purposes of a family care home or a group care home, or any residential facility designed or used for more than eight (8) persons under the purposes of a home for adjustment. All institutions shall possess a license from the appropriate state or local agency having authority under law to license the operation and may be operated by private citizens, a social service agency, or a governmental authority.

202.026 Common Areas: As used herein, parcels of land, together with the improvements thereon, the use and enjoyment of which shall be shared by the owners and occupants of the individual building sites within a development.

202.027 Comprehensive Plan: Perspectives: A Future Land Use Plan for Greene County. This document presents a long-range plan for physical development within Greene County, Ohio. It includes a statement of goals, objectives, and policies for the development of land, location requirements for various types of land uses, a land use map and text description of the recommended physical arrangements of land uses, and an outline of procedures for implementation.

202.028 Conditional Use: A use permitted within a district other than a permitted principal use, requiring a conditional use permit and approval of the Board of Zoning Appeals. These uses are permitted only after the applicant has followed the procedures outlined in Article 10, Section 1002.

202.029 Conditional Use Permit: A permit issued by the Board of Zoning Appeals to allow certain specific developments that would not otherwise be allowed in a particular zoning district. These permits are issued only after the applicant has followed the procedures as stated in Article 10, Section 1002 of this Regulation. Development under a Conditional Use Permit differs from a

zoning change in that it is much more specific. The applicant submits plans and conditions exactly or reapplies for a permit before deviating from that plan.

202.030 Court: An open space which mayor may not have direct street access and which is bounded on two or more sides by a single building or a group of related buildings. A court is not a yard.

202.031 Corner Lot: See Lot Types.

202.032 Density: A unit of measurement designating the number of dwelling units per acre of land as follows:

a. Gross Density: The number of dwelling units per acre of the total land within the development.

b. Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential lots and excludes areas such as street right-of-way, parks, and other similar uses.

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202.078 Motel: A building or group of buildings in which lodging is provided and offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding or lodging house, or a multiple dwelling. A motel shall be distinguished from a hotel in that the building is usually, designed to serve tourists traveling by automobile, entrance and exit to rooms need not be through lobby or office, and parking is usually adjacent to the unit.

202.079 Non-Conforming Building or Structure: A building or structure lawfully existing at the time of enactment of this Regulation or subsequent amendments,, which does not conform to the regulations of the district in which it is situated or other applicable provisions of this Regulation.

202.080 Non-Conforming Lot: A lot existing at the time of enactment of this Regulation or any subsequent amendments which does not conform to the lot area and frontage requirements of the district in which it is located.

202.081 Non-Conforming Use: A use of land lawfully existing at the time of enactment of this Regulation or subsequent amendments, which does not conform to the regulations of the district in which it is situated or other applicable provisions of this Regulation.

202.082 Nursery, Child Care: A building used for the commercial care of five (5) or more children who are not members or wards of the owner of his immediate family. All childcare nurseries shall possess an appropriate license from the Ohio Department of Human Services as required.

- 202.083 Nursery, Retail: Land, buildings, structures, or a combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises, including products used for gardening or landscaping.
- 202.084 Official Thoroughfare Plan: The Official Thoroughfare Plan for Greene County, Ohio, establishing the official right-of-way width of major streets on file in the office of the Recorder of Greene County, Ohio, and in the office of the Regional Planning and Coordinating Commission of Greene County, Ohio, together with all amendments thereto subsequently adopted.
- 202.085 Open Space: An area open and unobstructed to the sky, which may be on the same lot with a building. The area may include natural environmental features, water areas, swimming pools, tennis courts, and other recreational facilities that the Planning Commission, Board of Zoning Appeals, or Village Council, whichever is applicable, deems permissible. Streets, parking areas, structures for habitation, and the like shall not be included.
- 202.086 Open Storage: Storing or keeping of chattel not enclosed in a building.
- 202.087 Parking Space, Off-Street: A space located totally outside of any street or alley right-of-way for the parking of an automobile or other vehicle.
- 202.088 Planning Commission: The Planning Commission of Spring Valley Village, Ohio.
- 202.090 Principal Use: The main use to which the premises are devoted and the main purpose for which the premises exist.
- 202.091 Public: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, land, parkway, right-of-way, road, sidewalk, street, tunnel, viaduct, walk, or other way in which the general public or a public entity have a right, or which are dedicated, whether improved or not.
- 202.092 Recreational Vehicle: Any motor vehicle, or any other vehicle less than thirty-five (35) feet in length, designed or intended to be used primarily for short term dwelling or sleeping purposes away from the place of residence of the occupants and not constituting the principal place of residence of the occupants.
- 202.093 Research Actives: Research, development and testing related to such fields as chemical, pharmaceutical, medical electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside such building.
- 202.094 Restaurant, Carry-Out: An establishment whose primary function is the offering of food and beverage which are sold only inside the building and are usually packaged to be carried and consumed off of the

premises, but may be consumed within the restaurant building or on the premises.

202.095 Restaurant, Drive-In: An establishment offering food and beverages which are sold within the building, or to persons while in motor vehicles in an area designated for drive-in service, and may be consumed within the restaurant building.

202.096 Restaurant, Sit-Down: An establishment whose primary function is the offering of food and beverages, which are sold and normally consumed within the restaurant building.

202.097 Retail: Sale to the ultimate consumer for direct consumption and/or use and not for resale.

202.098 Riding Academies: Facilities designed or used for the renting of horses and/or the instruction of horse riding or showing including any barns, exercise areas, and field areas to be used in the operation.

202.099 Right-of-Way: A strip land or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaped area, viaducts, and bridges.

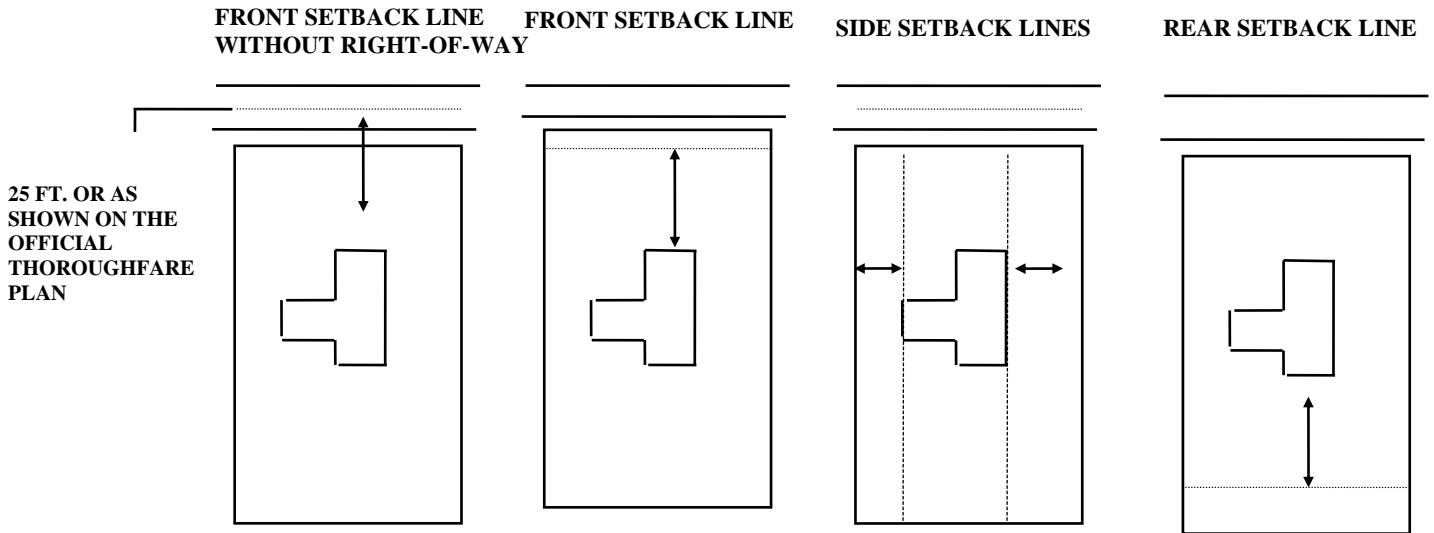
202.100 Seat: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

202.101 Screening: Structures, fences, or vegetation maintained for the purpose of concealing the area behind such structures or vegetation from view.

a. Front Setback Line: An imaginary line parallel to the front lot line, extending the full width of the lot, representing the distance which all or any part of any structure or building is to be set back from the front lot line. In the event that the front lot line does not fall along a right-of-way line, then the front setback line shall be measured from a line parallel to and twenty five (25) feet from the centerline of the street. (See Illustration)

b. Side Setback Line: A imaginary line parallel to any side lot line representing the distance which all or any part of any principal building is to be set back from the side lot line. (See Illustration)

c. Rear Setback Line: An imaginary line parallel to any rear lot line representing the distance which all or any part of any principal buildings is to be set back from the rear lot line. (See Illustration)



202.103 Sewage Disposal System, Central: A wastewater treatment system approved by the appropriate county, state, and/or federal agencies which provides a collection network and a central wastewater treatment facility for a single development, a community, or a region.

202.104 Sewage Disposal System, On-Site: A septic tank or similar installation on an individual lot, which utilizes an aerobic or anaerobic bacteriological process or equally satisfactory process for the treatment of sewage and provides for the proper and safe disposal of the effluent.

202.105 Sign: A name, identification, description, display, or illustration which is affixed to, painted or represented, directly or indirectly upon a building, structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business.

a. Billboard: Any sign or advertisement used as an outdoor display by painting, posting, or affixing, on any surface, a picture, emblem, work, figure, numerals, or lettering for the purpose of directing attention to any business, service, or product which is not conducted or sold on the lot where such sign is located.

b. Sign Area: The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or figure of similar character together with any frame or material or color forming an integral part of the display or used to differentiate such sign from the

background against which it is placed, excluding the necessary supports or uprights on which the sign is placed, sign area shall be computed from measurements of the maximum silhouette of the largest sign face or combination of faces as viewed from a single point.

c. Freestanding Sign: Any sign, which is not attached to, painted on, or supported by a building.

d. Projecting Sign: Any sign, which is attached perpendicular to any building or structure and extends more than twelve (12) inches beyond the surface of that portion of the building or structure.

e. Wall Sign: Any sign attached to or painted on the wall of a building or structure with the face in a plane parallel to such wall, and not extending more than twelve (12) inches from the face of such wall.

202.106 Stables: Facilities designed or used for the commercial boarding of horses including any barns, exercise areas, and field areas to be used in the stable operation.

202.107 Story: The part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor above, or if there is not a floor above, then the ceiling next above. The floor of a story may have split-levels provided that there not be more than four feet difference in elevation between the different levels of the floor. A basement shall not be counted as a story.

202.108 Story, Half: An uppermost story lying under a gambrel, hip, gable, or shed roof if used, in whole or part, for dwelling or habitable purposes.

202.109 Street: See Thoroughfare

202.110 Structure: Anything constructed or erected, the use of which requires location on the ground or attachment to the ground. Among other things, structures include buildings, mobile homes, walls, fences, swimming pools, tennis courts, signs, and billboards.

202.111 Swimming Pool: Any artificially constructed pool or natural body of water which contains a depth of water of at least 1 1/2 feet at any point used or intended to be used for swimming or bathing, including any accessory recreational structures.

202.112 Swimming Pool, Community: Any swimming pool, other than a private pool, which is the principal use upon a lot and operated with or without a charge for admission.

202.113 Swimming Pool, Private: A swimming pool located on the same lot as the principal use and used or intended to be used without

compensation by the residents and guests of a single-family residence, a two-family residence, a multi-family development, or a motel.

202.114 Temporary Use or Structure: A transient, non-permanent use or structure permitted to exist for a designated period of time during periods of construction of the principal use of structure, or for special events. A temporary structure shall not be intended to be permanently affixed to the ground.

202.115 Hold for Future Use

202.116 Thoroughfare, Street, or Road: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for access to a property by vehicular traffic and designated as follows:

- a. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- b. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
- c. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- d. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end permanently terminating in a vehicular turn around.
- e. Dead-End Street: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- f. Local Street: A street primarily for providing access to residential, commercial, or other abutting property.
- g. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one-thousand (1,000) feet from said arterial or collector street are not normally more than six hundred (600) feet from each other.
- h. Marginal Access Street: A local or collector street, parallel to and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)

202.117 Hold for Future Use

202.118 Use: The specific purpose for which land, a structure, or a building is designed, arranged, intended, occupied, or maintained.

202.119 Variance: A variance is a modification of the strict terms of this Regulation where such modifications will not be contrary to the public interest and, where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Regulation would result in unnecessary hardship. Variances are granted only after the applicant has followed the procedure as stated in Article 10, Section 1003 of this Regulation.

202.120 Veterinary Animal Hospital or Clinic: A place 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. Such use may include overnight accommodation on the premises for treatment, observation, and/or recuperation.

202.121 Vicinity Map: A drawing which sets forth by dimensions or other means the relationship of a property or use to other nearby developments of landmarks and community facilities and services within Spring Valley Village in order to better locate and orient the area in question.

202.122 Water System, Central: A water supply approved by the appropriate county, state, and/or federal agencies which provides a water supply to a single development, a community, or a region.

202.123 Water System, On-Site: A well or other similar installation on an individual lot which provides a water supply to any structures or uses upon the lot, subject to the approval of health and sanitation officials having jurisdiction.

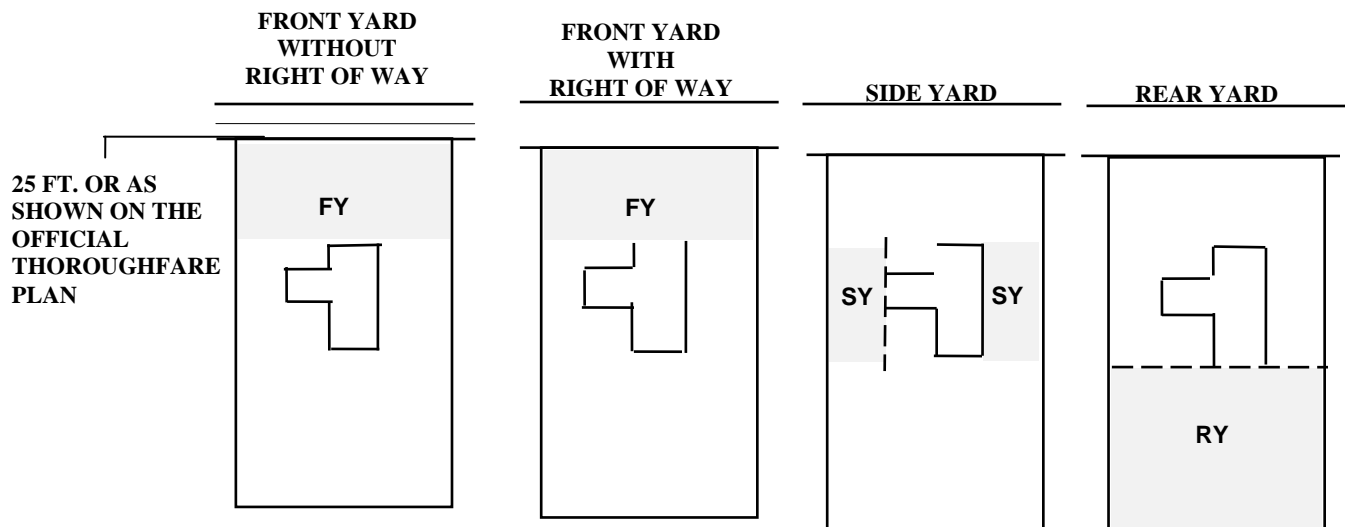
202.124 Yard: An open or unoccupied space other than a court on the same lot with a principal building and unobstructed by buildings or structures from ground to sky except by trees or shrubbery or as otherwise provided herein. The minimum depth of a yard shall be determined by the setback lines as defined in this Regulation. No part of a yard provided for any building or structure shall be included as part of any yard required for any other building or structure unless specifically permitted herein.

a. Front Yard: An open space extending the full width of the lot between a building or structure and the front lot line of a street unoccupied and unobstructed from the ground upward except as hereinafter specified. Minimum depth shall be measured from the front lot line, existing right-of-way lines, or proposed right-of-way line established on the Official Thoroughfare

Plan or by any other method specified elsewhere in this Regulation, as appropriate. (See Illustration)

b. Side Yard: An open space extending from the front yard to the rear yard between a building or structure and the nearest side lot unoccupied and unobstructed from the ground upward except as hereinafter specified. (See Illustration)

c. Rear Yard: An open space extending the full width of the lot between a building or structure and the rear lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified. (See Illustration)



202.125 Village Council: The Village Council of Spring Valley, Ohio

202.126 Zoning District: See District.

202.127 Zoning Inspector: The Zoning Inspector or his authorized representative, appointed by the Village Council of Spring Valley Village, Greene County, Ohio.

202.128 Zoning Map: The Official Zoning District Map of Spring Valley Village or portion thereof, together with all amendments thereof subsequently adopted.

202.129 Zoning Permit: A document issued by the Zoning Inspector certifying that the use of lot, structure, or building or location of a structure of building upon a lot is in conformance with this Regulation.

ARTICLE 3
ESTABLISHMENT OF
DISTRICT AND MAP

SECTION 301 ESTABLISHMENT OF DISTRICTS: In order to carry out the purposes and provisions of this Resolution, Spring Valley Village is hereby divided into the following zoning districts:

RESIDENTIAL DISTRICTS

- RS-2 Low Density Single-Family Residential District
- RT-4 Medium Density Two-Family Residential District
- RM-8 Med-High Density Multiple-Family Residential District

R-MH Mobile Home Park

BUSINESS DISTRICT

VB Village Business District
HB Historic Business District

INDUSTRIAL DISTRICTS

LI Light Industrial District
HI Heavy Industrial District

ESTABLISHMENT OF OVERLAYS: In order to carry out the purpose of this Zoning Resolution in an administrative manner complimentary to the previously established districts, the following overlays are hereby established

() indicates section in article ().

() Flood Plain Overlay

() Planned Unit Development project overlay

These overlays are intended to be placed over existing zoning districts, where applicable. Regulations for each zoning overlay are intended to be additive to existing zoning districts and are not intended to replace or waiver district regulations unless specific authorization is granted elsewhere in this Zoning Ordinance.

SECTION 302 OFFICIAL ZONING DISTRICT MAP: The zoning districts, the overlays, and boundaries thereof shall be shown on the Official Zoning District Map of Spring Valley Village. The Official Zoning District map shall be identified by the signature of the Mayor, attested by the Village Clerk, and bearing the seal of the Village under the following words:

"This is to certify that this is the Official Zoning District Map referred to in Section 303 of the Zoning Ordinance of Spring Valley Village, Greene County, Ohio, June 19, 1989."

The map, together with all explanatory data and changes, is hereby incorporated into and made part of this Zoning Ordinance, and shall be the final authority as to the current zoning status of lands, buildings, and other structures within the Village.

302.1 Maintenance of Map: A reproducible copy of the official map is to be maintained and kept "up-to-date" by the Zoning Inspector or other person or agency officially approved by the Village Council. Amendments to district boundaries, and other matters normally designated on the Zoning District map, shall be made as soon as possible after the effective date of such changes.

302.2 Display of Map: One up-to-date copy of the Official Zoning District Map shall be kept on display in the administrative offices of the Village.

SECTION 303INTERPRETATION OF DISTRICT BOUNDARIES: Where uncertainty exists with respect to the boundaries of the various districts as shown on the Official Zoning District Map, the following rules shall apply:

303.1 Boundaries indicated, as approximately following the centerlines or right-of-way lines of streets, highways, and/or alleys shall be construed to follow such lines or their extensions;

303.2 Boundaries indicated, as approximately following platted lot lines shall be construed as following such lines;

303.3 Boundaries indicated, as approximately following municipal limits shall be construed as following municipal limits;

303.4 Boundaries indicated, as following railroad lines shall be construed to be the midway between the main tracks;

303.5 Boundaries indicated as approximately following the centerlines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such centerlines;

303.6 Boundaries indicated as parallel to or extensions of features or lines indicated in subsections 303.1 through 303.5 above shall be so construed. Distances not specifically indicated on the Official Zoning District Map shall be determined by the scale of the map;

303.7 Initial interpretations of the location and/or elevation of the flood plain shall be made by the Zoning Inspector. Should a dispute arise concerning the location and/or elevation of the flood plain, the Board of Zoning Appeals shall make the necessary determination using information provided in the Flood Insurance Study for the Village of Spring Valley, Greene County, Ohio prepared by the Federal Emergency Management Agency. The person questioning or contesting the location and/or elevation of the flood plain shall be given a reasonable opportunity to present his case to the Board of Zoning Appeals and to submit such technical evidence as the Board of Zoning Appeals requests; and

303.8 Where physical or cultural features existing on the ground are at a variance with those shown on the Official Zoning District Map, or in other circumstances not covered by the preceding subsections, the Board of Zoning Appeals shall interpret the district boundaries.

ARTICLE 4
DISTRICT REGULATIONS

SECTION 401 USES NOT SPECIFICALLY MENTIONED

401.1 Uses Not Specifically Mentioned: Any use of land or building which is not specifically mentioned as a permitted principal, permitted accessory, or conditional use within any district shall not be permitted by the Zoning Inspector until it is determined by the Board of Appeals that such use is similar and compatible to uses permitted within such district. In determining if such uses are similar and compatible, the process outlined under Article 10, Section 1003 for Appeals shall be followed.

SECTION 402 RS-2 LOW DENSITY SINGLE-FAMILY RESIDENTIAL DISTRICT

402.1 Intent and Purpose: The intent of the Low Density Single-Family Residential District is to recognize the existence of and the demand for residential lots at a density of approximately two dwelling units per acre. Necessary services and accessory uses compatible with low-density residential surroundings are encouraged to locate within this district. Central water supply and wastewater disposal facilities shall be required for land placed in this district.

402.2 Permitted Principal Uses:

- a. One single-family dwelling in accordance with Section 529.
- b. Churches and other places of worship as regulated in Section 530.
- c. Essential services.
- d. Forests and wildlife preserves.
- e. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, playgrounds, libraries, schools, fire stations, community centers, water pumping and storage facilities, and wastewater pumping facilities. No outside storage or stockpiling of material shall be permitted.
- f. Community Based Residential Social Service Facilities: Family Care Homes as regulated in Section 518.

402.3 Permitted Accessory Uses:

- a. Accessory structures necessary for domestic activities and storage, which does not include any business activity.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.
- d. One private garage.
- e. Home occupations as regulated in Section 528.
- f. Accessory storage of recreational vehicles as regulated in Section 517.
- g. Private accessory swimming pools and game courts for the use of occupants and their guests as regulated in Section 513.

- h. Temporary uses incidental to construction work as regulated in Section 524.
- i. Fences as regulated in Section 510.

402.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Private schools and child care nurseries.
- b. Extensions of existing cemeteries as regulated in Section 525.
- c. Private recreation facilities, including but not limited to country clubs, and golf courses (excluding driving ranges and miniature golf courses) as regulated in Section 514.
- d. Home occupations in an accessory structure as regulated in Section 528.

402.5 Minimum Dimensional Requirements:

As shown in Section 413.

SECTION 403 RT-4 MEDIUM DENSITY TWO-FAMILY RESIDENTIAL DISTRICT

403.1 Intent and Purpose: The intent of the Medium Density Two-Family Residential District is to provide for both single-family and two-family residential development at a density of approximately four dwelling units per acre at locations where adequate levels of public services can be provided. Necessary services and accessory uses compatible with medium density residential surroundings are encouraged to locate within this district. Central water and sewer facilities shall be required for land placed within this district.

