1101.04 DUTIES.

The duties of the Planning Commission are as follows:

(a) To review all proposed amendments to and re-zonings of this ordinance and map, as per Chapter 1131, and to forward recommendations to Council.

(b) To initiate amendments to the provisions of this Zoning Ordinance and official Zoning Map by resolution and recommendation to Council.

(c) To act on all proposed planned developments, as per Chapter 1143, and to forward recommendations to Council for final action relative to Development Plans and amendments.

(d) To administer the Subdivision Regulations of St. Clairsville.

(e) To make plans which show the Commission's recommendations for the character of public and private streets, bridges, parks, open spaces, waterways, and utilities.

(f) To make plans which show the Commission's recommendations on the location and extension of streets, bridges, parks, open spaces, waterways, and utilities.

(g) To work with the Board of Architectural Review and to make plans and recommendations for the control and care of historic structures and grounds not located in areas subject to architectural review.

(h) To assist in the design of public works such as bridges, street fixtures, public art, and visible utilities.

(i) To work in cooperation with the Street Tree Advisory Board and to make plans and recommendations for the control, installation, and care of trees and other vegetation.

(j) To administer and make recommendations for the application of the Comprehensive Community Plan.

1101.06 COUNCIL POWERS AND DUTIES.

Council shall have the following powers and duties with respect to the administration and enforcement of this Zoning Ordinance:

(a) To review, render decision, and enact amendments to the provisions of this Ordinance and official zoning map.

(b) To initiate amendments to the provisions of this Ordinance and official zoning map through ordinance or resolution and forwarding said action to the Planning Commission for review and recommendation.

(c) Request by resolution or require by ordinance duties of the Planning Commission.

Chapter 1121

GENERAL PROVISIONS

1121.01 TITLE.

This Ordinance shall be known and may be cited to as the "Zoning Ordinance of St. Clairsville, Ohio."

1121.02 AUTHORITY.

This chapter is adopted pursuant to the authority contained in the Ohio Revised Code, 713.

1121.03 JURISDICTION.

This chapter shall be effective throughout the Municipal planning jurisdiction. The Municipal planning jurisdiction comprises the area within the corporate boundaries of St. Clairsville.

1121.04 PURPOSE.

(a) In their interpretation and application, the provisions of this Zoning Ordinance shall be held to be minimum requirements unless otherwise stated herein; adopted for the promotion of the public health, safety, convenience, comfort, prosperity and the general welfare by: 1) regulating and restricting the location of buildings and other structures and of premises to be used for trade, industry, residences and other specified uses; 2) regulating and limiting the height of buildings and other structures hereafter erected or altered; 3) regulating the bulk and location of buildings or other structures hereafter erected or altered, the percentage of lot occupancy, setback building lines and the area of yards, courts and other open spaces; 4) for all of the purposes herein before described, by dividing the City into districts as herein provided, which districts are deemed and determined best suited to carry out such purposes; 5) preserving and enhancing the historic districts, sites, landmarks and buildings; 6) new neighborhoods within the City only grow with adequate public and private infrastructure; and 7) ensuring that the community grows only with the efficient and economical use of city funds.

(b) Whenever the requirements of this Zoning Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive or that imposing the higher standards shall govern.

1121.05 SEPARABILITY CLAUSE

Should any Chapter or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

1121.06 OFFICIAL ZONING MAP

The districts established in Chapter 1141 of this Ordinance as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this Ordinance. This provision shall not be interpreted to require all districts established in Chapter 1141 to be located on the official zoning map at any time.

1121.07 HILLSIDE OVERLAY

In addition to the Districts shown on the Official Zoning Map, all areas with average slopes over 15 percent affecting 50 percent or more of the parcel must follow the City of St. Clairsville Hillside Regulations found in Chapter 1145 of this Ordinance. Prior to the issuance of zoning permits within this overlay area all special hillside regulations must be met.

1121.08 IDENTIFICATION OF THE OFFICIAL ZONING MAP

The Official Zoning Map shall be identified by the signature of the Planning and Zoning Administrator and attested by the City Council Clerk.

1121.09 NO USE OR SALE OF LAND OR BUILDINGS EXCEPT IN CONFORMITY WITH CHAPTER PROVISIONS.

Subject to Chapter 1137, no person may use, occupy, or sell any land or buildings or authorize or permit the use, occupancy, or sale of land or buildings under his/her control except in accordance with all of the applicable provisions of this Code. For purposes of this section, the "use" or "occupancy" of a building or land relates to anything and everything that is done to, on, or in that building or land.

1121.10 CONFLICTING ORDINANCES.

Where conflicts exist between requirements of this Zoning Code and ordinances adopted by Council, the more strict interpretation shall apply and thereby supersede the less strict requirements.

1121.11 GENERAL DEFINITIONS.

Words denoting the masculine gender shall be deemed to include the feminine and neuter genders. Words in the singular shall include the plural and words in the plural shall include the singular. A general term following specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.

1121.12 DEMOLITION PERMITS.

(a) The issuance of a demolition permit by the Planning and Zoning Administrator shall be required prior to the demolition of any structure or building in the Municipality. If such demolition is located within the Historic Downtown District, then the demolition permit shall be reviewed by the Board of Architectural Review and will not be issued without the approval of the Board of Architectural Review.

(b) In applying for a demolition permit, the Applicant must deposit with the Municipality a policy or certificate of insurance evidencing that the Applicant or owner has in force not less than $300,000 liability insurance for the protection of adjacent owners and other members of the public.

1121.13 ZONING COMPLIANCE CERTIFICATE/ZONING PERMIT.

Land used or occupied and buildings erected or structurally altered shall be used or changed in use only after a Zoning Compliance Certificate has been issued by the Planning and Zoning Administrator. Such certificate shall state that the building and proposed use comply with the provisions of this Code.

(a) Application Required. Application for a certificate shall be made to the Planning and Zoning Administrator on forms provided. Upon determination that all provisions of this Code and other such ordinances have been complied with, a zoning compliance certificate shall be

issued. Where circumstances warrant, temporary occupancy may be authorized by the Planning and Zoning Administrator for a specified period not to exceed six (6) months upon receipt of a bond equal to the cost of the remaining improvements has been provided to the City, during which period any remaining work shall be completed.

(b) Occupying Without a Permit. Any person, firm or corporation who occupies or permits to be occupied, or who sells, leases, or rents a house, building, building unit or structure for which a zoning compliance certificate is required and has not been issued, or in the case of alterations, additions or repairs, whoever occupies, or permits to be occupied or utilized or sells, leases or rents that portion of the house, building, building unit or structure added, altered or repaired for which a certificate is required and has not been issued, shall be guilty of violating this chapter and shall be subject to the penalties provided herein.

(c) Application After Effective Date. This section shall apply to all uses established and/or structures erected or altered after the effective date of this section.

1121.14 INTERPRETATION OF DISTRICT BOUNDARIES

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

a) Where district boundaries are indicated as approximately following the center lines of highways, or highway right of way lines, such center lines or highway right of way lines shall be construed to be such boundaries;
b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
c) Where district boundaries are so indicated that they are approximately parallel to the centerlines or right of way lines of highways or lot lines, such district boundaries shall be construed as being parallel thereto and at such distances therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
e) Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the City unless otherwise indicated;
f) After following the above rules and the zoning for a particular lot is still in question the Planning and Zoning Administrator will make the final determination. This decision may be appealed to the Board of Zoning Appeals as provided for in Chapters 1129 and 1131

1121.15 MORE THAN ONE ZONING DISTRICT FOUND ON A LOT

a) A use permitted in one of the zoning districts found on the lot shall not extend into the other district found in the lot if the use is not permitted in that district.
b) Required setbacks shall be measured from the lot lines and not the zoning district lines.

1121.16 VACATION OF PUBLIC WAYS

Whenever any street or public way is vacated in the manner authorized by law, the zoning districts adjoining each side of the street or public way shall be automatically extended to the center of such vacations and all area included in the vacation shall thereafter be subject to all regulations of the extended districts.

1121.17 CHANGES TO OFFICIAL ZONING MAP

After any district change is adopted to the Official Zoning Map, the Planning and Zoning Administrator shall cause the Official Zoning Map to be updated by the preparation of a new map. The new Official Zoning Map shall note the effective date of the change and shall designate the exact location of the change. The map shall be signed by the Planning and Zoning Administrator and attested by the City Council Clerk. The previous zoning map shall be permanently filed and remain in the custody of the Planning and Zoning Administrator.

1121.18 DANGEROUS / OBJECTIONABLE / PROHIBITED USES

No use shall be permitted or authorized to be established which, when conducted in compliance with the provisions of these regulations, and any additional conditions and requirements prescribed, is or may become hazardous, noxious, or offensive, injurious, harmful. Or objectionable or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by this Ordinance may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits, as established in this Chapter, are properly exercised. At a minimum, specifically, the occupation or use of any land or building in any district shall be in violation of this Ordinance if one or more of the following conditions is found to exist at any time:

(a) The use or storage of flammable or explosive materials is not adequately protected by fire fighting and fire protection equipment or by such safety devices as are normally required for such activities;
(b) Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
(c) Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;
(d) Hazardous wastes are present in violation of the regulations of the Ohio Environmental Protection Agency;
(e) Objectionable noise over 70 (seventy) decibels as measured by the Planning and Zoning Administrator is present on an adjoining lot or property;
(f) Vibration discernable by the Planning and Zoning Administrator without instruments is present on an adjoining lot or property;
(g) Direct or reflected glare is present which is visible from any street or from any property not within an industrial district;
(h) Erosion is carrying objectionable substances onto any adjacent lot or property;
(i) Water pollution or contamination is present in violation of the regulations of the Ohio

Environmental Protection Agency;

(j) Dumping, storing, burying, reducing, disposing, transferring or burning of garbage, refuse, scrap metal, rubbish or dead animals, (except household pets in own yard).

1121.19 OBSTRUCTION OF RIGHT-OF-WAY

The public right-of-way must not be obstructed in any way. This includes landscaping rocks or other materials, portable sports equipment, plantings, and irrigation systems.

1121.20 OVERLAY DISTRICTS

An overlay district is one that is superimposed over the existing zoning map for a particular area of the City. If the regulations in the overlay district are more strict than the existing district, the overlay regulations shall rule.

Chapter 1123

DEFINITIONS

1123.01 CONSTRUCTION OF LANGUAGE

For the purpose of this Ordinance, certain terms or words used herein shall be interpreted as follows:

a) The word “person”" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

b) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.

c) The word “shall”" is mandatory, the word “may”" is permissive.

d) The words "used" or "occupied" includes the words “intended, designed, or arranged to be used or occupied".

e) The word "lot" includes the words "plot" or "parcel".

f) The work “City” is the City of St. Clairsville, Ohio.

g) A “building” or “structure” includes any part thereof. “Building” shall have the same meaning as “structure”.

1123.02 DEFINITIONS

All words used in this Ordinance shall have their customary meanings as defined in ***Webster’s New World Dictionary, 2nd College Edition, 1984*** except those specifically defined in this Chapter. Those uses listed in Chapter 1143 specifically defined shall have the normal and customary meaning in accepted business, office, service or professional circles.

ABANDONMENT - The relinquishment of property, or a cessation of the use conducted on the property for a period of six months within a twelve month period, by the owner, tenant, or lessee, for reasons other than an act of God or access impeded by government action

ACCESSORY APARTMENT - A secondary dwelling unit established in conjunction with and clearly subordinate to a primary dwelling unit, whether a part of the same structure as the primary dwelling unit or a detached dwelling unit on the same lot.

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.

ADULT ENTERTAINMENT FACILITY - Any establishment which is involved in one or more of the following listed categories.

1) **Adult Book Store** means an establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental, or for the purpose of display by coin or slug-operated, or motion picture machines, projectors, or other image-producing devices, or both, books, magazines, other periodicals, films, tapes and cassettes which are distinguished by their emphasis on specified sexual activities or specified anatomical areas as defined below.
2) **Adult 'Motion Picture** means a facility for the display' of motion pictures which is regularly used or utilizes fifteen percent (15%) or more its total viewing time for presenting material distinguished or characterized by an emphasis to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
3) **Adult Entertainment Business** means any establishment involved in the sale or services of products characterized by die exposure or presentation of specified anatomical areas or physical contact of live male or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions that utilize activities as specified above.

AGRICULTURE as used in Chapter 303.02 to 303.25 of the Ohio Revised Code: The use of land for agricultural purposes, including farming, ranching, dairying, aquaculture, apiculture, horticulture, floriculture, viticulture, animal husbandry, including but not limited to, the care and raising of livestock, equine, and fur bearing animals; poultry production; the production of file crops, tobacco, fruits, vegetables, mushrooms; timber; pasturage; any combination of the foregoing; the processing, drying, storage, and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, such husbandry or production, and provided that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

AIRPORT – Any runway land area, or other facility designed or used either publicly or privately by any person for the landing and taking of off aircraft, including all necessary taxi ways, aircraft storage and tie down areas, hanger and other necessary buildings, and open spaces.

ALLEY – A permanent service way providing a secondary means of access to abutting properties.

ALTERATIONS – Any change in the supporting members (foundations, bearing walls, beams, columns, girders, etc) of a building or structure; or movement of a building or structure from one location to another.

APARTMENT HOUSE – Any main building containing more than four dwelling units.

AUTOMOBILE - A self-propelled free moving vehicle, with four or more wheels, primarily for conveyance of persons on a street. An automobile is not a truck. See definition for truck.

AUTOMOBILE CONVENIENCE MARKET - A place where gasoline, motor oil, lubricants, or other minor accessories are retailed directly to the public on the premises in combination with the retailing of items typically found in a convenience food market or supermarket.

AUTOMOBILE REPAIR SERVICES AND GARAGES - Establishments primarily engaged in furnishing automobile repair, rental, leasing, and parking services to the general public. Does not include truck repair service and garages.

AUTOMOBILE SALES or TRAILER SALES - The use of any building, land area or other premises for the display, sale, and rental of new or used automobiles, panel trucks or vans, trailers, or recreation vehicles and where no warranty repair work and other repair service is conducted.

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

AUTOMOBILE WASH and AUTOMATIC CAR WASH - Any building or premises or portions thereof where mechanical devices are used for washing automobiles.

BASEMENT – That portion of a building below the first or ground-floor level and having less than four feet of clearance from its ceiling to the average finished grade of the building perimeter. A basement shall not be considered a story for the purposes of determining building height, except when it is used or suitable for habitation. (See STORY)

BED-AND-BREAKFAST (B&B) – A transient lodging establishment, generally in a single-family dwelling and/or detached guesthouses, primarily engaged in providing overnight or otherwise temporary lodging for the general public and may provide meals for compensation.

BLOCK – A tract of land bounded by street, 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.

BOARD OF ZONING APPEALS – The Board of Zoning Appeals of St. Clairsville, Ohio.

BOARDING HOUSE – A residential building or part thereof other than a hotel or restaurant where means and/or lodging are provided for compensation, for three (3) or more persons primarily non transients where no cooking or dining facilities are provided in individual rooms.

BUILDING – Any structure having a roof supported by poles, columns, or by walls that are designed for shelter support, or enclosure of persons, animals, chattels, or property of any kind.

All building structures shall also mean structures that are portable, permanent or Chapter l.

BUILDING, ACCESSORY – A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use. Accessory buildings include, but are not limited to, storage sheds, garages, metal storage buildings, and other prefabricated buildings.

BUILDING HEIGHT – The vertical measurement from grade to the highest point of the roof beams in flat roofs; to the highest point on the deck of mansard roofs; to a level midway between the level of the eaves and highest point of pitched roofs or hip roofs; or to a level two-thirds of the distance from the level of the eaves to the highest point of gamgrel roofs. For this purpose, the level of the eaves shall be taken to mean the highest level where the plane of the roof intersects the plane of the outside wall on a side containing the eaves.

BUILDING LINE - A line beyond which no building may extend, as established by ordinance.

BUILDING, PRINCIPAL – A building in which is conducted the main or principal use of the lot on which said building is situated.

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.

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 room or board or kept overnight on the premises.

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.

CLUSTER DEVELOPMENT- A development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and preservation of environmentally sensitive features.

CLUSTER SUBDIVISION - A wholly or principally residential subdivision that permits a reduction in lot area, setback, or other site development regulations, provided there is no increase in the overall density permitted for a conventional subdivision in a given zoning district, and the remaining land area is used for common open space.

CONDITIONAL USE - A use allowed within a district (but not permitted as of right) after a conditional use permit is granted by the Board of Building and Zoning Appeals and according to the provisions of Chapter 1135. Conditional uses permitted in each district are listed in each zoning classification of this Ordinance following the procedures and requirements specified in Chapter 1135.

CONDITIONAL USE PERMIT - A permit issued by the Planning and Zoning Administrator upon the approval by the Board of Building and Zoning Appeals to allow a conditional use to be established within the district.

CONVENIENCE FOOD MARKET - A retail establishment offering for sale limited food, beverage and related consumer products with or without on premises preparation of food and beverages.

CUL DE SAC - A short minor street having one (1) end open to traffic, the other end being permanently terminated by a circular vehicular turnaround.

DAY CARE CENTER – A place, other than an occupied dwelling unit, that provides care for children or adults. Those receiving care are not related by blood or marriage. Care is provided for with a payment, fee or grant. This term includes nursery schools, preschools, and other similar uses.

DETERIORATED - A building or structure shall be deemed to be ***deteriorated*** when the Planning and Zoning Administrator determines that at least 50% of the main structural members have collapsed or appear to be in the condition of eminent collapse.

DISTRICT- A portion of the City within which certain regulations and requirements, or various combinations thereof, apply uniformly under the provisions of this Ordinance.

DRAINAGE - The movement of water to a place of disposal, whether by way of the natural characteristics of the ground surface or by an artificial method

DRIVE-IN RESTAURANT - A building or portion thereof where food and/or beverages are sold in a form ready for consumption and where all or a significant portion of the consumption takes place or is designed to take place outside the confines of the building, often in a motor vehicle on the site.

DRIVE-IN USE - An establishment which by design, physical facilities, service, or by packaging procedures encourages or permits customers to receive services, obtain goods, or be entertained while remaining in their motor vehicles.

DRIVE-UP WINDOW SERVICE - A building opening, including windows, doors, or mechanical devices through which occupants of a motor vehicle receive or obtain a product or service.

DWELLING - Any building or structure that is subject to real property taxation and which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

DWELLING, SINGLE FAMILY - A building consisting of one single dwelling unit on an

individual lot, separated from other dwelling units by open space.

DWELLING, 'TWO FAMILY - A building consisting of two dwelling units on an individual lot, which shall be either attached side by side or one above the other.
DWELLING. MULTIPLE FAMILY - A building consisting of three or more dwelling units, including condominiums, townhouses, quadruplexes, and garden apartments with varying arrangements of entrances and party walls.

DWELLING, MOUND - A building partially or totally covered by earth, vegetation, stone, or other materials where one or more walls of the building has more than one half (1/2) of its height below the averaged finished grade of the lot usually in a sloping fashion that resembles a mound.

EASEMENT - A legal right or privilege that a person has in another's land; a right to use land, without ownership, for a specific use, e.g. for erecting billboards or railroad right of way, or restricting an owner of a nearby property from exercising an otherwise valid property right, e.g. for views, light or air.

EDUCATIONAL INSTITUTIONS – A public, parochial, or private institution that provides educational instruction to students.

ENFORCING OFFICIAL – The Planning and Zoning Administrator or his/her authorizing deputy, or such other person as appointed and authorized by Council to enforce and administer the provisions of this Zoning Code.

ESSENTIAL INFRASTRUCTURE - A physical structure or physical structures that forms the foundation for development, such as sewage and water works, waste management systems, storm water management facilities, electric power, communications, transit and transportation corridors and facilities, and oil and gas pipelines and associated facilities.

FACADE, NONPRINCIPAL – The exterior wall(s) of a structure that do not face a public right-of-way.

FACADES, PRINCIPAL – Exterior walls of a structure which are adjacent to or front on a public street, park, or plaza.

FAMILY - An individual; two or more persons related by blood, marriage, or adoption living together as a single housekeeping unit in a dwelling unit; or a group of individuals, who need not be related, living together as a single housekeeping unit, provided that a ratio of two persons or less per bedroom within the dwelling unit be maintained.

FEED LOT - Land used for the confining and commercial feeding of livestock for mass production and marketing, and not necessarily connected with any general farming upon the same lot.

FILL - Any type of material placed or dumped on land and includes organic soils, peat, soil, stone, concrete, asphalt, sod, turf, dirt, earth, aggregate, binder and any combination thereof, but

does not include fertilizer.

FINE ART GALLERY - Any display of artwork which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
FLAG – Any fabric, banner, or bunting containing distinctive colors, patterns, or symbols, used as a symbol of a government, political subdivision, or other entity.

FLAG LOT - Any parcel of land which is irregularly shaped such that the principal amount of land in the parcel can only be connected / abut the public right of way in such a way as to create a narrow strip of land between two or more other parcels. A plat that creates a "flag and pole" shape, with the narrow "pole" being the access to a public right of way.

FLOOR AREA, NON RESIDENTIAL – The sum of the gross horizontal area of all the floors of a non-residential building measured from the interior walls, excluding stairs, washrooms, elevator shafts, maintenance shafts, and similar areas.

FLOOR AREA, RESIDENTIAL – The sum of the gross horizontal areas of all the floors except the basement of a residential building measured from the interior face of the exterior walls. Floor area shall not include breezeways, carports, garages, storage areas with only outside access, porches, unfinished attics or other unheated and/or unfinished areas attached to the dwelling.

FRONTAGE – That portion of a lot that directly abuts the street or street right of way and provides the principal access to the property, or that area to which the front façade of the house, building or structure is directed. Lot frontage shall be measured only from the address side (front) for the purpose of determining road frontage on corner and double frontage lots. All sides of a lot abutting a street shall be considered frontage for the purpose of determining yard requirements only. Property lines that abut limited access roads shall not be construed to be included within any calculation of frontage.

GARAGE APARTMENT – A structure above a private garage in which provision is made for one dwelling unit. (SEE ACCESSORY APARTMENT)

GARAGE, PRIVATE – A detached accessory building or a portion of a main building, intended for the parking or storage of automobiles, recreational vehicles, or boats of the occupants of the premises.

GARAGE, PUBLIC – A principal or accessory building other than a private garage, intended for the parking or storage of automobiles, recreational vehicles, boats, or other vehicles.

GLARE – Excessively bright illumination.

GRADE, AVERAGE - The average elevation of the finished surface of the ground at the exterior walls of a building or structure.

GRADE, EXISTING - The elevation of the existing ground surface of the land where an alteration of the grade is proposed or upon which placing or dumping of fill is proposed and of the abutting ground surface up to ten (10) feet wide surrounding such land, and where the alteration of the grade or the placing or dumping of fill has occurred contrary to the provisions of 1147.17, existing grade shall mean the ground surface of the land as it existed prior to the placing or dumping of fill or the alteration of the grade.
GRADE, FINISHED - The elevation of the ground surface of the land upon which fill has been placed or dumped, or where the grade has been altered, as approved in accordance with 1147.17.

GREENWAY - A linear open space established along either a natural corridor, such as a riverfront, stream valley, or ridgeline, or overland along a railroad right-of-way converted to recreational use, a canal, a scenic road, or other route; and/or any natural or landscaped course for pedestrian or bicycle passage; and/or an open-space connector linking parks, nature reserves, cultural features, or historic sites with each other and with populated areas; and/or locally, certain strip or linear parks designated as a parkway or greenbelt.

GROCERY STORE – A food market, or combination food market and department store with less than 5,000 square feet of floor area.

HEIGHT - See BUILDING HEIGHT

HOME OCCUPATION - An accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby conducted by a person on the same premises as his principal place of residence which is clearly subordinate and incidental to use of the premises for residential purposes.

HOSPITAL – An institution, licensed by the state department of health, providing primary health services and medical or surgical care to persons, primarily in-patients, suffering from illness, disease, injury, deformity and other abnormal physical or mental conditions, and including as an integral part of the institution, related facilities such as laboratories, outpatient facilities or training facilities.

HOTEL - A building in which lodging or boarding of transient guests is offered to the public for compensation. As such, it is open to the public in contradistinction to a boarding house, which is hereby separately defined. See also MOTEL.

JUNK – Scrap or waste material of whatsoever kind or nature collected or accumulated for resale, disposal, or storage. This includes any old or scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, iron, steel and other old or scrap ferrous or nonferrous materials.