403.2 Permitted Principal Uses:

- a. One single-family dwelling or two-family dwelling in accordance with Section 529.
- b. Churches and other places of worship as regulated in Section 530.
- c. Essential services.
- d. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, play-grounds, libraries, schools, fire stations, community centers, water pumping and storage facilities. No outside storage or stockpiling of materials shall be permitted.
- e. Community Based Residential Social Service Facilities: Family Care Homes as regulated in Section 518.

403.3 Permitted Accessory Uses:

- a. Accessory structures necessary for domestic activities and storage, which does not include any business activity.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.
- d. One private garage.
- e. Home occupations as regulated in Section 528.
- f. Accessory storage of recreational vehicles as regulated in Section 517.

- g. Private accessory swimming pools and game courts for the use of occupants and their guests as regulated in Section 513.

- h. Temporary uses incidental to construction work as regulated in Section 524.
- i. Fences as regulated in Section 510.

403.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Private schools and child care nurseries.

- b. Extensions of existing cemeteries as regulated in Section 525.
- c. Private recreation facilities including but not limited to country clubs and golf courses (excluding driving ranges and miniature golf courses as regulated in Section 514).
- d. Bed and Breakfast.
- e. Home occupations in an accessory structure as regulated in Section 528.

403.5 Minimum Dimensional Requirements:

As shown in Section 413.

SECTION 404RM-8 MEDIUM-HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL DISTRICT

404.1 Intent and Purpose: The intent of this district is to provide for both two-family and multiple-family residential development at a density up to approximately eight units per acre. Necessary services and accessory uses compatible with medium-high density residential surroundings are encouraged. This district should only be encouraged at locations which possess adequate access to schools, employment areas, shopping facilities, and other community services via major streets. Central water and sewer facilities shall be required for land placed within this district.

404.2 Permitted Principal Uses:

- a. One two-family dwelling or multiple-family dwelling structure in accordance with Section 529.
- b. Churches and other places of worship as regulated in Section 530.
- c. Essential services.
- d. Forests and wildlife preserves.
- e. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include, but are not limited to: parks, play-grounds, libraries, schools, fire stations, community centers, water pumping and storage facilities and wastewater pumping facilities. No outside storage or stockpiling of material shall be permitted.
- f. Boarding house. (Bed and Breakfast).
- g. Community-Based Residential Social Service Facilities: Family Care Homes as regulated in Section 518.

404.3 Permitted Accessory Uses:

- a. Accessory structures necessary for domestic activities and storage, which does not include any business activity.
- b. Accessory off-street parking and loading spaces as regulated in Article 6.
- c. Accessory signs as regulated in Article 7.
- d. Home occupations as regulated in Section 528.
- e. Accessory storage of recreational vehicles as regulated in Section 517.
- f. Private accessory swimming pools and game courts for the use of occupants and their guests as regulated in Section 513.
- g. Temporary uses incidental to construction work as regulated in Section 524.
- h. Fences as regulated in Section 510.

404.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Private schools and child care nurseries.
- b. Extensions of existing cemeteries as regulated in Section 525.
- c. Private recreation facilities, including but not limited to country clubs, and golf courses (excluding driving ranges and miniature golf courses) as regulated in Section 514.
- d. Community Based Residential Social Services Facilities: Group Care Homes or Homes for Adjustment as regulated in Section 518.

404.5 Minimum Dimensional Requirements:

As shown in Section 413.

SECTION 405R-MH MOBILE HOME PARK DISTRICT

405.1 Intent and Purpose: The purpose of the Mobile Home Park District is to provide sites for mobile homes at appropriate locations in relation to existing and potential development of the surroundings, other land uses, and community facilities. By realizing the special requirements of the mobile home and specifying the provisions under which mobile home parks may be established, this district is intended to provide a proper setting for such uses in relationship to other land uses and to Perspectives: A Future Land Use Plan for Greene County.

405.2 Permitted Principal Uses: The following uses may be permitted provided all the requirements of the Mobile Home Park District are met:

- a. Mobile homes.
- b. Essential Services.
- c. Public parks, playgrounds, and other public recreation facilities, including but not limited to community swimming pools, golf courses, ball fields and country, clubs.

405.3 Accessory Uses:

- a. Those uses required for the direct servicing and well being of mobile home park residents, and for the management and maintenance of the mobile home park, including but not limited to offices, storage facilities, laundry facilities, and recreation areas.
- b. Structural additions to mobile homes, which include awnings, cabanas, carports, Florida rooms, porches, armadas, storage cabinets, and similar accessory structures. All such additions shall be considered as part of the mobile home park for the purpose of determining compliance with the minimum design standards of this section.

405.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Home occupations as regulated in Section 528.

405.5 General Provisions: The design, location, and operation of all mobile home parks shall be in accordance with the following provisions:

- a. It shall be unlawful for any person, firm, and/or corporation to open, operate, or administer any mobile home park within Spring Valley Village unless a valid license is obtained from the proper health authorities in the name of such person, firm, or corporation for the specific mobile home park.
- b. Any mobile home not located within a licensed mobile home park on or after the effective date of this Regulation is privileged to remain at its present location, but may not be relocated within the Village except by meeting the requirements of this Section.

- c. No existing mobile home park may be expanded or altered without first obtaining the licenses required in this Section, meeting the requirements of this Section, and obtaining a Mobile Home Park Permit.
- d. At least forty percent (40%) of the mobile home park lots shall be completed and ready for occupancy before the owner may initiate rental of any space within the development. Such completion shall include installation of roadways, sidewalks, lighting, public utilities, and service and management buildings.
- e. Every mobile home dwelling hereafter placed upon a mobile home park lot shall have a total ground floor area of not less than four-hundred (400) square feet, measured from the outside of exterior walls, including utility rooms, but excluding open porches, breezeways, and garages.
- f. Conditions of soil, ground water level, drainage, and topography shall not create hazards to the property shall not be exposed to objectionable smoke, dust, noise, odors, or other adverse influences. No portion subject to predictable sudden flooding or erosion shall be used for any purpose, which would expose persons or property to hazards.
- g. Mobile home parks shall be served adequately by essential public facilities and services such as water and fire protection, drainage, refuse disposal, and schools. Persons or agencies responsible for the establishment of Mobile Home Parks shall be able to adequately provide any such services.
- h. Mobile home parks shall be consistent with the intent and purpose of Perspectives: A Future Land-Use Plan for Greene County, Ohio.
- i. Mobile home parks shall have vehicular approaches to the property, which shall be so designed as not to create an interference with or hazard to traffic on surrounding public streets or roads.
- j. Development of a mobile home park shall not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance.
- k. Mobile home parks shall meet those requirements of the Ohio Revised Code and Sanitary Codes and the regulations of the Greene County Health Department, which are more restrictive than the requirements of this Regulation.

405.6 Specific Minimum Design Standards: All mobile home parks created, altered, or expanded after the effective date of this Regulation shall meet the following minimum design standards:

- a. Every mobile home park shall not contain less than ten (10) acres of land and a minimum of twenty (20) lots.
- b. The maximum density shall be regulated by separation requirements, as set forth in this Regulation. However, in no instance shall the gross density of mobile homes exceed eight (8) per acre.
- c. All mobile home parks shall have a frontage of not less than two hundred fifty (250) feet along a public thoroughfare.
- d. Every mobile home hereafter placed in a mobile home park shall be on a lot having an area equal to or greater than four thousand (4,000) square feet.
- e. Each mobile home dwelling, including accessory buildings, garages, and covered porches, shall not cover more than fifty (50%) percent of each mobile home park lot.

- f. The maximum height of any service building, laundry or other accessory building shall not exceed thirty-five (35) feet.
- g. The following minimum yard requirements shall be required for every lot within the mobile home park:
1. Front Yard: No mobile home or projection thereof shall be placed closer than fifteen (15) feet from a front lot line.
 2. Side Yard: No mobile home or projection thereof shall be placed closer than ten (10) feet from any side lot line.
 3. Rear Yard: No mobile home or projection thereof shall be placed closer than fifteen (15) feet from a rear lot line, nor closer than twenty-five (25) feet from any perimeter property line.
- h. All mobile home lots shall be at least forty (40) feet in width.
- i. No mobile home lot shall front upon a major public thoroughfare, including but not limited to roads maintained by the State of Ohio or Greene County.
- j. Each mobile home shall be skirted, entirely enclosing the bottom section, within sixty (60) days after its placement.
- k. All corners of each mobile home lot shall be marked by an iron pin. The location of lot lines on the ground shall correspond to those shown on the approved application plan.
- l. There shall be a minimum clearance of twenty (20) feet between individual mobile homes.
- m. Each mobile home within the mobile home lot shall be secured with tie downs for securing the stability of the mobile home during periods of high wind velocity in accordance with the requirements of the Greene County Health Department.
- n. Each mobile home lot shall be provided with a paved patio area at least one hundred (100) square feet in area. The patio should be located on the entrance side of the mobile home.
- o. Each mobile home park shall provide a buffer area of at least forty (40) feet between the right-of-way line of adjacent public roads and highways and any portion of a mobile home lot. The buffer area shall be clear of obstruction with the exception of approved trees and landscaping materials. No mobile home lot shall extend into any required buffer strip.
- p. On each mobile home lot at least one (1) deciduous hardwood tree a minimum of one-and one-half (1 1/2) inch caliper shall be planted in the front yard.
- q. Not less than ten percent (10%) of the gross site area of the mobile home park shall be devoted to a recreation and open space site, generally provided in a central location. This figure shall be in addition to any other open areas required by yard requirements or other sections of this Regulation.
- r. The recreation area may include space for community buildings, indoor and outdoor recreation facilities such as swimming pool's, hobby and repair shops, and service buildings.

- s. Walkways not less than three (3) feet in width shall be provided from the mobile home lots to service buildings in order to facilitate safe and convenient pedestrian traffic throughout the park.
- t. All streets within the Mobile Home Park shall meet the following requirements at a minimum:
 - 1. All mobile home lots shall abut upon an interior hard paved surfaced street which shall have unobstructed access to a public street.
 - 2. All drives shall be protected at the edges of curb and gutter, or other suitable edging approved prior to the approval of the Mobile Home Park District, where necessary for the stabilization of the pavement, and for adequate drainage.
 - 3. Pavements of interior streets and drives shall be in accordance with the following minimum specifications and the Subdivision Regulations of Spring Valley Village unless otherwise approved prior to the approval of the Mobile Home Park District:
 - a. Collector streets with guest parking shall not be less than thirty six (36) feet wide.
 - b. Collector streets without parking shall not be less than twenty four (24) feet wide.
 - c. Local streets without parking shall not be less than twenty (20) feet wide.
 - d. Local streets with guest parking on one side shall not be less than twenty seven (27) feet wide.
 - 4. No mobile home shall be placed in any mobile home park, nor any mobile home within any mobile home park be occupied unless adequately maintained parking spaces are provided in accordance with the following provisions:
 - 1. Two (2) parking spaces shall be provided for each mobile home lot.
 - 2. Each mobile home lot shall be provided with a paved driveway to accommodate off-street parking for two (2) vehicles.
 - 3. Auxiliary paved parking areas or parking along streets shall be provided and maintained within each mobile home park for the use of guests. The number of spaces required in such areas shall be equal to one (1) space for every five (5) mobile home lots. The location and layout of guest parking areas shall be subject to approval prior to approval of the Mobile Home Park District.
- v. Signs shall be permitted only in accordance with the provisions of Article 7, unless otherwise approved by the Board of Zoning Appeals.
- w. The following facilities shall be provided within each mobile home park and available to residents:

1. Management and maintenance offices including storage facilities for grounds keeping equipment.
2. Coin-operated laundry and drying facilities in a permanent structure, which shall be accessible to all residents of the mobile home park.
3. Safe usable recreation areas as regulated in this Section.
4. A conveniently located public telephone available for use of residents of the mobile home park at all times, day and night.

x. The following utilities shall be provided within each mobile home park in accordance with the following specifications:

1. Water Supply: Within each mobile home park a water supply and distribution system shall be installed in conformance with the requirements of the appropriate agencies. Each mobile home lot shall be connected to this system.
2. Wastewater Disposal: Within each mobile home park a wastewater collection system shall be installed which shall be connected with a municipal sewer where available. Where a municipal sewer system is not available, a central treatment plant may be located, constructed, and maintained in accordance with the regulations of the Ohio Environmental Protection Agency and any appropriate local authorities. Each mobile home and mobile home lot shall be connected to this system.
3. Storm Drainage: All areas of a mobile home park shall be graded in a manner to insure there will be no poorly drained areas. Grading shall not obstruct the natural drainage of surrounding properties, and all drainage systems shall be subject to approval by the Village.

4. Garbage and Refuse Storage: The storage and collection of garbage and refuse within each mobile home park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards, or air pollution. All garbage shall be stored in fly tight, rodent-proof containers. Stands in which the garbage containers can be placed shall also be provided and so designed as to prevent containers from being ripped, to minimize spillage and container deterioration, and to facilitate cleaning around them. These containers shall be located no more than two hundred (200) feet from each lot unless otherwise approved prior to the approval of the Mobile Home Park District. Collection shall be provided at least once a week.

5. Liquefied Petroleum Gas or Fuel: When liquefied petroleum gas is used, the containers for such gas shall be the liquefied petroleum gas container approved by the Interstate Commerce Commission for its intended purpose and

shall be integrally attached to the mobile home in a manner as approved by the appropriate authority.

6. Fuel Oil Supply: Fuel oil supply systems shall be installed and maintained in accordance with applicable state and local codes and regulations. All fuel oil storage containers, barrels, tanks, or cylinders and piping to the mobile homes shall securely fastened in place and protected against physical damage.

7. Electrical System: Each mobile home shall be provided with suitable electrical equipment in accordance with the National Electrical Code and the Greene County Building Code.

8. Underground Utilities: Within each mobile home park, all utility lines including, those for electricity and telephone service shall be located underground.

9. Lighting: All interior streets and walkways shall be lighted in a manner approved prior to the approval of the Mobile Home Park District.

10. Fire Protection: Within each mobile home park there shall be provided a fire protection system approved by the appropriate agencies and the local fire authority. The fire protection system shall be in accordance with standards of the National Board of Fire Underwriters.

11. Supplementary Conditions and Safeguards: Any appropriate additional conditions and safeguards may be prescribed prior to the approval of a Mobile Home Park District in order to insure the proper development of such a mobile home park. Violation of such conditions and safeguards, when made a part of the approval of the Mobile Home Park District, shall be deemed a violation of this Regulation and punishable under Article 10, Section 1006.

405.7 APPLICATION FOR DISTRICT CHANGE: An application for a Mobile Home Park District shall follow the procedures in Article 10, Section 1004. The application shall contain the following text and map information in addition to the information required in Article 10, Section 1004:

a. A vicinity map at a scale approved by the Planning Commission including property lines, streets, existing and proposed zoning, and such other items as the Planning Commission may require to show the relationship of the Mobile Home Park to Perspectives: A Future Land Use Plan for Greene County, Ohio.

b. Proposed topography for the site including final pad elevations showing contour levels at intervals approved by the Village Engineer.

c. Proposed location, site size and total number of mobile home sites.

d. Proposed location and width of vehicular and pedestrian circulation systems.

e. Proposed size and location of parking areas.

f. Proposed size, location, and use of non-residential portions of the tract, including recreation areas and usable open spaces.

g. Proposed provisions for fire protection, water supply, sanitary sewage disposal, and surface drainage facilities, including engineering feasibility studies or other evidence of reasonableness.

h. Proposed provisions for refuse disposal.

- i. Proposed accessory, buildings and uses within the tract.
- j. Proposed location of street lighting system.
- k. Proposed buffer areas and/or screening.
- l. Deed restrictions, covenants, easements, encumbrances, or other devices to be used to control the use, development, and maintenance of the land.
- m. A fee as established by the Village Council.

SECTION 406HB HISTORIC BUSINESS DISTRICT

406.1 Intent and Purpose: It is the intent of the Historic Business District to recognize the development and character of the historic commercial area of the Village of Spring Valley which is unique because of its architected style, scale, and form to the history of the Village. It is the purpose of the Historic Business District to preserve the unique character through the recognition of existing setbacks, parking areas and mixed uses by establishment of areas devoted to the use of those retail and personal service businesses that operate as a response to the daily needs of the residents of Spring Valley Village as well as the inclusion of residential uses. This district is created and defined to include the historical business district along Main Street from Vine south to Railroad Right of Way.

406.2 Permitted Principal Uses: Public water supply and sanitary service shall be available to the site, or the owner shall present proof that the proposed on-site water and/or sewage disposal facilities have been approved by the Greene County Health Department and/or the Ohio Environmental Protection Agency before any Zoning Permit shall be issued to such use.

- a. Antique Shops.
- b. Automobile Parts and Accessory Sales.
- c. Bakeries.
- d. Banks.
- e. Book and Stationery Shops.
- f. Business Services.
- g. Candy and Ice Cream Stores.
- h. Convenience and Carryout Stores.
- i. Clothing and Apparel Stores.
- j. Delicatessens.
- k. Drug Stores.
- l. Food Stores and Groceries.
- m. Furniture Repair and Upholstery Stores.
- n. Hardware Stores.
- o. Ice Sales.
- p. Indoor Commercial Entertainment Facilities.
- q. Laundry and Dry Cleaning, Self-Service or Pickup.
- r. Medical Clinics.
- s. Personal Services.
- t. Post Office.
- u. Professional Office.
- v. Restaurants, Sit-Down Service.

- w. Variety Stores.
- x. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessment. Such uses include but are not limited to parks, playgrounds, libraries, schools, fire stations, police stations, public administrative offices, public maintenance garages and community centers.
- y. Essential services.
- z. Other uses which is determined by the Board of Zoning Appeals to be the same general character as the above permitted uses, but not including any use, which is first, permitted or prohibited in the VB District.
- aa. Dwelling units above street level (ie: second floor).

406.3 Accessory Uses:

- a. Off-street parking not required. When provided off-street parking and loading spaces shall be as regulated in Article 6.
- b. Signs as regulated in Article 7.
- c. Storage within an enclosed building of supplies or merchandise, which is normally carried in stock in connection with a permitted use.
- d. Temporary buildings or uses as regulated in Section 524.

406.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Accessory living quarters for person employed on the premises.
- b. Auction Houses.
- c. Clubs, Lodges, Civic or Fraternal Organizations.
- d. The creation or making of goods for sale at retail on premises, which have high value-to-bulk ratio and not involving extensive mechanization.
- e. Motels or Hotels.
- f. Off-street Parking Lots.

406.5 Minimum Dimensional Requirements:

A. Lot Size:

The minimum lot size for this district shall be 7,500 square feet.

B. Yard Requirements:

In the (HB) Historic Business District the following minimum yard areas shall be provided.

- 1. Front Yard: No front yard set back shall be required from the existing right-of-way or sidewalk. The set back for new construction shall be no greater than the average set back of existing structure having frontage on the same block.

2. Side Yards: No side yard is required. If a side yard is voluntarily provided, it shall not be less than 6 feet from the side lot line or 15 feet from the face of a structure on an adjacent lot, whichever is less.
3. Rear Yard: No rear yard is required. If a rear yard is voluntarily provided, it shall not be less than six (6) feet from the rear lot line.

SECTION 407VB VILLAGE BUSINESS DISTRICT

407.1 Intent and Purpose: The purpose of the Village Business-District is to provide areas for the location of businesses beyond the immediate neighborhood and generate a fair amount of traffic. Businesses permitted within this district shall be conducted primarily within an enclosed building. It is intended that this district be placed at intervals along arterial streets especially near intersections with major crossroads. The practice of "strip" zoning is not intended for this district.

407.2 Permitted Principal Uses:

- a. Permitted principal uses within the HB Historic Business District.
- b. Art and school
- c. Automobile repair stations.
- d. Bicycle sales and service.
- e. Blueprint and photocopy establishments.
- f. Business machine sales and service.
- g. Camera and photography sales and service.
- h. Carpet and rug sales.
- i. Catering Services.
- j. Convenience carryout stores with drive-through facilities.
- k. Clubs.
- l. Electrical and appliance sales and service.
- m. Office supply sales.
- n. Indoor commercial recreation facilities
- o. Department stores.
- p. Employment services.
- q. Florist.
- r. Furniture and home furnishing sales.
- s. Gift and novelty shops.
- t. Health and athletic clubs.
- u. Heating and air conditioning sales and service.
- v. Jewelry sales, service, and repair.
- w. Lawn maintenance equipment sales and service.
- x. Motels.
- y. Musical Instrument Sales.

- z. Retail nurseries.
- aa. Paint, glass, and wallpaper sales.
- bb. Pets and pet supply sales.
- cc. Plumbing, electrical, and similar supply sales.
- dd. Printing services.
- ee. Professional offices.
- ff. Radio and television sales and service.
- gg. Restaurants.
- hh. Shoe sales.
- ii. Sporting good sales.
- jj. Swimming pool sales.

kk. Veterinary services with or without kennels provided that any outside animal area is located a minimum of five hundred (500) feet from any residential district.

ll. Public buildings and/or uses, which are supported in part by taxes or special assessments, the location of which has been fixed by studies. Such uses include but are not limited to: parks, libraries, schools, fire stations, police stations, water and waste water pumping stations, water storage facilities, public administrative offices, and community centers.

mm. Essential services.

nn. Churches.

407.3 Permitted Accessory Uses:

- a. Off-street parking and loading spaces as regulated in Article 6.
- b. Signs as regulated in Article 7.
- c. Storage or supplies or merchandise within an enclosed building which are normally carried in stock in connection with a permitted use.
- d. Temporary buildings and uses as regulated in Section 524.

407.4 Conditional Uses:

- a. Manufacturing of goods for sale at retail on the premises, which have a high value-to-bulk ratio, do not involve extensive mechanizations, and are normally associated with a permitted use.
- b. Funeral services.
- c. Automobile washing facilities.
- d. Auction houses.
- e. Off-site parking lots.
- f. Billboards as regulated in Article 7.

407.5 Minimum Dimensional Requirements:

As shown in Section 413.

SECTION 408LI LIGHT INDUSTRIAL DISTRICT

408.1 Intent and Purpose: The purposes of the Light Industrial District is to provide space for those industrial uses which operate in a clean and quiet manner and generate only light to moderate amounts of traffic. This district is not intended for the use of industries which deal with hazardous elements or emit noise" glare, dust, odor, smoke, or possess other offensive characteristics detrimental to surrounding land uses such as large traffic generators. The intent is to Create and protect efficient light industrial areas by insuring careful design, placement, and grouping of industries which will promote the protection of any adjacent residential or business activities. Land to be placed in this district is intended to have level topography, public utilities, and major transportation facilities readily available.

408.2 Permitted Principal Uses: Manufacturing or industrial uses including, but not limited to, the following uses or processes utilized, such use is not objectionable by reason of odor, radiation, noise, vibration, cinders, gas, fumes, dust, smoke, refuse matter, or wastewater generation. Public water supply and a public sanitary sewer system shall be available to the site, or the owner shall present proof that proposed on-site water and/or the Ohio Environmental Protection Agency before any Zoning Permit shall be issued to such use.

- a. Fabrication, processing, packaging and/or assembly of articles or merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, horn, leather, paint, paper, plastics, precious or semi-precious metals or stones, textiles, tobacco, wax, wood, and yarn.
- b. Fabrication, processing, packaging and/or manufacture of food products and condiments, excluding slaughterhouses and rendering and refining of fats, oils, fish, vinegar, yeast and sauerkraut.
- c. Manufacturing, assembling or repairing of electrical and electronic products components, and equipment.
- d. Machine shops and tool and die shops.
- e. Lumber yards including incidental millwork, coal, brick, and stone.
- f. Recycling center collection points, provided materials are kept in an enclosed building.
- g. Warehouses and warehouse distribution centers.
- h. Research and engineering laboratories.
- i. Cold Storage and frozen food lockers.
- j. Publishing and printing.
- k. Automobile repair and painting but no commercial wrecking, dismantling or salvage yard.
- l. Auto service station.
- m. Parcel post delivery stations.
- n. Radio and television stations.

o. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include but are not limited to: wastewater pumping, and storage facilities; sanitary landfills as regulated in Section 522; fire stations; police stations; parks; and public maintenance facilities.