JUNK OR INOPERABLE VEHICLE - A vehicle shall be deemed junk or an inoperable vehicle whenever any of the following occur for a period of two weeks prior to the filing of a cease and desist order:

a) The vehicle is without a valid, current registration and/or license plate;
b) The vehicle is apparently inoperable;
c) The vehicle is without fully inflated tires and/or has a type of support under it;

d) The vehicle has a missing or shattered window or windshield and/or;
e) The vehicle has an extensively damaged or missing door, motor, transmission, or other similar major part.

JUNK YARD - Any use primarily involved with buying, selling, exchanging, storing, bailing, packing, disassembling, salvaging or handling of waste or scrap materials, including but not limited to vehicles, machinery, and equipment not in operable condition or parts thereof, and furniture, building materials, metals, paper, rags, rubber tires, and bottles. Such operations conducted entirely within completely enclosed buildings shall not be considered a Junk Yard. Two (2) or more junk or inoperative vehicles on a lot shall be considered a junkyard.

KENNEL - Any lot or premises on which four (4) or more domesticated animals more than six (6) months of age are bred, boarded, trained, or sold.

LANDLOCKED - Any parcel of land which is not abutting to and can be accessed from a dedicated public right of way for a minimum continuous dimension of at least sixty feet.

LOT - A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and its accessory building and uses, including such open spaces as are required under the provisions of this Ordinance. Every lot shall have the minimum required frontage upon a public street. Such lot shall be of record in the County Engineer's Office.

a) Corner lot - A lot abutting upon two (2) or more streets at their intersection, or upon two parts of the same street, and in either case forming an interior angle of one hundred thirty-five (135) degrees or less as measured at the centerline of the road or the interior right of way line as applicable.
b) Interior Lot - A lot, other than a corner lot, with only one frontage on a public street.
c) Double Frontage Lot - A lot having frontage on two (2) non-intersecting streets or two approximately perpendicular portions of the same street.

LOT AREA – The area of a lot computed exclusive of any portion of the right of way of any public or private street.

LOT COVERAGE - That percentage of the lot area which, when viewed directly from above, would be covered by the principal and accessory structure or structures.

LOT LINES - Lines bounding the lot as shown in the accepted plat or survey record.

a) Front Lot Line - A lot line which either falls along a street right of way line or falls approximately along the center of a road, frontage or the boundary of a lot. On a corner, lot lines along both streets shall be considered front lot lines.
b) Side Lot Line - A lot line that is neither a front lot line nor a rear lot line.
c) Rear Lot Line - The lot line that is most distant from, and most nearly parallel to, the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a

point, the rear lot line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to, and a maximum distance from the front lot line. In the case of a corner lot, the rear lot line shall be the lot opposite the shortest front lot line.

d) Reverse Corner – A corner lot, the rear line of which is all or part of the side lot line of an abutting lot.

LOT WIDTH – The dimension of a lot, measured at right angles to the average bearing of the side lot lines, at the front lot line or at the front yard line. See also Frontage.

LOT OF RECORD - A lot which is part of a subdivision, the plat of which has been recorded in the office of Clerk; or a parcel of land, the deed or land contract to which was of record as of the effective date of this Ordinance or any appropriate amendment thereto.

MAIN BUILDING – Building in which is constructed the principal use of the lot on which it is situated. In a residential district any dwelling shall be considered to be a main building on the lot on which it is located.

MANUFACTURED, MODULAR, MOBILE FACTORY BUILT HOUSING

a) Factory Built Housing - Factory built housing means a factory built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Ordinance, factory built housing shall include the following:
    1) Manufactured Home – A non self-propelled building unit or assembly of closed construction fabricated in an off-site facility, and which conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974, and that has a label or tag permanently affixed to it certifying compliance with all applicable federal construction and safety standards. A manufactured home is transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or forty body feet or more in length or, when erected on site, is three hundred twenty or more square feet, and which is built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities. Calculations used to determine the number of square feet in a structure's exterior dimensions are measured at the largest horizontal projection when erected on site. These dimensions include all expandable rooms, cabinets, and other projections containing interior space, but do not include bay windows."(ORC 4501.01) For the purposes of this Chapter, chassis means a steel frame specifically designed and constructed with wheels or running gear and towing tongue installed for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.
    2) Mobile Home – A non self-propelled building unit or assembly of closed construction that is fabricated in an off-site facility, built on a permanent movable

chassis which is eight (8) feet or more in width and more than thirty-five (35) feet in length, which when erected on site is three hundred twenty (320) or more square feet, that is transportable in one or more Chapters and which does not qualify as a manufactured home or industrialized unit.

3) Industrialized Unit – A building unit or assembly of closed construction fabricated in an off site facility, that is substantially self sufficient as a unit or as a part of a greater structure and that requires transportation to the site of intended use. Industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. Industrialized unit does not include a manufactured or mobile home as defined herein.
4) Modular Home – Factory built housing certified as meeting the local or state building codes as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site built homes. Modular homes are required to be placed upon a solid masonry foundation.

MARQUEE – Any permanent roof-like structure projecting beyond a building or extending along and projecting beyond the wall of the building, generally designed and constructed to provide protection from the weather.

MOBILE HOME (TRAILER) PARK – Any site or tract of land under single or multiple ownership, upon which three (3) or more mobile or manufactured homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

MOTEL – A building or a group of buildings in which lodging is provided and offered to the public for compensation. As such, it is open to the public in contra-distinction to a boarding or lodging home, 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 where the entrances and exists to rooms need not be through a lobby or office, and parking is usually adjacent to the unit. The term MOTEL shall include various other terms, such as, Inn, Motor Lodge, Motor Inn, Motor Hotel and similar terms.

NONCONFORMING BUILDING OR STRUCTURE – A building or structure lawfully existing at the time of enactment of this Ordinance or subsequent amendments, which does not conform to the regulations of the district in which it is situated, or to other applicable provisions of this Ordinance.

NONCONFORMING LOT - A lot existing at the time of enactment of this Ordinance or any subsequent amendments that does not conform to the lot area and frontage requirements of the district in which it is located.

NONCONFORMING USE - A use of land, buildings or structures lawfully existing at the time of enactment of the Ordinance or subsequent amendments, which does not conform to the regulations of the district in which it is situated or other applicable provisions of this Ordinance.

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 or his immediate family. All childcare nurseries shall possess an appropriate license from the Ohio Department of Public Welfare as required.

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.

OWNER – Any person, agent, firm, corporation, or partnership that alone, jointly or severally with others: (1) has legal or equitable title to any premises, dwelling or dwelling unit, with or without accompanying actual possession thereof; or (2) has charge, care or control of any premises, dwelling or dwelling unit, as agent of the owner or as executor, administrator, trustee, or guardian of the estate of the beneficial owner. The person shown on the records of the recorder of deeds of the county to be the owner of a particular property shall be presumed to be the person in control of that property.

PARK – Any public or private open space with natural vegetation and landscaping; may include recreational facilities but park activity must be non-commercial.

PERSON – Any association, company, corporation, firm, organization, or partnership, singular or plural, of any kind.

PONDING - The accumulation of surface water in an area not having drainage therefrom where the lack of drainage or a modification of the drainage is caused by the placing or dumping of fill or by the alteration of the grade . (See 1147.17)

PRINCIPAL BUILDING – The building in which is conducted the principal use of the zone lot on which it is located. Zone lots with multiple principal uses may have multiple principal buildings, but storage buildings, garages, and other clearly accessory uses shall not be considered principal buildings.

PROPERTY LINE – See Lot Lines.

PUBLIC PARKING LOT – Any lot municipally or privately owned for off-street parking facilities, providing for the transient storage of automobiles or motor-driven vehicles. Such parking services may be provided as a free service or may be provided for a fee.

RETAIL SALES ESTABLISHMENT – A commercial activity that provides goods and/or services directly to the consumer, where such goods are available for immediate purchase and removal from the premises by the purchaser.

RECREATION, NON-INTENSIVE - Recreational and open space development and uses that involve a relatively low degree of human activity, maintenance and management and that have a minimal negative effect on the form, function and integrity of the natural environment.

RESIDENTIAL HOTEL – A dwelling occupied by permanent guests that may or may not have housekeeping facilities for each room or suite of rooms.

RETAINING WALL - A wall designed to contain and support fill that has a finished grade higher than that of the adjacent land.

RIGHT OF WAY - A strip of land purchased 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 areas, viaducts, and bridges.

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.

SETBACK LINE - A line parallel to a right of way at any story level of a building that defines the limits of a yard and represents the distance that all or any part of a building or structure is to be set back from said lot line or right of way line.

a) Front Setback Line - A 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 or right of way line.
b) Side Setback Line - A line parallel to any side lot line representing the distance that all or any part of any principal building is to be set back from the side lot line.
c) Rear Setback Line - A 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.

SEXUALLY EXPLICIT NUDITY - The sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depiction in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.

SOIL - Material commonly described as earth, topsoil, loam, subsoil, clay, sand and any combination thereof.

SOLID WASTE - Waste which is not liquid waste and which is garbage, refuse, domestic waste, industrial waste, agricultural waste, excluding manure and compost or commercial waste.

STREET FRONTAGE – The distance for which a lot line of a zone lot adjoins a public street, from one lot line intersecting said street to the furthest distant lot line intersecting the same street.

SWALE - A shallow depression in the lands sloping to a place of disposal of surface water for the purpose of providing a method of drainage.

SPECIFIED ANATOMICAL AREAS - Any of the following:

a) Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
b) Human male genitals in a discernible turgid state.

SPECIFIED SEXUAL ACTIVITIES - Any of the following:

a) Human genitals in a state of sexual stimulation or arousal.
b) Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
c) Fondling or other erotic touching of human genitals, pubic regions, buttocks or female breasts.

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.

STREET – A public thoroughfare which affords the principal means of access to abutting property. Does not include public right-of-way.

STORY - The part of a building, except a mezzanine, included between the surface of one floor & the surface of the next floor above; or if there is not a floor above, then the ceiling level next above. The floor of a story may have split levels provided that there not be more than four (4) feet difference in elevation between the different levels of the floor. A basement shall not be counted as a story.

STORY, HALF - An uppermost story lying under a gambrel, hip, gable, or shed roof that is used, in whole or part, for dwelling or habitable purposes.

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, porches, decks, swimming pools, tennis courts, signs, and billboards.

SUPERMARKET - food markets, or combination food markets and department stores with more than 5,000 square feet of floor area.

SWIMMING POOL, COMMUNITY - Any pool, open tank, pond, lake, or other structure containing or capable of containing water to a depth of greater than one & one half (1 1/2) feet and more than twelve (12) feet in diameter, owned or operated by an individual, private non-profit organization, governmental body, homeowners association, or similar organization. It includes walkways, bathhouses, open areas for sunning or picnicking, & associated buildings or structures.

SWIMMING POOL, PRIVATE - Any pool, open tank, or other structure not located within a completely enclosed building and containing or capable of containing water to a depth of greater than one and one half (1 1/2) feet and more than twelve (12) feet in diameter. Swimming pool does not include a farm pond, but includes walkways and associated buildings.

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 or

structure, or for special events. A temporary structure shall not be intended to be permanently affixed to the ground. Requires issuance of temporary use/structure permit.

TRUCK – Trucks, including truck tractors, and similar vehicles with two or more rear axles.

USE - The specified purpose for which land, a structure, or a building is designed, arranged, intended, occupied, or maintained.

USE, PRINCIPAL - The main use to which the premises are devoted and the main purpose for which the premises exist.

VARIANCE - A variance is a modification of the strict terms of this Ordinance where such modifications will not be contrary to the public interest and where owing to physical conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Ordinance would result in unnecessary hardship.

VETERINARY ANIMAL HOSPITAL - 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 attention. Such use may include overnight accommodations on the premises for treatment, observation, and/or recuperation.

VIDEO RENTAL STORE - An establishment primarily engaged in the retail rental or lease of video tapes, films, CD-ROMS, laser discs, electronic games, cassettes, or other electronic media. Sales of film, video tapes, laser discs, CD-ROMS, and electronic merchandise associated with VCRs, DVD players, video cameras, and electronic games are permitted accessory uses.

VISIBLY DISPLAYED - The material is visible on any sign, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonable anticipated access and presence.

YARD - An open of uniform width or depth, and on the same lot with a building or group of buildings, lying between any part of the building and the nearest lot line and which is unoccupied and unobstructed from the ground upward. The width or depth of a yard shall be parallel to and measured at right angles to the corresponding lot line.

a) Front Yard – A yard extending across the full width of a lot and lying between the front lot line and the nearest part of a building.
b) Rear Yard – A yard extending across the full width of a lot and lying between the rear lot line and the nearest part of the building.
c) Side Yard – A yard between each side lot line and the nearest part of a building and extending from the front yard to the rear yard, or in the absence of either of such yards, to the front or rear lot line as the case may be.

ZONE – A classification of use, and the standards pertaining thereto, as described in this Zoning

Code and as applied to certain areas in the Municipality.

ZONE LOT – A parcel of land in single ownership that is of sufficient size to meet minimum zoning requirements for area, coverage, and use, and that can provide such yards and other open spaces as required by the zoning resolution.

ZONING COMPLIANCE CERTIFICATE – A certificate issued to an applicant when all requirements of the Planning and Zoning Code have been met. A certificate is issued for construction, change in use, signage and where otherwise outlined in this Code. A zoning permit or certificate of zoning compliance are other names for a zoning compliance certificate.

Chapter 1124

ADMINISTRATION, ENFORCEMENT and PENALTY

1124.01 PLANNING AND ZONING ADMINISTRATOR OR DULY APPOINTED AUTHORITY

There is hereby established the office of Planning and Zoning Administrator, who shall be appointed by the Mayor with the advice and majority approval of Council. This position shall be in the unclassified service of the City. It shall be the duty of the Planning and Zoning Administrator to enforce this Zoning Ordinance in accordance with the administrative provisions of this Zoning Ordinance. All departments, officials, public employees, and representatives of the Municipality, vested with the duty or authority to issue permits or licenses, shall conform to the provisions of this Zoning Ordinance and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this Zoning Ordinance. Any permit or license issued in conflict with the provisions of this Zoning Ordinance shall be null and void.

1124.02 CERTIFICATE OF ZONING COMPLIANCE.

(a) Use Prohibited Without Certificate. No owner, lessee or tenant shall use or permit the use of any structure, building or land, or part thereof, hereafter created, erected, replaced, changed, converted or enlarged, wholly or partly, until a Certificate of Zoning Compliance shows that such building or premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of this Zoning Ordinance.

(1) The Planning and Zoning Administrator shall issue a Zoning Certificate provided he/she is satisfied that the structure, building and/or premises, the proposed use thereof, and the proposed methods of water supply, electric supply and disposal of sanitary waste, conform with all requirements of this Zoning Ordinance, subject to approval of the Planning Commission, Board of Zoning Appeals, Board of Architectural Review and/or Council where the Zoning Ordinance requires or deems appropriate.

(2) This section shall in no case be construed as requiring a certificate in the event of a change in ownership or tenancy only, without a change in use or intended use, provided that no alterations or additions are proposed for such building.

(b) Temporary Uses. The following regulations are necessary to govern the operation of certain uses that are non-permanent in nature. Application for a Temporary Zoning Permit, where applicable, shall be made to the Zoning Administrator, containing a graphic description of

the property to be utilized and a site plan, a description of the proposed use, and sufficient information to determine yard requirements, setback, sanitary facilities, and parking space for the proposed temporary use. The following uses are deemed 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:

(1) A real estate sales office including a mobile office may be permitted within any district for any new subdivision that has been approved by St. Clairsville. Such office shall contain no living accommodations. The permit shall be valid for one (1) year, but may be granted 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 Use Permit, whichever occurs sooner.

(2) Temporary offices including mobile offices for contractors and equipment sheds incidental to construction projects 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 Use Permit whichever occurs sooner.

(c) Certificate of Zoning Compliance (Zoning Permit). No permit for the extension, erection or alteration of any building shall be issued before an application has been made and a Certificate of Zoning Compliance (Zoning Permit) issued, and no building shall be occupied until such certificate is approved.

(d) Effect of Approval. Zoning Permits issued on the basis of plans, information and application approved by the Planning and Zoning Administrator and/or Planning Commission authorize only the use, arrangement and construction set forth in such approved plans, information and application or approved amendments thereto, and no other use, arrangement or construction. Use, arrangement and construction at variance with that authorized shall be deemed a violation of this Zoning Ordinance and punished as provided in this chapter.

(e) Approval of Health Officer. In every case where the lot is not serviced with public water supply and/or the disposal of sanitary wastes by means of public water and sewers, the application shall be accompanied by written evidence of approval by the responsible Health Officer as to the proposed method of water supply and/or treatment and disposal of sanitary waste.

1124.03 APPLICATION PROCEDURE.

(a) Application to be Made. Written application for Certificates of Zoning Compliance shall be made by property owner(s) or lessee(s) to the Planning and Zoning Administrator. (Please refer to Section 1125.04(a).)

(b) Application Fee. A fee as stipulated in Appendix A and by ordinance shall be paid by the applicant to cover the costs of review and reporting of the application, payable to the General Fund.

(c) Contents of Application. The application for a Zoning Certificate shall contain as a minimum:

(1) Name, address, and phone number of the applicant(s) and representative(s) if any, and the signature of the property owner(s).

(2) A current survey of the property may be required if deemed necessary. This survey shall be completed by a licensed surveyor.

(3) If any new development, construction or change in use is proposed, a plan drawn to scale showing:

A. Actual dimensions of the lot including easements.

B. Exact size and location of all buildings and structures on the subject lot;.

C. Any proposed new construction and/or alterations.

D. Existing and intended use of all parts of the land or buildings.

E. Proposed provisions of water, sanitary sewer facilities, surface drainage features, and underground storm drainage facilities.

F. As applicable, proposed landscaping and other site design treatment shall be indicated where required under Chapter 1149.

(4) Such other information to be determined by the Planning and Zoning Administrator and/or Planning and Zoning Commission as may be necessary to determine and provide for the enforcement of this Zoning Ordinance.

1124.04 REVIEW PROCEDURE.

(a) Filing of Application. Two (2) copies of a completed application shall be filed with the Planning and Zoning Administrator, one (1) copy of which shall be returned to the owner upon approval.

(b) Action by Planning and Zoning Administrator. Within thirty (30) days after acceptance of an application for a Zoning Certificate, the Planning and Zoning Administrator shall approve a Certificate of Zoning Compliance provided he/she is satisfied that the structure, building and/or premises, and the proposed methods of water supply, electric supply, treatment and disposal of sanitary waste, and storm drainage measures conform with all requirements of this Zoning Ordinance, subject to approval of the Planning Commission where the Zoning Ordinance requires; in those cases the Planning Commission shall render a decision within thirty-five (35) days of holding a public hearing unless required otherwise by the Code. Denial of an application shall be conveyed to the applicant in writing with a statement of the reasons for such denial.

(c) Appeals. A denial by the Planning and Zoning Administrator of an application for a Certificate of Zoning Compliance may be appealed to the Planning Commission. A written appeal shall be filed with the Planning and Zoning Administrator within ten (10) days of receipt of notification of denial. The Planning Commission shall have a maximum of sixty (60) days for public hearing, consideration and a decision on the appeal. Denial of an application by the Planning Commission may be appealed to Council.

1124.05 ISSUANCE AND EXPIRATION.

(a) An approved Certificate of Zoning Compliance shall be issued within ten (10) days of approval. One (1) copy of the plans submitted by the Applicant shall be returned.

(b) All Zoning Compliance Certificates shall be good for (6) six months following the date of issuance. If the work has not been completed within the six months, the certificate may be renewed for another six months as long as the project scope has not changed. If the scope of work has changed a new certificate must be applied for and issued.

1124.06 VIOLATIONS AND REMEDIES.

If any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, demolished, maintained or used, or any land is or is proposed to be used in violation of this Zoning Ordinance or any amendment or supplement thereto, Council, the Director of Law or any adjacent or neighboring property owner who would be specifically damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, demolition, conversion, maintenance, or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

1124.07 COMPLAINTS.

Whenever a violation of this Zoning Ordinance occurs, or is alleged to have occurred, any person may file a written complaint with the Planning and Zoning Administrator. Such complaint should state in full the causes and basis thereof. The Planning and Zoning Administrator shall record said complaint, immediately investigate the allegations, and take appropriate action as provided by this Zoning Ordinance.

1124.08 PENALTY.

(a) The first violation of the provisions of this Zoning Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor of the fourth degree. Upon conviction thereof any person may be fined not more than $250.00 or imprisoned for not more than thirty (30) days or both, and in addition shall pay all costs and expenses involved in the case.

(b) If the same violation occurs a second time within the same year the offense shall constitute a misdemeanor of the third degree and upon conviction the fine shall be not more than $500.00 or imprisonment for not more than sixty (60) days or both, and in addition the offender shall pay all costs and expenses involved in the case. If the same violation occurs a third time within the same year the offense shall constitute a misdemeanor of the second degree and upon conviction the fine shall be not more than $750.00 or imprisonment for not more than ninety (90) days or both, and in addition the offender shall pay all costs and expenses involved in the case.

(c) Each day any such violation continues after receipt of a violation notice shall constitute 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 Municipality from taking such other lawful action as is necessary to prevent or remedy any violations.

1124.09 FAILURE TO ACT.

The failure of any board, not including Council, to act on an application before such board within the prescribed time-frame, excluding the continuation of a public meeting or hearing, shall constitute approval of such application. This shall not apply in cases where an applicant has chosen to indefinitely table an application or has requested an extension of such application.

CHAPTER 1125

PLANNING AND ZONING ADMINISTRATOR

1125.01 GENERAL.

The Planning and Zoning Administrator, appointed by the Mayor with a majority vote of City Council, shall serve as the chief administrative officer for the Zoning Ordinance and is charged with enforcement of the related requirements and standards, as per this chapter. Said position will be in the unclassified service of the City.

1125.02 CERTIFICATE OF ZONING COMPLIANCE.

The Planning and Zoning Administrator shall issue the Certificate of Zoning Compliance when the standards and requirements under Chapter 1124 have been fully met or as directed by the Planning and Zoning Commission and shall deny issuing zoning certificates in the event of non-compliance. The Planning and Zoning Administrator shall maintain a record of all applications and actions.

1125.03 RECORD KEEPING.

The Planning and Zoning Administrator shall make and keep all records necessary and appropriate to the office, including record of the issuance and denial of all zoning certificates, zoning map amendments, variances, conditional use permits, Certificates of Appropriateness, Certificates of Design Appropriateness, receipt, investigation and enforcement of complaints of violations, and any other permit or certificate required herein. The Planning and Zoning Administrator shall prepare an annual summary of all records.

1125.04 ARCHITECTURAL BOARD OF REVIEW

(a) The Planning and Zoning Administrator shall notify by certified mail respective property owners and those others of violations of the design standards and all other pertinent regulations in the various districts within the City of St. Clairsville; shall issue stop work orders for the discontinuance of illegal work; and shall order in writing actions to correct said violations under the direction of the Architectural Board of Review. The Planning and Zoning Administrator shall take any other action authorized by the Architectural Board of Review in concurrence with the Law Director to ensure compliance, prevent violations, and to order remedial actions, including the issuance of Certificates of Appropriateness.

(b) Appeals of the Planning and Zoning Administrator's orders directly related to the Architectural Board of Review's jurisdiction and area of authority may be filed within ten (10) days of receipt of said order with the Architectural Board of Review.

1125.05 INSPECTION AND COMPLAINTS.

(a) The Planning and Zoning Administrator shall inspect any building or land to determine whether any violations of this Zoning Ordinance and other related ordinances have been committed or exist, and to receive and investigate complaints and notices of alleged violations. Written complaints of alleged violations shall be filed with the Planning and Zoning Administrator who shall investigate said complaints and prepare a report to be submitted to the Planning Commission and Director of Law. Said complaints shall be recorded.

(b) Regular inspections of the Municipality shall be conducted by the Planning and Zoning Administrator to identify potential violations, situations of non-compliance, and any potentially illegal situations relative to this Zoning Ordinance. Necessary action shall be taken by the Planning and Zoning Administrator to ensure compliance with and enforce the Zoning Ordinance and other related ordinances.

1125.06 ENFORCEMENT.

(a) The Planning and Zoning Administrator shall enforce this Zoning Ordinance and any related ordinances and take all necessary steps to remedy any condition found in violation by ordering by certified mail the discontinuance of said illegal uses or illegal work, and recommend to the Law Director appropriate action.

(b) The Planning and Zoning Administrator shall notify by certified mail the property owners and those violating this Zoning Ordinance and any related ordinances of any non-compliance situations and shall order actions to correct or remedy said violations; shall order by certified mail the discontinuance of illegal uses of land, buildings, or structures in violation therein; shall order by certified mail in accordance with legal procedures the removal of illegal buildings and structures or illegal additions or structural alterations; shall order discontinuance by certified mail of any illegal work under way; shall take any other action authorized by the Zoning Ordinance, any related ordinance, and/or Director of Law to ensure compliance and prevent violations, including issuance of and actions on any zoning permits or certificates and other similar duties. The Planning and Zoning Administrator shall notify in writing the Planning and Zoning Commission and Law Director of all violations of this Zoning Ordinance and any related ordinance.

(c) Appeals of the Planning and Zoning Administrator's orders may be filed with the Board of Building and Zoning Appeals or Architectural Board of Review, as appropriate. A written appeal shall be filed with the Clerk of Council within ten (10) days of receipt of order.

1125.07 ADVISOR TO PLANNING COMMISSION.

(a) The Planning and Zoning Administrator shall advise the Planning Commission of all matters other than routine duties pertaining to enforcement of this Zoning Ordinance and any related ordinance, and shall transmit all applications and records pertaining to supplements and

amendments therein.

(b) All questions relative to interpretation and enforcement of this Zoning Ordinance shall first be presented to the Planning and Zoning Administrator for a decision. The Board of Building and Zoning Appeals may be appealed to for a determination relative to the Planning and Zoning Administrator's decision.

Chapter 1127

AMENDMENTS

1127.01 INITIATIONS.

The provisions of this Zoning Ordinance may be amended, supplemented, changed or repealed to meet changing conditions or to better meet good zoning practices. Amendments may be initiated in one of three (3) ways:

a) By adoption of a motion by the Planning Commission.
b) By adoption of a resolution or amendments by Council.
c) By filing of an application by one or more owners or lessees of property within the area proposed to be changed or affected by amendments of provisions of this Zoning Ordinance.

1127.02 APPLICATION PROCEDURE.

a) Application to be Made. Written application for amendment of this Zoning Ordinance, including all supporting materials, initiated by property owner(s) or lessee(s) shall be submitted to the Planning Commission. **This process is separate from the requirements of Planned Districts.** (Please refer to Section 1143.04(a)).
b) Application Fee. A fee as stipulated in Appendix A shall be paid by the applicant to cover the costs of advertising, review, publishing and reporting of the application, payable to the General Fund.
c) Application Contents. The application for amendment shall contain as a minimum:
    1) Name, address, and phone number of the applicant(s) and representative(s) if any, and the signature of the property owner(s).
    2) A current and accurate legal description of the property(s) in question and a current survey prepared by a licensed surveyor.
    3) The proposed amendment to the Zoning Ordinance, the proposed use and the proposed zoning district of the property(s).
    4) The present use and present zoning district of the property(s).
    5) A list of all property owners within, contiguous to, and directly across the street from the property(s) in question.
    6) A statement of the relationship of the proposed change or amendment to the general welfare of the community, to appropriate plans for the area, and to the changed or changing conditions behind the request to rezone.
    7) A plot plan to show:
        a. Boundaries and dimensions of the lot and the size and location of all proposed and existing structures.
        b. The proposed use of all parts of the lot and structures.
        c. Traffic access, traffic circulation, existing and proposed utilities, parking, lighting and illumination, landscaping, signs, and other such information relevant to the proposed use.

d. Such additional information as may be required by this Zoning Ordinance and/or requested by the Planning Commission and/or Planning and Zoning Administrator to review the application.

8) Any deed restrictions, easements, covenants and encumbrances to be used to control the use, development and maintenance of land, and proposed uses, shall be fully denoted by text and map.
9) At the discretion of the Planning Commission, an engineer's estimate of utility needs of the proposed use of the area being considered for rezoning, to include sewer, water, and refuse demand may be required. In addition, an engineer's estimate of potential traffic generation for the proposed uses and measures proposed by the applicant to mitigate the impacts resulting from said generation may be required by the Planning Commission.

1127.03 CRITERIA FOR REVIEW

At a minimum, the Planning Commission shall consider the following factors in the review of the application:

a) Compatibility of the proposed amendment to adjacent land use, adjacent zoning and to appropriate plans for the area.
b) Relationship of the proposed amendment to access and traffic flow and utility services including sanitary sewer, water supply, and storm drainage.
c) Relationship of the proposed amendment to the public health, safety, convenience, comfort, prosperity and general welfare.
d) Relationship of the proposed use to the adequacy of available services and to general expansion plans and planned capital improvements.

1127.04 REVIEW PROCEDURE.

a) Filing and Acceptance of Application. Seven (7) copies of a completed application shall be filed with the Planning and Zoning Administrator at least forty-five (45) days prior to a regularly scheduled meeting of the Planning Commission. Prior to accepting such application, the Planning and Zoning Administrator shall review the submittal and determine whether such application is complete and meets all submittal requirements. Failure to submit a complete application, as determined by the Planning and Zoning Administrator, shall result in a refusal of acceptance.
b) Public Hearing. A public hearing of the Planning Commission shall be held within sixty (60) days from the date of the acceptance of a resolution, motion or complete application to amend this ordinance and/or official zoning map. Nothing in this section shall prevent the Commission from granting a continuance of the public hearing.
c) Public Notice for Hearing. At least one (1) notice shall be given at least ten (10) days prior to a scheduled public hearing in one (1) or more newspapers of general circulation in the Municipality. Such notice shall include time and place of the public hearing, nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to Council for further determination.
d) Notice to Property Owners. 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 Municipality, at least ten (10) days prior to the date of a scheduled public hearing to all property owners within, contiguous to, or directly across the street from such area proposed to be rezoned or redistricted and/or those property owners within 200 feet of the property proposed to be zoned or rezoned. The notice shall correspond to subsection (c) hereof in content.

e) Action by Planning Board. Within thirty-five (35) days of the public hearing, the Planning Commission shall review the application and forward one of the following recommendations to Council:
    1) Recommend the proposed amendment be granted as requested.
    2) Recommend the proposed amendment be modified.
    3) Recommend the proposed amendment not be granted.

f) Public Hearing of the Council. Upon receipt of such recommendation, Council shall schedule a public hearing within forty-five (45) days of said receipt. Nothing in this section shall prevent the Council from continuing a public hearing.

g) Public Notice for Hearing. At least one (1) notice shall be given at least thirty (30) days prior to a scheduled public hearing in one (1) or more newspapers of general circulation in the Municipality. Such notice shall include time and place of the public hearing, nature of the proposed amendment, and a summary of the Planning Commission's recommendation.

h) Notice to Property Owners. 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 Municipality, at least ten (10) days prior to the date of the public hearing to all property owners within, contiguous to, or directly across the street from such area proposed to be rezoned or redistricted and/or those property owners within 200 feet of the property proposed to be zoned or rezoned. Notice shall correspond to subsection (c) hereof in content.

i) Action by Council. Within thirty-five (35) days after public hearing, Council shall adopt or deny the recommendation of the Planning Commission or adopt a modification thereof. To adopt the Commission's recommendation, a majority vote of the membership of Council is required. To reverse or modify the Commission's recommendation, a vote of three-fourths (3/4) of the full membership of Council is required.

An application for amending this Zoning Ordinance that has been disapproved by Council may only be resubmitted to the Municipality no sooner than one (1) year from the date of such disapproval by Council.

Chapter 1129

BOARD OF ZONING APPEALS

1129.01 MEMBERSHIP, TERMS

An administrative board is hereby created, such board to be known as the Board of Zoning Appeals, consisting of five members. Four of the members shall be residents of the Municipality, appointed by the Mayor and one shall be a citizen member of the Planning Commission, appointed by the Commission. No person holding any other public office or position in the local government, except the member appointed from the Planning Commission, shall be eligible for appointment to the Board.

1129.02 ORGANIZATION

The Board of Zoning Appeals shall organize by electing from its membership a Chairman, vice-chairman and secretary, to serve for a one-year term, with election of officers to take place the first meeting of each calendar year.

1129.03 DUTIES OF THE BOARD OF ZONING APPEALS

In exercising its duties, the Board may, as long as such action is in conformity with the purpose of this Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination of the Planning and Zoning Administrator and may make such order, requirement, decision, or determination as ought to be made. For the purpose of this Ordinance, the Board has the following specific responsibilities:

a) To review and act upon applications for variances from the terms of this Zoning Ordinance, as per Chapter 1129 and 1131.
b) To review and act upon applications for conditional use permits, as per Chapter 1135 and all other pertinent sections of this ordinance.
c) To allow for the substitution, enlargement, and expansion of a nonconforming use as provided in Chapter 1137;
d) To allow an extension of time in a previously issued zoning permit ;
e) To determine the actual boundaries of a zoning district where an applicant alleges a conflict exists with the Official Zoning Map. The person alleging the conflict shall furnish an actual survey and other data to justify the allegation;
f) To determine what is the appropriate residential district requirements that shall be met when an applicant proposes to modify a residential structure in a district that prohibits residences.

1129.04 DUTIES OF PLANNING AND ZONING ADMINISTRATOR, BOARD OF ZONING APPEALS, CITY COUNCIL AND COURTS ON MATTERS OF APPEAL

It is the intent of this Ordinance that all questions of enforcement shall be first presented to the Planning and Zoning Administrator, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Planning and Zoning Administrator, 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 Ordinance that the duties of City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The City Council shall have only the duties of considering and adopting or rejecting proposed amendments to this Ordinance, initiating amendments to this Ordinance, repealing this Ordinance as provided by law, and establishing a schedule of fees and charges. Nothing in this Ordinance shall be interpreted to prevent any official of the City from appealing a decision of the Board of Zoning Appeals to the courts. Any such appeal shall be made within thirty (30) days of the Board's written decision.

1129.05 PUBLIC HEARINGS

a) Regular sessions designated as public hearings of the Board of Zoning Appeals shall be held on such date, time and place as the Board establishes.
b) Special sessions may be called by the Chairman, or at the request of two members, provided that notice of the same has been mailed to each member at least twenty-four hours before the time set, except that the announcement of a special session at any meeting at which a quorum is present shall be sufficient notice of such meeting.
c) All hearing sessions shall be open to the public.
d) A quorum of the Board of Zoning Appeals shall consist of three members.
e) The Board shall keep minutes of its proceedings showing the vote of each member on every question, or if absent or failing to vote, indicating such fact, and it shall also keep records of its examinations and other official actions.
f) The concurring vote of three members of the Board shall be necessary to reverse any order, requirement, decision or determination of the enforcing officer, or to decide in favor of the appellant any matter upon which it is required to pass under the Zoning Code, or to effect any variation therein. Such appeal shall be taken within thirty days, including weekends and holidays, after the date of the decision of the enforcing officer by filing with the Board of Zoning Appeals a notice of appeal specifying the grounds thereof.

Chapter 1131

APPEALS AND VARIANCES

1131.01 APPEALS

Any person affected by any decision of the Planning and Zoning Administrator may take appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Planning and Zoning Administrator and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken along with the fee established by Appendix A. The Planning and Zoning Administrator shall transmit to the Board of Building and Zoning Appeals all the papers constituting the record upon which the action appealed from was taken. The Planning and Zoning Administrator shall also submit a written statement explaining the Planning and Zoning Administrator's position on the issue to the Board of Zoning Appeals.

1131.02 PROCEDURE

Every appeal shall be made to the Board of Zoning Appeals in writing. The procedure of appeals shall be as follows:

a) A written appeal shall be filed with the Planning and Zoning Administrator by the party aggrieved by any order or decision of the Planning Commission. The original Zoning Permit Application shall accompany the appeal.
b) Every appeal shall be taken within twenty (20) days from the date of any refusal by the Planning and Zoning Administrator to issue a permit.
c) Any communication purporting to be an appeal shall be regarded as mere notice to seek relief and shall not be considered by the Board until it is made on the form required.
d) If the applicant fails to file with the Board of Zoning Appeals the form properly filled out and executed and to supply the required data within twenty (20) days from the date of refusal of the permit by the Planning and Zoning Administrator his/her case shall be dismissed for lack of prosecution.
e) The appeal shall be accompanied by a fee as established in Appendix A, which amount shall be used to defray the cost of the required notices and opinion from the Planning and Zoning Administrator.
f) At the public hearing of the case before the Board, the appellant shall appear in his own behalf or be represented by counsel or agent. The appellant's side of the case shall be heard first and those in objection shall follow. To maintain orderly procedure, each side shall proceed without interruption by the other.
g) Every person before the rostrum shall abide by the order and direction of the Chairman. Discourteous, disorderly, or contemptuous conduct shall be regarded as a breach of the privileges of the Board and shall be dealt with, as the Chairman deems proper.

1131.03 CALENDAR

(a) Each appeal, filed in proper form with the required data shall be numbered serially, and shall be placed upon the calendar of the Board of Zoning Appeals by the enforcing officer. The calendar numbers shall begin anew on January 1 of each year, and shall be hyphenated with the number of the year in which the appeal is filed.

(b) Appeals shall be assigned for hearing in the order in which they appear on the calendar thereof, except that an appeal may be advanced for hearing by order of the Board, upon good cause being shown.

(c) Ten days' notice of the hearing of an appeal shall be sent by mail to the appellant and all directly affected property owners. The notice to the appellant shall be sent by registered mail to the address given in the appeal.

1131.04 FINAL DISPOSITION OF APPEAL

(a) The final disposition of any appeal to the Board of Zoning Appeals shall be in the form of a resolution which shall affirm, modify or reverse the refusal of a permit by, or any order or decision of the enforcing officer.

(b) The Board may set out in the resolution the condition or conditions upon which the permit may be issued in order to carry out the purpose and intent of this Zoning Code. The concurring vote of a majority of the members present at the meeting shall be necessary for a decision. If a resolution presented at any meeting fails to receive majority vote, it shall be presented again at the next meeting.

(c) Any appellant may withdraw the appeal at any time prior to the decision of the Board of Zoning Appeals thereon. The application fee is not reimbursable.

1131.05 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the Planning and Zoning Administrator from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with the Planning and Zoning Administrator, that by reason of facts stated in the application, a stay would, in the Administrator's 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 Planning and Zoning Administrator from whom the appeal is taken on due cause shown.

1131.06 VARIANCES

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the

grounds of convenience or profit. Variances shall only be granted when a hardship to the land exists.
No variance shall be issued by the Board of Zoning Appeals that will place the applicant or any other resident or the property of the applicant or any other resident, in an unsafe or an unhealthy condition.

1131.07 APPLICATION AND STANDARDS FOR VARIANCES

A variance from the terms of this Ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Planning and Zoning Administrator and the Board of Zoning Appeals containing:

a) Name, address, and phone number of applicants;
b) Legal description of property;
c) Description of 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 Ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Ordinance;

    3) That special conditions and circumstances do not result from the actions of the applicant, ie, they have not caused the need for their variance.

    4) That granting the variance requested would not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district;
e) A plot plan.
f) A fee as established by Appendix A.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the applicant has met the standards and conditions imposed by this Chapter.

1131.08 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

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 Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when

made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this Ordinance.

1131.09 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

The **Board of Zoning Appeals** shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Planning Commission or an applicant.

1131.10 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing, written notice of such hearing shall be given in one or more newspapers of general circulation in the community 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.

1131.11 NOTICE TO PARTIES IN INTEREST

Written notice of the hearing shall be mailed by the Municipality, at least ten (10) days prior to the date of a scheduled public hearing to all property owners contiguous to, and/or directly across the street from such area proposed for the variance and/or those property owners within 200 feet of the relevant property.

1131.12 ACTION BY BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing, the Board of Zoning Appeals shall approve, approve with supplementary conditions, or disapprove the request for appeal or variance. When an action is taken on an appeal or variance, the proposed action shall be moved and recorded by the Board of Zoning Appeals. The motion shall show the vote of each member or if absent or refusing to vote, the motion shall note the fact. Once the Board has made a decision, it shall attach a time period for compliance by the applicant. If the applicant cannot comply in that time period he must appear before the Board and state the reasons. The Board may or may not agree to an extension of time.

1131.13 REHEARINGS

(a) No rehearing of the decision of the Board of Zoning Appeals shall be had except:

(b) If the motion to reconsider received three affirmative votes, the Board of Zoning Appeals may vote on the motion to grant the request for a rehearing subject to such conditions as the Board may, by resolution in each case, stipulate.

(c) No request to grant a rehearing will be entertained unless new evidence is submitted which could not reasonably be presented at the previous hearing. If the request for a rehearing is granted, the case shall be put on the calendar for a rehearing. In all cases, the request for rehearing shall be in writing, citing the reasons for the request and shall be duly verified, and accompanied by the necessary data and diagram. The person requesting the rehearing shall be notified to appear before the Board on a date to be set by the Board, of which he shall be notified.

Chapter 1135

CONDITIONAL USES

1135.01 CONDITIONAL USES; PURPOSE

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses are conditionally permitted under the provisions of Chapter 1141, utilizing the procedures of this Chapter that follow.

1135.02 CONDITIONAL USE REQUIREMENTS

For those uses that are conditionally permitted in Chapters 1141 or in other sections of the Code or where the use is determined to be a substantially similar conditional use, the procedures & requirements of this Chapter shall govern. None of these requirements, however, shall limit the Board of Zoning Appeals from prescribing supplementary conditions & safeguards as provided for in Chapter 1131.

1135.03 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT

At least one owner or lessee of property for which such conditional use is proposed shall file an application for conditional use permit with the Board of Zoning Appeals. At a minimum, the application shall contain the following information:

a) Name, address, and phone number of applicant;
b) Legal description of property;
c) Description of existing use;
d) Zoning district;
e) Description of proposed conditional use;
f) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, stormwater control, traffic access and traffic circulation, open spaces, landscaping, lighting, refuse and service areas, utilities, signs, yards, and such other information as the Board may require;
g) A statement explaining how the specific conditions for the specific use will be met;
h) A list of all property owners contiguous to, and directly across the street from the property in question.
i) A fee as established in Appendix A.

1135.04 GENERAL STANDARDS FOR ALL CONDITIONAL USES

In addition to the specific requirements for conditionally permitted uses as specified in Chapter 1141, Board shall review the particular facts and circumstances of each proposed use in terms of

the following standards and shall find adequate evidence showing that such use at the proposed location:

a) Does the use constitute a conditional use as established under the provisions of Chapter 1135 and appear as a conditional use in Chapter 1141 or has the use been found to be substantially similar to a conditional use specified in Chapter 1141;
b) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the area;
c) Will not be hazardous or disturbing to existing or future neighboring uses;
d) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
e) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke fumes, glare, or odors;
f) Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding roads;
g) Will not result in the destruction, loss or damage of a natural, scenic, historic feature of major importance.

1135.05 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this Ordinance.

1135.06 PROCEDURE FOR HEARING, NOTICE

Upon receipt of the application for a conditional use permit, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Chapter 1129 and 1131 of this Ordinance.

1135.07 REVIEW STANDARDS FOR CONDITIONAL USES BY THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall approve an application for a conditional use subject to reasonable conditions and restrictions that are directly related to a proposed conditional use. The following general standards shall be met.

a) The proposed use is compatible with the goals of the City.

b) The proposed use shall be in harmony with the appropriate and orderly development of

the district it is located in. The Board shall look at the location and size of the use, the intensity of the proposed use, the parcel size in relation to the use and the access to the site.

c) The proposed will be developed so it does not hinder the appropriate development and use of adjacent property.

d) Neighborhood character and surrounding property values shall be safeguarded.

e) The proposed use shall not create offensive noise and uses that are detrimental to the public interest of the City.

f) Any parking lot shall be of adequate size for the proposed use or uses, and shall be properly located and screened from adjoining lots. Adequate parking shall be provided in order to deter parking on the public street.

g) The use shall be located with respect to infrastructure, such as streets, water, sewer, etc.

h) The character of the proposed uses structures shall be in harmony with the surrounding neighborhood and shall meet all bulk requirements and code regulations.

i) The proposed use conforms to all the regulations or this Code and particularly to the specified supplementary regulations that apply to the use.

1135.08 ACTION BY THE BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing, the Board shall approve, approve with supplementary conditions, or disapprove the application as presented. In taking action on a conditional use, the proposed action shall be moved and recorded by the Board of Zoning Appeals whose names shall be noted in the minutes. The motion shall show the vote of each member or if absent or refusing to vote, the motion shall note this fact. If the application is approved or approved with modifications, the Board shall direct the Planning and Zoning Administrator to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the Board disapproves the application, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Chapter 1129 and 1131.

1135.09 EXPIRATION OF CONDITIONAL USE PERMIT

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than one (1) year. A conditional use is nontransferable and expires if the property is sold or transferred to another individual.

1135.10 TEMPORARY CONDITIONAL USES

The following uses are deemed temporary in nature and are subject to the specific conditions and time limitations that follow and to the regulations of any district in which such use is located. In addition, any use listed within this Chapter may be conditionally permitted only upon a finding by the Board of Zoning Appeals that such a use complies with the requirements of Chapter 1135.

a) Carnivals, circuses, tent meetings, bazaars, political rallies, festivals, art shows, or other similar public events may be conditionally permitted upon church, school or other similar sites within any district.

b) 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, have existed so that the use of a temporary residential structure is necessary in order to prevent exceptional hardship to 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 conditional use permit must produce a written statement from the Director of Public Services along with a permit from the County Health Department, if applicable, approving the water supply and wastewater disposal system of the temporary mobile home location. Such permit may be initially issued for the nine (9) months, renewable for up to three (3) months for all permits, not exceeding a total of twelve (12) months.

Chapter 1137

NONCONFORMING USES

1137.01 INTENT

Within the districts established by this Ordinance or amendments hereinafter adopted there exist lots, structures, uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these non-conformities to continue until they are discontinued as described herein, but not to encourage their survival.

1137.02 GRACE PERIOD

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

1137.03 SINGLE NONCONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single family dwelling may be erected on any single lot of record at the effective date of adoption of this amendment, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district. Yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements from the required standards shall be obtained only through action of the Board of Zoning Appeals.

1137.04 NONCONFORMING LOTS OF RECORD IN COMBINATION

If two or more lots, or a combination of lots and portions of lots with continuous frontage in single ownership, are of record at the time of amendment of this Ordinance 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 Ordinance. All such lots shall be required to be replatted or resurveyed, as required, to meet the current area and frontage requirements for the required use before a zoning permit may be issued. No portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by the Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.

1137.05 EXPANSION, SUBSTITUTION AND MODIFICATIONS OF NONCONFORMING USES

Except as specifically provided in these chapters, no nonconforming use, except when required to do so by law, shall be enlarged, extended, reconstructed or structurally altered.

1137.06 SUBSTITUTION OF NONCONFORMING USES

If no structural alterations are made, any nonconforming use may upon application of a special exception to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accord with other provisions of this Ordinance, which if violated are punishable under Chapter 1124 of this Ordinance.

1137.07 EXPANSION OF NONCONFORMING BUILDINGS

This **Code** may permit a building containing a nonconforming use to be enlarged to an extent not exceeding fifteen (15) percent of the ground floor area of the existing building or buildings devoted to a nonconforming use at the time of enactment of this Ordinance or at a time of its amendment making a use nonconforming. The Planning and Zoning Administrator shall not authorize any enlargement which would result in a violation of the provisions of this Ordinance with respect to any adjoining premises, or which would occupy ground space-required for meeting the yard or other requirements of this Ordinance except when outlined otherwise in this section.

This Code may permit a building or structure that is non-conforming in its setbacks, yard or bulk requirements, to be enlarged or increase its non-conformity to an extent not exceeding fifteen (15) percent of the ground floor area of the existing building/structure or buildings/structures that are non-conforming.

1137.08 EXPANSION OF NONCONFORMING USES OF LAND

The Board may authorize the expansion of nonconforming uses of open space upon the land in ownership at the effective date of this Ordinance or the date of any amendments making such use nonconforming, provided that such extension is necessary and incidental to the existing properties, involves no structure or buildings, and meets all dimensional requirements.

1137.09 MOVEMENT OF NONCONFORMING BUILDINGS

No nonconforming buildings or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.

1137.10 EXPANSION OF RESIDENTIAL STRUCTURES IN NON RESIDENTIAL DISTRICTS

Any residential structure which is nonconforming due to the fact of its being in a district that prohibits residences may be enlarged, extended, reconstructed, or structurally altered provided it meets with the requirements of an appropriate residential district determined by the Planning and Zoning Administrator.

1137.11 REPAIRS AND MAINTENANCE

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased except as otherwise outlined in this section. Nothing in this Chapter shall be deemed to prevent any strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

1137.12 DAMAGED NONCONFORMING BUILDINGS AND STRUCTURES

Any nonconforming structure that is damaged or deteriorated more than fifty (50) percent of its current fair market value at the time of damage may not be reconstructed and used as before the damage occurred. For the purpose of this Chapter a structure shall be considered as deteriorated when the Planning and Zoning Administrator determines that at least 50 percent of the main structural members have collapsed. In such instances new construction shall conform to all dimensional requirements as required by this Ordinance. If the damage is fifty (50%) percent or less of its current fair market value, it may be reconstructed to conform with previous dimensional characteristics and the previous use may be permitted if such reconstruction begins within six (6) months and is completed within one and one-half (1 ½) year. The six (6) month provision may be extended by the Board of Zoning Appeals only where evidence is submitted that the applicant is awaiting an insurance settlement, State Building Code approval or that construction cannot begin because of a severe weather condition or that the damage was the result of a natural disaster experienced in the City that makes it difficult for the owner to obtain contractor assistance. In the case of a damaged structure, the owner shall also have debris removed within thirty (30) days except as provided above.