408.3 Accessory Uses:

- a. Off-street parking and loading spaces regulated in Article 6.
- b. Signs as regulated in Article 7.
- c. Temporary buildings as regulated in Section 525.
- d. Storage of materials within an enclosed building normally utilized in connection with a permitted use.
- e. Accessory-landing areas as regulated in Section 531.

408.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Mineral extraction operations as regulated in Section 523.
- b. Manufacturing or industrial enterprises operations, or processes similar to any permitted principal use provided that any resulting cinders, dust, flashing, fumes, gas, noise, odor, refuse matter, smoke, vapor or vibration is no greater or more detrimental to the neighborhood than the above specified uses, that no extra fire hazard is created, and that the proposed use is determined by the Board of Zoning Appeals to be of the same general character as the above uses.
- c. Billboards as regulated in Article 7.
- d. Private sanitary landfills in accordance with Section 522.

408.5 Minimum Dimensional Requirements

As shown in Section 413.

SECTION 409HI HEAVY INDUSTRIAL DISTRICT

409.1 Intent and Purpose: The purpose of the Heavy Industrial District is to create and protect areas for industries which require large sites and should be isolated from other land uses by virtue of their external effects such as heavy traffic generation, open storage materials, and possible emission of noise, glare, dust, odor, smoke, or other offensive characteristics. This district is intended to insure proper design, placement, and grouping of all types of industries of this nature within the Village so as not to create a nuisance to other surrounding land uses. Land to be placed in this district is intended to have level topography, sufficient public utilities, and major transportation facilities readily available.

409.2 Permitted Principal Uses: Manufacturing or industrial uses but not limited to the following uses. Public water supply and a public sanitary sewer system shall be available to the site or the owner shall present proof that proposed on-site water and/or sewage disposal facilities have been approved by Greene County Health Department and/or the Ohio Environmental Protection Agency before any Zoning Permit shall be issued to such use.

- a. Any principal use permitted in the LI Light Industrial District.
- b. Automotive, tractor, trailer, farm implement assembly or manufacture.
- c. Boiler shops, machine shops, structural steel fabricating shops, or metal working shops.
- d. Manufacturing of cement products, including ready mix concrete batching plants.
- e. Contractor sales, storage, and equipment yards.
- f. Flour or grain mills.
- g. Manufacture of glass products, pottery, figurines or similar products using previously pulverized clay.
- h. Truck terminals provided that truck entrances and exits are on to streets where pavement width is at least thirty (30) feet.
- i. Mobile home and recreational vehicle storage.
- j. Manufacture and storage of building materials.
- k. Sanitary landfills as regulated in Section 522.
- l. Public buildings and/or uses which are supported in whole or in part by taxes or special public assessments, the location of which has been fixed by studies. Such uses include but are not limited to: water treatment and pumping facilities; wastewater treatment and pumping facilities; sanitary landfills in accordance with Section 522; fire stations; police stations; parks; and public maintenance facilities.
- m. Essential services.

409.3 Accessory Uses:

- a. Indoor or outdoor storage of materials normally utilized in connection with a permitted use.
- b. Off-street parking and loading spaces as regulated in Article 6.
- c. Signs as regulated in Article 7.
- d. Temporary buildings or uses as regulated in Section 524.

e. Accessory landing areas as regulated in Section 531.

409.4 Conditional Uses: The following uses shall be permitted only in accordance with Article 10, Section 1002:

- a. Mineral extraction operations as regulated in Section 523.
- b. Storage facilities for fuels, coal, chemicals, or other flammable or toxic materials.
- c. Manufacture of asphalt and asphalt products.

- d. Manufacture and storage of fertilizer and compost.
- e. Solid waste reduction and/or recycling facilities.
- f. Junk yards as regulated in Section 521.
- g. Manufacturing or industrial enterprises, operations, or processes similar to any permitted principal use provided that any resulting cinders, dust, flashing, fumes, gas, noise, odor, refuse matter, smoke, vapor, or vibration shall not be greater or more detrimental to the neighborhood than the above specified uses and that no extra fire hazards be created.
- h. Billboards as regulated in Article 7.

409.5 Minimum Dimensional Requirements:

As shown in Section 413.

SECTION 410 FLOOD PLAIN RIVER PROTECTION OVERLAY

410.1 Findings of Fact: Certain areas of Spring Valley Village are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base¹ all of which adversely affect the public health and safety. These flood losses are caused by the cumulative effect of obstructions in flood hazard areas causing increases in flood heights and velocities, and when inadequately anchored, damage to uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

410.2 Purpose: The purpose of the Flood Plain River Protection Overlay is to prevent the loss of property and life, the creation of health and safety hazards, the disruption of, commerce and governmental services, the extra-ordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base. In addition, these provisions are intended to accomplish the following:

- a. To protect the natural floodwater storage capacity of river flood plains by restricting uses, which are dangerous to health, safety, and property in times of flooding or cause excessive increases in flood heights and velocities;
- b. To require that uses vulnerable to floods, including facilities which serve the above uses, be protected and/or flood proofed against flooding and flood damage at the time of construction, and to prevent flood damages and associated public relief expenditures created by improper construction in the flood plain;
- c. To protect individuals from buying lands which are unsuited for intended purposes due to flood hazard;
- d. To protect watercourses, tributaries, thereto associated flood plains, and adjoining woodlands and wetlands for value as water retention and water recharge areas,
- e. To provide for the protection, preservation, proper maintenance and use of rivers and streams and their flood plains in order to preserve and conserve the quality, clarity and free flowing condition of their waters, to protect fish and wildlife habitat, to prevent erosion of stream banks, maintain cool water temperatures, lessen the impact of siltation on stream waters, and to preserve and protect valuable resources in the interest of present and future generations; and
- f. To permit reasonable and compatible uses of land which compliment the natural functions and characteristics of watercourses and their flood plains and further the purposes of this overlay.

410.3 Applicability of Flood Plain Overlay to Existing Zoning District: The provisions of this section shall be applicable to all lands shown as being located within the boundaries of the Flood Plain Overlay on the Zoning Map and shall be supplemental to the regulations of the underlying zoning district. Where the requirements of this section are in conflict with the regulations of the underlying district, the more restrictive regulations shall apply.

410.4 Warning and Disclaimer of Liability: The degree of flood protection sought by the provisions of this overlay is considered reasonable for regulatory purposes and is based on accepted engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes such as ice jams and bridge openings restricted by debris. This overlay does not imply that areas outside the one hundred (100) year flood plain or that land uses permitted within, will be free from flooding and flood damages. The creation of the Flood Plain River Protection Overlay shall not create liability on the part of Spring Valley Village or any officer or employee thereof for any flood damages that result from reliance on this Zoning Ordinance or any administrative decision lawfully made there under.

410.5 Boundaries of Overlay: The Flood Plain River Protection Overlay shall include all areas subject to inundation by waters of the one-hundred (100) year flood. The basis for including areas within the overlay shall be the engineering report entitled "Flood Insurance Study, Greene County, Ohio Unincorporated Areas: dated April 1, 1981, and "Flood Insurance Study, Village of Spring Valley, Ohio", February 1980, as amended and prepared by the U.S. Department of Housing and Urban Development, Flood Insurance Administration. This study, with accompanying maps and any revisions thereto, is hereby adopted by reference and declared to be part of this Zoning Ordinance. One (1) copy of the The Flood Insurance Study is to be kept on file in the office of the Zoning Inspector of Spring Valley Village. The Flood Plain River Protection Overlay is hereby divided into three (3) areas in accordance with the above mentioned study: "Floodway", "Floodway Fringe", and "General Flood Plain".

410.6 Authorized Uses Within the Overlay: The only uses permitted to located within the Flood Plain River Protection Overlay are designated in the underlying district. In most cases, the uses within the underlying Zoning district are permitted, except where a use would, by nature of such use, pose a health and safety threat in times of flooding.

a. Floodway: The floodway of the regulatory floodplain is an extremely hazardous area due to the velocity, of flood waters which carry debris, potential projectiles and erosion potential. The following provisions apply within all floodway areas:

1. Prohibit encroachment, including filling, new construction, substantial improvement and other developments.
 2. Permitted uses in association with the underlying zoning district shall include: agriculture, accessory parking not including a building, parks, recreation, yards and open space.
- b. Floodway fringe: within the floodway fringe of the regulatory floodplain filling for the elevation of structures permitted within the underlying zoning district may be permitted. Such filling shall comply with the requirements as stipulated in the appropriate State or County Building Code.

SECTION 411 PLANNED UNIT DEVELOPMENTS

411.1 Intent: The purpose of this Section is to permit creation of new planned developments where variations of designs, uses and densities are allowed on application and approval of specific and detailed plans, where tracts suitable in location and character for the uses and structures proposed are adapted to unified planning and to development as units. Applications for Planned Unit Development will be granted only when the project is such that the public health, safety and general welfare will not be jeopardized by the departure from the restrictions on corresponding uses in the standard zoning districts.

411.2 Objectives for Planned Unit Development: It shall be the policy of Spring Valley Village to promote progressive development of land and construction thereon by encouraging planned unit developments in order to achieve:

- a. A maximum choice of living environments by allowing a variety of housing and building types and permitting a review of density per acre, lot dimensions, yards, building setbacks and area requirements.
- b. A more useful pattern of open space and recreation areas and, if permitted as part of the project, more convenience in the location of accessory commercial uses and services.
- c. A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns; and
- d. A development pattern in harmony with land use density, transportation facilities, and other community facilities and infrastructure elements.

411.3 Conflict with Other Provisions: Because of the special characteristics of Planned Unit Development, special provisions governing the development of land are required. Whenever there is a conflict of difference between the provisions of this section and those of the other section of this Zoning

Ordinance, except those regarding flood plains, the provisions of the section shall prevail for the development of land as a Planned Unit Development. Subjects not covered by the respective provisions found elsewhere in this oning Ordinance.

411.4 Minimum Project Area: The minimum gross area of any Planned Unit Development project shall be in accordance with the following table:

District

RS-2	-	5 Acres
RS-4	-	5 Acres
RM-8	-	ALL PUD
R-MH	-	ALL PUD
H-B	-	20,000 Square Feet
V-B	-	5 Acres
LI	-	5 Acres
HI	-	5 Acres

411.5 Project Ownership: The project land may be owned, leased or controlled by a single person or corporation, or by a group of individuals or corporations. Evidence that the applicant has sufficient control over the tract to affect the proposed plan shall be required. This shall include a statement of all the ownership and interests in the tract.

411.6 Provisions Continue After Land Sale: If all or any portion of property in the Planned Unit Development project is sold, the Planned Unit Development obligation shall continue for the new owners regardless of the acreage involved in the sale.

411.7 Underground Utilities Required: Underground utilities, including telephone and electrical systems, are required within the limits of all Planned Unit Developments. Appurtenances of these systems, which can be effectively screened, may be excepted from the requirement if the Planning Commission finds that such exemption will not violate the intent or the character of the proposed Planned Unit Development.

411.8 Identifying Planned Unit Developments on the Zoning Map: Areas approved for Planned Unit Development will be identified on the Zoning Map by indicating "PUD-Case No._____". The appropriate case number is to be included in place of the blank. Any approved Zoning District for the area involved will also be marked on the map. The boundaries of the approved Planned Unit Development area will be marked to clearly identify the specific area included.

411.9 Procedures for Approval: See Article 10, Section 1005.

411.10 Residential Planned Unit Developments:

a. Permitted Uses: See listing or permitted, accessory and conditional uses within the underlying zoning district and Section 1005. The number of dwelling units per dwelling structure may be varied. No mobile home shall be mixed with any other residential uses.

b. Maximum Residential Density: The maximum number of dwelling units per gross project area shall not exceed that shown on the following chart:

<u>DISTRICT</u> <u>ACRE</u>	<u>MAXIMUM NUMBER OF</u> <u>DWELLING UNITS PER</u>
RS-2	2.0
RT-4	4.0
RM-8	8.0

c. No more than one dwelling per acre where no central sewer is available.

d. Site Planning: Buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations at intersections with thoroughfares. The plan of the project shall provide for the integrated and harmonious design of buildings, and for adequate and properly arranged facilities for internal traffic circulation, landscaping and such other features and facilities as may be necessary to make the project attractive and efficient from the standpoint of the adjoining and surrounding existing or potential developments. All areas designed for future expansion or not intended for immediate improvement or development shall be landscaped or otherwise maintained in a neat and orderly manner.

e. Land Coverage by Buildings: To be determined by the Planning Commission in consideration of developer's recommendations. In no case, shall land coverage for the entire project area exceed that permitted under the standard district requirements.

f. Building Height Regulations: For each foot of building height over the maximum height regulation specified in the underlying zoning district, the distance between such buildings and the side and rear property lines of a

Planned Unit Development project shall be increased by a one (1) foot addition to the side and rear yard required in the district.

g. Accessory Parking: See Article 6. These requirements may be varied if proven to be excessive due to use of planned unit development.

h. Signs: All signage stipulations and requests shall be submitted prior to final approval of a Planned Unit Development. See Article 7 for size and location of permitted signs.

i. Screening: See Section 515.

411.11 NON-RESIDENTIAL PLANNED UNIT DEVELOPMENTS:

a. Permitted Uses: See Section 1005 for listing of permitted, accessory, and conditional uses within the underlying zoning district.

b. Land Coverage by Buildings: To be determined by the Planning Commission in consideration of developers' recommendations. In no case shall land coverage by buildings for the entire project area exceed that permitted under the standard district regulations.

c. Building Height Regulations: For each foot of building height over the maximum height regulations specified in the underlying district, the distance between such buildings and the side and rear property lines of a Planned Unit Development project shall be increased by a one (1) foot addition to the side and rear yard required in the district.

d. Accessory Parking: See Article 6. These requirements may be varied if proven to be excessive due to use of Planned Unit Development.

e. Signs: All signage stipulations and requests shall be submitted prior to final approval of a Planned Unit Development. See Article 7, for size and location of permitted signs.

f. Screening: See Article 5, Section 515.

411.12 Conditional Uses Within Planned Unit Developments (PUD): In areas of a proposed PUD without a specific site plan, the Planning Commission and Council will specify an underlying zoning district and may list conditional uses the Board of Zoning Appeals can allow in the PUD.

SECTION 412 – ENVIRONMENTAL RESOURCE DISTRICT

412.01 INTENT AND PURPOSE

The intent of this district is to provide for the uniformed use and environmental control of developed and undeveloped properties, including those of mineral resource enriched areas of the Village of Spring Valley. Land utilization for the purpose of natural resource extraction shall be recognized and provided for

under the conditional use policy of Article 5 provided reasonable and uniformed limitations, safeguards and controls are implemented to protect and promote the health, safety, morals and welfare of all residents of the Village and all surrounding unincorporated areas.

This district is to further provide a clear and practical set of site development regulations for the applicability of agriculture and recreation related uses. This district has been designed to be consistent with the Village zoning ordinance and the Perspective 2020, Future Land Use Plan for Greene County.

412.02 USES

(A) Permitted Uses

- (1) Agricultural activity (exclusion of animal sale and feed lots)
- (2) Greenhouses
- (3) Public parks, playgrounds and community centers
- (4) Private or public recreation areas and facilities including country clubs, golf courses and fishing areas
- (5) Government uses such as well fields, pump houses and essential services

(B) Accessory Uses

- (1) Accessory buildings incidental and subordinate to the principal permitted use

(C) Conditional Uses

- (1) Mineral extraction and/or mining including incidental and subordinate accessory uses as regulated under Article 5 Section 523 Conditional Uses for Mineral Extraction Operations

412.03 SITE DEVELOPMENT REGULATIONS

It is the purpose of this section to set forth regulations so that no facility use shall be constructed or operated so as to create any offensive, noxious, objectionable or other undesirable effect on persons or property outside this district or subject lot line. Materials used and products stored shall be adequately housed, shielded or screened so that the health, safety, and welfare of persons and adjacent properties are not jeopardized.

- (1) The natural topographic and landscape features of the site shall be incorporated into the development plan when feasible and practicable
- (2) Proposed street location shall conform to existing topographic conditions. A proposed use shall not conflict with the intended function of any existing street and the capacity of said street shall not be materially reduced by the additional use activity as identified by a current traffic study
- (3) Pedestrian path and sidewalk street crossings shall be located where there is good sight distance and visibility along the road

- (4) Parking lots shall be located in such a way to provide for adequate, safe and convenient ingress and egress. Design should include for proper movement of emergency vehicles
- (5) Regulate development and activities within areas of significant wildlife habitat in a manner that will minimize damage to this resource for future use and allow man to function in harmony with, rather than be destructive to significant wildlife habitat
- (6) A development plan shall be submitted to the Zoning Inspector for permit approval
- (7) Analysis of potential impact on the site including but not limited to wetlands, floodplain, archeological and/or threatened plants, animal, scenic vistas, scenic rivers and travel corridors.

(A) Requirements

- (1) Minimum lot area 10 Acres
- (2) Minimum lot frontage 300 Feet

(B) Yard Requirements

- (1) Front yard setback 50 Feet
- (2) Rear yard setback 60 Feet
- (3) Side yard setback 15 Feet

(C) Structure Requirements

- (1) Building height 2 Stories

(D) Parking Requirements

- (1) See Article 6 for off street parking requirements

412.04 LANDSCAPE AND SCREENING REQUIREMENTS

Shall be in accordance to Section 510 FENCES, WALLS AND VEGETATION & Section 515 SCREENING

SECTION 413 MINIMUM DIMENSIONAL REQUIREMENTS: Minimum dimensional requirements for each district shall apply as shown in the following table.

REQUIREMENTS ZONING DISTRICT TOTAL USES	MINIMUM LOT AREA PER FAMILY OR PER PRINCIPAL STRUCTURE			MINIMUM ON-SITE WATER & SEWER	MINIMUM CENTRAL FRONTAGE	MINIMUM YARD			SIDE HEIGHT	COVERAGE	
	PERMITTED PRINCIPAL REAR SEWER (a)	WATER & MAXIMUM SEWER (a)	ON-SITE WATER OR LOT SEWER			LOT LOT (b) (e)	CORNER FRONT				
							ONE	BOTH			
RS-2 ft. Section 402.2	Article 4 50 ft.	1 Acres 35 ft.	11 Acres 20% SQ. FT.	10 Acres	100 ft.	125 ft.	35 ft.	10 ft.	25		
RT-4 ft. Dwellings	Single-Family 40 ft.	1 Acre 35 ft.	1 Acre 30% Sq. Ft.	10,000	80 ft.	125 ft.	35 ft.	10 ft.	20		
Two-Family ft. Dwellings All Other	Not 35 ft. Permitted	Not 30% Permitted	8,000 Sq. Ft.	110 ft.	125 ft.	40 ft.	10 ft.	25 ft.	40		
ALL OTHER ft. PERMITTED USES IN ARTICLE 4 Section 404.2	NOT 35 ft.	1 Acre 30%	1 Acre	150 ft.	150 ft.	40 ft.	10 ft.	25 ft.	40		
RM-8 ft. Dwellings	Two-Family 30 ft. PERMITTED	NOT 35 ft. PERMITTED	NOT 30% Sq. Ft.	6,000	100 ft.	125 ft.	35 ft.	10 ft.	25		
Multiple ft. Family Dwellings	NOT 35 ft. PERMITTED	NOT 30% PERMITTED	5,000 Sq. Ft.	130 ft.	130 ft.	35 ft.	20 ft.	40 ft.	30		
All Other ft. Permitted Uses in Article 4 Section 409.2	NOT 35 ft. PERMITTED	NOT 30% PERMITTED	1 Acre	150 ft.	150 ft.	35 ft.	20 ft.	40 ft.	30		
R-MH	AS REGULATED IN ARTICLE 4, SECTION 405										
H-B	AS REGULATED IN ARTICLE 4, SECTION 406										
V-B ft. Section 407.2	Article 4 50 ft.	1 Acres 35 ft.	1 Acres 30% Buildings SQ. FT.	20,000	100 ft.	125 ft.	40 ft. (c)	15 ft. (c)	30		85% Total
LI ft. Section 408.2	Article 4 50 ft.	2 Acres 35 ft.	2 Acres 30% Buildings SQ. FT.	20,000	100 ft.	125 ft.	40 ft. (d)	15 ft. (d)	30 (d)		75% Total
HI ft. Section 408.2	Article 4 50 ft.	5 Acres 35 ft.	5 Acres 35% Buildings SQ. FT.	20,000	100 ft.	125 ft.	50 ft. (d)	20 ft. (d)	50 (e)		85% Total
PUD	AS REGULATED IN ARTICLE 4, SECTION 410 AND 1005										

(a) Lot size shown is the required minimum. Final lot size shall be subject to approval by the Greene County Health Department or the Ohio Environmental Protection Agency, whichever is appropriate.

(b) A minimum setback of seventy (70) feet shall be required along all major thoroughfares or where off-street parking is provided within the front yard.

(c) Side yards abutting residential districts shall be a minimum of 50 feet. However, where some natural barrier such as a railroad, stream, or limited access highway intervenes, the Board of Zoning Appeals may reduce this requirement.

(d) Side yards and rear yards abutting residential districts shall be a minimum of 200 feet for Industrial districts. However, where some natural barrier, such as a railroad, stream, or limited access highway intervenes, the Board of Appeals may reduce this minimum requirement.

(e) When a block is substantially developed (over 50% of the lots having frontage thereon) and the average front yard setback is less than the setback required by these regulations, then new construction may be permitted at the average setback of the block.

SEE RESOLUTION 92-2 DATED MARCH 2, 1992

ARTICLE 5

**SUPPLEMENTARY
DISTRICT REGULATIONS**

SECTION 501 GENERAL PROVISIONS: The following supplementary regulations are applicable to all Zoning Districts within Spring Valley Village unless otherwise modified by the requirements of a specific Zoning District.

SECTION 502 PUBLIC STREET FRONTAGE REQUIRED: No new lot shall be created nor shall any building be erected upon a lot which does not possess the required minimum frontage upon a public street establishment for the district in which such lot is located or unless a variance is otherwise granted by the Board of Zoning Appeals.

SECTION 503 PRINCIPAL BUILDINGS PER LOT: No more than one principal building or structure may be constructed upon anyone lot for the purposes of this Regulation. The construction of more than one principal building or structure upon any one lot shall require either that approval of a variance from the Board of Zoning Appeals or be approved as part of a Planned Unit Development.

SECTION 504 REDUCTION OF AREA OR SPACE: No lot, yard, court, parking area, or other space shall be reduced in area or dimension, thus making said area or dimension less than the minimum required by this Regulation and, if said area or dimension is already less than the minimum required by this Resolution, it shall not be further reduced.

SECTION 505 ARCHITECTURAL PROJECTIONS INTO REQUIRED YARDS: All architectural projections shall be in accordance with the following provisions:

505.1 Chimneys, flues, sills, pilasters, cornices, eaves, gutters, and other similar architectural features may project into any required yard a maximum of twenty-four inches.

505.2 Unroofed porches and steps may extend from the dwelling into the required front yard a maximum of ten (10) feet. Open structures such as roofed porches, canopies, balconies, decks, platforms, and carports, shall be considered parts of the building to which attached and shall not project into any required yard.