1137.13 DISCONTINUANCE OF NONCONFORMING USES AND SIGNS

When any nonconforming use or sign is voluntarily discontinued or abandoned for more than six (6) months any new use or sign shall not thereafter be used except in conformity with the regulations of the district in which it is located. Any nonconforming use or sign that is superseded by a permitted use shall thereafter conform to the regulations for the district and the nonconforming use or sign may not thereafter be resumed.

CHAPTER 1139

SITE DEVELOPMENT PLANS

1139.01 PURPOSE AND INTENT

(a) Site development plans are intended to insure ample provisions for the efficient use of land and to promote high standards in the layout, design, landscaping and construction of development. They are further intended to supplement the provisions of the Subdivision Regulations and to further the purposes and provisions of this code for developments other than subdivision developments.

(b) The purposes of this chapter are to state the specific additional requirements applicable to the development of land in certain zoning districts, and to prescribe the standards for the preparation and submission of site development plan drawings and for the design and construction of required improvements.

1139.02 SITE DEVELOPMENT PLANS REQUIRED

A site development plan is required and shall be submitted for the following:

a) Any use or development, involving new construction, reconstruction or expansion of structures, in all zoning districts except single family detached dwelling units or duplexes in residential districts.
b) Any development in which automobile parking spaces are to be used by more than one establishment.
c) When a change is proposed in the exterior elements of a previously approved site development plan.
d) When an existing residential use is proposed for change to a commercial or multi-family residential use.
e) All public and/or semi-public buildings and institutions.

1139.03 PREPARATION

a) Site development plans shall be prepared by persons professionally qualified to do such work. Final site plans shall be certified by a registered architect, registered landscape architect, member of the American Institute of Certified Planners or an engineer duly registered by the State of Ohio, and include a boundary survey certified by a land surveyor duly registered by the State of Ohio.
b) Every site plan shall show the name of the development, the name and address of the owner and developer, north point, date, scale, professional's stamp and number of sheets.
c) Site development plan may be prepared on one (1) or more sheets to show clearly the information required by this section and to facilitate the review and approval of the plan. If prepared on more than one (1) sheet, match lines shall clearly indicate where the several sheets join.

d) A site development plan shall be prepared at a scale of one (1) inch equals fifty (50) feet or larger. No sheet shall exceed forty-two (42) inches in size. Three (3) copies shall be submitted to the Planning and Zoning Administrator for all developments.
e) Profiles must be submitted on standard plan profile sheets. Special studies as required may be submitted on standard cross section paper and shall have a scale of one (1) inch equals fifty (50) feet horizontally and one (1) inch equals five (5) feet vertically. No sheet size shall exceed forty-two (42) inches.
f) All horizontal distances shown on the site plan shall be in feet and decimals of a foot to the closest one-tenth (.1) of a foot; and all bearings in degrees to the nearest ten (10) seconds.

1139.04 APPROVAL PROCESS

a) All site plans must be approved by the Planning and Zoning Administrator. Site plans shall be submitted to the Planning and Zoning Administrator who shall review them for compliance with this chapter. Submittal shall be forty-five (45) days prior to the meeting date at which the plans will be reviewed by the Planning Commission. All site plan submittals must be accompanied by a fee as set forth in Appendix A
b) Final site plans to be submitted to the Planning Commission shall be based on a previously approved preliminary plan except where such requirement is waived by the Planning Commission for good cause.
c) The Planning Commission shall act on site plans presented to it within a reasonable time and the developer shall be advised as to the decision of the Planning Commission by letter and/or legible markings and notes on the plan. Said decision shall be final. Final approval shall be shown by the signature of the Planning and Zoning Administrator on the final plans.
d) Approval of a final site plan by the Planning Commission shall expire twelve (12) months from the date of such approval unless building permits have been obtained for construction in accordance therewith. A single extension, not to exceed six (6) months, may be given by the Planning Commission upon written request by the applicant.
e) Site plans for office and commercial developments of less than ten thousand (10,000) square feet of gross floor area may be approved by the Planning and Zoning Administrator. Any person aggrieved by any decision of the administrative official whose decisions are required pursuant to this Chapter may within ten (10) calendar days from the date of written notice of said decision, appeal and have a determination made by the Planning Commission.
f) If property is subdivided, it must be built to the approved plan or the plat will not be accepted by the Director of Public Service.
g) The Planning and Zoning Administrator or the Planning Commission may attach conditions to the approval of the site development plan as may be reasonable required by the public health, safety and welfare.

1139.05 PRELIMINARY SITE PLANS

It is strongly recommended that, prior to submitting any plans, the applicant meet with Municipal officials regarding plan requirements. Every preliminary site plan submitted in accordance with this chapter shall contain the following information:

a) Location and acreage of various types of land use.
b) Location, names, and dimensions of proposed and existing streets, buildings, easements and drainageways.
c) Preliminary plans for the provision of utilities, including but not limited to, the methods for handling drainage, water supply, and sewage disposal.
d) Proposed parking layout including ingress and egress.
e) Elevation drawings of the structures.
f) Contour/grading plans.

1139.06 FINAL SITE PLANS

At the time of preliminary site plan review, the Planning Commission or Planning and Zoning Administrator shall specify which of the following data shall be contained on the final site plan.

a) The owners, zoning, and present use of adjoining lands.
b) Location of all building setback lines.
c) Location, type, and size of vehicular ingress and egress to the site.
d) A boundary survey.
e) Location, type, size and height of all fencing, screening, and buffering where required by this Code.
f) Existing topography with a maximum two (2) foot contour intervals and the proposed finished grading by contour.
g) Provisions for the control of erosion and sedimentation indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading and construction to prevent off-site sedimentation. (Refer to 1165.24(h) – Subdivision Regulations).
h) All off-street parking and parking bays, loading spaces and walkways indicating type of surfacing and showing the number of parking spaces provided and the number required.
i) Number of floors, floor area, height and location of each building, and proposed general use for each building. In a multi-family residential building, the number, size, and type of dwelling units shall be shown.
j) Building elevations depicting actual composition and architectural style for all proposed structures.
k) Provisions for the disposition of natural and storm water on and off-site, in accordance with current design criteria and the subdivision regulations including, but not limited to, the calculation of the contributing drainage area in acres and the location, size, type and grade of ditches, catch basins, inlets, pipes, and other drainage structures. No increase in net runoff can be attributed to the new development.
l) All existing and proposed sanitary sewer facilities indicating all pipe sizes, types, grades, invert elevations, location of manholes, and such other data as may be deemed necessary by the Planning and Zoning Administrator.

m) All existing and proposed water facilities including all water mains, their sizes, valves and fire hydrant locations.
n) The location of any proposed refuse removal pads with a description of the screening which will be used.
o) Location and size of all recreation and open space areas.
p) A landscaping and lighting plan consistent with the applicable design guidelines of the City of St. Clairsville.
q) The location, width, size, and intended purpose of all easements and right-of-way and whether they are to be publicly or privately maintained. A plan copy, suitable for recording, shall be submitted showing any rights-of-way and/or easements for public dedication.
r) The following data relative to all existing and proposed streets:
    1) Location;
    2) Width;
    3) Names;
    4) Curve data;
    5) Grades;
    6) Site distances;
    7) Typical sections shall be provided for all proposed streets or travel-ways.
s) Such other relevant data as the Planning Commission or Planning and Zoning Administrator may require.

1139.07 REQUIRED IMPROVEMENTS

a) All improvements required by this chapter shall be installed at the cost of the developer and in accordance with design and construction standards of St. Clairsville.
b) All street construction standards and geometric design standards shall be in accord with those specified by the subdivision regulations of St. Clairsville except where specifically modified by the Director of Public Services.
c) Private vehicular travel lanes or driveways designed to permit vehicular travel on the site and to and from adjacent property and parking areas shall be constructed not less than twelve (12) feet in width.
d) No building shall be located less than five (5) feet from any easement.
e) Adequate drainage for the disposition of storm and natural waters both on and off-site shall be provided. The extent of both on-site and off-site treatment shall be approved by the Director of Public Services.
f) Water service shall be based on the requirements of Director of Public Services.
g) Electric and sanitary sewer facilities shall be constructed in accordance with the requirements of the Director of Public Services.
h) In the preparation of site development plans, consideration will be given to provide suitable areas for parks, schools, open space, and other areas of public recreational use.
i) Fire protection shall comply with the standards established by the City of St. Clairsville Subdivision Regulations, Section 1165.27.
j) Provision shall be made for sidewalks and pedestrian walkways which will enable patrons, residents and/or tenants to walk safely and conveniently from one building to another within the site and to building and/or uses on adjacent sites as well. Sidewalks

shall be constructed in accordance with Municipal standards and the requirements of the Director of Public Services.

k) Landscape planting, screening, buffering, fences and other physical improvements shall be provided by the developer in accordance with Chapter 1149.

l) All improvements that will ultimately be dedicated and become a part of the Municipality owned infrastructure system shall be inspected full-time during construction by the Municipality or their authorized representative. The costs of such inspection shall be paid by the developer.

1139.08 ADMINISTRATION AND ENFORCEMENT

a) No permit shall be issued by any administrative officer for the construction of any building or improvement requiring a permit in any area covered by a site development plan except in conformity with the provisions of this chapter and duly approved site development plan. No construction or site improvements shall be initiated until the site plan has been approved.

b) Any site development may be revised and such revisions shall be accomplished in the same manner as the original approval, provided, however, that minor technical changes which do not substantially alter the original site plan may be authorized by the Planning and Zoning Administrator.

c) Any requirement of this chapter may be waived by the Planning Commission where such requirement is deemed to be restrictive or unreasonable, provided such waiver is not adverse to the purpose and intent of this chapter.

Chapter 1141

ZONING DISTRICTS AND DISTRICT REGULATIONS

1141.01 ESTABLISHMENT AND PURPOSE OF DISTRICTS

The following zoning districts are hereby provided for in the City of St. Clairsville, Ohio. Nothing in this Chapter shall be interpreted to require the actual location of any district on the Official Zoning Map, as it is the intent of this Ordinance to provide flexibility so that future potential districts and associated uses may be allowed after rezoning as provided for in Chapter 1131 of this Ordinance. The specific purposes of the districts are as set forth in Chapter 1141.

1141.02 PROHIBITED USES

Uses not expressly permitted in the St. Clairsville Zoning Code are expressly prohibited.

1141.03 CONVERSION TO DWELLINGS

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or households shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Zoning Ordinance and only when resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces, and off-street parking. Each conversion shall be subject also to such further requirements as may be specified herinafter to such district.

1141.04 LOW DENSITY RESIDENTIAL DISTRICT (R-1)

(a) Purpose. The purpose of the Low Density Residential District (R-1) is to promote low-density, detached, single-family residential housing serviced by public water and sanitary sewer systems.

(b) Permitted Principal Uses. The following uses are permitted in the Residential (R-1) District.

Single family detached dwellings.	Churches
Parks	

(c) Permitted Accessory Uses. The following accessory uses are permitted in the Residential (R-1) District.

Accessory structures including accessory apartments.	Private swimming pools.	Fences as regulated by Chapter 1147.

(d) Conditional Uses. The following uses may be allowed in the R-1 District subject to meeting the requirements of that use and subject to approval in accordance with Chapter 1135:

(1) Cemeteries

a. The site shall have direct access to a road that the Board of Building and Zoning Appeals determines is adequate to serve the size of facility proposed.
b. Any new cemetery shall be located on a site containing not less than ten (10) acres.
c. All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within 300 feet of any property line.
d. All graves or burial lots shall be set back not less than one hundred (100) feet from any property line.
e. All required yards should be landscaped and maintained in good order in accordance with state and local regulations.
f. A plan for perpetual care of the grounds shall be required.

(2) Bed & Breakfasts

a. The structure must be a single family, detached dwelling.
b. There shall be no more than four (4) separate guest rooms within a single family dwelling that are utilized by bed and breakfast guests nor more than twenty-five (25) percent of a dwelling's net floor area, whichever is greater. A guest room shall contain no less than one hundred (100) square feet of living space, not including closets, for two guests and thirty (30) square feet for each additional guest up to a total of four (4) guests per room.
c. The owner/operator of the bed and breakfast shall live full-time on the inn's premises. Such owner/operator shall be the owner of record of no less than fifty (50) percent interest of the property in question.
d. Written approval from fire and health officers shall be required for each conditional use application requesting approval for a bed and breakfast inn. Each guest room shall contain a separate installed smoke detector alarm approved by the fire officer. No premises shall be utilized for a bed and breakfast inn unless there are at least two (2) separate exits to the outdoors.
e. No more than one (1) meal shall be served to each paying guest of the bed and breakfast inn and that meal shall be breakfast.
f. A paying guest may stay at a bed and breakfast inn for not more than seven (7) consecutive nights at any single visit nor more than a total of twenty-eight (28) nights in any given year.
g. Only one (1) kitchen facility shall be permitted per structure for which a conditional use is granted to operate a bed and breakfast inn. No cooking facilities shall be permitted in individual guest quarters.
h. A minimum of one (1) full bathroom, including shower, toilet and sink, shall be required for every two (2) guest rooms to be available for the exclusive use of bed and breakfast paying guests. Bed and breakfast inns shall be serviced by public sanitary sewer and water service.
i. A guest register listing the name, address, phone number, and dates of stay of all paying guests shall be maintained by the owner/operator and shall be made available for inspection by Municipal officials.

j. Rental of the bed and breakfast inn for special gatherings such as wedding receptions and parties shall be prohibited in all residential zoning districts or properties adjacent to a residential zoning district.
k. Bed and breakfast inns shall not be permitted and a conditional use shall be revoked or suspended by City Council whenever the operation has been found by the Planning and Zoning Administrator to conflict with or violate public nuisance regulations.
l. No more than two (2) individuals who are non-residents of the dwelling may be employed in the operation of a bed and breakfast inn, whether or not compensated.

(3) Educational Institutions

(e) Dimensional Requirements.
(1) Minimum lot area: five thousand (5,000) square feet
(2) Maximum lot area: twelve thousand (12,000) square feet
(3) Minimum lot frontage: fifty (50) feet; twenty-five (25) feet on cul-de-sac
(4) Maximum Height: thirty-five (35) feet
(5) Maximum Lot Coverage: forty (40%) percent
(6) Front yard setback: The minimum front yard setback shall be determined by averaging the existing building lines of the two (2) parcels adjacent to the subject parcel. If an adjacent parcel or parcels are absent of principal structures, then the next adjacent parcel with a principal structure shall be used in calculating the setback. Once the setback has been determined, the proposed structure must be within five feet of the required setback. For corner lots, the setback for the structure on the secondary street side shall be the same as the principal structure on the adjacent lot on the secondary street, unless a hazardous situation is created. In such situations city staff will review individually. In cases of new development, the minimum setback will be twenty-five (25) feet from the right-of-way line. The maximum setback shall not be more than the average of the houses on either side of the subject parcel, nor more than fifty (50) feet in new developments.
(7) Side yard setback, principal structure: Ten (10) feet per side
(8) Rear lot line setback, principal structure: Fifteen (15) feet

1141.05 MEDIUM DENSITY RESIDENTIAL DISTRICT (R-2)

(a) Purpose. The purpose of the R-2 Residential District is to promote higher density single family and multi-family dwellings serviced by public water and sanitary sewer systems. Medium density residential districts serve as a buffer between Low Density Residential Districts and the commercial districts.

(b) Permitted Principal Uses. The following uses are permitted in the Residential (R-2) District.

Single family detached dwellings	Duplexes	Churches
Parks		

(c) Permitted Accessory Uses. The following accessory uses are permitted in the R-2 District.

Accessory structures including accessory apartments.	Private swimming pools.	Fences as regulated by Chapter 1147.

(d) Conditional Uses. The following uses may be allowed in the R-2 District subject to meeting the requirements of that use and subject to approval in accordance with Chapter 1135:

(1) Multi-Family Residential

a. General Standards.

1. Multiple-unit residential structures shall not exceed four (4) units per building.
2. Accessory buildings and uses in association with a permitted multiple-unit residential structure, such as recreational facilities or garages for tenant vehicles are encouraged.

b. Development Standards. The following lot and building requirements are minimum standards, except where noted, and shall apply to Multi-Family Residential Dwellings.

1. Lot area. Fifteen (15,000) square feet plus thirty-five hundred (3,500) square feet per dwelling unit.
2. Lot coverage (maximum): Thirty-five (35) percent.
3. Lot width: Ninety (90) feet of frontage on an improved public right-of-way
4. The minimum front yard setback shall be determined by averaging the existing building lines of the two (2) parcels adjacent to the subject parcel. If an adjacent parcel or parcels are absent of principal structures, then the next adjacent parcel with a principal structure shall be used in calculating the setback. Once the setback has been determined, the proposed structure must be within three feet of the required setback. For corner lots, the setback shall be calculated by the average of the existing building line of the adjacent parcel on the principal street. In cases of new development, the minimum setback will be twenty-five (25) feet from the right-of-way line.
5. Side yard setback: Fifteen (15) feet
6. Rear yard setback: Twenty-five (25) feet; an accessory building may be located in the rear yard no less than ten (10) feet from the rear property line.

c. Supplemental Standards. The following supplemental standards shall apply to Multi-Family Residential Dwellings.

1. No building shall exceed thirty-five (35) feet in height, nor more than two and one-half (2 ½) stories in height.

2. Applicable standards shall be met in corresponding sections of this Ordinance.
3. Two (2) or more multiple-unit structures located on the same lot shall locate no closer than twenty (20) feet to each other.
4. Parking is prohibited in the front yard.
5. All facades must be architecturally compatible with existing neighborhood structures.
6. Garages must be provided for each unit.

(2) Bed & Breakfasts

a. The structure must be a single family, detached dwelling.
b. There shall be no more than four (4) separate guest rooms within a single family dwelling that are utilized by bed and breakfast guests nor more than twenty-five (25) percent of a dwelling's net floor area, whichever is greater. A guest room shall contain no less than one hundred (100) square feet of living space, not including closets, for two guests and thirty (30) square feet for each additional guest up to a total of four (4) guests per room.
c. The owner/operator of the bed and breakfast shall live full-time on the inn's premises. Such owner/operator shall be the owner of record of no less than fifty (50) percent interest of the property in question.
d. Written approval from fire and health officers shall be required for each conditional use application requesting approval for a bed and breakfast inn. Each guest room shall contain a separate installed smoke detector alarm approved by the fire officer. No premises shall be utilized for a bed and breakfast inn unless there are at least two (2) separate exits to the outdoors.
e. No more than one (1) meal shall be served to each paying guest of the bed and breakfast inn and that meal shall be breakfast.
f. A paying guest may stay at a bed and breakfast inn for not more than seven (7) consecutive nights at any single visit nor more than a total of twenty-eight (28) nights in any given year.
g. Only one (1) kitchen facility shall be permitted per structure for which a conditional use is granted to operate a bed and breakfast inn. No cooking facilities shall be permitted in individual guest quarters.
h. A minimum of one (1) full bathroom, including shower, toilet and sink, shall be required for every two (2) guest rooms to be available for the exclusive use of bed and breakfast paying guests. Bed and breakfast inns shall be serviced by public sanitary sewer and water service.
i. A guest register listing the name, address, phone number, and dates of stay of all paying guests shall be maintained by the owner/operator and shall be made available for inspection by Municipal officials.
j. Rental of the bed and breakfast inn for special gatherings such as wedding receptions and parties shall be prohibited in all residential zoning districts or properties adjacent to a residential zoning district.
k. Bed and breakfast inns shall not be permitted and a conditional use shall be revoked or suspended by City Council whenever the operation has been found by the Planning and Zoning Administrator to conflict with or violate public

nuisance regulations.

l. No more than two (2) individuals who are non-residents of the dwelling may be employed in the operation of a bed and breakfast inn, whether or not compensated.

(3) Rest homes, nursing homes, children's nurseries or day care centers, and preschools:

a. The building occupied by the use is compatible with neighborhood structures in dimension, size, and architecture.
b. There is an outdoor play area of eighty-five (85) square feet or more per child.
c. Such play area shall be enclosed with a chain link fence or its equivalent in strength and protective character to a height of five (5) feet to control accessibility of children to adjoining hazardous conditions such as streets, ponds, etc., or adjacent yards.
d. A drop off area is provided.
e. Parking spaces are provided as specified in Chapter 1148.
f. The facility meets or exceeds State of Ohio provisions for such an operation.

(4) Educational Institutions.

(e) Dimensional Requirements.

(1) Minimum lot area: five thousand (5,000) square feet
(2) Maximum lot area: eight thousand (8,000) square feet
(3) Minimum lot frontage: forty (40) feet; twenty-five (25) feet on cul-de-sac
(4) Maximum Height: thirty-five (35) feet
(5) Maximum Lot Coverage: fifty (50%) percent
(6) Front yard setback: The minimum front yard setback shall be determined by averaging the existing building lines of the two (2) parcels adjacent to the subject parcel. If an adjacent parcel or parcels are absent of principal structures, then the next adjacent parcel with a principal structure shall be used in calculating the setback. Once the setback has been determined, the proposed structure must be within three feet of the required setback. For corner lots, the setback for the structure on the secondary street side shall be the same as the principal structure on the adjacent lot on the secondary street, unless a hazardous situation is created. In such situations city staff will review individually. In cases of new development, the minimum setback will be twenty-five (25) feet from the right-of-way line. The maximum setback shall not be more than the average of the houses on either side of the subject parcel, nor more than fifty (50) feet in new developments.
(7) Side yard setback, principal structure: Total of ten (10) feet with one side at least three (3) feet
(8) Rear lot line setback, principal structure: Fifteen (15) feet

1141.06 CORRIDOR DISTRICT (CD)

(a) Purpose. The purpose of the Corridor District (CD) is to allow for the conversion of residential property to low intensity office and low intensity commercial uses while preserving the residential character of the neighborhood, protecting existing residential property and

preserving the appearance of the corridors. The Corridor District also allows for the conversion of property intended for new construction for low intensity office or low intensity commercial use if built to the City's architectural standards and provided the Architectural Board of Review permits the demolition of an existing structure.

(b) Permitted Principal Uses. The following uses are permitted in the Corridor District.

Single family detached dwellings	Churches
Parks	

(c) Permitted Accessory Uses. The following accessory uses are permitted in the Corridor District.

Accessory structures including accessory apartments.	Private swimming pools.	Fences as regulated by Chapter 1147.
Satellite dish antennas and aerial antennas as regulated by Chapter 1159	Off-street parking and loading spaces as regulated by Chapter 1148.	Signs as regulated in Chapter 1151.

(d) Conditional Uses. The following uses may be allowed in the Corridor District subject to the following requirements and subject to approval in accordance with Chapter 1135. In addition to the above requirements, all applicants applying for a conditional use permit will be subject to architectural review.

1) Offices providing professional or personal services.
2) Antique shops
3) Curio shops
4) Craft or hobby shops
5) Photography studio
6) Barber or beauty shops
7) Duplexes
8) Bed and Breakfasts
9) Nursery School
10) Nursing Home

a. General Standards.

1) Conversions of property can only occur when (1) the parcel/structure to be converted is adjacent to a parcel with an existing business on at least one side lot line, (2) unless the business owner lives in the home where the business will be conducted, (3) the business owner resides on the lot adjacent to where the business will be conducted.
2) No traffic shall be generated by such conditional use in greater volume than the current street network can support, and any need for parking generated by

the use shall meet the off-street parking requirements as specified in this Ordinance. Paved parking must be provided. Such parking shall not be located in a required front yard, and shall be setback at least ten (10) feet from the building elevation bordering the principle street.

3) Only one access point to a public street is permitted.
4) Landscape standards of Chapter 1149 apply.
5) All applicable design standards must be followed.
6) Signs – Refer to the Architectural Board of Review design standards
7) Appearance of Structure - Refer to the Architectural Board of Review design standards

(e) Dimensional Requirements.

(1) Minimum lot area: 10,000 square feet
(2) Frontage (Width): Fifty (50) feet
(3) Maximum Height: twenty-five (25) feet
(4) Front yard setback: The minimum front yard setback shall be determined by averaging the existing building lines of the two (2) parcels adjacent to the subject parcel. If an adjacent parcel or parcels are absent of principal structures, then the next adjacent parcel with a principal structure shall be used in calculating the setback. For corner lots, the setback for the structure on the secondary street side shall be the same as the principal structure on the adjacent lot on the secondary street, unless a hazardous situation is created. In such situations city staff will review individually. In cases of new development, the minimum setback will be twenty-five (25) feet from the right-of-way line. The maximum setback shall not be more than the average of the houses on either side of the subject parcel, nor more than fifty (50) feet in new developments.
(5) Side yard setback, principal building: Ten (10) feet
(6) Rear lot line setback: Fifteen (15) feet

1141.07 DOWNTOWN DISTRICT

(a) Purpose. The intent of the Downtown District (DD) is to provide within the City of St. Clairsville an area for business and service establishments that is pleasant, safe, and convenient to the population.

(b) Permitted Principal Uses

Office facilities providing personal service	Offices of credit agencies, banks, loan offices, or similar offices	Resid. Uses. First floor must be commercial, upper floors residential	Barber and beauty shop
Bake goods shop	Candy/ice cream store	Copy shops	Drug store
Electronics retail and repair	Florists	Antique stores	Shoe repair
Restaurants and cafes	Hardware	Office facilities providing professional	Grocery store

		services	
Sporting goods	Health studios	Photo studios	Farmers markets
Recording studio	Retail clothing store	Variety stores	Public or semi-public institutions
Theatres	Furniture stores	Churches	Hotels and motels
Educational Institutions	Watch, clock, and jewelry sales and service	Parks	Retail Sales Establishment and Day Care Centers

(c) Permitted Accessory Uses.

(1) Accessory uses, buildings or other structures customarily incidental to any of the foregoing permitted uses.

(2) Off-street parking and loading spaces as regulated by Chapter 1148.

(3) Signs as regulated by Chapter 1151.

(d) Conditional Uses.

None.

(e) Dimensional Requirements.

In addition to any other provisions of this Ordinance, all lands and uses within the Downtown District shall be developed in strict compliance with the standards hereinafter established:

(1) No area, frontage or yard regulations shall apply except for a lot which abuts a Residential District. In this case, the front yard of the business shall be equal to the front yard requirement of the abutting Residential District. Each side yard shall be equal to the height of the building plus five (5) feet and the rear yard requirements shall also be equal to the rear yard requirement of the abutting Residential District.

(2) Rear and Side Yard setbacks: None.

(3) Building height limits: No building in this district shall exceed fifty-five (55) feet in height measured from the finished grade established not closer than fifteen (l5) feet to the frontage exterior wall of the structure. No aerial antenna or tower shall be constructed in the Historic Downtown District.

(4) Lot coverage: On no lot or parcel in this zoning district shall buildings be constructed which cover more than eight-five (85) percent of the lot area.

1141.08 COMMERCIAL DISTRICT (C-1)

(a) Purpose. The intent of the Commercial District is to provide within City of St. Clairsville an area for commercial and business establishments.

(b) Permitted Principal Uses.

Restaurants and cafes	Theatres	Copy shops	Offices of veterinarians
Barber and beauty shop	Bake goods shop	Candy and ice cream store	Electronics retail and repair

Drug store	Dry cleaning establishments	Laundromats	Shoe repair
Hardware	Health studios	Photo studios	Watch, clock, and jewelry sales and service
Antique shops	Parks	Variety stores	Sporting goods
Indoor recreation facilities	Farm Markets	Equipment rental and lease	Retail Sales Establishment, Day Care Center, Furniture stores
Fast-food and drive-thru eating establishments	Churches and other places of worship	Educational Institutions	Office facilities providing personal service
Office facilities providing professional services	New and used car lots	Public or semi-public institutions	Bowling alleys, pool rooms, skating rinks
Video Rental Stores	Florists	Supermarket	Fast-food eating establishments
Hotels and motels	Offices of credit agencies, banks, loan offices, or similar offices	Convenience food market	Automobile Convenience Mart
Automobile Repair Services and Garages (Does not include truck repair)	Retail Plant Nursery	Child Care Nursery	Parks

(c) Permitted Accessory Uses.

(1) Accessory uses, buildings or other structures customarily incidental to any of the foregoing permitted uses.

(2) Off-street parking and loading spaces as regulated by Chapter 1148.

(3) Signs as regulated by Chapter 1151.

(d) Conditional Uses. The following uses may be allowed in the C-1 District subject to meeting the requirements of that use and subject to approval in accordance with Chapter 1135:

(1) Kennels and Veterinary Hospitals. All buildings must be on solid permanent foundations. Outdoor pens are prohibited. Outdoor exercise runs must be enclosed by a solid wall or fence unless it adjoins an industrial district. The incineration of refuse or offal is be prohibited. Sanitation practices shall be adequate to assure that odors shall not be noticeable off the lot. In no case shall odors or noise create a nuisance for adjacent land uses.

(2) Automobile Service Stations. Gasoline service stations provided no portion of a structure or its appurtenances, including ancillary, associated or auxiliary equipment shall be located in front of the established building line. Storage of vehicles on premise for more than a 24 hour period is prohibited unless such vehicles are in an enclosed area. No bodywork is permitted on-site.

(3) Drive-up window service. Drive-up window service or outdoor service facility developed in association with and subordinate to a permitted use. Drive-up window service shall be limited to the rear of the building. Landscaping and buffering shall be required.
(4) Automobile Wash/Automatic Car Wash. Car washes provided that the car wash is oriented on-site to prevent icing of public street. Does not include a truck wash.
(5) Mortuaries/Funeral Homes.
(6) Automobile Sales (Does not include truck sales).

(e) Dimensional Requirements.
In addition to any other provisions of this Ordinance, all lands and uses within the C-1 District shall be developed in strict compliance with the standards hereinafter established:

(1) No area, frontage or yard regulations shall apply except for a lot which abuts a Residential District. In this case, the front yard of the business shall be equal to the front yard requirement of the abutting Residential District. Each side yard shall be equal to the height of the building plus five (5) feet and the rear yard requirements shall also be equal to the rear yard requirement of the abutting Residential District.
(2) Building height limits: no building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (l5) feet to any exterior wall of the structure. No aerial antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line less (10) feet of said tract.
(3) Lot coverage: on no lot or parcel in this zoning district shall buildings be constructed which cover more than fifty (50) percent of the lot area.

1141.09 OFFICE AND INSTITUTION DISTRICT

(a) Purpose. The intent of the Office and Institution District (OI) is to provide within the City of St. Clairsville adequate space that can be made available in accordance with current development trends and standards. The OI District is intended for offices and institutions that may locate independently or in small clusters and that may desire buildings or groups of buildings surrounded by landscaped open areas away from the concentrations of people and traffic of retail areas in the Municipality. The space, location and aesthetic characteristics of these uses make a location near low density residential neighborhoods or rural countryside desirable.

(b) Permitted Uses. Land and buildings in the Office and Institutional District (OI) shall be used only for the following purposes:

1) Administrative and Business Offices. Administrative offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions and business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers, including financial services, real estate and insurance.
2) Professional Offices. Professional offices engaged in providing tangible and intangible services to the general public, involving both persons and their possessions, including: offices of physicians and surgeons, dentists and dental

surgeons, osteopathic physicians, and chiropractors, medical and dental laboratories, health and allied services, legal services, design services including engineering, architecture, landscape architecture, urban planning, graphic arts and interior design, accounting, auditing and bookkeeping services, and professional services not elsewhere classified.

3) Institution. Institutions providing social, cultural, educational and health services to member agencies, organizations and individuals or to the general public, including: hospitals, elementary and secondary schools, colleges and universities, vocational schools, professional schools, libraries, museums and art galleries, religious organizations, congregate care elderly facilities, unassisted elderly facilities.

4) Organizations and Associations. Organizations and associations organized on a profit-making or nonprofit-making basis, for the promotion of membership interests, including: business associations, professional membership organizations, labor unions and similar labor organizations, civic, social and fraternal associations, political organizations, charitable organizations, and nonprofit membership organizations not elsewhere classified.

5) Residential Dwelling ancillary and subordinate to a principal permitted use.

6) Churches. Churches and other similar places of worship and parish houses.

7) Parks.

(c) Permitted Accessory Uses.

1) Accessory uses, buildings or other structures customarily incidental to any of the foregoing permitted uses.

2) Off-street parking and loading spaces as regulated by Chapter 1148.

3) Signs as regulated by Chapter 1151.

(d) Conditional Uses. The following uses may be allowed in the OI District subject to meeting the requirements of that use and subject to approval in accordance with Chapter 1135:

1) Drive-up window service. Drive-up window service or outdoor service facilities developed in association with a principal permitted use.

2) Personal Services. Personal services generally involving the care of the person or his/her apparel, including: photographic services and commercial photography, beauty shops, barber shops, and funeral service and crematories.

3) Educational and Research. Educational and research establishments engaged in providing tangible and intangible services to members or the general public, including: research, development and testing laboratories, school and educational services not elsewhere classified, and nonprofit educational and scientific research agencies.

4) Food and Lodging. Food and lodging includes commercial establishments and institutions engaged in furnishing lodging and meals on a fee basis, including: eating and drinking places and organizational hotels and lodging houses on a membership basis.

5) Offices of Veterinarian and Animal Hospitals.

6) Children's Nurseries, Day Care Centers, and Pre-schools provided that:

(1) The building occupied by the use is compatible with neighborhood

structures in dimension, size, and architecture.

(2) There is an outdoor play area of eighty-five (85) square feet or more per child.

(3) Such play area shall be enclosed with a fence to control accessibility of children to adjoining hazardous conditions such as streets, ponds, etc., or adjacent yards.

(4) A drop off area is provided so that children do not have to walk through the parking lot to enter the facility.

(5) Parking spaces are provided as specified in Chapter 1148.

(6) The facility meets or exceeds State of Ohio provisions for daycare operations.

(e) Dimensional Requirements.

(1) Lot and Building Requirements. The following lot and building requirements are minimum standards, except where noted, and shall apply in the Office and Institutional District (OI):

a. Lot area: No minimum lot area is required, however, all lots shall abut an improved public right-of-way and lot area shall be adequate to provide the required yard space.

b. Lot coverage (maximum): No maximum lot coverage is required, however, the lot coverage shall be adequate to provide the yard space required.

c. Lot width: No minimum lot width is required, however, all lots shall abut an improved public right-of-way and have adequate width to provide the required yard space and meet minimum access requirements.

d. Front yard setback: The minimum front yard setback shall be the average of the existing adjacent commercial structures on the same side of the street and facing thereon within the same block. Where there are no adjacent commercial structures, the building line shall not be less than twenty–five (25) feet measured from the street right-of-way.

e. Side yard setback: For main and accessory structures, including open service and loading areas, the required side yard shall be not less than twenty (20) feet, unless adjacent to any residential zoning district, Planned Residential District, and Planned Unit District whereby the side yard shall be no less than fifty (50) feet.

f. Rear yard setback: For main and accessory structures the required rear yard shall be not less than twenty (20) feet, unless adjacent to any residential zoning district, Planned Residential District, and Planned Unit District whereby the rear yard shall be no less than fifty (50) feet. A use to be serviced from the rear shall have a service court, alleyway or combination thereof not less than forty (40) feet in width.

(f) Supplemental Standards. The following supplemental standards shall apply within the Office and Institutional District (OI):

(1) No building shall exceed forty (40) feet in height, nor more than three (3) stories in height.

(2) Applicable standards shall be met in corresponding chapters of this Zoning Ordinance.

1141.10 COMMUNITY FACILITIES DISTRICT (CF)

(a) Purpose. The purpose of the Community Facilities District is to provide zoning classification for governmental, civic, recreational, and similar Community Facilities in proper location and extent so as to promote the general safety, convenience, comfort, and welfare. The Community Facilities District encourages the use of existing facilities and regulates the location of new facilities to ensure their proper functioning in consideration of traffic, access and general compatibility and to minimize the adverse visual effects on surrounding areas through design and landscaping standards. The district is designed to protect community facilities and institutions from the encroachment of certain other uses and to make sure such uses are compatible with adjoining residential uses.

(b) Permitted Principal Uses.

City, County, State, and Federal Government buildings	Art galleries, libraries, museums, memorials, monuments, and other public facilities	Primary and secondary public, private, or parochial schools
Nursery schools and other educational institutions	General and special hospitals and clinics, convalescent centers	Institutions for the care of children or senior citizens
Government recreational facilities including parks, open space, nature preserves	Churches	Parks

(c) Permitted Accessory Uses.

Accessory uses, buildings, or structures customarily incidental to the aforestated uses	Signs
Residences for custodians or guards	Internal food service

(d) Conditional Uses. The following uses may be allowed in the CF District subject to meeting the requirements of that use and subject to approval in accordance with Chapter 1135:

(1) Cemeteries
   a. The site shall have direct access to a road that the Board of Building and Zoning Appeals determines is adequate to serve the size of facility proposed.
   b. Any new cemetery shall be located on a site containing not less than ten (10) acres.

c. All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within 300 feet of any property line.
d. All graves or burial lots shall be set back not less than one hundred (100) feet from any property line.
e. All required yards should be landscaped and maintained in good order in accordance with state and local regulations.
f. A plan for perpetual care of the grounds shall be required.

(e) Dimensional Requirements.

In addition to any other provisions of this Ordinance, all lands and uses within the Community Facilities District shall be developed in strict compliance with the standards hereinafter established:

(1) No area, frontage or yard regulations shall apply except for a lot which abuts a Residential District. In this case, the front yard of the business shall be equal to the front yard requirement of the abutting Residential District. Each side yard shall be equal to the height of the building plus five (5) feet and the rear yard requirements shall also be equal to the rear yard requirement of the abutting Residential District.
(2) Building height limits: no building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (l5) feet to any exterior wall of the structure. No aerial antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line less (10) feet of said tract.
(3) Lot coverage: on no lot or parcel in this zoning district shall buildings be constructed which cover more than fifty (50) percent of the lot area.

1141.11 SUBSTANTIALLY SIMILAR USES

Where a specific use is proposed that is not listed, the Planning and Zoning Administrator, with the approval of the Board of Building and Zoning Appeals, will make a determination that the proposed use is substantially similar to any use provided for in Chapters 1141 above. Should such a finding be made, the use shall be permitted only in those districts and in the manner that the uses provided for in Chapters 1141 are permitted. In making such a determination, the Board of Zoning Appeals shall prepare a document that shall contain an explanation of why the use was determined to be substantially similar.

CHAPTER 1143

PLANNED DISTRICTS

1143.01 PURPOSE AND INTENT.

a) Planned districts shall include residential, commercial, and mixed-use subdistricts: Planned Residential District (PRD), Planned Commercial District (PCD), Planned Unit District (PUD), and Planned Conservation District (PCND).

b) It is the intent of the Planned Districts to promote the progressive development of land and construction thereon and to encourage imaginative architectural design and layout, flexibility in building styles and types, and sensitivity to the natural environment.

c) The Planned Districts are designed to guide development in an orderly, coordinated and comprehensive manner that preserves natural quality and beauty and provides supporting community facilities in the development of diverse, sound urban environments consistent with accepted land planning, landscape architecture practices and engineering principals. Such developments should:
    (1) Provide a more useful pattern of open space and recreation areas.
    (2) Preserve and utilize natural topography and geologic features, scenic vistas, trees and other vegetation, while preventing disruption of normal drainage patterns.
    (3) Provide a more efficient pattern of development that reduces investments in utility lines, streets, and similar infrastructure.
    (4) Promotes a development pattern in harmony with the Municipal land use objectives and priorities.

1143.02 PERMITTED USES.

Land and buildings in the Planned Districts (PRD, PCD, PUD, and PCND) shall be used only for the following purposes as indicated under each specific subdistrict:

a) Planned Residential District (PRD).
    (1) Residential Dwellings: single-family, two-family and multi-family dwellings and accessory uses and buildings in association with a permitted dwelling.
    (2) Churches and other similar places of worship and parish houses provided said use occupies one (1) acre or more per one hundred (100) seats or similar accommodations in the main assembly hall.
    (3) Public uses: parks, playgrounds, recreation and community center buildings and grounds, golf courses, public swimming pools, tennis courts and similar recreational uses.
    (4) Home occupations in accordance with Chapter 1147.
    (5) Private kennels.

b) Planned Commercial District (PCD).

(1) Uses permitted under the Downtown District (DD), Office and Institutional District or Commercial District (C-1).

c) Planned Unit District (PUD).

(1) Uses permitted under the Planned Residential District (PRD).
(2) Uses permitted under the Planned Commercial District (PCD).

d) Planned Conservation Development District (PCND).

(1) Uses permitted under the Planned Residential District (PRD).
(2) Cluster housing units.
(3) Common wall single family attached dwelling units.
(4) Single-family zero lot line, attached twin singles, townhouses, or other innovative forms of residential development, provided all density criteria and applicable requirements are met.
(5) Public buildings and/or uses that are supported in whole or part by taxes or by special public assessment. Such uses include but are not limited to libraries, schools, fire stations, water treatment, pumping and storage facilities, and wastewater treatment and pumping facilities.
(6) Forest and wildlife preserves.
(7) Projects specifically designed for watershed protection, conservation of soil or water or flood control.

1143.03 CONDITIONAL USES.

None.

1143.04 DEVELOPMENT STANDARDS.

(a) Project Ownership. The planned development area shall be under contract for purchase by a single entity or owned by a single entity at the time of application. For the purposes of this subchapter a single entity includes the following: a husband and wife; corporation; partnership; or two or more property owners enjoined as a single entity.

(b) Minimum Lot Requirements. The minimum lot requirements of a parcel that can be zoned under the Planned Districts (PRD, PCD, PUD and PCND) is the following:

DEVELOPMENT STANDARD	PRD	PCD	PUD	PCND
Minimum lot area (acres)	5	None	20	10
Minimum lot width (feet) at building line	350	350	750	350
Minimum frontage (feet)	250	250	600	250
Coverage	N/A	45%	N/A	50%
Maximum building height (feet)	35	40	40	35

(1) For each use the lot and building requirements of the appropriate district other than the Planned District shall apply unless superseded herein.

(2) Parking areas shall be no closer to the main structure(s) than ten (10) feet.

(3) Under PRD, PUD**,** and PCND adjacent single family and two-family homes shall not have identical facades relative to style and color, and all residential building front yard setbacks shall meet the applicable district requirement and be staggered.

(4) Under PCND, there are no minimum yard requirements for residential units. Other permitted uses shall have front, side, and rear yards each of which is at least fifty (50) feet. No building shall be located closer than fifty (50) feet to any residential district boundary line.

(c) Site Development Standards. The following site development standards shall apply in the Planned Districts (PRD, PCD, PUD, and PCND):

(1) The applicable sections of the Subdivision Regulations and the off-street parking, sign and landscaping regulations of this Zoning Code shall apply.

(2) The traffic and parking system shall meet the requirements relative to access as indicated in Chapter 1148. Access points shall be kept to a minimum to reduce traffic congestion and mitigate potential conflict points. Vehicular and pedestrian conflict points shall also be minimized.

(3) Under PCD and PUD, where applicable, the parking system shall be so designed as to discourage single large unbroken paved lots for off-street parking and shall encourage smaller defined parking areas within the total parking system. Such defined parking areas should be delineated and accented by landscaped areas.

(4) The maximum PRD and PUD density shall be ten (10) dwelling units per acre based upon the number of units proposed divided by the net developable site. The open space must be aggregated into usable areas of at least .25 acres or more. Linear open space along or near the community bikeway is encouraged. In the case of linear open space the .25 acre requirement is waived.

(5) The maximum PCND density shall be ten (10) dwelling units per acre based upon the number of units proposed divided by the gross developable site (including open space).

(6) Under PRD and PUD a minimum of twenty (20) percent of the net site (gross site minus publicly dedicated streets and alleys) shall be set aside as public open space. Such open space shall be used for such public purposes as a natural area, recreational area, or the site of a community or school facility.

(7) Under PCND no less than fifty-percent (50%) of the total gross area of the site shall be set aside as common open space. Open space land may, at the discretion of the Municipality, be dedicated as public park land or public institutional use; or placed within other protected land classification systems which will assure that such land will remain in a natural state prohibiting further development, and the establishment of appropriate standards safeguarding the sites special assets as identified by the Planning Commission.

a. The location, shape, size and character of common open space shall be suitable for the Planned Conservation Development in relation to the location, number and types of buildings it is intended to serve. In any case, it shall be highly accessible to all residents or users of the planned development. Entry features, detention and retention basins shall not be included in the area required for common open space.

b. The common open space shall be used for amenity or recreational purposes. Any uses and/or buildings authorized for the common open space must be appropriate to the scale and character of the planned development in relation to its size, density, expected population, topography, and the type of dwellings.

c. The common open space may be suitably improved for its intended use, but common open space containing natural features worthy of preservation such as slopes over twelve (12) percent and wooded areas may be left unimproved. The buildings, structures, and improvements which are permitted in the common open space must be appropriate to the uses which are authorized for the common open space and must conserve and enhance the amenities of the common open space with regard to its topography and unimproved condition.

(8) Under PCD and PUD where applicable all service and delivery shall be made to the rear of the structure(s) or use unless special design treatment or circumstances warrant an alternative, but only with the approval of the Planning Commission. Landscaping and screening requirements of Chapter 1149 shall apply.

(9) Under PRD, PUD, and PCND the location and arrangement of areas of various density shall be so designed as to balance higher density areas adjacent to open space.

(10) Under PRD, PUD, and PCND private roads as a common easement may be used to provide access to clustered lots and/or structures serving residential uses in accordance with the following:

A. The easement shall not be counted as required open space.

B. The easement does not serve an area larger than two (2) acres, except that such area will contain six (6) dwellings or less.

C. Approved as a part of the Subdivision Plat as the most appropriate form of access to the lots and/or structures.

(11) Under PRD, PUD and PCND off-street parking shall be provided in accordance with Chapter 1148, except residential parking may be provided in group garages or parking lots within one hundred and fifty (150) feet of the dwellings served.

(12) Under PCD, PUD, and PCND where appropriate whenever multiple structures are to be located on the site and the site abuts a collector or arterial street, access onto the collector or arterial shall be via interior local streets or marginal access (frontage) roads. All uses within the PCD, PUD, and PCND shall derive their access from the interior streets in the district, unless specific exemptions are made as a part of the approved Development Plan.

(13) Drainage and runoff from the proposed development shall not cause property damage. All drainage improvements shall be designed in conformance with the requirements of the Municipal Subdivision Regulations and shall be approved by the Director of Public Service prior to Development Plan approval.

(14) Details regarding sanitary sewage collection and disposal and water supply techniques to be utilized shall be addressed in the Development Plan, together with letters of approval from the pertinent local, state and, if applicable, private agencies, and approved by the Director of Public Service prior to Development Plan approval.

(15) Under PCD, PUD, and PCND no unscreened outside storage shall be permitted and no rubbish or debris of any kind shall be placed or permitted to accumulate on any portion of the parcel or lot so as to render any portion of the property unsanitary, unsightly or detrimental to the public health, safety or welfare.

(16) All utilities shall be placed underground and all utility boxes shall be screened.

(d) Conflict With Other Chapters. Because of the special characteristics of Planned Conservation Developments, special provisions governing the development of land for this purpose are required. Whenever there is a conflict or difference between the provisions of Chapter 1141 and those of the other Chapters of this Ordinance, the provisions of the stricter of the ordinances shall prevail. Subjects not covered by this Chapter shall be governed by the respective provisions found elsewhere in this Ordinance.

(e) Relationship to the Subdivision Regulations. The uniqueness of each proposal for a Planned Conservation Development may require that there be modification from the specifications established in the Subdivision Regulations of St. Clairsville, Ohio. Modifications may be incorporated into the plan by the developer only after the review of the Planning and Zoning Administrator.

(f) Utilities. The following regulations apply to the provision of utilities in Planned Conservation Developments.

(1) Planned Conservation Developments shall have an adequate source of potable water. All water lines constructed within a Planned Conservation Development shall be at the financial responsibility of the owner or developer.

(2) The owner or developer of a Planned Conservation Development shall be financially responsible for the extension of the existing network of sanitary sewage lines to serve the planned development area. No construction of buildings within any segment of a Planned Conservation Development shall be commenced until after the extension of sanitary sewage lines has been completed.

(3) The following utility equipment shall be provided, constructed and installed underground within a planned development: gas lines, sanitary and storm sewer lines, water lines, electrical lines, telephone lines, and cable television lines.

(4) All utility systems shall be located and designed in such a manner and method as to preserve the natural features of the land such as streams, rock

outcropping, topsoil, trees and shrubs and the same shall be incorporated into and with the landscaping of said lands.