505.3 No structure may project into a required side yard except in the case of a single non-conforming lot of record, which is of insufficient width to meet the side yard requirements of this Regulation. The Board of Zoning Appeals may grant a minimum specified variance to permit the construction of a one-family residence in such a case.

SECTION 506 EXCEPTIONS TO HEIGHT REGULATIONS: The height limitations contained in the District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human

occupancy, except where the height of such structures will constitute a hazard to the safe landing and take-off or aircraft at an established airport.

SECTION 507ACCESSORY BUILDINGS: All accessory buildings shall be in conformity with the following provisions:

507.1 No garage or other accessory building shall be erected within a required side yard or front yard within any Residential District.

507.2 When located at least sixty (60) feet from the front property line and completely to the rear of the main dwelling, the accessory buildings may be erected not less than ten (10) feet from the side or rear lot lines nor less than ten (10) feet from the main building.

SECTION 508CONVERSION OF DWELLINGS TO MORE UNITS: A structure may not be converted to accommodate an increased number of dwelling units unless the following requirements are met:

508.1 The district is properly zoned for an increase in dwelling units.

508.2 The yard dimensions still meet the yard dimensions required off-street parking for the new comparable structures in such district.

508.3 The lot area shall be adequate to accommodate the required off-street parking for the converted unit as provided within Article 6.

508.4 The lot area per family equals the lots area requirements for new structures in such district.

508.5 The floor area per dwelling unit is not reduced to less than that which is required for new construction in such district.

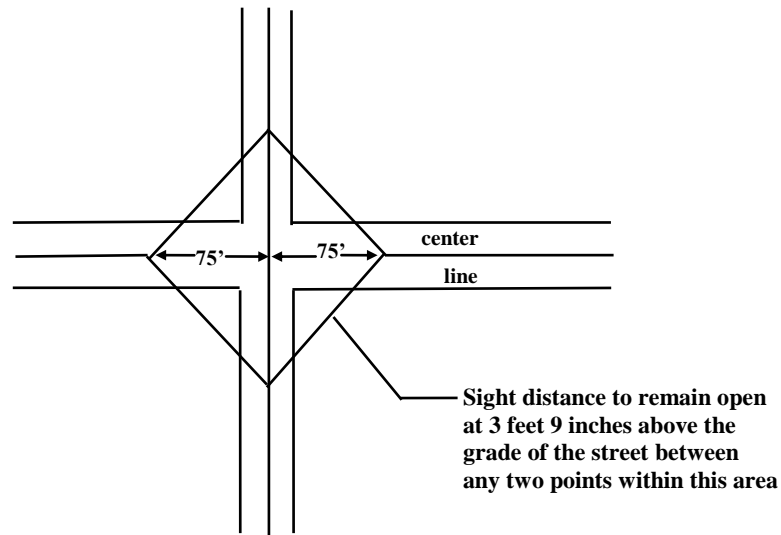
508.6 The conversion is in compliance with all other applicable Federal, State, and local codes.

SECTION 509SETBACK REQUIREMENTS FOR CORNER LOTS OR THROUGH LOTS: On a corner lot or through lot, the principal building and all accessory structures shall be required to have the same setback for the front yard in the district in which such structures are located.

SECTION 510FENCES, WALLS, AND VEGETATION: The location and height of all fences, walls, and vegetation shall be in accordance with the following provisions:

510.1 Fences, Walls, and Vegetation in Front Yards: No fence, wall or hedge shall be permitted within any required front yard above the height of two and one-half (2 1/2) feet.

510.2 VISIBILITY AT INTERSECTION: No structure, fill or vegetation shall be erected, placed, planted, or allowed to grow on any corner lot so as to create a sight impediment within seventy-five (75) feet of the intersecting center lines of any two or more streets. In determining if any sight impediment exists, the zoning inspector shall measure the sight distance between the centerlines of such streets at a height of three feet, nine inches (3'9") above the actual grades of the streets. (See Illustration)



510.3 Fences, Walls, - and Vegetation in Side and Rear Yards: No fence wall shall be permitted within any side or rear yard which exceeds six (6) feet in height. Dense evergreen plantings, deciduous trees, shrubs, or hedges, or other vegetation may exceed six (6) feet in height within any side or rear yard.

510.4 Screening: Fences, walls, or vegetation used for required screening as outlined in Article 5, Section 515, may exceed six (6) feet in height upon approval by the Zoning Inspector or Board of zoning Appeals.

510.5 Security Fences: Security Fences for uses within non-residential districts may exceed six (6) feet in height.

510.6 Barbed Wire and Electric Fences: Barbed wire and electric fences shall be prohibited within any residential district; barbed wire and electrified sections of fences when used for security purposes within any non-residential district, shall be a minimum of eight (8) feet above the ground.

510.7 Fences Prohibited Within Right-of-Way: Fences and walls shall not be permitted within any right-of-way.

SECTION 511 REQUIRED TRASH AREAS: All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas

shall have such areas enclosed on at least three sides by a solid wall or fence adequate in height to screen the containers, if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

SECTION 512OUTDOOR STORAGE AND WASTE DISPOSAL: All outdoor storage and waste disposal shall be in accordance with the following provisions:

512.1 Highly flammable or explosive liquids, solids, or gases shall not be stored in bulk above ground except within the HI Heavy Industrial District or as otherwise approved by the appropriate fire officials. The storage areas of such materials shall be completely enclosed by a solid wall or fence adequate to ensure the safety of surrounding land uses. Fuel products stored for use on bona-fide farms are excluded from this provision.

512.2 The storage and/or disposal of hazardous waste materials shall only be permitted as a conditional use within an approved sanitary landfill site, subject to compliance with the provisions of Section 522 and documented approval from the Ohio Environmental Protection Agency.

512.3 All outdoor storage areas shall be adequately screened from view from any residential district by an appropriate wall, fence, or vegetative planting in accordance with Section 515.

512.4 Materials or wastes which might cause fumes, dust, which constitute a fire hazard, or which may be edible or attractive to rodents or insects shall be stored outdoors only in closed containers constructed of impervious material.

512.5 No materials or wastes shall be deposited upon a lot in such form or manner that they may be transferred off the lot by wind, flood, or natural causes or forces.

SECTION 513PRIVATE ACCESSORY SWIMMING POOLS: Private accessory swimming pools may be permitted in any district, provided the following provisions are met:

513.1 The pool is intended solely for the enjoyment of the occupants and guests of the principal use of the property on which it is located.

513.2 It may not be located closer than ten (10) feet to any property line and may not encroach upon any required front yard, side yard, or within fifteen (15) feet of required on-site wastewater leaching areas or replacement areas designated by the Greene County Health Department or Ohio Environmental Protection Agency.

513.3 The swimming pool shall have a barrier of at no less than four (4) feet. Any barrier must be maintained in good condition and be able to be locked to prevent access.

513.4 Exterior lighting shall be shaded wherever necessary in order to avoid casting direct light upon any other property or any public street.

SECTION 514 PRIVATE RECREATION FACILITIES: All private recreation facilities shall be in accordance with the following provisions in addition to any conditions required by the Board of Zoning Appeals.

514.1 Community swimming pools may be permitted provided the following conditions are met.

- a. The pool and accessory structures, including the areas used by the bathers and the required parking areas, shall not be located closer than fifty (50) feet to any residential district and must be screened in accordance with Section 515.
- b. The swimming pool and all of the areas used by bathers shall be walled or fenced in order to prevent uncontrolled access by children from the streets or adjacent properties. Said fence or wall shall not be less than six (6) feet in height and maintained in good condition.
- c. Loudspeakers, juke boxes, public address systems, and electric amplifiers shall be permitted insofar as they do not create a nuisance and/or disturb the peace of persons on any other properties within any district.
- d. Exterior lighting shall be shaded wherever necessary in order to avoid casting direct light upon any other property or a public street.

514.2 Recreational vehicle parks and campgrounds may be permitted as a conditional use within any designated district in accordance with the following minimum provisions:

- a. The minimum total area of the park or campground shall be five (5) acres. The maximum density of the park or campground shall be established by the Board of Zoning Appeals, but in no case shall the overall density exceed twelve (12) campsites per acre. In determining the overall density limit, the capability of the land to accommodate adequate campsites with a minimum of 1,500 square feet of nearly level and well drainage area shall be considered.
- b. The thoroughfare upon which the park or campground is located shall be of adequate width and base to accommodate the type of traffic generated by such park or campground, as determined by the Board of Zoning Appeals. No entrance or exit from the park or campground shall require movement of traffic through a residential district.
- c. Each campsite within the park or campground shall be provided with a minimum of one adequately sized parking space for the type of vehicle intended

to use the site. In order to guarantee stability, the parking pad shall be composed of concrete, gravel, or other approved material.

d. All recreational vehicle site, other camping sites, and all off-street parking spaces shall be located a minimum of twenty feet from any side or rear property line, and the minimum front yard setback from any public street. The minimum side or rear setbacks shall be fifty feet when adjacent to any residential district.

e. The Board of Zoning Appeals may require fencing, walls, landscaping, earth mounds, or other suitable efforts in accordance with Section 515 where it is determined that buffering or screening is necessary to minimize land use conflicts and/or protect the public safety.

f. Management structures, recreational facilities, toilets, showers, dumping stations, or other similar uses shall be located within the park or campground in such a manner that they will not attract customers other than occupants of the park or campground.

g. The park or campground shall provide water supply and wastewater disposal facilities, which meet the needs of the intended clientele, either independent recreational vehicles or dependent campers and primitive campsites. At a minimum, a service building with showers and toilets shall be required where not provided separately. All water supply, wastewater disposal, and refuse disposal facilities shall be located and designed subject the approval of the Greene County Health Department or Ohio Environmental Protection agency.

h. No recreational vehicle shall be used as a permanent place of residence or business within the park or campground. Continuous occupancy for longer than ninety (90) day period within any twelve (12) month period shall be deemed permanent occupancy.

i. All traffic into and out of the park or campground shall be through entrances and exits designed for safe and convenient movement of traffic. No entrance or exit shall require an acute angle turn for vehicles moving into or out of the park. The radii of curbs and pavements at intersections shall facilitate easy turning movements. No material impediment to visibility shall be created or maintained which violates the requirements of Section 510.

514.3 Other private recreation facilities shall be in accordance with the following:

a. Loudspeakers, jukeboxes, public address systems, and electric amplifiers shall be permitted insofar as they do not create a nuisance within any district.

b. Exterior lighting" shall be shaded wherever necessary in order to avoid casting direct light upon any other property or public street.

c. Firing lines used by gun clubs shall be located a minimum of five hundred (500) feet from the nearest property line. All target areas shall be protected by natural or artificial embankments approved by the Board of Zoning Appeals.

- d. All water activities shall be adequately protected by fences, walls, or other suitable barriers in order to prevent uncontrolled access by unauthorized persons.

SECTION 515 SCREENING: No buildings or structures shall be erected, altered, or enlarged nor shall land for any non-residential use on a lot that adjoins or faces any Residential District be used, nor shall any multiple family use be established adjoining any single family development, until a plan for screening has been submitted, approved by the Zoning Inspector, or the Board of Zoning Appeals in case of Conditional Uses, except in accordance with the following provisions:

515.1 Screening shall be provided for one more of the following purposes:

- a. A visual barrier to partially or completely obstruct the view of structures or activities.
- b. As an acoustic screen to aid in absorbing or deflecting noise.
- c. For the containment of debris and litter.

515.2 Screening may be one of the following or a combination of two or more, as determined by the Zoning Inspector.

- a. A solid masonry wall.
- b. A solidly constructed decorative fence.
- c. Louvered fence.
- d. Dense evergreen plantings.
- e. Landscaped mounding.

515.3 Whenever any non-residential use abuts a residential district, a visual screening wall, fence, planting and/or a landscaped mound shall be erected or placed beside such mutual boundary lines, except where the Zoning Inspector has determined that a traffic hazard will be created.

515.4 Height of screening shall be in accordance with the following:

- a. Visual screening walls, fences, plantings, or mounds shall be a minimum of five and one half (5 1/2) feet high in order to accomplish the desired screening effect, except in required front yards when maximum height shall be not greater than two and one half (2 1/2) feet. Exception to the height of screening in the front yard may be provided for by the Board of Zoning Appeals.
- b. A dense evergreen planting with a minimum height of four (4) feet at planting and a mature height of at least five and one half (5 1/2) feet or greater

or solidly constructed decorative fence shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses except for the portion of such boundary located within a required front yard.

515.5 Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense planting or a solid masonry wall in combination with decorative plantings.

515.6 Whenever required screening is adjacent to parking areas or driveways such screening shall be protected by bumper blocks, post, or curbing to avoid damage by vehicles. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs.

SECTION 516 DRIVE-IN SERVICE: Establishments, which by their nature create lines of customers waiting to be served within automobiles, shall provide off-street storage areas in accordance with the following requirements.

516.1 Photo pick-ups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three minutes or less shall provide no less than five (5) storage spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of five (5) storage spaces for each such stopping point.

516.2 Commercial establishments, which require a transaction time in excess of three (3) minutes such as banks, savings and loan offices, or other similar money windows, shall provide no less than seven (7) storage spaces per window.

516.3 Self-serve automobile washing facilities shall provide no less than five (5) storage spaces per stall. All other automobile washing facilities shall provide no less than ten (10) storage spaces per entrance.

516.4 Automobile service stations shall provide no less than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line, nor within fifteen (15) feet of a reserved sight distance area as required in Article 5, Section 510.

SECTION 517 PARKING AND STORAGE OF MOBILE HOMES AND VEHICLES OTHER THAN PASSENGER CARS: The parking and/or storage of mobile homes, recreational vehicles, or other vehicles other than passenger cars upon any lot shall be in accordance with the following provisions:

517.1 Mobile Homes: Mobile homes shall not be stored or parked outside of any mobile home park unless the storage of mobile homes is a permitted or a conditional use within such a district. No living quarters shall be maintained or any business conducted within any mobile home located outside of any Mobile Home Park District.

517.2 Recreational Vehicles: The outdoor storage or parking of any recreational vehicle shall not be permitted within any front yard within any district in which residential dwellings are permitted. No dwelling unit shall be maintained and no business shall be conducted within any recreational vehicle while such vehicle is parked outside of any approved camping area. The wheels or any similar transporting devices of any recreational vehicle shall not be removed except for repairs, nor shall any recreational vehicle be permanently attached to the ground.

517.3 Construction Equipment Within Residential Districts: Outdoor storage or parking of backhoes, bulldozers, well rigs, and other similar construction equipment, other than equipment temporarily used for construction upon the site, shall not be permitted within any residential district.

517.5 Other Vehicles: The storage parking of any vehicle having a gross vehicle weight rating greater than 10,000 pounds or an overall vehicle length greater than 21 feet shall not be permitted within any Residential District, excluding vehicles making temporary service or delivery calls.

SECTION 518 COMMUNITY BASED RESIDENTIAL SOCIAL SERVICE FACILITIES: Residential facilities providing resident services for the care and/or rehabilitation of groups or individuals who require protection supervision within a residential environment shall be permitted only in accordance with the following provisions:

518.1 Foster Homes may be permitted within any district in which residential dwellings are permitted, provided such homes possess a valid, appropriate license.

518.2 Family Care Homes may be permitted within an adequately sized unattached residential dwelling, provided that:

- a. The home shall possess a valid license from the appropriate state agency.
- b. The home shall be required to meet the district regulations applicable to single family residences within the district in which such home is located.
- c. The home shall provide adequate off-street parking area for each resident and/or resident supervisor who is permitted to own or operate an automobile.
- d. The Zoning permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.

518.3 Group Care Homes may be permitted within an adequately sized unattached residential dwelling within designated residential districts subject to the Board of Zoning Appeals. The Board of Zoning Appeals shall determine whether to permit such requests and any conditions, which it feels, may be necessary to insure compatibility with the neighborhood, using the following criteria as a minimum:

a. No group care home may be permitted unless the agency supervising such a facility satisfies the Board of Zoning Appeals that the home complies with all licensing requirements of the state of Ohio.

b. The home shall not be located closer than 500 feet to another Family Care Home, Group Care Home, Home for Adjustment or Institution. Variances of more than ten percent (10%) of this requirement may not be considered.

c. The home shall be reasonably accessible, by reasons of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.

d. Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable floor area for each occupant.

e. The operator or agency applying for a conditional use permit to operate a facility shall provide the Board of Zoning Appeals with a plan which documents the need for the home in relation to the specific clientele served, describes the program objectives and nature of the facility, identifies the location and type of other community based residential social service facilities operated by such operator or agency, and lists the standards of the State of Ohio, and the sponsoring agency for the operation of the desired facility.

f. The home shall provide adequate off-street parking area for each resident and/or resident supervisor who is permitted to own or operate an automobile.

g. The proposed use of the site as a group care home shall be compatible with the present character of the neighborhood, considering noise, traffic, lights, exterior alterations of the structure, or other potentially offensive characteristics.

h. The conditional use the operator to whom is not transferable permit shall be limited to it is originally issued and to any subsequent operator.

518.4 Homes for Adjustment may be conditionally permitted within an adequately sized unattached residential structure subject to the approval of the Board of Zoning Appeals. The Board of Zoning Appeals shall determine whether to permit such requests and any conditions, which it feels, may be necessary to insure compatibility with the neighborhood, using the following criteria as a minimum:

a. No Home for Adjustment may be permitted unless the court or agency supervising such a facility satisfies the Board of Zoning Appeals that the home complies with all licensing requirements of the State of Ohio.

- b. The home shall not be located closer than 500 feet to another Family Care Home, Group Care Home, Home for Adjustment, or Institution. Variances or more than ten percent (10%) of this requirement may not be considered.
- c. The home shall be reasonably accessible, by reason of location or transportation provided by the operator, to necessary medical, psychiatric, recreational, or other services required by the residents.
- d. Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable floor area for each occupant.
- e. The operator or agency applying for a conditional use permit to operate a facility shall provide the Board of Zoning Appeals with a plan which documents the need for the home in relation to the specific clientele served, describes the program objectives and nature of the facility, identifies the location and type of other community based residential social service facilities operated by such operator or agency, and lists the standards of the State of Ohio, and the desired facility.
- f. The home shall provide adequate off-street parking area for each resident and/or resident supervisor who is permitted to own or operate an automobile.
- g. The proposed use of the site as a home for adjustment shall be compatible with the present character of the neighborhood, considering noise, traffic, lights, exterior alterations of the structure, or other potentially offensive characteristics.
- h. The conditional use permit shall be limited to the operator to whom it is originally issued and is not transferable to any subsequent operator.

518.5 Institutions may be conditionally permitted in an unattached structure within any designated district, subject to approval by the Board of Zoning Appeals.

SECTION 519 HOLD FOR FUTURE USE

SECTION 520 JUNK: The accumulation of trash, unlicensed vehicle, junk vehicles, vehicle parts, rags, or other debris in any district shall be a nuisance per se and shall be prohibited outside of an approved junk yard. The purpose of this section is to promote the health, safety, and welfare of Spring Valley Village by eliminating environments for breeding of vermin, rodents, insects, and infestations.

SECTION 521 JUNK YARDS: Junk yards may be permitted as a Conditional Use within specified districts upon the submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties. No junkyard shall be located, operated, or maintained within Spring Valley Village unless it is located within the proper district and the following conditions have been guaranteed by the applicant:

521.1 The operator of the junkyard shall possess a license from the Greene County Auditor.

521.2 The junkyard operation shall possess a plan for the control of insects, rodents, and other disease vectors.

521.3 The area of the site used for the storage of junk shall be completely enclosed by a fence or other suitable means to prevent any uncontrolled access by unauthorized persons.

521.4 The site shall contain mounding, screening, or natural vegetation adequate to obscure the view of junk from any public street or surrounding property as determined by the Board of Zoning Appeals

521.5 Any fence required for screening purposes shall be in accordance with the following requirements:

- a. It shall be nearly constructed of opaque material.
- b. It shall not be less than six (6) feet in height.
- c. It shall be maintained in a condition so as to insure its opaqueness.
- d. It shall contain no advertising.

521.6 All motor vehicles stored or kept in such junk yards shall be kept that they will not catch and hold water in which mosquitoes may breed, and so that they will not constitute a place or places in which mice or other vermin may be harbored, reared, or propagated.

521.7 Because of the tendency for junkyards to promote the breeding of mosquitoes and vermin and the potential volatile nature of certain materials, no operation shall be permitted closer than five hundred (500) feet from any established residential district.

521.8 The Zoning Inspector or a Health Department Employee may visit the site at any time and may have cause for a Cease and Desist Order if any of the above sections are in violation.

SECTION 522SANITARY LANDFILLS: Sanitary landfills may be permitted as a Conditional Use within specified districts upon submission of satisfactory proof that such operations will not be detrimental to surrounding properties or to the environment. The following conditions shall be guaranteed by the applicant:

522.1 All zoning permit applications for sanitary landfills within Spring Valley Village shall be accompanied by the following information, at a minimum:

- a. Vicinity maps, drawn at a scale of one (1) inch equal to one thousand (1,000) feet, illustrating the proposed site in relation to surrounding existing and proposed land uses, existing and proposed roads, surrounding zoning districts, and Perspectives: A Future Land Use Plan for Greene County, Ohio;
- b. Topographic maps, drawn at a scale no greater than one (1) inch equal to two hundred vermin and the potential volatile nature of certain materials, no operation shall be permitted closer than five hundred (500) feet from any established residential or rural center district.
- c. A hydrogeologic and surface drainage study of the site conducted by a qualified professional engineer" registered in the State of Ohio, illustrating the various depths, thickness, and hydrologic characteristics of underlying geologic deposits and the depth, direction of flow, and potential for contamination of the underground water supply;
- d. A transportation plan for the site illustrating any proposed external routes or access to the landfill site and any proposed internal circulation routes within the landfill site;
- e. Proposed methods of control for insects, rodents and other disease vectors;
- f. Proposed methods of controlling odor, dust, and/or blowing debris such as paper;
- g. Proposed methods for screening;
- h. Proposed hours-of operation;
- i. The location and size of proposed shelters for landfill personnel and equipment; and
- j. A proposed plan for future use of the site.

522.2 All proposed sanitary landfill operations shall be required to secure a "Permit to Install" from the Ohio Environmental Protection Agency prior to the issuance of a Conditional Use Permit.

- 522.3 The site shall contain mounding or screening adequate to obscure the view of the landfilling operation from any public street, existing dwelling unit, or any residentially zoned property.
- 522.4 The site shall be limited to areas where surfaces or underground water pollution will not occur.
- 522.5 The site shall not be accessible from any established residential area.
- 522.6 The site shall be so located as to minimize the effects of winds carrying objectionable odors to urbanized or urbanizing areas.
- 522.7 An attendant shall be on duty during the time the sanitary landfill site is open to supervise the unloading of refuse.
- 522.8 Blowing paper shall be controlled by providing a portable fence near the working area. The fence and area shall be policed daily.
- 522.9 There shall be no open storage or burning of refuse or garbage.
- 522.10 Conditions unfavorable for the production of insects, rodents, and other disease vectors shall be maintained by carrying out routine landfill operations promptly in a systematic manner.
- 522.11 Domestic animals shall be excluded from the site.
- 522.12 A compacted layer of at least six (6) inches of suitable cover material shall be placed on all exposed refuse by the end of each working day.
- 522.13 Other conditions which the Board of Zoning Appeals deems necessary to insure that the sanitary landfill operation will not be detrimental to surrounding properties or to the environment.
- 522.14 No hazardous waste, defined under Ohio Revised Code Section 3724.01 (J) (1) and (2), and the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806-2812, 42 U.S.C. 6921 to 6931 shall be deposited in or stored on any site designated as a Sanitary Landfill under Section 522 of this code without application for and receipt of a hazardous waste storage-burial conditional use permit from the Board of Appeals and submission of an operating plan by the proposed site operator to include the following information and assurance;
- a. The full legal and corporate name of the site operator to include any other names used by said site operator within the past five (5) years, and the names of all the officers of the said proposed operator in include detailed resumes of same indicated prior experience or expertise in the operation of a hazardous waste storage-burial facility.

- b. A detailed listing of the specific types of hazardous waste to be stored on site to include chemical and generic designation and known effects on flora and fauna of same.
- c. A complete fire and population evacuation plan for all areas within five (5) miles of the site center.
- d. A complete geologic and hydrologic study of the site showing site barrier control sufficient to prevent all off-site leachate transmission and insure protection of all water supplies.
- e. Operator shall submit the name of this waste transport company to include the type of vehicles to be used to transport the hazardous waste and the training of the driver-operators.
- f. Operator shall submit a plan for the control of malodorous airborne pollutants so that no such odors are transported off-site.
- g. Operator-applicant shall present proof to the Board of licensure for Hazardous Waste Storage under Section 3734.03 of the Ohio Revised Code prior to issuance of any conditional use permit by the Board of Zoning Appeals.
- h. Operator-applicant shall present proof of bond or surety to the sum set by Zoning Board of Appeals subject to the approval of the Village Council. Proof of bond shall be required prior to the grant of a conditional use permit for Hazardous Waste Storage in Spring Valley Village.

522.15 The Zoning Inspector or a Health Department Employee may visit the site at any time and may have cause for a Cease and Desist Order if any of the above sections are in violation.

SECTION 523 MINERAL EXTRACTION OPERATIONS: The purpose of this Section is to insure that the mineral resources of Spring Valley Village are properly managed, and that all land used for mineral extraction be properly located, screened, and reclaimed so as not to create a hazard or nuisance which may adversely affect the health, safety, or general welfare of the community, either immediately or in the future. Quarries, sand and gravel operations, or other mineral extraction operations may be permitted as a Conditional Use within specified districts upon submission of satisfactory proof that such operations will not be detrimental to the neighborhood or surrounding properties. The following conditions shall be guaranteed by the applicant:

523.1 All conditional use applications for mineral extraction operations within Spring Valley Village shall be accompanied by the following information, at a minimum:

- a. Vicinity maps, drawn at a scale of one (1) inch equal to one thousand (1,000) feet, illustrating the extraction in relation to surrounding existing and proposed land uses, existing and proposed roads, surrounding zoning districts, and Perspectives: A Future Land Use Plan For Greene County, Ohio;
- b. A map at a scale of at least one (1) inch equals one hundred (100) feet showing existing contours at intervals of five (5) feet or less, any existing building structures, and any public utilities or easements on the property;
- c. Name and address of the applicant, including all partners and officers of the corporation;
- d. Name and address of the owner of the surface rights of the property;
- e. The location, description, and size of the areas to be excavated during the first year as well as an estimate of the total anticipated area of excavating;
- f. A list of the types of resources or minerals to be extracted;
- g. The proposed method of removal of such resources and whether or not blasting or other use of explosives will be required;
- h. A hydrological study of the anticipated depth of excavations and the probable effect to the existing ground water and water table conducted by a qualified professional engineer registered in the State of Ohio. The map shall show water table depth and location of all wells in the area and be submitted to the water purveyor for review. If the water table is to be affected, the operator shall provide proof, before permission for excavation is given, that the source of any public or private water supply shall not be adversely affected due to a lowering of the water table or contamination of the supply;
- i. The location of any processing plant to be used, and any accessory or kindred operations that may be utilized in connection with the operation of a processing plant by the mining processor or any other firm, person, or corporation;
- j. A general description of the equipment to be used for excavating, processing, and/or transporting excavated mineral resources;
- k. A transportation plan for the site illustrating any proposed internal circulation routes within the site and estimated frequency of trips to and from the site;
- l. A plan for the rehabilitation and reclamation the excavated area as specified in this Section: and
- m. Any other information the Board of Zoning Appeals may deem necessary in order to determine if the proposed extraction operation will not be detrimental to surrounding land uses and the community in general.

523.2 All proposed mineral extraction operations shall be required to secure a permit for such activities from the Chief of the Division of Reclamation, Ohio Department of Natural Resources prior to the issuance of a Conditional Use Permit.

523.3 Adequate operational controls shall be used to minimize the creation of detrimental ground vibrations, sound, pressure, smoke, noise, odors, or dust which would injure or be a nuisance to any persons living or working in the vicinity.

523.4 The location of any storage or processing activities upon the site shall be subject to approval by the Board of Zoning Appeals because of possible detrimental external effects such as air or water contamination. All such activities shall be naturally or artificially screened from any public street, existing dwelling unit, or any residentially zoned property.

523.5 Mineral extraction to a depth not exceeding six (6) feet may be conducted up to one-hundred (100) feet of any residential district, provided the operation is conducted over a temporary period not to exceed twelve (12) months and the operation of equipment is limited to the extraction process. All other mineral operations shall not be conducted closer than five hundred (500) feet from an existing residential district.

523.6 Temporary operational roads shall not be located closer than two hundred (200) feet from any Residential District or any existing dwelling. ((Because temporary roads are not typically made of a durable dustless surface of asphalt or concrete).

523.7 Buildings and structures designed and constructed exclusively for mineral extraction, storage, or processing, for which no future use is contemplated and no other use is practical or feasible, shall be demolished and removed at expiration of the Conditional Use Permit.

523.8 The operator shall maintain complete records on a daily basis of all blasting operations including records of the time, the date, the location, and complete description of weather conditions relating to each such blast. Such records shall be available to the Zoning Inspector upon request. At the request of the Board of Zoning Appeals, the operator shall fully cooperate in any investigation by the Board of Zoning Appeals of the conditions of the operation. In the event that it is established as a matter of fact that there has been a failure to adequately comply with the provisions of this Section, said operator shall take immediate steps to provide full compliance herewith.

523.9 In order to insure adequate lateral support for public roads in the vicinity of mineral extraction operations:

- a. All sand and gravel excavations shall be located at least 100 feet and backfilled to at least 150 feet from a street right-of-way line.
- b. All quarrying or blasting shall be located at least 100 feet from the right-of-way line of any existing or platted street, road, highway or railway.
- c. Such excavation or quarrying may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road, or highway where officially approved by the authority charged with maintenance of such platted street, road, or highway.

523.10 All excavations of gravel or sand shall either be (1) made to a depth not less than five (5) feet below a water-producing level, or (2) graded and/or backfilled with non-noxious and non-flammable solids, to assure that the excavated area will not collect and retain stagnant water. The graded or backfilled surface shall create an adequate finished topography to minimize erosion by wind or rain and substantially conform with the contours of the surrounding area.

523.11 The underwater banks of all excavations which are not backfilled shall be sloped at a grade of not less than 3 feet horizontal to 1 foot vertical a minimum or six (6) feet below the water line. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where revegetation is possible.

523.12 Whenever the floor of a quarry is greater than (5) feet below the average grade of an adjacent public street or any adjacent property, the property containing such quarry shall be completely enclosed by a mound of earth not less than six (6) feet in height, and planted with suitable landscaping, or a fence not less than six (6) feet in height. All plantings or fences shall be sufficient in either case to prevent persons from trespassing upon the property and shall be subject to, approval by the Board of Zoning Appeals. Such mound shall be located not less than twenty five (25) feet from any street right-of-way or boundary of the quarry property. Such barriers may be excluded where deemed unnecessary by the Board of Zoning Appeals because of the presence of a lake, stream, or other existing natural barrier.

523.13 When any quarrying has been completed, a reclamation phasing plan shall be submitted and such excavated area shall either be left as a permanent spring-fed lake, or the bottom floor thereof shall be leveled to prevent the collection and stagnation of water and to provide proper drainage without excessive soil erosion. Said floor shall be covered with soil or adequate thickness for the growing of turf or other ground cover.

523.14 To guarantee the restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted permission by the Board of Zoning Appeals to conduct a mineral extraction operation as herein provided shall furnish a reclamation plan and a performance bond running to the Clerk of Spring Valley Village, Greene County, Ohio. The amount of the performance bond shall be based upon an estimate of costs to meet the aforementioned requirements

prepared by a professional civil engineer registered in the State of Ohio and submitted by the applicant. The amount of the performance bond shall be established by Resolution of the Village Council, depending upon the type and extent of restoration required and consideration for future costs and inflation. The performance bond shall be a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land, shall within a reasonable time and to the satisfaction of the Board of Zoning Appeals meet the requirements of this section. The bond shall be annually certified by the issuing bond company.

523.15 The reclamation plan for the extracted area shall be based on incremental phasing and will contain at a minimum, the following information:

- a. A map at a scale of one (1) inch equals one hundred (100) feet showing the existing contours at intervals of five (5) feet or less, any existing utilities or easements on the property.
- b. The depth of the proposed cover which shall be at least as great as the depth of the unusable overburden which existed at the commencement of operations, but which in no event need be more than 18 inches.
- c. The angle of slope of all earthen banks, which shall be no greater than one (1) foot vertical to three (3) feet horizontal. In areas where at the commencement of excavation a greater angle existed, the angle of slope shall be no greater than that which existed at the commencement of excavation.
- d. The angle of slope of all banks consisting of rock and the required cover.
- e. The location of fences or effective plantings in each phase of those locations where the Board of Zoning Appeals determines that such angles of slope are not physically or economically feasible to reduce.
- f. A landscape plan with the number of trees and shrubs, and the type of ground cover to be provided for each phase of reclamation. The type and number per acre of trees, shrubs ground cover, or legume to plant shall be determined in consultation with the Greene County Agricultural Extension Agent.
- g. The location of proposed ultimate land uses, and physical improvements such as roads, drives, drainage courses, utilities and other improvements as determined in consultation with the Regional Planning and Coordinating Commission, the County Engineer, the Sanitary Engineer, and the Planning Commission shall be submitted for each phase of reclamation.
- h. A statement that vegetation shall be restored by the spreading of sufficient soil and by appropriate seeding of grasses or planting of shrubs and trees in all parts of said reclamation area where the same is not submerged under water.
- i. A grading plan showing the proposed final topography of each phased area indicated by contour lines of no greater interval than five (5) feet.

523.16 Hours of Operation – Any mineral extraction use approved under the conditional use process shall adhere to hours of operation from 7:00 a.m. to 6:00 p.m. if the operation is within 1,500 feet of a residential structure or zone,

or a commercial structure such as a hotel, motel, or lodge. The Board of Zoning Appeals may further restrict the hours of operation.

523.17 Access roads shall be maintained in a dust free condition by surfacing or dust retarding material. A full description of these controls shall be submitted to the Board of Zoning Appeals.

523.18 All vehicles being utilized on and off site as part of the mineral extraction operation shall avoid the use of beepers, and instead use infrared detection systems to ensure vehicular safety when maneuvering.

523.19 No mining or mineral extraction operation shall be permitted in an area that will negatively effect the surface or wellhead source water area or other component of a Village or public water supply or treatment system, or an area that has been defined as a naturally sensitive or source water or wellhead recharge protection area by Federal, State, County, or Village plans.

523.20 A traffic study may be required if the County Engineer, MVRPC, ODOT determines the additional traffic may impact road intersections or road traffic in such a manner as to cause the County's or Villages liability for improvement to said areas.

523.21 Operation structures shall not be erected within 200 feet of any property line or road. The setback to adjoining property lines shall not apply where the adjoining property is used for mineral extraction or heavy manufacturing as defined in section 202.072 .

523.22 Control measures and best practices shall be implemented on a continuing basis, during times of operation to control dust on entrance roadways, in equipment operation, and throughout the mining and mineral extraction site. The Zoning Inspector or designee may require the paving of travel surfaces, the upgrading of dust control devices for processing and on-going site manufacturing equipment, and other treatments to control dust as may be needed.

523.23 The storage of fuels, chemicals and equipment service facilities required by accessory uses shall be located where they are least likely to contaminate ground water as determined by the State EPA, Village Zoning Inspector or designee, and/or Village Administrator.

523.24 On sites located along the Little Miami River, the excavation area shall be set back a minimum of 250 feet from the ordinary high water mark of the river and additional erosion control material will be utilized.

523.25 A zoning permit for mining and mineral extraction shall be issued for a one-year period, which is automatically renewed with an established annual fee for one-year unless the owner/operator violates or ignores the approved plan including the reclamation phasing plan and specific site plan with ultimate use.

SECTION 524 TEMPORARY USES: The following regulations are necessary to govern the operation of certain uses, which are non-permanent in nature. Application for a Temporary Zoning Permit shall be made to the Zoning Inspector, containing a graphic description of the proposed use, and sufficient information to determine yard requirements, setbacks, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specific regulations and time limits, which follow, and to the regulations of any district in which such use is located:

524.1 Carnivals, Circuses, Tent Meetings, Bazaars, Festivals, Art Shows, or Other Similar Public Events may be permitted within any non-residential district and upon church, school or other similar sites within any residential district. No permit shall be issued unless the written consent of fifty-one percent (51%) of the owners of all residentially used property within four hundred (400) feet of the temporary use site is first filed with the Zoning Inspector at least forty-eight (48) hours prior to commencement of the event. Such uses shall only be provided on lots where adequate off-street parking can be provided and shall not be permitted for a period longer than fifteen (15) days.

524.2 Christmas Tree Sales may be permitted within any non-residential district for a period not exceeding thirty-five (35) days.

524.3 Real Estate Sales Offices may be permitted within any district for any new subdivision, which has been approved by the Spring Valley Planning Commission under the Subdivision Regulations for Spring Valley Village. Such office shall contain no living accommodations. The permit shall be valid for one (1) year, but may be granted two (2) six-month extensions if conditions warrant such renewal. Such office shall be removed upon completion of sales of the lots therein, or upon expiration of the Temporary Zoning Permit, whichever occurs sooner.

524.4 Temporary office for contractors and equipment sheds incidental to a construction project may be permitted within any district. The permit shall not be valid for more than one (1) year but may be renewed for six-month extensions if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction project, or upon expiration of the Temporary Zoning Permit whichever occurs sooner.

524.5 The temporary placement of a mobile home upon a lot which already contains a residential structure may be permitted where the Board of Zoning Appeals finds that special circumstances or conditions such as fires, windstorms, or other similar events which are fully described in the findings of the Board, exist, such that the use of a temporary residential structure is necessary in order to prevent an exceptional hardship on the applicant, provided that such a temporary structure does not represent a hazard to the safety, health, or welfare of the community.

An applicant for a Temporary Zoning Permit under 524.5 must produce a written statement for the Greene County Health Department approving the water supply and wastewater disposal system of the temporary mobile home location. Such permit may be initially issued for nine (9) months, renewable for up to three (3) months time for all permits, not exceeding a total of twelve (12) months.

524.6 Temporary sales may be permitted within parking lots within any business district. A temporary Zoning Permit for such sales shall only be issued once within any four (4) month period and shall not exceed a period of seven (7) consecutive days unless otherwise approved by the Board of Zoning Appeals. A temporary use permit shall not be issued if it is determined by the Zoning Inspector that encroachment of more than twenty five percent (25%) of the required storage or parking areas will take place.

524.7 Garage sales may be permitted within any district in which dwellings are permitted. Garage sales may be permitted three times for any particular lot within any twelve (12) month period and shall not exceed a period of seven (7) consecutive days. Accessory parking shall be provided upon the lot in such a manner as to not create a traffic hazard.

SECTION 525 CEMETERIES: The following standards shall apply to the development and construction of cemeteries within Spring Valley Village.

525.1 The site proposed for a cemetery shall not interfere with the development of a system of collector and larger streets in the vicinity of such site. In addition, such site shall have direct access to a thoroughfare, which the Board of Zoning Appeals determines is adequate to serve the size of facility proposed.

525.2 Any new cemetery shall be located on a site containing not less than twenty (20) acres.

525.3 All buildings, including but not limited to mausoleums and maintenance buildings, shall respect the required yards setback of the district in which it is located.

525.4 All graves or burial lots shall be set back not less than twenty five (25) feet from any street right-of-way line.

525.5 All required yards shall be landscaped and maintained in good order in accordance with state and local regulations. A plan for perpetual care of the grounds shall be required.

SECTION 526 HOLD FOR FUTURE USE

SECTION 527 HOLD FOR FUTURE USE

SECTION 528 HOME OCCUPATIONS: All home occupations shall be in accordance with the following provisions:

528.1 No person or persons shall operate a home occupation or be employed there under other than a resident of the premise;

528.2 All home occupations shall be conducted entirely within the dwelling unit, and the use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than twenty five percent (25%) of the gross floor area of any dwelling unit shall be used for a home occupation;

528.3 Uses permitted as home occupations include beauty services, barber services, music or other similar types of lessons, woodworking, upholstery, arts and crafts, an office for professional services, an office for the business in which the occupant is engaged, and limited repair services for domestic goods and appliances such as lawnmowers, televisions, radios, etc.;

528.5 There shall be no change on the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the building in which the home occupation is located;

528.6 There shall be no sale on the premises of commodities not produced as the result of the home occupation;

528.7 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 specified in this Regulation, and shall not be located in a required front yard; and

Equipment or processes shall not be used in such home occupation, which create noise, vibrations, glare, fumes, odors, or electrical interference detectable outside the dwelling unit if the occupation is conducted in a single-family residence, or off the lot if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio, television receiver off the premises, or cause fluctuations in voltage off the premises.

528.8 A home occupation may be conducted as a conditional use in an accessory structure provided that:

- a. The accessory structure existed prior to the effective date of this amendment ().
- b. That all requirements of 528.1, 528-3 - 528.7 are complied with.

c. That the board of appeals determines that the propose home occupation conducted within the accessory structure is consistent with 528.3 and is compatible with the residential character of the neighborhood.

SECTION 529 MINIMUM FLOOR AREA PER DWELLING UNIT: The minimum residential floor area per dwelling within Spring Valley village shall be in accordance with the following table. These requirements shall be applicable to all districts.

Family	Single-Family and	Multiple
	Two-Family Dwellings	Dwellings
0 Bedroom feet	1,000 square feet	600 square
1 Bedroom feet	1,000 square feet	750 square
2 Bedroom feet	1,100 square feet	900 square
3 Bedroom feet	1,250 square feet	1,050 square
4 Bedroom feet	1,400 square feet	1,200 square
5 Bedroom feet	1,550 square feet	1,350 square
6 + Bedroom square	1,700 square feet	plus 150
add.	plus 150 square feet	feet for each
over 5	for each additional	bedroom
	Bedroom over	

SECTION 530 CHURCHES WITHIN RESIDENTIAL DISTRICTS: Churches and their accessory uses shall be permitted within residential districts only under the following requirements:

530.1 The minimum lot area shall be two (2) acres and the minimum lot width shall be two hundred (200) feet. The lot area shall be adequate to accommodate the required off-street parking requirements of the church.

530.2 The church building shall be set back from any adjacent residential property line a distance equal to or greater than the height of the structure exclusive of the steeple or spire.

530.3 The church lot shall be accessible to a major thoroughfare in a manner that does not require the passage of traffic through local residential streets.

530.4 Accessory living quarters may be provided on the church lot as a Conditional Use. The location, density, and the additional lot area required for such uses shall be subject to approval by the Board of Zoning Appeals.

SECTION 531 AIRPORTS AND LANDING STRIPS: All airports and landing strips shall be in accordance with the following requirements:

531.1 In order to maintain the safety of the occupants of surrounding properties, all private helicopter landing areas shall be located a minimum of five hundred (500) feet from any adjacent property or shall be screened by a wall, solid fence, mound, or evergreen planting a minimum of six (6) feet in height. In order to maintain the safety of the occupants of surrounding properties, all such sites shall be approved by the Ohio Department of Transportation, Division of Aviation.

531.2 All private landing strips shall be approved by the Ohio Department of Transportation, Division of Aviation and shall be situated so as to not create a nuisance or hazard to residential dwellings or other structures within the vicinity.

531.3 Commercial airports may be permitted as Conditional Uses within specified districts subject to the following conditions:

- a. The applicant shall present sufficient evidence to the Board of Zoning Appeals that the design and location of the airport satisfies all of the applicable requirements of the Federal Aviation Administration and the Ohio Department of Transportation, Division of Aviation.
- b. The applicant shall provide proof to the Board of Zoning Appeals that all appropriate air rights and/or easements have been secured from surrounding property owners.
- c. The location of buildings, hangars, or other structures shall meet or exceed the minimum setback requirements of the district in which the airport is located.
- d. The location and capacity of all off-street parking and loading areas and the location of vehicular access to public streets shall be subject to approval by the Board of Zoning Appeals.
- e. All airports shall have water supply and wastewater disposal facilities approved by the Ohio EPA.
- f. Appropriate visual and noise screening of the hanger and terminal areas from existing surrounding development shall be provided. Such screening shall be subject to approval by the Board of Zoning Appeals.

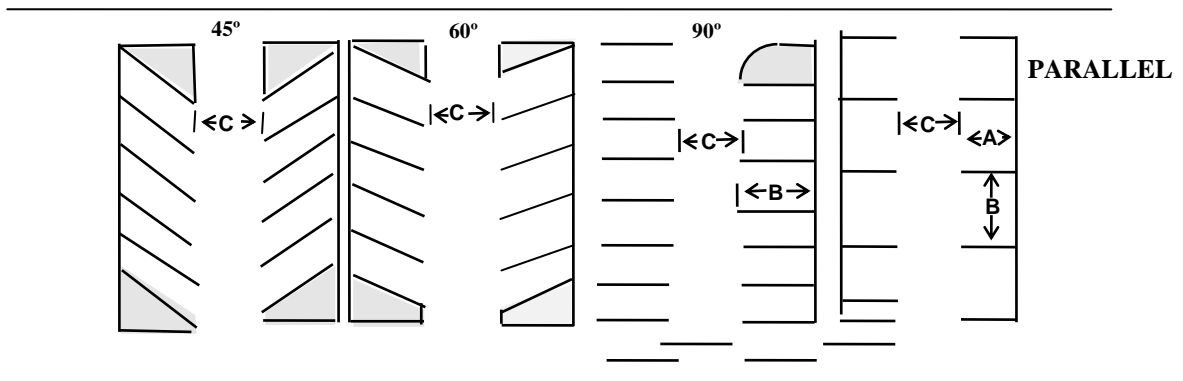
ARTICLE 6
OFF-STREET PARKING
& LOADING REGULATIONS

SECTION 601 OFF-STREET PARKING AND LOADING REQUIRED: No building or structure shall be erected, substantially altered, changed in use, or any land used or changed in use unless adequately maintained off-street parking spaces, either in garages or open parking areas, and off-street loading spaces have been provided in accordance with the provisions of this Article. The provisions of this Article shall not apply to any building, structure, or land use existing before the effective date of the Regulation or any amendment thereto unless such building, structure, or use is altered or changed. However, the number of off-street parking or loading spaces shall not be reduced to an amount less than required for a new land use as specified in this Article.

SECTION 602 REQUIRED PARKING AND LOADING PLAN: A parking and loading plan shall not be required for single-family or two-family residential uses. All other land shall submit a parking and loading plan to the Zoning Inspector as a part of the application for a Zoning Permit. The parking and loading plan shall show boundaries of the property, parking spaces, loading areas, circulation patterns, drainage plans, construction plans for any boundary walls or fences, a screening plan, and the location of adjacent houses or buildings.