(5) Easements across lots or centered on rear or side lot lines shall be provided for utilities where necessary and shall be of adequate width to facilitate the proposed usage.

(6) All utility boxes shall be screened.

(g) Storm Water Management. Due to the size and nature of Planned Conservation Developments and the fact that several types of developments may be exempt from platting requirements, all site plans must have a storm water management plan, approved by the Director of Public Service, with the improvements constructed before a zoning certificate will be issued for construction of buildings.

(h) Walkways. All Planned Conservation Developments where the average lot frontage is less than ninety (90) feet shall be provided with concrete sidewalks on both sides of the street throughout the development. All other walkways shall be constructed of a suitable, dust free, hard surface material. Mulch or other similar surfaces may be permitted for walking trails in areas the Planning Commission feels are appropriate.

(i) Trees.

(1) The clearing of land shall be kept to a minimum to help preserve the existing natural conditions.

(2) No land shall be cleared of trees eight (8) to ten (10) feet away from the existing tree canopy. An exception to this requirement shall be granted in the case of those trees which should be removed due to malformation, disease, safety hazards, or to the general benefit of surrounding trees. The foregoing shall be considered as a guideline for preservation of the natural environment.

1143.05 PLAN CONTENTS AND REQUIREMENTS

(a) As part of the request for rezoning to a Planned District, a Preliminary Plan must be submitted to the Planning Commission along with the text of all applicable development standards text. A Zoning Certificate will not be issued for any site or sites until a Development Plan is approved by the Planning Commission and found in conformance with the adopted Preliminary Plan and Development Standards.

(1) Preliminary Plan. The Preliminary Plan is a conceptual plan submitted at the time of a request for rezoning generally describing the proposed uses for the site to be rezoned and their relationship with surrounding properties and uses. The Preliminary Plan should contain the following elements.

a. A topographic map of the site and adjacent property showing existing natural features including wooded areas and major trees. A description of how the proposed development has planned to utilize the existing site, identifying changes to the existing site grading and noting major trees that will be removed as a part of the proposed development.

b. A schematic plan showing the general development of the tract, location of existing and proposed structures, parking lot layout and other development features including the location of all out parcels.

c. An engineering feasibility statement in sufficient detail to indicate how the proposed development will be serviced with water, sanitary

sewer and storm drainage facilities.

d. The proposed traffic circulation pattern showing public and private streets and other transportation facilities, including major pedestrian routes, with evidence through a traffic study that the proposed development will not adversely impact existing transportation facilities.
e. A conceptual landscaping plan that shows the ability of the proposed development to meet all aspects of Chapter 1149.
f. A proposed schedule or phasing of development of the site.
g. Evidence that the applicant has sufficient control over the land to accomplish proposed and required land improvements.
h. Any additional information required by the Planning Commission necessary to determine that the proposed development meets the intent and purposes of the appropriate Planned District.

(2) Development Standards Text. A Development Standards Text shall be submitted as part of the Preliminary Plan and shall be narrative and graphics, as necessary, in order to detail the development standards to be applied to the development concept described in the Preliminary Plan. The Development Standards Text should clearly identify any standard that is less than the standards established by this Chapter. These modifications shall be justified by fully stating what adjustments, amenities or other compensations are provided as part of the Preliminary Plan to offset the use of reduced standards and by demonstrating how the modified standards will result in the best possible development for the site. Unless specifically modified by the Development Standards Text, the standards established by this Chapter shall apply to the proposed development.

(3) Development Plan. Following approval of the Preliminary Plan, and prior to issuance of a Zoning Certificate, a Development Plan shall be submitted to the Planning Commission for all or part of the area defined in the Preliminary Plan. The Development Plan is a detailed Site Plan which shall contain the following information and adhere to the Development Standards Text approved as part of the Preliminary Plan:

a. Site Survey. On a survey show boundary information, existing and proposed development, existing and proposed topography, existing and proposed easements, rights-of-way and utilities.
b. Setbacks. The Site Plan shall indicate building, service areas, parking lot and signage setbacks including front yard, rear yard and side yard areas and shall be in accordance with the approved Development Standards Text.
c. Modifications of Development Standards Text. Any desired modifications of the Development Standards Text approved as part of the Preliminary Plan shall be so indicated in a modified Development Standards Text document.
d. Height Requirements. Maximum height requirements, including mechanical areas, parapets, etc. shall be made per the Development Standards Text requirements and shown on building front, rear and side elevation drawings.

e. Parking and Loading. All parking and loading spaces shall be shown including typically dimensions of parking stalls, aisles and loading spaces, size, number of spaces and general location shall also be governed by the Development Standards Text.

f. Waste and Refuse. Handling of waste and refuse materials shall be indicated and described by the Development Standards Text and shall include appropriate screening and type of containerization.

g. Circulation. All major circulation routes, including arterial, adjacent curb cuts, collector and local streets shall be indicated including rights-of-way, dimensions, pavement widths and intersection improvements. All driveways/curb cuts shall be indicated, including major aisle ways and service routes. Major pedestrian circulation routes shall also be indicated including dimensions of path and pedestrian crossings, etc. plus any attempts at separating vehicular and pedestrian/recreation movement.

h. Landscaping. As part of the Development Plan, proposed landscaping shall be shown including the general landscaping pattern and type of materials, mounding and fencing. Landscaping may vary in density, spacing and other treatment to reflect variations in topography, existing landscaping or adjacent land uses and conform to Chapter 1149. Landscape features shall be shown as well as planting dimensions, height, caliper and type of plan materials per the Development Standards Text.

i. Signage and Graphics. All signage and graphics shall comply with the Development Standards Text. Letter and other graphic size, sign material, shape, color and illumination (internal only) shall be indicated. This includes dimensions of all ground and wall signage as well as distances from rights-of-way and intensity of illumination. Directional signage shall also be indicated.

j. Lighting. All exterior lighting fixtures shall be shown including parking lot lighting, street walkway or pedestrian lighting, walkway accent lighting and building accent lighting. Lighting intensity and installation height shall be indicated.

k. Accessory Structures, Decks, Patios and Fencing. All accessory structures, decks, patios and fences shall conform to the Development Standards Text and appropriate materials, heights, location and style indicated.

l. Architectural Treatment. As part of the Development Plan front, rear and side building elevations shall be shown in accordance with the Development Standards Text indicated building material, color and height. Color material samples shall also be made available for inspection.

1143.06 REVIEW BASIS

(a) Preliminary Plan. The basis for the approval of the Preliminary Plan shall be:

(1) That the proposed development is consistent in all respects

with the purpose, intent and applicable standards of the Zoning Ordinance.

(2) That the proposed development is in conformity with appropriate comprehensive planning or portion thereof as it may apply.

(3) That the acceptability of setbacks, distances between buildings, yard space, suitability of open space systems, traffic accessibility and other elements having a bearing on the overall acceptability of the Development Plan shall contribute to the orderly development of land within the municipality.

(4) That any modifications or minimum development standards established by the Zoning Code are properly identified and adequately justified in the Development Standards Text as necessary to insure a higher quality development.

(5) That the proposed development is in conformity with any design or site planning guidelines or other rules and regulations adopted either by City Council, the Director of Public Service, the Architectural Board of Review or the the Planning Commission.

(6) That the plan provides for the coordination and integration of individually designed buildings into one planned district.

(b) Development Plan. Basis for approval of a Development Plan shall be:

(1) That the plan is complete in all respects relative to the requirements set forth in Section 1143.05(a).

(2) That any modifications of the Development Standards Text approved as part of the Preliminary Plan support and enhance the purposes and intent of the Zoning Code, any applicable comprehensive planning program and any design or site planning guidelines adopted by the Planning Commission.

(3) That all engineering issues have been resolved to the satisfaction of the appropriate municipal staff and that final approval of the Development Plan is subject to the acceptance of final engineering of all phases of the development.

1143.07 PROCEDURES FOR APPROVAL.

(a) Submission of Application for Preliminary Plan:

(1) Prior to filing an application for rezoning to a Planned District, the applicant shall meet with staff in a pre-application review meeting to discuss the requirements for a Preliminary Plan and Development Standards Text which are required as part of the rezoning request.

(2) The applicant shall submit the rezoning application along with the required number of copies of the proposed Preliminary Plan and Development Standards Text in accordance with the submission schedule established by the Planning Commission. In order to defray the cost of examination of the rezoning application and the Plan and Text and review by the Planning Commission, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by City Council. Staff shall

circulate the Preliminary Plan and other comments to appropriate departments in the City of review and comment.

(3) Once the applicant has submitted a completed application in accordance with the submission schedule, staff shall submit the application to the Planning Commission for their review and action at the next regular meeting of Planning Commission as specified in their submission schedule. It shall be the duty of Planning Commission to review the Plan and determine whether it complies with the regulations of this Chapter. Planning Commission will forward a recommendation to City Council.

(4) A Preliminary Plan shall be valid for five years after City Council approval. Construction of any phase of the development must begin within this period or a new Preliminary Plan is required.

(b) Submission of Development Plan.

(1) Prior to filing for Development Plan Approval, the applicant shall meet with the St. Clairsville Planning staff to review the Development Plan relative to the previously approved Preliminary Plan and Development Standards Text as well as procedures for approval.

(2) The applicant shall submit an application to the City including the required number of copies of the proposed Development Plan, Development Standards Text modification if appropriate and any other required information in accordance with the submission schedule of the Planning Commission. In order to defray the cost of examination of the materials and review by the Planning Commission, the applicant shall pay a fee in accordance with the fee schedule adopted and approved by City Council.

(3) It shall be the duty of the Planning Commission to review the plan and determine whether it complies with the regulations of this Chapter. Such determination shall be made at the first regular meeting of the Planning Commission in accordance with the submission and hearing schedule established by the Commission. If the Planning Commission finds that the Development Plan complies in all respects with the regulations of this Chapter and the previously approved Preliminary Plan and Development Standards Text, the Commission shall approve the plan. With the approval of the Planning Commission, minor modifications of the approved preliminary plan may be made. Such modifications shall not increase the overall density of the site or change the essential character of the approved plan. If the Planning Commission determines that such proposed changes significantly alter the approved plan, it is considered a major change and the plan must be resubmitted to Council for approval.

(4) In the event that the Planning Commission does not approve the plan, each applicant shall be notified in writing of the reason for disapproval or modification along with the decision of the Planning Commission. Decisions of the Planning Commission disapproving the plan are appealable to City Council in accordance with the provisions of Chapter 1127.

(c) Conformance with the Development Plan. Development shall be in conformance with the Development Plan and construction site improvements must be commenced within two years of Planning Commission or Council approval; otherwise, no development of the land shall take place until a new Development Plan is approved pursuant to this section.

(d) Modification of the Development Plan. With the approval of the Planning Commission, minor modifications of the approved Development Plan may be made. Such modification shall not increase the overall density of the site or change the essential character of the approved plan. If the Planning Commission determines that such proposed changes significantly alter the approved plan, it is considered to be a major change and the plan must be resubmitted to Council for approval. Development of land shall not proceed prior to final approval of the Development Plan. Any development undertaken without such final approval is in violation of this Zoning Ordinance and an abatable nuisance.

(e) Variances from Development Standards. The Planning Commission and/or City Council may approve variances from the Development Standards of this Chapter as part of the Development Standards Text and Development Plan. These variances shall be consistent with the intent of the zoning district. No action by the Board of Building and Zoning Appeals is required for these variances.

1143.08 OWNERSHIP OF COMMON OPEN SPACE IN PCND.

Different ownership and management options apply to the permanently protected common open space created through the PCND development process. The common open space shall remain undivided and may be owned and managed by a homeowners association, the City, or a recognized land trust or conservation district (conservancy). A public land dedication, not exceeding 10 percent of the total parcel size, may be required by the City to facilitate trail or greenway connections. A narrative describing ownership, use and maintenance responsibilities shall be submitted for all common and public improvements, utilities, and open spaces.

(a) Ownership Standards. Common open space within the PCND development shall be owned, administered, and maintained by any of the following methods, either individually or in combination, and subject to approval by the City.

(1) Offer of Dedication. The Municipality shall have the first offer of dedication of undivided common open space in the event said land is to be conveyed. Dedication shall take the form of a fee simple ownership. The Municipality may, but not be required to accept undivided common open space provided: 1) such land is accessible to all the residents of the City; 2) there is no cost of acquisition other than incidental costs related to the transfer of ownership; 3) the City agrees to maintain such lands. Where the City accepts dedication of common open space that contains improvements, the City may require the posting of financial security to ensure structural integrity of improvements for a term not to exceed eighteen (18) months.

(2) Homeowners Association. The undivided common open space and associated facilities may be held in common ownership by a homeowners association. The association shall be formed and operated under the following provisions:

a. The developer shall provide a description of the association, including its bylaws and methods for maintaining the common open space.
b. The association shall be organized by the developer and shall be operated by the developer, before the sale of any lots within the development.
c. Membership in the association is mandatory for all purchasers of homes therein and their successors. The conditions and timing of transferring control of the association from developer to homeowners shall be identified.
d. The association shall be responsible for maintenance of insurance and taxes on the undivided common open space, enforceable by liens placed by the City on the association. The association may establish rules to ensure proper maintenance of property, including monetary liens on the homes and home sites of its members who fail to pay their association dues in a timely manner. Such liens may impose a penalty of interest charges.
e. The members of the association shall share equitably the costs of maintaining and developing, where appropriate, such undivided common open space. Shares shall be defined within the association bylaws.
f. In the event of transfer, within the methods here permitted, of undivided common open space land by the homeowners association, or the assumption of maintenance of undivided common open space land by the City, notice of such pending action shall be given to all property owners within the development.
g. The association shall provide for adequate staff to administer common facilities and property and continually maintain the undivided common open space.
h. The lease shall be subject to the approval of the homeowners association board and any transfer or assignment of the lease shall be further subject to the approval of the board. Lease agreements shall be recorded with the Belmont County Recorders Office and notification shall be provided to the Municipal Council within thirty (30) days of action by the board.
i. The homeowners association may lease common open space lands to any other qualified person, or corporation, for operation and maintenance of common open space lands, but such a lease agreement shall provide:
    1. That the residents of the development shall at all times have access to the common open space lands contained therein (except croplands during the growing season);
    2. That the undivided common open space shall be maintained for purposes set forth in this Chapter; and,
    3. That the operation of common open space facilities may be for the benefit of the residents only, or may be open to all residents of the City, at the election of the developer and/or

homeowners association. In cases where public trails or paths are provided as linkage between developments or as a continuous link of common open space within the City, all residents of the City shall have access to such identified paths/walkways.

(3) Condominiums. The undivided common open space and associated facilities may be controlled through the use of condominium agreements, approved by the Municipality. Such agreements shall be in conformance with all applicable laws and regulations. All undivided common open space land shall be held as a "common element".

(4) Dedication of Easements. The Municipality may, but shall not be required to, accept easements for public use of any portion or portions of undivided common open space land, title of which is to remain in ownership by condominium or homeowners association, provided:

a. Such land is accessible to Municipal residents;
b. There is no cost of acquisition other than incidental transfer of ownership costs;
c. A satisfactory maintenance agreement is reached between the developer, association and the Municipality.

(5) Transfer of Easements to a Private Conservation Organization. With the permission of the Municipality, an owner may transfer easements to a private, nonprofit organization, among whose purposes it is to conserve open space and/or natural resources, provided that:

a. The organization is acceptable to the Municipality, and is a bona fide conservation organization with perpetual existence;
b. The conveyance contains appropriate provisions for the proper reverter or retransfer in the event that organization becomes unwilling or unable to continue carrying out its function; and,
c. A maintenance agreement acceptable to the Municipal Council is entered into by the developer and the organization.

1143.09 MAINTENANCE OF OPEN SPACE IN PCND.

(a) The ultimate owner of the open space shall be responsible for raising all monies required for operations, maintenance, or physical improvements to the open space through annual dues, special assessments, etc. The owner shall be authorized under its bylaws to place liens on the property of residents who fall delinquent in payment of such dues, assessments, etc.

(b) In the event that the organization established to own and maintain common open space shall at any time after establishment of the planned development fail to maintain the common open space in reasonable order and condition in accordance with the Final Development Plan, the Planning and Zoning Administrator may serve written notice upon such organization or upon the residents of the Planned Conservation Development setting forth the manner in which the organization has failed to maintain the common open space in reasonable condition. The notice shall include a demand that such deficiencies of maintenance be cured within thirty (30) days thereof, and shall state the date and place of a hearing thereon which shall be held within fourteen (14) days of the notice. At such

hearing the City Council may modify the terms of the original notice as to the deficiencies and may give an extension of time within which they shall be cured. If the deficiencies set forth in the original notice or in the modifications thereof shall not be cured within said thirty (30) days or any extension thereof, the City Council, in order to preserve the taxable values of the properties within the planned development and to prevent the common open space from becoming a public nuisance, may enter upon said common open space and maintain the same for a period of one (1) year. Said entry and maintenance shall not vest in the public any rights to use the common open space. Before the expiration of said year, the City Council shall, upon its initiative or upon the request of the organization thereto-fore responsible for the maintenance of the common open space, call a public hearing upon notice to such organization, or to the residents of the planned development, to be held by the City Council, at which hearing such organization or the residents of the planned development shall show cause why such maintenance by the City Council shall not, at the election of the City Council, continue for a succeeding year. If the Municipal Council shall determine such organization is ready and able to maintain said common open space in reasonable condition, the Municipal Council shall cease to maintain said common open space at the end of said year. If the City Council shall determine such organization is not ready and able to maintain said common open space in a reasonable condition, the Municipal Council may, in its discretion, continue to maintain said common open space during the next succeeding year and subject to a similar hearing and determination, in each year thereafter. The decision of the Municipal Council in any such case shall constitute a final administrative decision subject to review as provided by law.

(c) The cost of such maintenance by the Municipality shall be assessed against the properties within the planned development that have a right of enjoyment of the common open space, and shall become a tax lien on said properties. The Municipality, at the time of entering upon said common open space for the purpose of maintenance, shall file a notice of such lien in the office of the Belmont County Recorder, upon the properties affected by such lien within the planned development.

CHAPTER 1144

OPTIONAL TRADITIONAL NEIGHBORHOOD DEVELOPMENT FLOATING DISTRICT (TND)

1144.01 PURPOSE.

The purpose of this district is to allow the optional development of land consistent with the design principles of "traditional" neighborhoods. These principles provide an opportunity for diversification and integration of land uses including residential, retail, office, recreation, etc., within close proximity to one another, thereby providing for many of the daily needs of the inhabitants of the neighborhood.

The district is designed to be self-contained, tightly gridded, and pedestrian-oriented to encourage socializing, walking, and other aspects of a vibrant outdoor urban experience. The traditional neighborhood district (TND) is an optional zoning district/category.

1144.02 DESIGN OBJECTIVES.

The provisions of this district are intended to establish a neighborhood which:

1) Is physically recognizable and limited in size.
2) Places residences, shops, workplaces, and civic buildings in close proximity to one another within the neighborhood, thereby maximizing transportation choice and reducing the number and length of motor vehicle trips, traffic congestion, and need for road widening. Compatibility of buildings, uses, and other improvements is determined by their arrangement, scale, character, and landscaping to establish a livable, harmonious, and diverse environment.
3) Establishes a hierarchy of streets serving equitably the needs of the pedestrian, the bicyclist, and the motorist. Streets are interconnected and blocks are small.
4) Places civic buildings and squares in prominent locations that act as landmarks, symbols and focal points for community identity. Such buildings and squares provide places of assembly for social activities.
5) Links civic buildings, squares, and parks with pedestrian paths and greenways to provide places for social activity and recreation.
6) Includes private buildings forming a consistent, distinct edge, spatially delineating the public street space and the private block interior.
7) Includes architecture and landscape that are consistent with the unique character of the region.
8) Provides defined public spaces such as streets and squares, allowing citizens to know each other and watch over their collective security.
9) Provides a full range of housing types and work places, allowing all age groups and economic classes to integrate in an authentic community.
10) Provides trees of the same size, shape or type to create visual continuity and a unified.

1144.03 DEFINITIONS.

The following definitions shall be applicable in the TND District. When there are conflicts between the terms used herein and definitions as provided elsewhere in the Code of Ordinances, the provisions of this district shall take precedence. Terms used throughout this district shall take

their commonly accepted meaning unless otherwise defined in the Code of Ordinances. Terms requiring interpretation specific to this district are as follows:

(1) "A" Street. A street which is designed with, or otherwise characterized by, features that promote the safety, comfort, and convenience of pedestrians, and does so in a relatively exceptional way. Such streets typically feature sidewalks at least five feet wide, narrow streets, buildings pulled up close to the street, no front yard off-street parking, pedestrian-scaled lighting, on-street parking, landscaped medians, articulated building walls, aligned building facades, a building entrance on the street, modest turning radii, trash receptacles remote from the sidewalk, and outdoor mechanical equipment on the side, rear or roof of buildings.

(2) Alley. A vehicular passageway providing secondary and/or service access to the sides or rear of building lots.

(3) Artisanal Use. The manufacture and sale of artifacts utilizing only hand-held and/or table-mounted electrical tools. Such a use must be contained within a completely enclosed building.

(4) Block. The gross area of lots and adjacent alleys, circumscribed by streets.

(5) Civic Building. A building, either publicly or privately owned, located on a civic lot used for any permitted or required civic use.

(6) Colonnade. A roof or building structure, extending over the sidewalk, open to the street and sidewalk except for supporting columns or piers. Awnings are permitted within the TND but are not considered colonnades. Colonnades shall not cause roof drainage into the public right-of-way.

(7) Cornice Line. A molded and projecting horizontal member that crowns an architectural composition. A cornice line shall project a minimum of 2 inches from the front elevation of the structure.

(8) Drive-through. Establishments which provide services or sales that are extended mechanically or personally to customers who do not exit their motorized vehicle. Such facilities include banking facilities, restaurants, food sales, dry cleaning, express mail services and other services. Not included in this definition are auto fuel pumps and depositories which involve no immediate exchange or dispersal to the customer, such as mailboxes, library book depositories and recycling facilities.

(9) Edge Area. A continuous open area which defines and buffers the edge of a TND and each neighborhood proper. Edge areas shall be preserved in perpetuity to buffer adjacent land uses, preserve natural areas, and provide linked greenway corridors.

(10) Engineered Soils. Soils which conform to the most recent addition of the construction and materials specifications of the Ohio Department of Transportation.

(11) Formal landscaping. Street trees or shrubs that form an aligned street wall parallel to the street. When used, brick-paved sidewalks or tree grates may be required to be constructed using engineered soil to accommodate root growth for long-term tree stability and infrastructural compatibility. This tree arrangement forms an intimate, comfortable, dignified public place along a corridor. The arrangement is often useful to visually "narrow down" a corridor when facing buildings on a street are set too far apart or are of insufficient height to establish a comfortable street width to building height ratio of 3:1 to 1:1.

(12) Front Porch. An un-air conditioned roofed structure attached to the front and along a side walked street side of the unit, having a minimum depth of 6 feet and a minimum width of 12 feet. Except for insect screening and supporting columns, front porches shall not be enclosed above the minimum railing height allowed by the Standard Building Code. All or a portion of the front porch may encompass a ramp providing handicap access. Front porches may encroach up to 10 feet beyond the build-to line.

(13) Frontage. That side of a lot abutting a street right-of-way. When a lot abuts more than one street, it is that side that abuts the more primary street or the street designed for the highest pedestrian volume. For a corner lot, all sides abutting a street shall be considered frontage.

(14) Lodging Use. Buildings providing food service and bedrooms for rent or lease.

(15) Lodging Use, Limited. The provision of no more than 4 bedrooms for rent or lease. Food service may be included between the hours of 6:00 am to 11:00 am. The maximum length of stay shall not exceed 14 days.

(16) Lot or Building Lot. A separately platted portion of private land, not including the specified sidewalk area.

(17) Meeting Hall. A building designed for public assembly.

(18) Neighborhood Proper. The built-up area planned for development within a TND, including blocks, streets, squares, and parks, but excluding adjacent edge areas and through streets.

(19) Office Use, Limited. The transaction of business or the supply of professional services, employing no more than 8 persons.

(20) Outbuilding. A detached accessory use building on a residential lot, for residential, parking, or storage use only.

(21) Park. A public open space whose area is delineated by the surrounding building frontage lines within the neighborhood proper. Parks shall be surrounded by building frontage lines on at least 50 percent of the park's perimeter.

(22) Pedestrian Pathways. Interconnecting paved walkways that provide pedestrian passage through blocks running from street to street. For the purposes of this district, pathways are not sidewalks.

(23) Plaza. An open space area within a town center on which many or all Shopfront lots front. Plazas shall be limited to parking, landscaping, and permanent architectural and/or water oriented features.