SECTION 603 OFF STREET PARKING DESIGN STANDARDS: All parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following specifications:

603.1 Parking Space Dimensions: All parking spaces shall be in accordance with the following design requirement:



	45°	60°	90°	PARALLEL
A Width of Parking Space	13'	11'5"	25'	23'
B Length of Parking Space	14'	17'6"	10'	9'
C Width of Driveway Aisle	21'6"	22'	20'	12'

603.2 Access: All parking spaces, except those required for single family or two family uses not fronting upon an arterial or collector street, shall have access to a public street in such a manner that any vehicle leaving or entering the parking area from or into a public street or private interior drive shall be traveling in a forward motion.

603.3 Paving: All required parking spaces other than for single family dwellings, together with driveways, and other circulation areas, shall be hard-surfaced with a pavement having an asphalt or concrete binder.

603.4 Drainage: All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water on to adjacent properties or walkways and damage to public streets.

603.5 Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.

603.6 Screening: Screening shall be required as provided in Article 5, Section 515.

603.7 Access to Required Trash Areas: Trash and/or garbage collection areas for commercial, industrial, and multi-family residential uses that provide such services, shall be enclosed on at least three sides by a solid wall or fence of at least four (4) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such areas for collection of trash and/or garbage shall be required.

603.8 Other Uses Within Required Parking Areas: No motor vehicle repair work or service of any kind, except emergency repairs, shall be permitted in or associated with any off-street parking area. Display or sales of any merchandise within any parking area shall be permitted only the Zoning Inspector in accordance with Article 5, Section 524.

603.9 Landscaping: All parts of open off-street parking areas which are unusable, either for, parking or for traffic, shall be landscaped with, plantings of grass, flowers, shrubs, and/or trees, which shall be continuously maintained.

603.10 Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street.

603.11 Marking: All parking spaces shall be marked with paint lines, curb stones, or in any other manner approved by the Board of Zoning Appeals and maintained in clearly visible condition.

603.12 Maintenance: The owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris.

603.13 Lighting: Any parking area which is intended to be used during non-day hours shall be properly illuminated as to avoid accidents. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

603.14 Separation from Right-of-Way: All parking facilities located within required front or side yards shall be separated from sidewalks and streets in public rights-of-way by a strip of land which shall be at least five (5) feet in width and which shall be reserved as open space and planted in grass.

603.15 Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.

603.16 Joint Use of Facilities: Two or more non-residential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that such an arrangement is provided within the deeds or other written legal documents approved by the Board of Zoning Appeals.

603.17 Collective Parking Areas: Two or more non-residential uses may collectively provide the required off-street parking area, provided the required number or parking spaces shall not be less than the sum of the requirements for the individual uses computed separately.

SECTION 604 PARKING SPACE REQUIREMENTS: For the purposes of this Regulation the following parking space requirements shall apply. The number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals:

RESIDENTIAL

<u>REQUIRED</u>	<u>TYPE OF USE</u> <u>PARKING SPACES</u>
Single family or two family may	Two for each unit which include the driveway
Apartment hotels, apartments, or multi-family dwellings	Two for each unit
Mobile homes	Two for each unit
Boarding houses, rooming houses, room or dormitories and fraternity houses which occupant, have sleeping rooms	Two for each sleeping two for each permanent whichever is greater

COMMERCIAL AND INSTITUTIONAL

<u>TYPE OF USE</u> <u>REQURIED</u>	<u>PARKING SPACES</u>
Animal hospitals and kennels feet of floor each two employees	One for each 400 square Area and one for
Automobile repair station feet of floor each employee	One for each 800 square areas and one for
Automobile salesrooms, wholesale feet of floor stores, machinery or other large employee item sales, and similar uses	One for each 400 square area and one for each
Automobile service stations and two	Two for each service stall for each service bay
Automobile Washing Facilities	One for each employee

COMMERCIAL AND INSTITUTIONAL (CONTD.)

Banks, financial institutions, feet of floor post offices, and similar uses employee	One for each 200 square area and one for each employee
Barber and Beauty Shops beauty	Three for each barber or operator
Carry-out restaurants feet of floor each two employees, total of eight (8) spaces	One for each 200 square area and one for with a minimum
Churches and other places of feet of floor area religious assembly	One for each 300 square
Drive-In restaurants feet of floor area two employees	One for each 125 square and one per each
Funeral parlors, mortuaries of floor area and similar uses or service rooms	One for each 50 square feet in slumber rooms, parlors,
Hospitals one for each for each two employees	One for each two beds, and staff doctor, and one
Hotels, motels room, one for each each 100 square feet cocktail lounge, or	One per each sleeping employee, and one for used for restaurant, similar purpose
Laundromats dry cleaning	One for each washing or

	machine
Libraries, museums, and art galleries feet of floor area	One for each 400 square
Medical and dental offices and clinics examination or treatment employee	Three for every room and one for each
Offices, public or professional administration, feet of floor area or service building	One for each 300 square

COMMERCIAL AND INSTITUTIONAL (CONTD.)

<u>REQURIED</u>	<u>TYPE OF USE</u> <u>PARKING SPACES</u>
Restaurants, taverns, nightclubs, capacity, and similar uses employees	One for each three persons and one for each three
Retail stores feet of floor area	One for each 250 square
Sanitariums, homes for the aged, nursing homes, children's homes, and similar uses	One for each two beds

INDUSTRIAL

<u>REQURIED</u>	<u>TYPE OF USE</u> <u>PARKING SPACES</u>
Manufacturing, storage uses, warehouse employees on the and wholesale uses, parcel delivery, building is freight terminals, and similar uses motor vehicle and maintained on	Two for every. three largest shift for which the designed and one for each used in the business the premises

SCHOOLS

REQURIED

Business, technical, and trade schools
and one

TYPE OF USE
PARKING SPACES

One for each two students
for each teacher

Colleges and universities

One for each four students

Elementary and junior high schools
and one for every

Two for each classroom
eight seats in

auditoriums or assembly halls

High schools
capacity of the

One for each two persons
largest assembly area
every ten students, one
and one for every other
or administrator

including: One for
for every teacher,
employee

Kindergartens, childcare centers,
feet of floor area
nursery schools and similar uses
but not less

One for each 400 square
and one for each employee,
than six for the

building

RECREATIONAL

REQURIED

Bowling alleys
plus one

TYPE OF USE
PARKING SPACES

Six for each alley or lane
Additional space for
feet used for
or similar use

each 100 square

restaurant, cocktail lounge,

RECREATIONAL

<u>REQUIRIED</u>	<u>TYPE OF USE</u> <u>PARKING SPACES</u>
Dance halls, skating rinks capacity	One for each two persons
Swimming pools families or one capacity, whichever	One for each two member for each five persons is greater
Auditoriums, sport arenas, theaters, capacity and similar uses	One for each four persons
Golf courses open to the general public each employee, 100 square feet of restaurant, cocktail lounge, or	Five for each hole, one for and one space for each area used for similar purpose
Miniature golf courses for each	Two for each hole and one employee
Private clubs and lodges capacity	One for each three persons
One for each three persons capacity areas and one or similar uses	Two for each three playing for each employee

SECTION 605 OFF-STREET LOADING DESIGN STANDARDS A permanently maintained area for standing, loading, and unloading services shall be provided for on the same lot with every building, structure, or part thereof erected and occupied for commercial, institutional, and/or distribution of materials or merchandise by vehicles. These off-street loading areas shall be required in order to avoid undue interference with public use of streets and alleys. All loading facilities shall be in accordance with the following specifications:

605.1 Loading Space Dimensions: Each loading space shall have minimum dimensions not less than twelve (12) feet in width, fifty (50) feet in length, and a vertical clearance of not less than fifteen (15) feet.

605.2 Projection Into Yards: Off-street loading spaces may occupy any part of a required rear or side yard, but shall not project into any front yard.

605.3 Access: All required, off-street loading spaces shall have access to public street or alley in such a manner that any vehicle leaving or entering the premises shall be traveling in a forward motion. This requirement may be waived upon approval by the Board of Appeals.

605.4 Paving: All required loading spaces, together with driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic or portland cement binder pavement in order to provide a durable and dust free surface.

605.5 Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the drainage of surface water on to adjacent properties or walkways and damage to public streets.

605.6 Screening: Screening shall be required as provided in Article 5, Section 515.

605.7 Lighting: Any loading area which is intended to be used during non-daylight hours shall be properly illuminated to avoid accidents. Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

605.8 Distance From Residential Districts: No loading ramp, dock, door, or space, nor any portion thereof, shall be located closer than fifty (50) feet from any lot zoned for any residential use unless located completely within an enclosed building.

SECTION 606 OFF-STREET LOADING SPACE REQUIREMENTS: The minimum number of off-street loading spaces shall be provided in accordance with this section unless otherwise approved by the Board of Zoning Appeals. An area adequate for maneuvering, ingress, and egress shall be provided in addition to the following required loading spaces:

SPACES

TYPE OF USE
REQUIRED LOADING

Retail operations, including restaurant 40,000 square and dining facilities within hotels and office thereof;	1 loading berth for every feet of floor area or fraction
buildings, with a total usable floor area of 20,000 20,000 square square feet, or more devoted to such purposes thereof	1 loading space for every feet of floor area or fraction

Retail operations, and all first floor non-residential
uses, with a gross floor area of less than 20,000
square feet, and all wholesale and light industrial
operations with a gross floor area of less than
10,000 square feet

1 loading space

Office buildings and hotels with total usable 100,000 square floor area of 100,000 square feet or more devoted thereof to such purposes	1 loading berth for every feet of floor area or fraction
---	---

Office buildings and hotels with total usable 100,000 square floor area of 100,000 square feet or more devoted thereof to such purposes	1 loading berth for every feet of floor area or fraction
---	---

Industrial and wholesale operations with a gross
loading berths required
floor area of 10,000 square feet or over as follows:

Minimum number of

- 10,000 to 39,999 square feet 1
- 40,000 to 99,999 square feet 2
- 100,000 to 159,000 square feet 3
- 160,000 to 239,999 square feet 4
- 240,000 to 319,999 square feet 5
- 320,000 to 399,000 square feet 6
- Each 90,000 square feet above 399,999 square feet... 1

ARTICLE 7

SIGNS

SECTION 701 INTENT:

The purpose of this article is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distractions and sight obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space and curb the deterioration of the natural environment and enhance community development.

SECTION 702 GOVERNMENTAL SIGNS:

For the purpose of this Regulation, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance or governmental regulation.

SECTION 703 SIGNS NOT REQUIRING A PERMIT:

703.1 Real Estate Signs as defined in 706.4.

703.2 Professional name plats are not to exceed two (2) square feet in residential areas and not exceed four (4) square feet in other areas.

703.3 Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.

703.4 Signs denoting that Crime Watch programs are in effect in an area not to exceed two (2) square feet in area.

SECTION 704 REGULATIONS AND LIMITATION ON SIGNS REQUIRING A PERMIT:

704.1 General Requirements:

- (a) Signs shall not be posted in any place or in any manner that is destructive to public property upon posting or removal.
- (b) Signs shall not be erected, affixed or maintained on any tree, traffic device, telephone or utility pole, bus shelter, trash receptacle, on any other unapproved supporting structure unless otherwise authorized herein.
- (c) Signs shall meet the size, height, location and setback requirements for the district in which it is located, unless otherwise specified herein.
- (d) A permit will be required for all signs unless otherwise specified herein.
- (e) Signs shall not be erected in any public right-of-way.
- (f) Any illuminated sign which is clearly visible from any residential district shall not be (illuminated between the hours of 11 P.M. and 7 A.M.

unless it is accessory to a business or commercial use open for business during such hours.

(g) No person shall erect, construct or maintain any sign upon any property or building without the consent of the owner or persons entitled to possession of the property or building if any, or their authorized representatives.

(h) The Zoning Inspector may declare any sign unlawful if it endangers public safety by reasons of inadequate maintenance, delapidation or abandonment, or if the sign fails to conform to this Regulation. The Zoning Inspector may declare any such sign to be unlawful and such declaration shall state in writing the reason or reasons why such sign and keeping, owning, maintenance, construction and display or operation thereof is unlawful under the terms of this Regulation.

704.2 BILLBOARDS:

Billboards may be erected on ground or wall locations in industrial districts only, subject to the following conditions:

(a) Signs on the same street facing the same traffic flow shall not be placed closer together than 900 feet.

(b) The signs can be double-faced and each side shall be considered as facing traffic flowing in the opposite direction.

(c) At the intersection of two streets, double or single faced signs at right angles to and facing traffic on one street may be situated closer than 900 feet to a similarly positioned sign across the street at right angles to and, therefore, facing traffic on the second street.

(d) The maximum permitted area of a billboard shall not exceed two hundred fifty (250) square feet of total area for a bulletin unit or poster unit.

(e) Structures for billboards shall be of vertical (cantilever) construction and where the back of the sign is visible it shall be suitably painted or otherwise covered to present a neat and clean appearance.

(f) The area around the sign structures shall be kept clean and all scrub brush, tall grass, etc. shall be cleared away to a distance of at least five (5) feet to the rear and sides of the structure as well as to the front property line and if on a corner, to both property lines.

(g) The signs can be illuminated each day from dusk to midnight only.

(h) No part of any sign structure shall be closer to any street line or the nearest building within 100 feet.

(i) When a sign is erected between two buildings that are within 100 feet of the structure, no part of the structure shall be erected closer to any street line than a line drawn from the nearest front corner of the two buildings.

(j) The top of a freeway-oriented sign shall not extend more than 25 feet above the grade of the freeway.

(k) No billboards shall be closer than 1000 feet to any residential district.

(l) To be considered oriented towards an elevated freeway, a sign must be within 150 feet of said elevated freeway.

704.3 ALL OTHER PERMANENT SIGNS:

(a) GENERAL SIZE ALLOWED:

The total signage (copy area) allowed for any place of business will be based on the business or store frontage calculated from the following formula:

Store Frontage	Total Copy Area
0 to 25 Feet	2 Sq. Ft. per linear foot of store frontage
25 to 50 Feet linear feet.	50 Sq. Ft. plus 2 Sq. Ft. per foot of frontage over 25 feet.
50 Feet and Up per 50 feet less.	100 Sq. Ft. plus 1.5 Sq. Ft. linear foot of frontage over or 250 Sq. Ft. whichever is less.

(b) FREE STANDING ON PREMISES SIGNS IN R, B, I DISTRICT PERMITTED SIGNS:

1. One on-premise freestanding sign with 1 or 2 faces is permitted for each premise having frontage on a public right-of-way (excluding alleys and services ways). The signage area applies to the maximum total permitted in Section 704.3. (b)3 and 704.3(a).

2. If a premises fronts on more than one public right-of-way (excluding alleys and service ways) and the lot frontage exceeds 300 feet, one free standing on-premises sign with 1 or 2 faces is permitted on each street. The signage area applies to the maximum total permitted according to Section 704.3.(b)3 and 704.3(a).

3. Area, height, setback chart:

DISTRICT	AREA (PER SIDE SQ.) SETBACK (FT.)	HEIGHT (FT.)
RS-2/RT-4	NONE ALLOWED	
RM-8	16	10
	10	
R-MH	16	10
	10	
VB	16	10
	20	
HB	32	15
	20	
LI/HI	32	15
	20	

4. Signs shall be designed to be viewed from the public right-of-way they front upon.

5. One free standing one or two faced joint identification sign shall be permitted for two or more combined, permitted business uses on the same premise, to include identifying shopping centers or other building complexes. Such sign shall replace the free standing sign allowed in Section 704.3(b)l. One square foot of sign area is permitted for each two linear feet (.of store frontage, providing that the total sign area shall not exceed 75 square feet per side. This area applies to that permitted in Section 704.3(a) and 704.3(b) 3. Increments of area from each tenant will be gathered together for the Joint Identification sign. This section applies to business tracts over two acres.

(c) MINIMUM SETBACK:

1. Free standing signs located within 100 feet of the nearest boundary of any premise zoned residential on the same public right-of-way must be set back the same distance as the setback for the adjoining residential property.
2. See Section 704.3(b) 3.

(d) OTHER:

1. When a free standing sign projects over a vehicular traffic area, such as a driveway of a parking area, the minimum clearance between the bottom of the sign and the ground shall be 14 feet.
2. Free standing signs are intended as identification signs and as such may contain the name of the premises but must be free of advertising.

3. See Chart. The size of freestanding sign may be increased by 10% for each 50' setback over 50', not to exceed 50%.

(e) FREE STANDING ON PREMISES SIGNS IN PUD'S

Under conditions as specified in Table 3 different regulations apply for free standing signs specified under PUD. The following:

1. The free standing signs specified in Table 3 are the only free standing signs permitted under the specified conditions.
2. The signage area permitted for the freestanding signs is in addition to the total signage area permitted in Section 704.3(a). See Table 3.

(f) WALL SIGNS:

- (1) Wall signs on buildings shall not extend above the floor level of the floor above on multi-storied buildings.
- (2) Premises located on corner lots may place wall (Facia) signs on the front of the building, the side of the building facing a public street or both the front and side of the building providing that the total signage does not exceed the total signage allowed for the places of business (See 704.3(a) and (704.3(b)3).
- (3) The size of wall signs may be increased in size 10% for each 100 feet setback over 300', not to exceed total 50% increase.

(g) ROOF SIGNS:

- (1) Roof signs are permitted in "VB" and "LI HI" districts as a conditional use only.
- (2) Roof signs shall be limited to on-premise signs.
- (3) Roof signs shall not rotate.
- (4) Roof signs on buildings which do not exceed forty (40) feet in height and which are designed for viewing by traffic passing by the sign installation shall:

(a) Be limited to two (2) faces.

(b) Not exceed a height from the top of the parapet of six feet for building heights 0 to 15 feet (b) height feet for building heights 16 to 25 feet ten feet for building, heights 26 to 40 feet. (d) roof signs that are located on buildings adjacent to freeways in any "VB" or "LI-HI" district are oriented for viewing by traffic on freeways may extend up to a maximum height of 25 feet above the grade of the freeway.

(5) Roof signs on multi-storied buildings designed to be viewed from distant points, may have (2) faces and constructed in the form of an architectural blade or four (4) faces and constructed in the form of a penthouse.

(6) The total signage (copy area) allowed shall be as specified in 704.3(a).

(h) PROJECTING SIGNS:

1. Any place of business with frontage on a public right-of-way is permitted to have one projecting sign along that public street. The projecting sign may exist instead of, but not in addition to, a freestanding sign or roof sign. Where a premises is allowed two free standing signs, the occupant may elect to substitute a projecting sign for one of the free-standing signs. If a premises has at least 300 feet of frontage along anyone right-of-way, the occupant may have two projecting signs.

2. Subject to an absolute limit of four (4) feet from the building to which the sign is attached and two (2) feet back from the public right-of-way including sidewalks, projecting signs are limited to three (3) inches for each linear foot of building front measured from the sign location to the nearest side line of the business frontage. Subject to the absolute limit of four (4) feet from the building, signs on corner properties at 45 degrees to the corner are permitted a 20% increase on the formula of three (3) inches for each linear foot of building front.

3. Projecting signs shall not be higher than the top of the parapet.

4. Projecting signs shall have a minimum clearance of ten (10) feet between the bottom of the sign and the finished grade.

5. All projecting signs shall be installed or erected in such a manner that there shall be no visible angle iron support structure above a roof building face or wall.

6. Projecting signs are permitted in "GB", "VB" and "LI-HI" districts only.

7. The total signage (copy area) allowed shall be as specified in 704.3(a).

i. CANOPY AND MARQUEE SIGNS:

1. Canopy signs shall be limited to two (2) faces.

2. The sign shall not project forward of the front of the canopy.

3. Canopy signs may be installed above or below the canopy proper.

a. If the signs are installed above the canopy, the top edge of the sign shall not raise above the top edge of the parapet or the floor level of the floor above on a multi-storied building.

b. If the sign is installed below the canopy, the bottom edge of the sign shall not be less than nine (9) feet from the sidewalk.

4. On places of public entertainment, such as theaters, arenas, etc., a changeable copy sign is allowed.

5. A freestanding sign supported by a sign structure which is imbedded in the ground and independent of a canopy for structural support, may project above and over a canopy. This section shall not be deemed to allow a freestanding sign to be located over, in whole or in part, the roof of a building. A freestanding sign, which projects over a canopy, shall comply with the requirements for canopy signs.

6. The total signage (copy area) allowed shall be as specified in 704.3(a).

(j) SIGNS ON AWNINGS:

1. Signs consisting of one line of letters may be painted, placed or installed upon the hanging border only of any awning erected and maintained in accordance with this regulation.
2. The lettering on the hanging border shall not exceed nine (9) inches in height.
3. The bottom edge of the hanging border shall not be less than nine (9) feet from the sidewalk.
4. An identification emblem, insignia, initial or other similar feature may be painted, placed or installed elsewhere on any awning provided that any sign, emblem, insignia or other such similar item shall comply with all other provisions of this regulation.
5. Signs on awning may be used in lieu of, but not in addition to, freestanding signs, projecting signs and roof signs.
6. The total signage (copy area) allowed shall be as specified in 704.3(a).

(k) SIGNS ON SLOPPING ROOFS:

1. A sign may be attached to or located on the sloping roof of a building in any "VB" or "LI-HI" district under the following conditions:
 - a. The sign shall not extend forward of the lower roof line.
 - b. The top of the sign must not extend above the top roof line.
 - c. All roof signs shall be installed or erected in such a manner that there shall be no visible support structure.
 - d. The sign shall be limited to two (2) faces.
 - e. Sloping roof signs may be used in lieu of, but not in addition to walls signs, free standing signs and projecting signs.
 - f. The total signage (copy area) allowed shall be as specified in 704.3(a).

SECTION 705 PROHIBITED SIGNS:

705.1 GENERAL:

Any sign or sign structure which constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation or abandonment, is structurally unsafe, is not kept in good repair or is capable of causing electrical shocks to persons likely to come in contact with it, shall be removed. No person shall park any vehicle or trailer on a public right-of-way or public property or on private property so as to be visible from a public right-of-way, which has attached thereto, or located thereon, any advertising or identification sign or devise which has as its purpose the circumvention of the sign regulation.

705.2 SPECIFIC PROHIBITED SIGNS:

The following signs shall not be permitted, erected or maintained in any district.

- a. Abandoned signs.
- b. Action signs.
- c. Flashing signs.
- d. Rotating signs.
- e. Moving signs.

- f. Banner sign except as otherwise authorized under temporary signs.
- g. "A" frame signs except as otherwise authorized under temporary signs.
- h. Portable signs except as otherwise authorized under temporary signs.
- i. String lights other than Christmas decoration.
- j. Signs which make use of words such as "STOP", "LOOK", "DANGER", "GO SLOW", "WARNING", "CAUTION" or any other words, phrases, symbols, or characters, in such a manner as to interfere with, mislead or confuse traffic.
- k. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.
 - 1. Flags, other than those of any nations, state or political sub-division or corporate flag except as otherwise authorized under temporary signs.
- m. Any sign which, by reason of its size, shape, location, content, coloring or manner of illumination:
 - 1. Constitutes a traffic hazard or a detriment to traffic safety by obstructing the vision of drivers, or by obstructing, or detracting from the visibility of any traffic sign or control device on public streets and roads.
 - 2. May be confused with a traffic control sign, signal or device or the light of an emergency or road equipment vehicle.

SECTION 706 TEMPORARY SIGNS:

706.1 GENERAL

Temporary signs may be erected in accordance with the conditions specified herein.

706.2 BANNER SIGNS:

Banner signs may be erected in business, industrial and districts for a period of time not to exceed thirty (30) days in any six (6) month period of time, to advertise public or institutional special events. The size of the sign shall not exceed 50 square feet.

706.3 PORTABLE SIGNS:

Portable signs to designate the location of real estate of property for sale, rent or lease may be erected off-site while the property is open for inspection by the public and a realtor or his agent is available to show the property. The sign shall not exceed six (6) square feet per side.

706.4 REAL ESTATE SIGNS:

A real estate or property for sale, rent or lease sign may be erected on site until the real estate or property has been sold, (closed), rented or leased. The sign shall not exceed six (6) square feet per side in "R" districts nor thirty-two (32) square feet per side in "GB", "VB" or "LI-HI" districts.

706.5 ONE-TIME SPECIAL EVENT SIGNS:

Instructional signs erected to convey directions to the public in conjunction with a special public or institutional event may be erected for the length of time (not to exceed 30 days) the special event is open to the public and two weeks prior to the event.

706.6 CONSTRUCTION SIGNS:

A construction sign may be erected on-site under the following conditions:

- a. In "R" districts for single family unit construction, a sign shall not exceed six (6) square feet per side, shall not be erected more than two (2) weeks prior to the start of construction and must be removed two (2) weeks after completion of construction.
- b. In "R" districts when the construction effort involves two (2) or more units, the sign shall not exceed six (6) square feet per unit, not to exceed a total of 30 square feet, shall not be erected more than four (4) weeks prior to the start of construction and must be removed within two (2) weeks after completion of the construction.
- c. In "GB", "VB" and "LI-HI" districts, the sign shall not exceed forty-eight (48) square feet, shall not be erected for more than sixty (60) days prior to the start of constructions and must be removed within two (2) weeks after completion of construction.

706.7 WINDOW SIGNS:

Temporary window signs may be attached to the interior side of a window in any commercial district.

706.8 WALL SIGNS:

A temporary window or building sign may be attached to the exterior of a window or building. The sign shall comply with the size and conditions specified in this Regulation for permanent wall signs. The temporary sign may be used until the permanent wall sign is installed but not to exceed a period of 90 days.

SECTION 707 POLITICAL SIGNS:

(a) Political signs or posters concerning candidates for elective office or public issues to be decided by public election shall be displayed not more than 30 days prior to the election and are to be removed no later than seven (7) days after said election. Such signs shall not exceed six square feet in "R" districts and 16 square feet in other districts, shall not exceed 6 feet in height, shall not be illuminated and shall not create a safety or visibility hazard, nor be affixed to any public utility pole.

(b) Political signs shall be permitted in all "GB", "VB" and "LI-HI" districts under the following conditions:

1. The sign shall not be larger than sixteen (16) square feet.
2. The sign shall not be erected prior to four (4) weeks before the election.
3. The sign shall be removed within one week after the election.

(c) No fee will be required for political signs.

SECTION 708NON-CONFORMING SIGNS:

708.1 GENERAL

Any sign erected prior to the enactment of the amendment to the Zoning Regulation and not conforming to the provisions of this amended Regulations shall be deemed to be non-conforming.

708.2 DEFINITION OF NON-CONFORMING SIGN:

(a) Any sign located within the Village on the date of adoption of the Regulation, which does not conform; with the provisions of this Regulation is eligible for classification as a "non-conforming" sign provided it also meets the following requirements:

1. The sign was covered by a sign permit or variance on the date of adoption of this regulation or,
2. If no sign permit was required for the sign in question, the sign was in all respects in compliance with the Regulation in effect on the date of adoption of this amended Regulation.

708.3 RULES FOR NON-CONFORMING SIGNS:

(a) Non-conforming signs shall be removed or brought into compliance with this Regulation within 60 months from the effective date of this Regulation. (date)

(b) A non-conforming sign shall not be replaced by another non-conforming sign except that the substitution or inter-change of poster panels, painted boards or demountable material on non-conforming signs shall be permitted through the period prescribed by this article.

(c) Minor repairs and maintenance of non-com forming signs such as repainting, electrical repairs and neon tubing repair shall be permitted. However, no structural repairs or changes in the size or shape of the sign shall

be permitted except to make the sign comply with the requirements of this article.

(d) If a non-conforming sign is damaged to more (than one-half (1/2) of its replacement value then it shall be removed and shall not be repaired or replaced.

(e) Any non-conforming sign, which is altered, relocated or replaced, shall comply with all provisions of this Regulation as if it were a new sign.

(f) Signs which are illegally erected, established or maintained with respect to the applicable requirements of prior regulations shall be removed or brought into compliances with this Regulation.

(g) Non-conforming signs made of paper, cloth or other nondurable material, and any signs that are not affixed to a building or the ground or are located within a public right-of-way, shall be removed within 30 days from the effective date of this Regulation.

SECTION 709 CONSTRUCTION SPECIFICATIONS:

All signs shall comply with the appropriate detailed provisions of the County Building Code relating to design, structural members and connections. Signs shall also comply with the provisions of the applicable Electrical Code.

SECTION 710 MAINTENANCE, REMOVAL AND DISPOSAL OF SIGNS:

710.1 MAINTENANCE AND REPAIR:

Every sign shall be maintained in a safe, presentable and good structural material condition at all times, including the replacement of defective parts, painting, repainting, cleaning and other acts' required for the maintenance of said signs. The Zoning Inspector shall inspect and require compliance with all standards of this Regulation. For signs not complying with the Regulation, the Zoning Inspector shall require the removal in accordance with this section.

710.2 ABANDONED SIGNS:

Except as otherwise provided in this Regulation, any sign which is located on property which becomes vacant and unoccupied for a period of three months or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be deemed to have been abandoned. Permanent signs applicable to a business temporarily suspended because of a change of ownership or management of such business shall not be deemed abandoned unless the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

710.3 REMOVAL OF PERMANENT SIGNS BY ZONING INSPECTOR:

- a. The Zoning Inspector shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous, or materially, electrically or structurally defective sign or a sign for which no permit has been issued. The Zoning Inspector shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten (10) days, the sign shall be removed in accordance with the provisions of this section.
- b. All notices mailed by the Zoning Inspector shall be sent by certified mail. Any time period provided in this section shall be deemed to commence on the date of the receipt of the certified mail.
- c. For all signs that notice shall be mailed to the owner of the property on which the sign is located as shown on the last tax assessment roll if known, the notice shall be mailed to or delivered to the owner of the sign and the occupant of the property.
- d. Any person having an interest in the sign or the property may appeal the determination of the Zoning Inspector ordering removal or compliance by filing a written notice of appeal with the Board of Zoning Appeals within 30 days after the date of mailing the notice, or 30 days after receipt of the notice if the notice was not mailed.

710.4 REMOVAL OF TEMPORARY SIGNS BY ZONING INSPECTOR

- a. The Zoning Inspector shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous, or materially, electrically or structurally defective sign or a sign for which no permit has been issued. The Zoning Inspector shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within forty-eight (48) hours, the sign shall be removed in accordance with the provisions of this section.
- b. All notices mailed by the Zoning Inspector shall be sent by certified mail. Any time period provided in this section shall be deemed to commence on the date of the receipt of the certified mail.
- c. For all signs, that notice shall be mailed to the owner of the property on which the sign is located as shown on the last tax assessment roll if known, or with reasonable care should be known, the notice shall be mailed to or delivered to the owner of the sign and the occupant of the property.
- d. Any person having an interest in the sign or the property may appeal the determination of the Zoning Inspector ordering removal or compliance by filing a written notice of appeal with the Board of Zoning Appeals within forty-eight (48) hours after receipt of notice.

710.5 DISPOSAL OF SIGNS:

Any signs removed by the Zoning Inspector pursuant to the provisions of this section shall become the property of Spring Valley Village and after 30 days, may be disposed of in any manner deemed appropriate by the Village Council. See Section 718.3.

SECTION 711 PERMITS, FEES AND INSPECTIONS:

711.1 PERMITS:

- a. Except as otherwise provided in this code it shall be unlawful for any person to erect, construct, enlarge, move or alter any sign in Spring Valley Village, or cause the same to be done, without first obtaining from the Zoning Inspector, a sign permit for each such sign.
- b. A permit is not required for a change of copy on any change panel sign, nor for the repainting, cleaning and other normal maintenance or repair of a sign or sign structure for which a permit has previously been issued,. so long as the sign or sign structure is not modified in any way.
- c. No new permit is required for signs which have permits and which conform with the requirements of this Regulation on the date of its adoption unless and until the sign is altered or relocated.
- d. Every sign permit issued by the Zoning Inspector shall become null and void if erection is not completed within one hundred and eighty (180) days from the date of such permit.
- e. No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.

711.2 APPLICATION FOR PERMIT:

Application for a permit shall be made to the Zoning Inspector upon a form provided by the Inspector and shall be accompanied by such information as may be required to assure compliance with all appropriate provisions of this Regulation. As a minimum, the application shall contain the following information:

- a. Name and address of owner of the sign.
- b. Name and address of owner or the person in possession of the premises where the sign is located or to be located.
- c. Clear and legible drawings with description definitely showing the location and dimensions of the sign which is the subject of the permit and location of all other existing signs on the same premises. In the case of billboard signs, the location of all other billboard signs within 1,000 feet must be indicated.

711.3 ISSUANCE - DENIAL

- a. The Zoning Inspector shall issue a permit for the erection, alteration, or relocation of a sign within the Spring Valley Village when an application has been properly made and the sign complies with all other provisions of this Regulation. The Zoning Inspector must formally grant or deny a sign application within thirty (30) days of the date an application is filed. Appeal may be taken to the Board of Appeals from the Zoning Inspector's denial of sign permit.

b. The Zoning Inspector shall, in writing, suspend or revoke a permit issued under provisions of this section whenever the permit is issued on the basis of a mis-statement of fact or fraud. When a sign permit is denied by the Zoning Inspector, he shall given written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.

711.4 FEES:

Application for permits shall be filed with the Zoning Inspector, together with a permit fee. The permit fee shall be as established by the Village Council. In addition, when any sign is hereafter erected, placed, installed or otherwise established on any property prior to obtaining permits as required by this section, the fees specified hereunder shall be doubled but the payment of such double fee shall not relieve any person from complying with other provisions of this section or from penalties prescribed herein. The fee for all signs shall be calculated on a square foot basis.

711.5 PERMIT LIFE:

Whenever there is a change in the sign user, owner or owner of the property on which the sign is located, the new sign owner, user or new property owner shall forthwith notify the Zoning Inspector of the change. No new sign permit is required, unless the sign is altered or relocated.

711.6 INSPECTION:

The person erecting, altering or replacing a sign shall notify the Zoning Inspector upon completion of the work for which permits are required.

a. Inspections - All free standing signs shall be subject to a footer inspection and all signs to a final inspection by the Zoning Inspector.

SECTION 712ADMINISTRATION AND ENFORCEMENT

712.1 GENERAL:

The Zoning Inspector shall enforce and carry out (all the provisions of this section of the Zoning Regulation, both in letter and spirit, with vigilance and with all due speed. The Zoning Inspector is responsible for the inspection of signs, any building, structure or to insure compliance with the provisions of this Regulation. Such inspections shall be carried out during business hours, unless an emergency exists.

SECTION 713 VIOLATIONS:

713.1 If any sign is erected or maintained in violation of any of the provisions of this Article, the Zoning Inspector shall provide the owner with written notice of such violation, said notice to include a brief statement of the particulars in which this Article is violated and the manner in which such violation is to be remedied. If a sign has been registered with the zoning Inspector, notice to the registered owner or to the person or firm receiving the permit shall be sufficient. If a sign has not been registered and the owner is not known, affixing of a copy of the notice to the sign, sign structure, or building for a period of 10 days shall constitute official notification of the violation.

713.2 If such violation is not remedied within 30 days after such notice, the owner shall remove the sign and supporting structure immediately.

713.3 If the sign is not removed by the owner, the Zoning Inspector shall have the right to remove such sign and supporting structure at the expense of the owner thereof and to destroy or otherwise dispose of the sign and supporting structure.

ARTICLE 8
NON-CONFORMING USES

SECTION 801 INTENT: Within the Districts and Overlays established by this Zoning Regulation there exist lots, structures, and uses of land and structures which were lawful before this Zoning Regulation was passed but, which would be prohibited, regulated, or restricted under the terms of this Zoning Regulation or subsequent amendments thereto. These non-conformities may continue as they exist at the time of this Regulation's adoption, but shall not be permitted to expand or be altered except in conformance to this Zoning Regulation. Such uses are declared by this Zoning Regulation to be incompatible with permitted uses in the districts or overlays involved. It is the intent of this regulation that such non-conformities shall be allowed to continue, but not be enlarged upon, expanded and extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district, unless otherwise approved by the Board of Zoning Appeals according to Section 1003.

SECTION 802 USES NOT NON-CONFORMING USES:

802.1 Conditional Uses: Any use which has received conditional use authorization from the Board of Zoning Appeals under the appropriate terms of this Zoning Regulation shall not be deemed a non-conforming use in such a district, but shall without further action be considered a conforming use.

802.2 Violation Not Rendered Non-Conforming: A use, structure, or lot in violation of the provisions of this Zoning Regulation, and any amendment thereto shall not become non-conforming upon the adoption of an amendment, but shall continue as violations.

SECTION 803 NON-CONFORMING LOTS OF RECORD:

Non-conforming lots of record shall be used or developed only in accordance with the following:

803.1 Residential Development of Single Non-Conforming Lots of Record: In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any lot of record at the effective date of adoption or amendment of this Zoning Regulation, notwithstanding limitations imposed by other provision of this Zoning Regulation. Such lot must be in separate ownership and not of contiguous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for the area, width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area, width, or both of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Board of Zoning Appeals.

803.2 Non-Conforming Lots of Record in Combination: If two or more lots or a combination of lots and portions of lots with contiguous frontage in single

ownership are of record at the time of amendment of this Zoning Regulation and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purpose of this Zoning Regulation and no part of said parcel shall be used or sold in a manner which diminishes compliance with lot width or area requirements established by this Zoning Regulation nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Zoning Regulation.

SECTION 804 NON-CONFORMING USES OF LAND: Where, at the effective date of adoption or amendment of this Zoning Regulation, lawful use of the land exists that is no longer permissible under the terms of this Zoning Regulation as enacted or amended, such use may be continued, so long as it remains otherwise lawful and is not enlarged or increased, nor extended beyond area designated non-conforming at the effective date of amendment of this Zoning Resolution, except as elsewhere provided and in accordance with the following provisions:

804.1 Processing Operations: Where the use of land involves a processing operation, said operation may be continued in the entire area utilized for that purpose, provided modifications in processing operations by rearrangement of facilities or changes in methods shall be considered as part of such use.

804.2 Discontinuance: If any such non-conforming use of land are voluntarily discontinued for a period of more than two (2) years, any subsequent use of such land shall conform to the regulations specified by this Zoning Regulation for the District and Overlay if applicable, in which such land is located.

804.3 Non-Conforming Structures Prohibited: No additional structure not conforming to the requirements of this Zoning Regulation shall be erected in connection with such non-conforming use of the land.

804.4 Expansions: Expansions of existing non-conforming uses, where allowed by the Board of Zoning Appeals, may be made only on property owned by the applicant as of the effective date of this Zoning Regulation. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land shall not be extended or enlarged after passage of this Zoning Regulation by attachment on a building or premises of additional signs intended to be seen from off the premises, or by addition of other uses of a nature which would be prohibited generally in the district involved.

SECTION 805 NON-CONFORMING STRUCTURES: Where a lawful structure exists at the effective date of amendment of this Zoning Regulation that could not be built under the terms of this Zoning Regulation by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other, as long as it remains otherwise lawful, is subject to the following provisions:

805.1 Enlargement or Alteration: No such non-conforming structure may be enlarged or altered in any way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity.

805.2 Destruction: Should such non-conforming-structure or non-conforming portion of structure be destroyed by any means, to an extent of more than sixty percent (60%) of its replacement cost at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this Zoning Regulation.

805.3 Restoration: When a building or structure, the use of which does not conform to the provisions of this Regulation, has been damaged by explosion, fire, or Act of God, to the extent of sixty percent (60%) or more of its reproduction value at the time of damage, it shall not be restored or reconstructed or in any way be used except in conformity with the district regulations of the district in which the building is situated.

805.4 Moving of Structure: Should a non-conforming structure be moved for any distance whatsoever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

805.5 Repairs and Maintenance: On any non-conforming structure or portion of such a structure or a portion of a structure that contains a non-conforming use, ordinary repair or repair or replacement of non-weight bearing walls, fixtures, wiring, or plumbing may be performed provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protection the public safety, upon such an order.

805.6 Beginning of Construction: To avoid undue hardship, nothing in this Zoning Regulation shall be deemed to require a change in the plans, construction or designated use of any building on which actual construction was lawfully begun and has been diligently carried on prior to the effective date of adoption or amendment of this Zoning Regulation. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner except that 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, provided that work shall be diligently carried on until completion of the building involved.

SECTION 806 NON-CONFORMING USES OF STRUCTURES AND OF STRUCTURES AND PREMISES IN COMBINATION: If a lawful use involving individual structures, or of a structure and premises in combination, exists at the effective date of amendment of this Zoning Regulation that would not be allowed in the district under the terms of this Zoning Regulation, the lawful use may be continued so long as it remains otherwise lawful, but shall be subject to the following provisions:

806.1 Enlargement or Alteration of Structure: No existing structure devoted to a use not permitted by this Zoning Regulation in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

806.2 Extension Of Use Throughout Building: Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such at the time of amendment of this Zoning Regulation, but no such use shall be extended to occupy any land outside such building.

806.3 Change of Non-Conforming Use: If no structural alterations are made any non-conforming use of a structure, or structure and premises, may be changed as a conditional use, in accordance with Articles 8 and 14, to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Zoning Regulation.

806.4 Permitted Use May Not Revert to Non-Conforming Use: Any structure, or structure and land in combination, or land on which a non-conforming use exists in conformance with the regulations for the district, may not revert to a non-conforming status.

806.5 Discontinuance: When a non-conforming use of a structure or structure and premises in combination is voluntarily discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), the structure or structure or premises in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.

806.6 Removal or "Destruction of Structure: When non-conforming use status applies to a structure and premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

ARTICLE 9
ADMINISTRATIVE BODIES

SECTION 901 VILLAGE COUNCIL

901.1 Duties: The Village Council shall be responsible for the following duties:

- a. Appointments and Removals: Appoint and/or remove a Zoning Inspector, members of the Planning Commission, and members of the Board of Zoning Appeals.
- b. Fee Schedule: Establish a schedule of fees for issuing zoning permits, processing appeals, variances, conditional use authorizations, amendments, and any other zoning actions requiring postage, legal advertising, inspections, or general processing of applications;
- c. Amendments: Consider and adopt, reject or modify all proposed amendments to this Zoning Regulation as provided in Article 10.
- d. Planned Unit Developments: Consider and adopt, reject, or modify all planned unit development applications as provided in Article 10.

901.2 Interpretation and Enforcement Not Duties of Council: It is the intent of this Zoning Regulation that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector and that recourse from the decisions of the Board of Zoning Appeals shall be to the courts as provided by law. It is further the intent of this, Zoning Regulation that the duties of the Village Council, in connection with this Zoning Regulation, shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for, deciding such questions shall be as stated in Article 10.

SECTION 902 PLANNING COMMISSION:

902.1 Duties: The Planning Commission shall be responsible for the following duties:

- a. Amendments: Initiate or review all proposed amendments to this Regulation and make recommendations to the Village Council in accordance with Article 10.
- b. Planned Unit Developments: Review all proposed planned unit development applications as provided in Article 10.
- c. Review of Land Use Plan and Zoning Regulation: Review the Land Use Plan and the Zoning Regulation for additions, deletions and changes no less frequently than each two years with the Land Use Plan falling in the odd years and the Zoning Regulation the even years, during the first three (3) months of the calendar year. Recommendations shall be presented to the Village Council.

902.2 Creation and Membership: The Village Council shall create and establish the Planning Commission. The Planning Commission shall be composed of five members appointed by the Village Council who reside in the incorporated area of the Village. The terms of the members shall be of such length and so arranged that the term of one member will expire each year, thus each member shall serve a five (5) year term. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by council for unexpired terms.

902.3 Removal of Member: Members of the Planning Commission-shall be removable by the village Council for nonperformance of duty, misconduct in office, or other cause upon written charges being filed with the Village Council after a public hearing has been held regarding such charges. A copy of the charges shall be served upon the member so charged at least ten (10) days prior to such hearing, either personally, by registered mail, or by leaving such copy at his or her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

902.4 Organization: The Planning Commission shall elect its own officers annually and shall adopt the rules necessary for the conduct of its affairs in keeping with the provisions of this Zoning Regulation.

902.5 Meetings: Meetings shall be held at the call of the Chairman and at such other times as the Planning Commission may determine. A majority of the Planning Commission shall constitute a quorum for conducting business. The Chairman, or in his absence the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Planning Commission shall keep minutes of its proceedings, and shall keep records of its examinations and other official actions, all of which shall be a public record.

902.6 Official Action: The Planning Commission-shall act by resolution or motion on which a majority of the members must concur in any action before the Commission. The results of such resolution or motion shall be forwarded to the Council for their action, showing the vote of each member upon question, or if absent or failing to vote, indicating such fact, except as may otherwise be provided herein. In the event of a tie vote, the motion only fails; a further motion must be brought to a vote to resolve the issue. If an issue cannot gain a simple majority motion vote at a meeting, then said issue is to be continued until a majority motion vote is taken. A motion can only be voted upon by members who are present at a meeting.

SECTION 903 BOARD OF ZONING APPEALS:

903.1 Duties: The Board of Zoning Appeals shall be responsible for the following duties:

a. Appeals from Administrative Decision: To hear and decide appeals-in accordance with Article 10, where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector. The consideration of such appeals in accordance with Article 10, Section 1003, Appeals shall include but not be limited to the following:

1. To determine if uses not specifically mentioned in this Regulation are similar to uses permitted within a district in accordance with Article 10;

2. To determine the exact location of any district boundary in accordance with Article 10, if there is any uncertainty as to the exact location involved.

b. Authorize Variances: To authorize, upon appeal, in specific cases, such variances from the terms of this Zoning Regulation as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of this Zoning Regulation will result in unnecessary hardship, and so that the spirit of this Zoning Regulation shall be observed and substantial justice done. The consideration of such variances shall be in accordance with Article 10.

c. Conditional Uses: To grant conditional-use authorization for specified use of land, buildings, or other structures where the spirit of this Zoning Regulation is observed.

903.2 Creation and Membership: The Village Council shall appoint the Board of Zoning Appeals. The Board of Zoning Appeals shall be composed of five members who shall be residents of the incorporated territory of the Village. The terms of members shall be such length and so arranged that the term of one member shall expire each year, thus each member shall serve a five (5) year term. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Village Council and shall be for the unexpired term.

903.3 Removal of Member: Members of the Board of Zoning Appeals shall be removable by the Village Council for nonperformance of duty, misconduct in office, or other cause upon written charges being filed with the Council after a public hearing has been held regarding such charges. A copy of the charges shall be served upon the member so charged at least ten (10) days prior to such hearing, either personally, by registered mail, or by leaving such copy at his or her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.

903.4 Organization: The Board of Zoning Appeals shall elect its own officers annually and shall adopt the rules necessary to the conduct of its affairs in keeping with the provisions of this Zoning Regulation.

903.5 Meetings: Meetings shall be held at the call of the chairman and at such other times as the Board of Zoning Appeals may determine. A majority of the members of the Board of Zoning Appeals shall constitute a quorum for the conducting of business. The chairman or, in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board of Zoning Appeals shall keep minutes of its proceedings, showing the vote of each member upon question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record.