(24) Private Open Space. That space on each building lot that is for the private use of the inhabitants of such lot. Said space shall be unenclosed except for being fenced or walled, and open to the sky except for roofed porches. Atriums, gardens, garden courts, walks, patios, and other similar spaces shall count as private open space. Up to one third of the private open space area may be a roof terrace.

(25) Screening wall. A wall made of fieldstone, brick, stucco, wrought-iron (or equivalent to wrought-iron), or wood picket excluding round industrial railing and chain link fence.

(26) Square. An outdoor public civic tract whose area is defined by streets or adjacent buildings. Squares shall include streets on at least three sides. Squares shall be surrounded by Shopfront, Rowhouse, or Civic Use lots on at least 60 percent of their perimeter. No more than 40 percent of the square may be used for parking.

(27) Streetedge. The vertical face formed by building facades, street trees, and screening walls which is aligned along a street and forms a comfortable people-scaled space.

(28) Street Vista. A view through or along a street centerline which is at least 600 feet in length.

(29) Through Street. A major collector or arterial street which serves more than one neighborhood, or carries traffic between neighborhoods proper.

(30) Town Center. An optional and accessory use to the TND providing for larger scale commercial Shopfront Uses in buildings that front a plaza.

(31) Vertical integration. Mixed, dissimilar land uses are contained within the same building -- usually on different floors of a multi-story building. By contrast, a horizontal integration represents a mix of land uses that are near each other but in separate buildings.

1144.04 MINIMUM AND MAXIMUM SIZE, DENSITY OF TND.

All applications for a TND shall comply with the following development parameters:

(a) Size and location of site. The minimum size of each neighborhood proper shall be sixteen (16) acres unless approved by the Planning and Zoning Administrator. A neighborhood proper shall be developed on contiguous lots or tracts.

(b) Density. The requested densities, in terms of number of units per gross residential acre and total number of dwelling units, shall be made at the time of application, and shall be at least eight (8) dwelling units per acre but may not exceed twelve (12) dwelling units per acre.

1144.05 GENERAL DEVELOPMENT CRITERIA.

(a) Land use.

(1) The entire land area of the TND shall be divided into blocks, streets, and lots, and optional edge areas.

(2) Permitted Uses. All uses permitted in low density residential, medium density residential, community facilities, downtown and office/institutional districts are permitted within the TND.

(3) Similar land uses (uses within the same land use category) shall generally face across streets. Dissimilar uses, when adjacent, shall abut at rear lot lines. Parks and Squares Uses and Civic Uses are considered similar land uses for the purposes of this provision.

(4) Neighborhoods shall be limited in size or shape to allow residents to walk to the neighborhood square and/or commercial areas.

(5) The TND shall contain a clubhouse or neighborhood square. The neighborhood square can be used to meet the open space requirements of the TND.

(6) A neighborhood proper shall provide areas of mixed use (residential and commercial) buildings and shall encourage by design the clustering of living, working, recreation, shopping, and civic uses.

(7) A drive-through is allowed under the following conditions:

A. No more than one drive-through lane is allowed within the neighborhood proper.

B. The drive-through must not have its entrance or exit drive onto an arterial street or major thoroughfare.

C. The drive-through is located at the rear or side of the building .

(b) Streets and alleys.

(1) Streets shall provide access to all lots and all residential lots shall abut an alley, unless the Planning and Zoning Administrator determines that good cause exists to omit an alley or a portion of an alley.

(2) All streets and alleys shall connect to other streets within the TND. All streets shall connect to existing and projected streets outside the TND, when possible. Cul-de-sacs, T-turnarounds and gated or dead-end streets are not permitted within the TND.

(3) Pedestrian pathways shall be not less than four (4) feet in width.

(4) Utilities shall run underground or along an alley to the rear of a lot.

(5) Street lighting shall be provided along all streets. The general rule for lighting in a TND is to prefer more, smaller lights as opposed to fewer, high-intensity lights, to

provide a more human scale. Street light structures shall not exceed 18 feet in height. Streetlights shall be installed on both sides of streets at intervals no longer than 75 feet measured parallel to the street. Building, wall, and freestanding exterior lighting fixtures shall be directed downward in order to reduce glare onto adjacent properties and streets. If the provisions for lighting of this TND District conflict with the municipal lighting policy, the provisions of the TND District shall prevail.

(6) The TND plan shall designate publicly and privately owned civic lots and, where possible, the general location of a civic building at the terminus of street vistas for all major internal streets. Termination of street vistas with a prominent public monument, specifically designed building facade, or a gateway to the ensuing space, is also encouraged.

(7) A neighborhood's residences, shopping, employment, and recreation shall be connected by sidewalks, pedestrian paths, bicycle paths, and local streets.

(8) All streets shall have a six-inch high curb except for streets in House Use areas, where they are encouraged but not required. A curb, six inches in height, is required at all street intersections. There shall be curb cuts providing handicap access at all intersections and points of pedestrian crossing. Curb interruptions are permitted only for alleys, handicap access, and parking access points specified herein.

(9) Shopfront Use lots, Rowhouse Use lots, House Use lots, and Workplace Use lots shall have their rear lot lines coinciding with an alley. Alleys shall be designed in such a manner as to ensure compatibility with its intended use.

(10) Other street specifications:

	Shopfront	Rowhouse	House	Workplace
Typical street right-of-way	60 feet	50 feet	46 feet	60 feet
Number of street travel lanes	2	2	2	2
Travel lane widths	11 feet	10 feet	10 feet	12 feet
Number of parallel parking lanes	At least 1	At least 1	0	At least 1
Width of parallel parking lane	8 feet	8 feet	NA	8 feet
Sidewalk on both sides of street?	Yes	Yes	Yes	Yes
Minimum width of sidewalk	8 feet	6 feet	6 feet	8 feet
Maximum intersection curb radius*	10 feet	10 feet	10 feet	15 feet
Design speed of streets	25 mph	25 mph	25 mph	25 mph

*Or larger as determined by the Planning and Zoning Administrator due to reasonably expected traffic volumes or traffic types as noted by "Traditional Neighborhood Development Street Design Guidelines," by ITE, 6/97.

(11) Parallel parking shall be located adjacent to all Shopfront lots when such lots front a square, park and/or plaza. Otherwise, parallel parking is encouraged.

(12) Shopfront Use lots and Rowhouse Use lots may front on a square or park tract. In addition, a public access easement shall provide for public passage for Shopfront Use sidewalks -- excepting an area within 4 feet of the Shopfronts which may be occupied by furniture for restaurants.

(13) For House Use lot streets, planting strips are required on each side. However, a parallel parking lane may be used in place of either planting strip.

(14) Shopfront Use lots and Workplace Use lots may front on through streets if approved by the Planning and Zoning Administrator. Shopfront Use lots may also front on a town center.

(15) If colonnades are provided on Shopfront Use lot streetside sidewalks, no street trees are required on that side of the street.

(c) Lots and buildings.

(1) Consistent build-to lines shall be established along all streets and public space frontages. This build-to line shall determine the width and ratio of enclosure desired for each street or public space. A minimum percentage build-out at the build-to line shall be established on the plan along all streets and public square frontages.

(2) All buildings shall have their main entrance opening to a street or square (except outbuildings).

(3) Stoops, colonnades, chimneys, arcades, awnings, cafes, projecting signs and front porches may encroach up to 10 feet into the front setback, as long as sufficient space for the required sidewalk width is retained.

(d) Facade treatment.

(1) No more than 20 feet of horizontal distance of wall shall be provided without facade articulation or architectural relief for building walls and frontage walls facing the street. Façade articulation or architectural relief can include, but is not limited to, pilasters, windows, pedestrian entrances, arcades, awnings, shutters and canopies, or other types of building massing that modulates the building mass or surface texture. Facade articulation shall maintain a distinction between the street-level story and upper stories.

(2) The rhythm established by the repetition of the facade elements shall be maintained.

(3) Vernacular architecture is preferred and although non-vernacular architecture is permitted, vernacular architecture must be dominant.

(e) Mechanical equipment.

(1) All outdoor mechanical equipment, such as heating, air conditioning, and ventilation systems, must be placed on the roof, in the rear or side of the building, or otherwise visually screened from the street. In no case shall mechanical equipment be allowed along street frontage(s). Mechanical equipment on the roof shall be screened from abutting streets with parapets or other types of visual screening.

(j) Signage.

(1) A comprehensive sign program is required for the entire TND which establishes a uniform sign theme. Signs shall share a common style (color scheme, type, size, material), as approved by the Planning and Zoning Administrator.

1144.06 LAND USE CATEGORIES.

(a) Parks and Squares Use.

(1) Land use.

A. Land designated for Parks and Squares Use shall be tracts consisting of parks, squares, edge areas, and Civic Use lots and buildings.

B. The only buildings permitted in Parks and Squares Use tracts shall be Civic Use buildings.

C. A maximum of 15 percent of a park or square may be used as a Civic Use lot.

D. Large-area recreational uses requiring more than three (3) acres of land, such as golf courses and multiple ball fields, shall be located outside the neighborhood proper, but may be located within edge areas between neighborhoods proper.

(2) Land allocation.

A. A minimum of 5 percent of the gross area of the neighborhood proper shall be permanently allocated to tracts totally composed of parks or squares. No single square or park can be more than 45 percent of the Parks and Squares Use area.

B. Squares and parks shall have at least 50 percent of their perimeter abutting streets. A square shall be surrounded by Shopfront Use lots or Rowhouse Use lots on at least 60 percent of its perimeter (perimeter being defined as the aggregate of the frontage lines of the surrounding lots). Such lots surrounding the square shall serve as a focal point for the social life of the neighborhood by providing a neighborhood store, bus stop, and/or other neighborhood services. In addition, it is strongly recommended that a day care center be provided. Parks shall be surrounded by building frontage lines whose collective linear footage is equivalent to at least 50 percent of the park perimeter's linear footage.

(3) Parking.

A. Parking on Parks and Squares Use tracts shall be restricted to required parking for Civic Use facilities located thereon.

(b) Civic Use.

(1) Land use.

A. Land designated for Civic Use shall be lots containing community buildings which shall be open to the public, including, but not limited to, meeting halls, libraries, schools, day care centers, police stations, fire stations, post offices, clubhouses, religious buildings, museums, cultural

societies, visual and performance arts buildings, and governmental buildings.

B. The maintenance of commonly-owned buildings on Civic Use lots shall be supported by a permanent assessment dedicated to this purpose and administered according to the common maintenance provisions provided in the Ownership and Maintenance of Common Open Space(s) and Civic Use Buildings section.

(2) Land allocation.

A. Civic Use building lots shall constitute a minimum of 2 percent of the gross area of the neighborhood proper.

B. Civic Use lots shall be located within or adjacent to a square or park tract, or on a lot terminating a street vista.

C. The developer shall include a covenant in the property owners association or condominium association documents to construct a meeting hall or clubhouse on a Civic Use lot, on or adjacent to the mandatory square, upon the sale of 50 percent of the lots and/or units of the neighborhood proper end users.

(3) Lots and buildings.

A. Buildings located on Civic Use lots do not have a height limit.

(4) Parking.

A. The required parking spaces for Civic Uses shall be in accordance with Chapter 1185; however, the minimum number of spaces required by Chapter 1185 shall be the maximum.

B. When on-site parking is provided, no less than 75 percent of the off-street parking places shall be to the rear of the building. Access may be through the frontage.

(5) Signage.

A. Two wall signs, not to exceed a combined total of 16 square feet, shall be permitted for each building.

(c) Shopfront Use.

(1) Land use.

A. Land designated for Shopfront Use shall be in building lots containing buildings for residential, including lodging, and commercial uses as provided in the General Commercial District, and other similar uses as approved by Council at the time of rezoning to TND, except those listed as prohibited uses, general development criteria.

B. Residential uses are not permitted on the ground floors of Shopfront Use buildings.

C. An outbuilding is permitted on each lot.

(2) Land allocation.

A. Shopfront Use building lots shall comprise a minimum of 2 percent and a maximum of 30 percent of the gross area of the neighborhood proper.

B. A maximum of two (2) Shopfront Use lots may be consolidated for the purpose of constructing a single building.

C. A maximum of 50 percent of all Shopfront Use lots may be consolidated.

D. A minimum of two (2) Shopfront Use lots shall front on the mandatory square.

(3) Lots and buildings.

A. Street-front entries shall be at grade to allow handicap access.

B. Buildings on Shopfront Use lots shall have the facade built directly on the frontage line along at least 70 percent of its linear frontage. For lots at street intersections, the building shall be built directly on the side street frontage for at least 50 percent of its linear frontage.

C. The unbuilt portion of the frontage line shall have a decorative screening wall built directly upon it. Walls shall have an opening at no more than 100 feet to allow pedestrian access.

D. Buildings on Shopfront Use lots shall have a setback of zero feet along at least one side property line. There shall be no required rear setback.

E. Buildings on Shopfront Use lots shall be at least 2 stories in height and shall not exceed 4 stories in height.

F. Unenclosed balconies shall be permitted to extend up to 6 feet over the sidewalk.

G. Colonnades are required when Shopfront Use lots front on the mandatory square. Enclosed space shall be permitted directly above the sidewalk.

(4) Parking.

A. No less than 75 percent of the parking spaces shall be to the rear of the building. Access may be through the frontage only if an alley or side street providing access to the alley is not within 200 linear feet of the lot.

(5) Signage.

A. All signs shall be wall signs or cantilever signs. Signs shall not exceed a cumulative total of 24 square feet per building, with no more than three (3) signs per building. Individual cantilever signs shall be mounted perpendicular to the building face and shall not exceed eight (8) square feet. No sign shall be mounted above the first floor of the building.

(d) Rowhouse Use.

(1) Land use.

A. Land designated for Rowhouse Use shall be on lots containing buildings for residential uses including townhouse, family day care, and limited office, limited lodging, and artisanal use. Where non-residential uses are proposed, at least fifty percent (50%) of the gross square footage shall be restricted to residential use for each Rowhouse land use district.

B. 100 percent of the building area above the ground floor shall be designated for residential use.
C. An outbuilding is permitted on each lot.

(2) Land allocation.

A. Rowhouse and/or House Use building lots shall constitute a minimum of 20 percent and a maximum of 60 percent of the gross area of the neighborhood proper.
B. A maximum of five (5) Rowhouse Use lots may be consolidated for constructing a single building containing multi-family dwellings.
C. A maximum of 50 percent of all Rowhouse Use lots may be consolidated.

(3) Lots and buildings.

A. No minimum or maximum lot width.
B. Rowhouse Use buildings with the minimum setback shall have their front entry set to one side of the facade.
C. Rowhouse Use buildings shall be attached (built with no side setback or as a single building) at not less than five (5) unit segments. Lots comprising the end of the block adjacent to the street or alley may be attached in segments of two (2) to five (5) units.
D. Buildings on Rowhouse Use lots shall be set back zero (0) to fifteen (15) feet from the frontage line. Buildings at street intersections shall be set back six (6) feet from frontage line and side street line. Setback requirements shall apply to the enclosed portion of the buildings only.
E. Buildings on Rowhouse Use lots shall have a setback of zero feet from at least one side property line. There shall be no required rear setback.
F. Outbuildings shall have no required setbacks.
G. Setbacks on consolidated Rowhouse Use lots shall apply as in a single lot.
H. Buildings on Rowhouse Use lots shall not exceed four (4) stories in height and, when fronting a square, be no less than three (3) stories in height. A cornice line shall be used to define the first floor.
I. Buildings on Rowhouse Use lots shall be raised a minimum of 18 inches from finished exterior sidewalk grade.
J. A minimum of 30 percent of the building lot area shall be developed as private open space.
K. Rowhouse Use lots shall have a streetedge built along the unbuilt parts of the frontage line.
L. A minimum of 25 percent of the buildings on Rowhouse Use lots shall have front porches. Front porches may encroach beyond the build-to line and shall count towards private open space requirements.

(4) Parking.

A. All off-street parking places shall be to the rear of the building. Access shall be through a vehicular alley only.

(5) Signage.

A. All signs shall be wall signs. Signs shall be limited to 2 per building and shall not exceed a cumulative total of 4 square feet. No signs shall be mounted above the first floor of a structure.

B. Entry features are not included in the above signage totals.

(e) House Use.

(1) Land use.

A. Land designated for House Use shall be on lots containing buildings for residential uses, including single-family houses, guest houses as outbuildings, home occupations pursuant to Chapter 1187.

B. One hundred percent (100%) of the building area above the ground floor shall be designated for residential use.

C. An outbuilding is permitted on each lot.

(2) Land allocation.

A. House and/or Rowhouse Use building lots shall constitute a minimum of 20 percent and a maximum of 60 percent of the gross area of the neighborhood proper.

B. A maximum of two House Use lots may be consolidated for constructing a single residence.

C. A maximum of 50 percent of all House Use lots may be consolidated.

(3) Lots and buildings.

A. Buildings on House Use lots shall be set back 0 to 20 feet from the frontage line. Buildings at street intersections shall be set back 10 feet from the frontage line and the side street frontage.

C. House Use building lots shall have a maximum width of 75 feet.

D. Setbacks on consolidated House Use lots shall apply as on a single lot.

E. Buildings on House Use lots shall be set back from the side building lot lines equivalent (in total) to at least 20 percent of the width of the building lot. The entire setback may be allocated to one side.

F. Buildings on House Use lots shall be set back no less than 20 feet from the rear lot line. Outbuildings on House Use lots shall have no required setback.

G. Buildings on House Use lots shall not exceed 3 stories in height.

H. Buildings on House Use lots shall have a streetedge built along the frontage line.

I. A minimum of fifty (50) percent of the buildings on House Use lots shall have front porches. Front porches may encroach into the front setback.

(4) Parking.

A. All off-street parking places shall be to the side or the rear of the building. Where no alley access exists and vehicular access is through the frontage, garage or carports shall be located a minimum of 20 feet behind the front building setback.

(f) Workplace Use.

(1) Land use.

A. Land designated for Workplace Use shall contain buildings for any of the uses contained in the Commercial or Office/Institutional.

(2) Land allocation.

A. Workplace Use building lots shall constitute a minimum of two percent and a maximum of twenty percent of the gross area of the neighborhood proper.

C. All Workplace Use lots shall be located within one geographic area with no intervening uses.

(3) Lots and buildings.

A. Buildings on Workplace Use lots shall have a setback of 0 to 5 feet from the frontage line. The setback at street intersections shall not exceed 5 feet from the frontage line and the side street line. Buildings have no setbacks from the side or rear lot lines.

B. Street-front entries shall be at grade to allow handicap access.

C. A minimum of 15 percent of the building lot area shall be developed as landscaped open space.

D. Buildings on Workplace Use lots shall not exceed 3 stories in height.

E. Workplace Use lots shall be separated from other use types at the side and rear lot lines (excepting an entry on the alley) by a continuous masonry wall no less than three feet and no more than eight feet in height. Walls shall have an opening at no more than 100 feet to allow pedestrian access.

F. Workplace Use building lots shall have a maximum width of 300 feet.

(4) Parking.

A. Off-street parking places shall be to the side or the rear of the building.

(5) Signage.

A. Refer to Board of Architectural Review standards.

1144.07 OWNERSHIP AND MAINTENANCE OF COMMON AREA(S) AND CIVIC USE BUILDINGS.

All land designated on approved plans as common area, including squares and parks, alleys and all structures devoted to the common use of the inhabitants of a TND, will be owned and/or maintained as follows:

(a) Those projects developed under a condominium ownership shall be in accordance with applicable Ohio law.

(b) On projects not developed under condominium ownership, the common area and Civic Uses shall be owned by a property owners' association, in which case the ownership shall be subject to covenants providing for the maintenance of common facilities in a manner that assures

its continuing use for its intended purpose and provided that the property owners' association shall comply with the following requirements:

(1) Approval by the municipal attorney for form and legality as to compliance with this paragraph.

(2) An association shall be established before the units or individual building lots are sold.

(3) Membership shall be mandatory for each property owner and said association shall have the authority to adjust the assessment to meet the needs of maintaining the open space and common facilities.

(4) Any sums levied by the homeowners' association that remain unpaid shall become a lien on the individual property and said lien shall be superior to all other liens except tax liens and mortgage liens, provided said mortgage liens are first liens against the property encumbered thereby, subject only to tax liens and secure indebtedness which are amortized in monthly or quarter annual payments over a period of not less than 10 years.

1144.08 APPLICABILITY.

In the case of conflict between the Traditional Neighborhood Development District, and the Subdivision Regulations or any other sections of the Zoning Ordinance, the provisions of the Traditional Neighborhood Development District, shall govern and prevail. To the extent that the provisions of the Traditional Development District, do not expressly amend or supersede the provisions of the underlying zoning districts, the provisions of the underlying districts shall apply.

Chapter 1145

HILLSIDE OVERLAY DISTRICT

1145.01 PURPOSE

It is the purpose of the Hillside Overlay District (HOD) to provide for the reasonable use of hillside area and related lands while protecting the public health, safety, and general welfare.

1145.02 APPLICABILITY AND ZONING MAP DESIGNATOR

The Hillside Overlay District may be combined with any base district located within the area identified on the Slope Hazard Map.

1145.03 LAND USE REGULATIONS

Land use regulations shall be those of the base district with which the Hillside Overlay District is combined. No new or expanded use may be approved unless a Hillside Development Plan has been approved by the Planning and Zoning Administrator.

1145.04 DEVELOPMENT REGULATIONS

a) Density Allocation and Maximum Site Disturbance.
   1) For all areas of the lot or parcel with less than a 15 percent slope, 100 percent site disturbance may occur. For areas of slope greater than 15 percent, the standards of this Chapter shall apply.
   2) Density and site disturbance shall be determined based upon the following table:

SLOPE	DENSITY	SITE DISTURBANCE
15 – 19.9%	1 unit per half-acre	40%
20 – 24.9%	1 unit per acre	30%
25 or greater	1 unit per 5 acres	20%

   3) Site disturbance shall include all grading for the development of the property but shall not include any public or private street.
   4) A maximum of 10 percent increase in site disturbance shall be allowed for the construction of a driveway subject to staff level approval. Any increase in excess of 10 percent shall be subject to Planning Commission approval.

b) Minimum Lot Area. The minimum lot area shall be 4,500 square feet.

c) Lot Width and Depth. Lot width and depth of non-flag lots shall not exceed a ratio of 3 feet of width/depth for 1 foot of width/depth. For flag lots the following shall apply:
   1) The flag pole or panhandle portion of the lot shall be a minimum of twenty-four (24) feet wide, and the depth of the flag pole or panhandle shall not exceed one hundred fifty (150) feet as measured from the adjacent public or private street.
   2) The non-flag portion of a flag lot shall be subject to the lot width/depth ratios for non-flag lots.

3) The flagpole or panhandle portion of the lot shall not be included in calculating lot size.

d) Setbacks.
   1) Single Family Residential. Single family residential shall provide the following setbacks:
      a. Front: Twenty (20) feet
      b. Rear: Fifteen (15) feet
      c. Side: Five (5) feet

e) Building Height. No structure shall exceed a height of thirty-five (35) feet.

f) Grading Standards. All development subject to the provisions of the Hillside Overlay District shall have a grading plan approved by the Planning and Zoning Administrator. The review process for the grading plan shall coincide with the hillside development plan review process. The grading scheme shall be shown as a separate grading plan. All development shall meet the following criteria:
   1) The portions of the site or lot to be graded must be clearly shown on the grading plan.
   2) The site or grading plan shall be approved by the Planning and Zoning Administrator prior to any grubbing, grading, or clearing. Grubbing, grading, and clearing are to occur only within the areas identified on the approved grading plan.
   3) All portions of the site or lot to be left ungraded are to remain undisturbed areas and are not to be used for stockpiling of materials or excess fill.
   4) If the vertical distance of retained material is steeper than 2:1, a retaining wall must be used. In no case can the vertical distance of retained material exceed thirty-five feet and a width of one hundred fifty (150) feet.
   5) Exposed cut and fill slopes shall be revegetated in accordance with this chapter.
   6) Prior to any cut or fill on slopes that encroach into a floodplain the cut or fill design must first be approved by the Planning and Zoning Administrator.
   7) The grading plan shall include a statement which certifies all finished floor elevations are 18-inches above the 100 year base flood elevation.
   8) Excess material shall be hauled to an appropriate off-site disposal area.
   9) All site revegetation shall be completed within 90-days of completion of work or prior to issuance of certificate of occupancy, whichever occurs first.
   10) Clean fill must be used per the City of Ohio Department of Transportation standards.