903.6 Official Action: The Board of Zoning Appeals shall act by resolution or motion on which three members must concur; otherwise no official action is taken. The results of such action shall be forwarded to the applicant, showing the vote of each member upon each question, or if absent, or failing to vote indicating such facts and a statement of the facts of each appeal considered by the Board of Zoning Appeals, and the section (s) of this Zoning Regulation where applicable which the Board of Zoning Appeals has considered in approving or disapproving any petition or other matter brought before it. The Board of Zoning Appeals may reconsider any official action based upon the uncovering of a procedural error or if information, which was a part of the basis for decision, was found to be invalid or if additional pertinent information becomes available.

SECTION 904 VILLAGE ZONING INSPECTOR:

904.1 Duties The Township Zoning Inspector shall be responsible for the following duties:

a. Zoning Permits: The Zoning Inspector shall review all applications for Zoning Permits within the Village and insure they conform to all applicable provisions of this Regulation before issuing a Zoning Permit. A record of all such permits shall be maintained.

b. On-Site Inspections: The Zoning Inspector may periodically conduct on-site inspections to insure that actual construction and/or use conforms to the Zoning Permit:

c. Notify and Order Zoning Violations Corrected: The Zoning Inspector, upon finding that any of the provision of this Regulation are being violated, shall notify, in writing, the person responsible for such violation and order the action necessary to correct such violation.

d. Order Illegal Uses Discontinued: The Zoning Inspector may order discontinuance of illegal uses of land, building or structures;

e. Order Illegal Buildings or Structures Removed: The Zoning Inspector may order removal of illegal buildings or structures or illegal additions or structural alterations.

f. Review of Subdivision Applications: The Zoning Inspector shall review all applicable applications for subdivision plats and lot splits which are submitted to the Planning Commission in order to determine if the plat or lot split conforms to all applicable provisions of this Zoning Regulation.

g. Maintain Official Zoning District Map: The Zoning Inspector may, if so designated by the Village Council, maintain the original official Zoning District Map and at least one copy thereof.

904.2 Creation, Modification, or Termination: The Village Council may create, modify, or terminate the position of Township Zoning Inspector in accordance with the Ohio Revised Code.

ARTICLE 10

ADMINISTRATIVE PROCEDURES

SECTION 1001 ZONING PERMIT REQUIRED: No person shall change any use of land, locate, erect, construct, reconstruct, enlarge or structurally alter any building or structure within Spring Valley Village without first obtaining a Zoning Permit. No Zoning Permit shall be issued unless the plans for the proposed building or structure or use of land fully comply with the provisions of this Regulation, unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, a variance, or conditional use. A Zoning Permit shall be required for all dwellings, all principal structures and uses, all accessory structures unless otherwise specified; all specified accessory uses, and all temporary uses.

1001.1 ACCOMPANYING INFORMATION: A written application and site-plan for-a- Zoning Permit shall be submitted to the Zoning Inspector of Spring Valley Village on forms provided by the Zoning Inspector. The following information shall be required:

- a. Name, address, and phone number of applicant;
- b. Date;
- c. The name of the subdivision and the lot number or other information necessary to establish the location of the lot;
- d. The actual dimensions of the lot based on actual survey, including square footage and/or acreage, the yard and other open space dimensions thereof, and the location and size of any existing structures thereon;
- e. The location on the lot and size of any proposed structure and/or the proposed alteration of any existing structure, indicating dimensions, including building height;
- f. The number of proposed dwelling units, and the total residential floor area and the number of bedrooms to be included in each dwelling unit;
- g. A permit from the Greene County Health Department or Ohio Environmental Protection Agency for onsite wastewater disposal, where applicable, illustrating the location of primary and secondary leaching field locations;
- h. The proposed parking plan and number and location of proposed off-street parking or loading spaces;
- i. A plan for screening when applicable;
- j. A statement by the applicant attesting to the truth and exactness of all information supplied on the application;
- k. A statement that the permit shall expire and shall be revoked if work has not been started and substantially pursued within one (1) year of its issue date;
- l. Such other information as may be necessary to determine conformance with this Regulation; and
- m. A fee as established by the Village Council.

1001.2 Processing of Permit: Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Regulation. If the application is approved, the Zoning Inspector shall issue a Zoning Permit. One

copy of the application shall be returned to the applicant by the Zoning Inspector after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of the application similarly marked shall be retained by the Zoning Inspector and filed. After the Zoning Inspector issues a Zoning Permit, he shall issue a placard to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Regulation.

In the event an application involves land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification of local officials by the Director of the Ohio Department of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall require a third application for a Zoning Permit; and send it to the Director of the, Ohio Department of Transportation by registered mail for review. If the Director of the Ohio Department of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed, then the Zoning Inspector shall refuse to issue the Zoning Permit. If the Director of the Ohio Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Regulation, issue the Zoning Permit.

SECTION 1002 CONDITIONAL USE PERMITS: Conditional uses shall be permitted only upon issuance of a Conditional Use Permit by the Zoning Inspector after approval by the Board of Zoning Appeals. At a minimum, the application shall contain the following information:

1002.1 Application: An application for a Conditional Use Permit by at least one owner of the property is required prior to any authorization by the Board of Zoning Appeals. At a minimum, the application shall contain the following information:

- a. Name, address, and telephone number of applicant;
- b. Date;
- c. The lot, name, and number or legal description of the property;
- d. Description of existing zoning district;
- e. Description of the proposed Conditional Use;
- f. A site plan of the proposed site for the Conditional Use showing the scale, north arrow, location of all buildings, parking and loading areas, traffic access and traffic circulation, sidewalks, curbs, open spaces, landscaping, refuse

and service areas, fire hydrants, utilities, rights-of-way, signs, yards, and such other information as the Board of Zoning Appeals may require to determine if the proposed Conditional Use meets the intent and requirements of this Regulation;

- g. A plan for screening when applicable;
- h. A narrative statement discussing the merits of the proposal;
- i. Such other information as may be required by the Board of Zoning Appeals; and
- j. A fee as established by the Village Council.

1002.2 Conditional Use Standards: Conditional Uses may be permitted provided that such uses shall be found to comply with the following requirements and all other applicable requirements as set forth in this Regulation:

- a. The use is so designed, located and proposed to be operated so that the public health, safety, welfare and convenience will be protected;
- b. The use will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance;
- c. The use will be designed, constructed, operated, and maintained so that it shall not cause substantial injury to the value of the property in the area or neighborhood where it is to be located;
- d. The use shall be compatible with adjoining development and the proposed character of the zoning district where it is to be located;

- e. The use will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools, or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide any such services adequately;
- f. The use will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- g. Adequate landscaping and screening are provided, as required under Article 5, Section 515;
- h. Adequate off-street parking and loading is provided, and ingress and egress is so designed as to cause minimum interference with traffic on abutting streets;
- i. The use conforms with all applicable regulations governing the district in which it is located, except as may otherwise be determined for planned unit development;
- j. The use is compatible with the standards, objectives, and policies of Perspectives: A Future Land Use Plan for Greene County, Ohio;
- k. The use will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, odors, or vibrations; and
- l. Any other supplementary requirements as prescribed by the Board of Zoning Appeals.

1002.3 Processing of Conditional Uses: The Board of shall hold a public hearing within twenty (20) days from the receipt of the Zoning Appeals application. Before holding the public hearing, notice of such hearing shall be given in one (1) or more newspapers of general circulation within the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed Conditional Use. Before holding the public hearing, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers. Within thirty (30) days after the hearing, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is disapproved by the Board of Zoning Appeals, the applicant may seek relief through the Court of Common Pleas.

1002.4 Expiration of Conditional Use Permits: A conditional use permit shall be deemed to authorize only one particular conditional use. The Conditional Use Permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months, or construction is not begun within the amount of time indicated on the Conditional Use Permit.

SECTION 1003 APPEALS AND VARIANCES: It is the purpose of this Section to establish procedures and requirements for the hearing of appeals and variances. As is specified in Article 9, Section 903, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

1003.1 Appeals: Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Regulation may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.

1003.2 Stay of Proceedings: An appeals stays all proceeding in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by

the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

1003.3 Variance: The Board of Zoning Appeals may authorize, upon appeal in specific cases, such variance from the terms of this Regulation as will not be contrary to the public interest or the intent of this Regulation, but only where strict interpretation would result in un-necessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.

1003.4 Application: A variance from the terms of this Regulation shall not be granted by the Board of Zoning Appeals unless the applicant has provided sufficient evidence to warrant the granting of a variance, and a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing, at a minimum, the following information:

- a. Name, address, and telephone number of applicant;
- b. Legal description of the property;
- c. Description and nature of variance requested;
- d. A narrative statement demonstrating that the requested variance conforms to the following standards;
 1. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which-are not applicable to other lands, structures, or buildings in the same district.
 2. That a literal interpretation of the provisions of this Regulation would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Regulation.
 3. That special conditions and circumstances do not result from the actions of the applicant.
 4. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Regulation to other lands, structures, or buildings in the same district.
 5. That an economic hardship, requesting a more intensive use of the property than would normally be permitted, is not the only nor the primary factor for requesting the variance; and
- e. A fee as established by the Village Council.

1003.5 Granting of Variances: The burden of proof for granting a variance, shall rest with applicant. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with the Regulation. Violation of such conditions and safeguards, when made part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Regulation and punishable under Article 10, Section 1006 of this Regulation. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Regulation in the district involved, or any use expressly or by implication prohibited by the terms of this Regulation in said district.

1003.6 Processing Appeals and Variances: The Board of Zoning Appeals shall hold a public hearing within forty-five (45) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

Before holding the required public hearing, notice of such hearing shall be given in one or more newspapers of general circulation within the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

Before holding the required public hearing, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers.

SECTION 1004 AMENDMENTS AND DISTRICT CHANGES:

Whenever the public necessity convenience, general welfare, or good zoning practices require, the Village Council may, by Ordinance after receipt of recommendations from the Planning Commission and subject to procedures provided by law, amend, supplement, change, or repeal the regulations, restrictions, and district boundaries or classification of property.

1004.1 Initiation of Amendments: Amendments to this Regulation may be initiated in one of the following ways:

- a. By adoption of a motion by the Planning Commission.
- b. By adoption of a resolution by the Village Council; or
- c. By the filing of an application by at least one (1) owner or his designee or property within the area proposed to be changed or affected by said amendment.

1004.2 Application for Amendments: The application for amendment shall contain at a minimum the following information in triplicate:

- a. Name, address, and telephone number of applicant;
- b. Date;
- c. Legal description of the property;
- d. Present use;
- e. Present zoning district;
- f. Proposed use;
- g. Proposed zoning district;
- h. A vicinity map at a scale approved by the Planning Commission showing property lines, streets, existing and proposed zoning, and such other items as the Planning Commission may require;
- i. Proposed amendment to the text;
- j. A list of all property owners within five hundred (500) feet of, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned, and others that may have a substantial interest in the case;
- k. A statement on how the proposed amendment relates to Perspectives: A Future Land Use Plan for Greene County, Ohio; and

1. A fee as established by the Village Council.

All applicants submitting requests for change in district boundaries on the Official Zoning District Map shall be required to post a sign upon the property in question within five (5) days after the submission of an application. Such sign shall be clearly visible from the street, or in the case of two or more streets, that street with the greater average traffic flow.

Such sign shall state "THIS PROPERTY IS BEING CONSIDERED FOR REZONING." "FOR INFORMATION CALL SPRING VALLEY VILLAGE." and shall also denote the present and proposed zoning district classification for the site. No zoning permit shall be required. However, the location and size of such sign shall be subject to approval by the Zoning Inspector.

1004.3 Procedure for Amendments: In the event that a proposed rezoning is located adjacent to another political jurisdiction, an additional copy of the application shall be provided and forwarded to the chairman of the Zoning Commission of that jurisdiction. Any comments provided by the adjoining jurisdiction shall be considered at the public hearing of the Planning Commission.

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of the Ohio Department of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of the Ohio Department of Transportation. The Planning Commission may proceed as required by law, however, for one hundred twenty (120) days from the date the notice is received by the Director of the Ohio Department of Transportation. If the Director of the Ohio Department of Transportation notifies the Village Council that he shall proceed to acquire any land needed, then the Village Council shall refuse to approve the zoning. If the Director of the Ohio Department of Transportation notifies the Council that acquisition at this time is not in the public interest or upon expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of the Ohio Department of Transportation and the property owner, the Council shall proceed as required by law.

The Planning Commission shall schedule a public hearing after the adoption of their motion, a transmittal of a resolution from the Village Council, or the filing of an application for Zoning Amendment. Said hearing shall not be less than twenty (20) no more than forty (40) days from the date of adoption of such motion, transmittal of such resolution, or the filing of such application.

Before the required public hearing, notice shall be given by the Planning Commission by at least one (1) publication in a newspaper of general circulation within the Village at least fifteen (15) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Village Council for further determination.

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Planning Commission, by first class mail, at least twenty days before the date of the public hearing to all owners of property within five hundred (500) feet of, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Village Council. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Village Council for further determination.

Within thirty (30) days after the required public hearing, the Planning Commission shall forward with reasons for such recommendation to the Village Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested or it may recommend that the amendment not be granted.

Upon receipt of the recommendation from the Planning Commission, the Village Council shall schedule a public hearing. The date of said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Planning Commission.

Notice of the required public hearing shall be given by the Village Council by at least one (1) publication in a newspaper of general circulation within the Village. Said notice shall be published at least fifteen (15) days before the date of the required hearing. Such notice shall be mailed by the Clerk of Council, by first class mail, at least twenty (20) days before the day of the hearing to all owners of property within five hundred (500) feet of, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or lists that may be specified by the Village Council. The failure to deliver the notice as provided in this section shall not invalidate any such amendment.

Within twenty (20) days after the required public hearing the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Commission the unanimous vote of the Village Council is required.

Such amendment adopted by the Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Council a petition, signed by a number of qualified voters residing in the Village equal to not less than eight (8) percent of the total vote cast for all candidates for Governor in such area at the last preceding general election at which a Governor was elected, requesting the Council to submit the amendment to the electors of such area, for approval or rejection, at the primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

SECTION 1005 PLANNED UNIT DEVELOPMENTS

1005.01 Establishment of Planned Unit Developments: Planned Unit Developments may be established by resolution of the Village Council after receipt of recommendation by the Planning Commission, subject to the procedures outlined in this section.

1005.02 Pre-Application Meeting: The applicant shall meet with the Zoning Inspector and the Planning Commission prior to the submission of a preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of the Zoning Regulation and the criteria and standards for planned unit development. In addition, the applicant is encouraged to engage in informal consultation with: the Director of the Regional Planning and Coordinating Commission of Greene County to discuss any pertinent plans and regulations which affect the proposed project, with the Greene County Engineer to discuss thoroughfare plans and platting and subdivision requirements, with the Greene County Sanitary Engineer to discuss water and sanitary sewer systems, with the Greene County Health Department and/or, Ohio Environmental Protection Agency to discuss on-site water supply and wastewater disposal, the Greene County Soil and Water Conservation District office to discuss drainage and soil conditions, and with the Greene County Building Regulations Department to discuss applicable building codes.

1005.03 Preliminary Development Plan Application: An application for preliminary plan approval shall be filed with the Zoning Inspector by at least one (1) owner or lessee of property included within the application. At a minimum, and in triplicate, the application shall contain the following:

- a. Name, address and telephone number of the applicant.
- b. Name, address and telephone number of the property owner (s).
- c. Name, address and telephone number of any registered surveyor, engineer, architect and/or urban planner assisting in the preparation of the preliminary development plan;
- d. Date of filing;

- e. Legal description of the property involved;
- f. A vicinity map at a scale of one (1) inch to one thousand (1,000) feet showing property lines, streets, existing zoning classifications, and major identifying landmarks in the vicinity;
- g. A preliminary development plan map, or set of maps, at a scale no greater than one (1) inch to one hundred (100) feet illustrating the following at a minimum, including adjacent areas within one hundred (100) feet of the boundary of the site.
 - 1. A survey of the parcel(s) of land involved in the project, showing dimensions and bearings of property lines;
 - 2. Topography at one (1) foot contour intervals for areas of zero percent (0%) to ten percent (10%) slope, in two (2) foot intervals for areas of ten percent (10%) to twenty percent (20%) slope, and in five (5) foot intervals for areas over twenty percent (20%) slope;
 - 3. Existing streets, rights-of-way, easements, walks, bikeways, parks and community spaces, utilities, buildings and/or structures, and streams.
 - 4. Soil types, land cover, and areas to developed and left undisturbed;
 - 5. Proposed streets, rights-of-way, walks, public spaces, buildings and/or structures, and the layout and approximate dimensions of lots; and
 - 6. Stormwater drainage facilities.
- h. A general or specific description of the proposed uses for each lot within the project area.
- i. Areas without specific plans for future development may be permitted in so far as not more than sixty percent (60 %) of the total project area so designated and the proposed underlying zoning district(s) are specified;
- j. A general buffering and screening plan, if necessary, and one (1) or more profiles illustrating any relationship between proposed buildings or structures and any adjacent residential districts;
- k. A proposed schedule for development of the site;
 - 1. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within five (5) years.
- m. A written statement by the applicant setting forth the reasons why, in his opinion, the planned unit development project would be in the public interest and how it relates to the appropriate land use plans; and
- n. A fee as established by the Village Council.

1005.04 Review of Preliminary Plan by Regional Planning and Coordinating Commission: A copy of the application for preliminary development plan approval may be forwarded to the Regional Planning and Coordinating Commission of Greene County within five (5) days after it is accepted by the Zoning Inspector. The Regional Planning and Coordinating Commission may then provide informal comments and recommendations to the Planning Commission.

1005.05 Review and Action on Preliminary Plan by Planning Commission: Within thirty (30) days after it is filed, the preliminary development plan shall be approved in principle, with or without conditions, or disapproved by the Planning Commission. The Planning Commission shall determine if the application is consistent with the intent and purposes of this Zoning Regulation, whether the application advances the general welfare of the neighborhood and the community, and whether the benefits, combinations of various land uses, and the inter-relationship with the land uses in the surrounding area justify the deviation from standard district regulations. Approval of the preliminary development plan shall not be construed to endorse a precise location of uses, configuration of parcels, or feasibility of the proposed project.

1005.06 Final Development Plan Application: After approval in principle has been given for an application, a preliminary development plan may be filed with the Zoning Inspector by at least one owner or lessee of property included within the application.

At a minimum the application shall contain the following information:

- a. Date of filing;
- b. Name, address, and telephone number of applicant, property owner(s), and registered surveyor, engineer, architect, or urban planner assisting in the preparation of the final development plan;
- c. A vicinity map as required for preliminary approval;
- d. At least five (5) copies of the final development plan map or set of maps at a scale no greater than one (1) inch to one hundred (100) feet illustrating the following at a minimum, including adjacent areas within one hundred (100) feet of the boundary of the site:
 1. A survey of the parcel(s) of land involved in the project, showing dimensions and bearings of the property lines;
 2. The layout and dimensions of proposed lots;
 3. Existing and proposed topography at one (1) foot contour intervals for areas of zero percent (0%) to ten percent (10%) slope, in two (2) foot intervals for areas of ten percent (10%) to twenty percent (20%) slope and five (5) foot intervals for areas over twenty percent (20%) Slope;
 4. Existing and proposed streets, rights-of-way, easements, walks, bikeways, parks and public spaces, utilities, buildings and/or structures, storm drainage facilities, waste disposal facilities, and watercourses;
 5. Documentation of the acreage of the site devoted to buildings, streets, parking / loading / drive-through facilities, and landscaped or undisturbed areas;
 6. Existing and proposed zoning districts; and

7. Proposed landscaping and buffering and screening, where applicable, showing types and locations of plantings;
- e. Documentation of the number and type of dwelling units, including minimum floor area, for residential developments;
- f. Engineering feasibility studies and plans showing, as necessary, water, sewer, and drainage installations, street improvements, and earthwork required for site preparation;
- g. A schedule for development of the project, by section;
- h. Common open space and recreational facilities, including proposed provisions for their care and maintenance. Copies of proposed articles of incorporation and by-laws of any private entity proposed to maintain such areas shall be submitted, otherwise, a copy of the acceptance of such areas by a governmental entity shall be submitted; and
- i. The Planning Commission may waive any of the above requirements it deems inappropriate for the type of development proposed.

1005.07 Required Public Hearing by Planning Commission: Within thirty (30 days after filing of the final development plan, the Planning Commission shall hold a public hearing. Such hearing shall require notice as specified under Section 1004.

1005.08 Recommendation by Planning Commission: Within thirty 30 days after the required Public Hearing, and receipt of recommendation from the Regional Planning and Coordinating Commission, the Planning Commission shall recommend to the Village Council that the final development plan be approved as presented, approved with supplementary conditions, or disapproved. The Planning Commission shall then transmit all papers constituting the record and the recommendations to the Village Council.

Before making its recommendation to the Village Council as required, the Planning Commission shall find that the facts submitted with the application and presented at the public hearing establish that:

- a. The planned unit development is consistent in all respects with the purpose and intent of this Zoning Regulation;
- b. The proposed development advances the general welfare of the community and the immediate vicinity with no adverse effect to the adjoining or surrounding development and the area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development;
- c. The site will be accessible from public thoroughfares adequate to carry the traffic, which will be imposed upon them by the proposed development, and the streets and driveways on the site of the development will be adequate to serve the residents or occupants of the proposed development;
- d. The development will not impose an undue burden on public services and facilities, including fire and police protection and the existing and proposed utility services are adequate for the population densities and non-residential uses proposed;

e. Each individual section of the development, as well as the total development, can exist as an independent section- capable of creating an environment of sustained desirability and stability or that adequate assurance has been provided that such objective will be attained

f. Any exception from standard district requirements is warranted by the design and other amenities incorporated in the final development plan, in accord with the planned unit development and the adopted policy of the Planning Commission and the Village Council;

g. If governmental ownership of common open space or recreational facilities is planned, a copy of its acceptance has been filed with the application. If it is proposed, that such open space be owned and/or maintained by any entity other than a governmental authority, copies of the proposed articles of incorporation and by-law of such entity shall be submitted, and

h. The Planned Unit Development can be substantially completed within the time specified in the schedule of development submitted, by the developer and that implementation of the proposed development will begin within five (5) years after the date of approval.

1005.09 Public Hearing and Action by Village Council: Within thirty (30) days after the receipt of the recommendation from the Planning Commission, the Village Council shall hold a public hearing and give notice of such hearing as specified in Section 1004. Within twenty (20) days of the close of the required public hearing, the Village Council shall accept or reject the recommendation of the Planning Commission, or shall approve some modification thereof.

1005.10 Period of Validity: If no construction has begun within five (5) years after approval is granted, the approval shall become void and the land shall revert to the standard district regulations in which it is located. An extension of, the time limit of the approved final development plan may be approved if the Village Council and Planning Commission find that such extension is not in conflict with the public interest. No zoning amendment passed during the time period granted for the approval period shall in any way affect the terms under which approval of the Planned Unit Development was granted.

1005.11 Revision or Modification of Final Development Plan: Minor revision to the final development plan in such areas as lot lines, screening plan, loading and unloading space locations, parking provisions, may be approved without following all of the required procedures under this Section, if the Planning Commission and Village Council find that such revision is not in conflict with the intent of the approved final development plan and the public interest. All other modifications to an approved development plan require all of the procedures of this section to be followed.

SECTION 1006 VIOLATIONS AND PENALTIES: Violation of the provisions of this Regulation or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this Regulation, including those established by the Board of Zoning Appeals for Conditional Uses, shall constitute a misdemeanor. Any person who violates this Regulation or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

Whenever a violation of this Regulation occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector shall record properly such complaint, immediately investigate, and take action thereon as provided in this section.