1145.05 REVEGETATION

All exposed cut and fill areas shall be revegetated according to the following:

a) All disturbed areas shall be revegetated or landscaped.

b) Seeds for trees, shrubs, and grasses shall be planted with a density adequate to control erosion and may use one of the following methods of planting:
   1) Raked into the soil with appropriate mulch materials;
   2) Hydroseeding;
   3) Anchored mulches;
   4) Established on jute, rolled straw, or similar material; or
   5) Any other method approved by the Planning and Zoning Administrator

1145.06 SLOPE STABILIZATION

All cut and fill slopes steeper than a ratio of 2.5-horizontal-to-1-vertical require a retaining wall. Retaining walls require the approval of the Director of Public Service.

1145.07 NATURAL AREAS

The intent of natural areas is to provide for retention of hillside areas in their natural state. The density and site disturbance shall be transferred to other portions of a site. Specific criteria for natural areas includes:

a) Natural areas shall be at least one half acre in size or immediately adjacent or contiguous to other land also delineated as a natural area which, in the aggregate, totals at least one half acre in size.
b) Site disturbance other than trails or bike paths shall not be permitted within the geographical area of a natural area.
c) The natural area shall be delineated in a surveyable manner on the tentative and final plats of a subdivision or on any development plan required for development other than a subdivision, and shall be designated by legal description on a document recorded with the Belmont County Recorder for lot division.
d) Natural areas may be designated as a deed-restricted portion of a privately owned lot, or as a separate parcel. Such parcel may be under the ownership of a homeowner's association or deeded to any organization which accepts responsibility for the perpetual preservation and maintenance of the natural area, subject to approval and acceptance by the City of St. Clairsville. To protect the natural areas, covenants which run with the land shall be recorded in favor of the City of St. Clairsville and all owners with record interest in the natural area.

1145.08 HILLSIDE DEVELOPMENT PLAN

a) Plan Required. A hillside development plan is required and shall be submitted to the Planning and Zoning Administrator if fifty (50) percent or more of the parcel falls within the Slope Hazard Area, as designated on the Slope Hazard Map or if structures are to be built in that area. If a site plan as outlined in Chapter 1139 is also required, the hillside development plan can serve as the site plan.
b) Preparation. Hillside development plans shall be prepared in the same manner as site plans (Refer to Chapter 1139 for requirements)
c) Approval Process. All hillside development plans shall be approved in the same manner as site development plans. (Refer to Chapter 1139)
d) Preliminary Site Plans. It is strongly recommended that, prior to submitting any plans, the applicant meet with Municipal officials regarding plan requirements. Every preliminary site plan submitted in accordance with this Chapter shall contain the following information:
    1) Location and acreage of various types of land use.
    2) Location, names, and dimensions of proposed and existing streets, buildings, easements and drainageways.

3) Preliminary plans for the provision of utilities, including but not limited to, the methods for handling drainage, slope issues, water supply, and sewage disposal.
4) Proposed parking layout including ingress and egress, where applicable.

e) Final Site Plans. At the time of preliminary site plan review, the Planning and Zoning Administrator or Planning Commission shall specify which of the following data shall be contained on the final site plan.
1) The owners, zoning, and present use of adjoining lands.
2) Location of all minimum building setback lines.
3) Location, type, and size of vehicular ingress and egress to the site.
4) A boundary survey.
5) Location, type, size and height of all fencing, screening, and buffering where required by this Code.
6) Existing topography with a maximum one (1) foot contour interval and the proposed finished grading by contour.
7) Provisions for the adequate control of erosion and sedimentation indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading and construction.
8) All off-street parking and parking bays, loading spaces and walkways indicating type of surfacing and showing the number of parking spaces provided and the number required.
9) Number of floors, floor area, height and location of each building, and proposed general use for each building. In a multi-family residential building, the number, size, and type of dwelling units shall be shown.
10) Building elevations depicting actual composition and architectural style for all proposed structures.
11) Provisions for the adequate disposition of natural and storm water on and off-site, in accordance with current design criteria including, but not limited to, the calculation of the contributing drainage area in acres and the location, size, type and grade of ditches, catch basins, inlets, pipes, and other drainage structures.
12) All existing and proposed sanitary sewer facilities indicating all pipe sizes, types, grades, invert elevations, location of manholes, and such other data as may be deemed necessary by the Planning and Zoning Administrator.
13) All existing and proposed water facilities including all water mains, their sizes, valves and fire hydrant locations.
14) The location of any proposed refuse removal pads.
15) Location and size of all recreation and open space areas.
16) A landscaping and lighting plan.
17) Floodplain limits which shall be established by Flood Hazard Maps on file with the Planning and Zoning Administrator and/or engineering methods.
18) The location, width, size, and intended purpose of all easements and right-of-way and whether they are to be publicly or privately maintained. A plan copy, suitable for recording, shall be submitted showing any rights-of-way and/or easements for public dedication.
19) The following data relative to all existing and proposed streets:
    a. Location;
    b. Width;

c. Names;
d. Curve data;
e. Grades;
f. Site distances;

20) Typical sections shall be provided for all proposed streets or travel-ways.
21) Such other relevant data as the Planning Commission or Planning and Zoning Administrator may require.

Chapter 1147
SPECIAL REGULATIONS

1147.01 MOUND DWELLINGS

Mound dwellings or other energy efficient dwellings shall be permitted provided that they shall not later be increased in height. An applicant shall submit plans to the Planning and Zoning Administrator, who may require setbacks greater than those required. A basement house shall not be considered a mound dwelling. Basement houses are not permitted. Mound dwellings shall have adequate drainage and shall be located on suitable terrain.

1147.02 COMMUNITY SWIMMING POOLS.

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 one hundred (100) feet to any residential district and must be appropriately screened.
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 in so far 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.

1147.03 ACCESSORY SWIMMING POOLS FOR SINGLE FAMILY DWELLINGS.

Private accessory swimming pools for single-family dwellings may be permitted in any district, provided the following provisions are met:

a) 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.
b) 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 any required on- site wastewater leaching areas.
c) The swimming pool shall be walled or fenced in order to prevent uncontrolled access by children from any street or adjacent property. Any such fence shall not be less than four (4) feet in height and maintained in good condition with a gate and lock.
d) Exterior lighting shall be shaded wherever necessary in order to avoid casting direct light upon any other property or any public street.

1147.04 NOISE.

Noise of 70 decibels or higher that is objectionable, as determined by the Planning and Zoning Administrator, due to volume, frequency, or beat shall be muffled or otherwise controlled. Such items as air raid sirens, courthouse chimes and similar apparatus used solely for public purposes are exempt from this requirement. Outdoor speakers and public announcement systems are prohibited. Speakers of drive-thru facilities must not be discernable off site.

1147.05 FENCES, HEDGES AND WALLS.

a) Electrically Charged Fences Prohibited. Electrically charged fences shall be forbidden in all districts except on sites of more than ten (10) acres used to confine livestock.
b) Use of Barbed Wire. Use of barbed wire is prohibited in the City of St. Clairsville. Lands used for agricultural purposes, meeting the requirements of this Code, shall be exempt from this provision.
c) Decorative Fences Required. Only decorative fences shall be constructed in front set backs or side set backs abutting streets. Decorative fences shall mean split rail, brick walls, stone walls, vinyl, aluminum, ornamental iron or other decorative wooden fences as approved by the Planning and Zoning Administrator.
d) Chain Link Prohibited. Chain link fences shall not be permitted within front setbacks or side setbacks abutting streets in any district.
e) Guard Rails Prohibited. Guardrails shall not be used as fencing.
f) Location in Front Setbacks. Fences, hedges, and walls in any district shall not exceed three (3) feet in height for a distance of twenty-five (25) feet from an intersection and shall not obstruct the view of pedestrians or vehicular traffic or be detrimental to the public safety.
g) Front, Side and Rear Setbacks for Fences, hedges and walls. May be located on the property line. It is the property owner's responsibility to ensure where his/her property lines are located. The finished side of a fence shall face out toward the adjacent property.
h) Fencing Agricultural Uses. Lands used for agricultural purposes, meeting the requirements of this Code, shall not place any fence used for the confinement of said use closer than five (5) feet from any public right-of-way or private street.
i) Height Restriction in Front Yards. Fences, hedges and walls located in front yards shall not exceed three (3) feet in height in any district, excluding agricultural.
j) Height Restriction in Rear and Side Yards. Fences in rear setbacks and side setbacks not abutting streets and alleys shall not exceed seven (7) feet in height in all districts, excluding agricultural.
k) Permit Required. Fences and walls under four (4) feet in height do not require a permit but must be erected according to this code. No fence four (4) feet or higher shall hereafter be erected, constructed, altered, relocated or rebuilt until an application has been filed with and a permit issued by the Planning and Zoning Administrator.
l) Exemptions for Temporary Fences. The following temporary fences shall be exempt from the provisions of this section:
    1) Temporary construction fences when the fence is shown on an approved site plan.

2) Temporary fences used for Special Events and shown on an approved plot plan for said event.
3) Temporary snow fence installed by any Government agency.
4) Temporary fences installed for the protection of the public from any obvious danger.

1147.06 JUNK.

The accumulation of trash, junk vehicles; vehicle parts, rags, or any other debris defined as junk in this Ordinance in any district shall be a nuisance per se and shall be prohibited outside of an approved junk yard. The purpose of this Chapter is to promote the health, safety, and welfare of City of St. Clairsville by elimination of environments for breeding of vermin, rodents, insects, and infestations.

a) Tires. Storage of used and/or discarded tires shall not be permitted on any property within the corporate limits of St. Clairsville.
b) Firewood. No more than three (3) cords of firewood may be stored on-site.

1147.07 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:

a) Mobile homes shall not be stored or parked outside of any mobile home park. No living quarters shall be maintained or any business conducted within any mobile home located outside of any mobile home park.
b) 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 between November 15 and April 1. If parked in a front yard, a recreational vehicle must be on a paved driveway that meets all requirements of the Code. A recreational vehicle shall not be parked on any non-paved portion of a front yard. 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. Recreational Vehicles shall not be parked at any time of the year in the front yard of a property that fronts Route 40 or Route 9.
c) All recreational vehicles stored within any district in which residential dwellings are permitted shall be owned by the owner or occupant of the property and shall be actively used for recreational purposes by the owner or occupant of the premises.
d) 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 platted subdivision.
e) The storage or parking of any commercial 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.

f) The storage of tools, landscaping instruments, household effects, machinery or machinery parts, empty or filled containers, boxes or bags, trash, firewood exceeding three (3) cords, and similar items in a residential district shall be placed and stored as to be concealed from view.
g) These provisions do not apply to items placed at the road right-of-way line on regular trash collection days for a period of twenty-four (24) hours prior to pick up.

1147.08 REQUIRED TRASH AREAS

All commercial 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 Planning and Zoning Administrator shall be required. All trash shall be stored in completely enclosed containers as to prevent the dispersal of trash by wind and other conditions. Design approval for the wall or fence must be obtained from the Planning and Zoning Administrator.

1147.09 OUTDOOR STORAGE AND WASTE DISPOSAL

All outdoor storage and waste disposal shall be in accordance with the following provisions:
a) Highly flammable or explosive gases shall not be stored in bulk above ground except as 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 farms are excluded from this provision.
b) The storage of hazardous or toxic materials shall not be permitted without documented approval by the Ohio Environmental Protection Agency.
c) All outdoor storage areas shall be adequately screened from view from any residential district and/or public street by an appropriate wall, fence, or vegetative planting approved by the Planning and Zoning Administrator.
d) 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 out doors only in closed containers constructed of impervious material.
e) No materials or wastes shall be deposited upon a lot in such form or manner that they may be dispersed off the lot by wind, flood, or other conditions.
f) Fill such as concrete debris, etc. used before covering and seeding is limited to a maximum duration of twelve (12) months before it is covered and seeded and no more fill placed.

1147.10 BURNED, DAMAGED OR DETERIORATED CONFORMING STRUCTURES

Any conforming structure that is damaged or deteriorated by fire, tornado, windstorm or in any other manner may be reconstructed to its original character provided it is not reconstructed to make it in any way a nonconforming use. For the purpose of this Chapter a structure shall be considered as deteriorated when the Planning and Zoning Administrator determines that at least fifty (50%) percent of the main structural members have collapsed. The reconstruction shall

begin within 30 days and shall be completed within one year. The 30 day provision may be extended by the Board of Building and Zoning Appeals only where evidence is submitted that the owner is awaiting an insurance settlement or that construction can not begin because of a severe weather condition or that the damage was the result of a natural disaster experienced in the City that makes it difficult for the owner to obtain contractor assistance. In such a case the owner shall also have debris removed within thirty (30) days, except as provided above.

1147.11 HOME OCCUPATIONS

A. INTENT

It is the intent of this section of the Ordinance to recognize that there are certain types of occupations which may be carried out within a dwelling. The only types of occupations allowed are those that are secondary to the use of the dwelling for residential purposes; are compatible with the neighborhood; limited in their size; and will not detract from the neighborhoods residential character.

B. DEFINITIONS

Home Occupation – An accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby conducted by a person on the same premises as his principal place of residence which is clearly subordinate and incidental to use of the dwelling for residential purposes. Home occupations shall not be permitted in any accessory building but shall be carried on entirely within the principal structure. There shall be no storage of any goods or materials related to the home occupation allowed in any accessory buildings or garages, attached or detached. Home occupation permits are temporary and shall be granted to a designated person or persons who reside at a certain residential address. They are not transferable from person to person or address to address.

Administrative Home Occupation – This is a home occupation which has no clients coming to the dwelling; there is no visible exterior evidence of the occupation; it does not create a need for additional parking and does not create additional traffic. This type of home occupation can be approved administratively by the Planning and Zoning Administrator.

Conditional Use Home Occupation – This is a home occupation which allows clients/customers to come to the dwelling and requires that both the dwelling and home occupation parking needs be met off-street. This type of home occupation is considered a conditional use and must follow the conditional use process outlined in 1135 and meet the approval of the Board of Building and Zoning Appeals.

C. ADMINISTRATIVE HOME OCCUPATION

a) The following standards shall govern administrative home occupations within the City of St. Clairsville.

1) Only those persons permanently residing in the dwelling unit shall be employed in the home occupation.
2) No more than one administrative home occupation is permitted per resident.
3) 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 principal use as a residential dwelling.
4) Not more than 200 square feet of floor area of any dwelling unit shall be used for an administrative home occupation.
5) There shall be no change in the outside appearance of the building or premises and there shall be no visible evidence of the conduct of such home occupation. Signs are not permitted.
6) There shall be no sale on the premises of commodities produced as the result of the home occupation.
7) No traffic shall be generated by such use in greater volume than the current street network can support. The creation of a parking lot, paved or unpaved is prohibited.
8) Equipment or processes shall not be used in such home occupation which create noise, vibrations, glare, fumes, odors, or electrical interference detectable off the lot. No equipment or process shall be used which creates visual, audible or electrical interference in any radio or television receiver or computer terminal off the premises, or causes fluctuations in voltage off the premises.
9) There shall be no increased burden placed upon existing public services provided to the residence because of the home occupation.
10) If you plan to advertise in any way, your electric service charge will be changed to commercial.
11) The application fee for an administrative home occupation is thirty-five dollars ($35.00).

D. CONDITIONAL USE HOME OCCUPATION

a) A person may apply for a conditional use permit for a home occupation that does not comply with the requirements of 1147.11 C. above. The criteria for the issuance of a conditional use permit for a home occupation are as follows:

1) Only those persons permanently residing in the dwelling unit shall be employed in the home occupation.
2) No more than one conditional use home occupation is permitted per dwelling.
3) All home occupations shall be conducted entirely within the dwelling unit, and the use of the dwelling for the home occupation shall be clearly incidental and subordinate to its principal use as a residential dwelling.
4) Not more than 400 square feet or 25% of the dwellings gross floor area, whichever is less, shall be used in connection with the home occupation.
5) A conditional use home occupation may not be open to the public before the hours of 8:00 a.m. or later than 10:00 p.m.
6) There shall be no change in the outside appearance of the building and there shall be no 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.

7) The sale of goods is prohibited except for those directly related to the home occupation. These sales shall not exceed 15% of the gross income.
8) Any addition to a dwelling in order to accommodate a home occupation may be permitted. However, such addition must remain residential in character and must be approved by the Architectural Review Board and meet all requirements of this Planning and Zoning Code.
9) No equipment process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation or electrical disturbances.
10) No more than two (2) additional parking places may be proposed in conjunction with the home occupation. These spaces shall not be located in a required front yard.
11) A conditional use home occupation will change your electric service charge for billing purposes from residential to commercial.
12) The application fee for a conditional use home occupation is one hundred dollars ($100.00)
13) The Board of Building and Zoning Appeals shall not approve a home occupation if it is determined that it will constitute a nuisance. When approving a home occupation the Board may attach additional requirements in order to ensure a nuisance is not created.

E. INSPECTIONS; ENFORCEMENT; OTHER

a) The Planning and Zoning Administrator may inspect any home occupation once per year. If any applicant appears in violation of any regulation of this code the Administrator shall have the right to inspect, upon reasonable request, the property on which the occupation has been approved.
b) A home occupation permit may be revoked and fines assessed if the nature of an approved home occupation has altered so that it does not fit the definition of a home occupation and does not meet the outlined regulations.
c) The failure to allow an inspection shall result in the revocation of the permit
d) A revoked application may not be reapplied for until six months have elapsed from the date it was revoked.
e) A person believing that a violation is taking place must put his complaint in writing to the Planning and Zoning Administrator. The Administrator will inspect the property within thirty days of such complaint and within ten days following such inspection will render a decision on whether or not a violation is occurring.

1147.12 FLOOR ELEVATION

The lowest floor of all structures must be eighteen inches (18") over the one hundred year flood elevation as determined by an Ohio licensed Professional Engineer or Landscape Architect.

1147.13 BUILDING FACADES

All principle structure's facades must face the fronting street. In addition, a principle structure's building facade must face the highest order street of the parcel or lot. When a lot is considered a through lot, the façade shall face the street that is part of the lots original subdivision or face the street that the adjacent structures face.

1147.14 PROHIBITION OF MINERAL EXTRACTION.

The extraction of oil, natural gas, coal, limestone, gravel, sand, clay and other similar minerals, excluding water, shall be prohibited within St. Clairsville.

1147.15 LOCATION OF VENDING MACHINES

All vending machines shall only be displayed, maintained or stored in a completely enclosed structure meeting the requirements of this Code unless such vending machines are located in the Commercial District. In the Commercial District, a maximum of two (2) vending machines are not required to be screened.

(a) Vending Machines Defined Vending machine shall include but is not limited to beverage machines, candy machines, cigarette machines, and ice machines.

(b) Exemption for Telephones Public telephone facilities shown on an approved site plan shall be exempt from this provision.

(c) Exemption for Newspaper Sales Vending machines for the sale or distribution of newspapers of general circulation shall be exempt from this provision.

(d) Location of Newspaper Vending Machines Vending machines for the sale or distribution of newspapers of general circulation shall not be located in such a manner as to obstruct the public rights-of-ways or to impede traffic on said rights-of-ways.

1147.16 LAND DEDICATIONS AND IN-LIEU FEES.

(a) Mandatory Land Dedication. Acreage shall be set aside in all platted subdivisions for the provision of public areas. Such public areas shall be used as sites for public parks, open space, and recreational areas. The amount of acreage to be set aside shall comply with the following schedule:

ZONING DISTRICT	PERCENT OF GROSS DEVELOPABLE SITE
R-1	10.0
R-2	10.0
PRD	20.0
PCND	50.0

Such lands may be deeded to the Municipality and thereby developed and managed by the Municipality or held, developed and maintained by a private association, the bylaws and creation of which shall be by approval of Council as an element of the subdivision platting process. Title to dedicated land shall be transferred to the Municipality within sixty (60) days of final plat approval.

(b) Review and Approval Process. The mandatory land dedication requirement shall serve as a component of the subdivision review process of St. Clairsville and regulatory review and approval shall be a consistent part of that process. The Planning Commission may review and reject the proposed acreage if such site(s) is not appropriate for the intended use given environmental, technical or land use considerations. In such circumstances, the Planning Commission shall request an alternative site(s), which may or may not be provided on-site.

(c) Fees In-Lieu of Dedication. The Applicant may request the payment of fees in-lieu of the total or a portion of the mandatory land dedication to the Planning Commission which shall make a recommendation to Council relative to such request. The amount of fees to be paid shall be equal to the assessed value of the acreage that would have been dedicated to the Municipality under the land dedication requirement.

(d) Payment, Deposit and Use of Fees. Fees in-lieu of land dedication shall be paid to the Municipality within sixty (60) days following final plat approval. Such fees shall be placed in a special fund the records of which shall be available for public inspection. Such funds shall only be used by the Municipality for the acquisition and development of public parks, recreation facilities, and open space.

(e) Additional Reservation of Public Land. Where adopted planning documents recommend sites for public schools, parks or other public facilities, including open space, such lands shall be set in reserve by the owner.

(f) Park Fee. A park fee of $500 per dwelling unit shall be paid to the Municipality by the developer or builder of any residential structure prior to issuance of a Certificate of Zoning Compliance. Such fee shall be deposited in a special fund and expended by the Municipality for the improvement and purchase of recreational facilities and equipment excluding maintenance and maintenance equipment.

(g) Conflict with Subdivision Regulations. This subsection shall supersede conflicting requirements of the Subdivision Regulations.

1147.17 FILLING AND GRADING

a) The filling and/or grading of land within the City of St. Clairsville must be done in accordance with the requirements of 1147.17. Filling/grading is prohibited until a fill/grading permit has been issued by the Planning and Zoning Administrator. In addition, no person shall do anything, or permit or cause the doing of anything that results in the alteration, modification, fouling or blockage of any swale, ditch, drainage course, or part thereof, on any land.

b) Permit Requirements. Applications for a fill/grading permit may be obtained from the Planning and Zoning Administrator. Where a permit has been issued, no person shall alter the grade of the land, or cause or permit the grade to be altered, or place or dump fill, or cause or permit fill to be placed or dumped, except in accordance with the plans, documents and any other

information on the basis of which the permit was issued. Every application must be accompanied by three copies of plans and specifications showing:

(1) The proposed alteration of the grade of the land or the proposed placing or dumping of fill on the land.
(2) The dimensions of the property upon which the work is to be performed.
(3) The centerline and elevations of the surrounding streets.
(4) The existing and proposed elevations of the land upon which the work is to be performed.
(5) The existing elevations in the form of contours at two (2) foot intervals, with spot elevations along the property lines and five (5) feet beyond the property line at sufficient intervals to clearly show the existing drainage patterns of the land on which the work is to be performed and of the abutting land.

(6) The location of any existing building or structure on the land upon which the work is to be performed.
(7) All storm sewers, ditches, swales and drainage patterns on the land on which the work is to be performed and on abutting land and on surrounding highways,
(8) All natural features on the land on which the work is to be performed, including but not restricted to: ponds, marshes, wetlands, watercourses, woodlots, eskers and mounds.
(9) The location of all driveways on the land on which the work is to be performed and the driveways on abutting lands.
(10) The location of all easements and rights-of-way over, under, across or through the land on which the work is to be performed,
(11) Proposed final elevations and drainage system to be used on the land where the work is to be performed upon the completion of the work.
(12) The distribution of the fill on the land, and a description of the fill to be used.
(13) The design details and construction materials of any retaining wall to be constructed on the land on which the work is to be performed.

c) Prior to the issuance of a permit, the Planning and Zoning Administrator may require the owner of the land which is the subject of the permit to:

(1) Construct a retaining wall including a safety fence which does not encroach upon land abutting the land on which the work is to be performed, either above or below existing grade.
(2) Provide protection for the finished grade.
(3) Provide that fill shall not be placed around the perimeter of any existing building to an elevation higher than .5 feet below the ground floor level of such building, unless such building and its foundation walls are raised in accordance with accepted engineering and construction practice,
(4) Ensure that no trench in which drainage piping is laid is covered and backfilled until the work has been inspected and approved by the Director of Public Service,
(5) Provide protection for trees,
(6) Provide siltation and erosion control measures
(7) Remove the topsoil prior to the performance of the work in the alteration of the grade or the placing or dumping of fill.

(8) Provide adequate drainage from the land on which the work is to be performed in accordance with the accepted engineering principles,
(9) Take measures which would prevent ponding.

d) The owner of the land on which the work is to be performed, or his/her authorized agent shall request the Planning and Zoning Administrator to inspect the work in the alteration of the grade of the land and the placing or dumping of fill on the land at the commencement and conclusion of the work and of the various stages of the performance of the work, as required by the director.

e) The Planning and Zoning Administrator may revoke a permit where the alteration of the grade of the land or the placing or dumping of fill is contrary to the provisions of this by-law, the conditions upon which the permit was issued, or any other applicable law.

f) The Planning and Zoning Administrator may require any person who has altered the grade of the land, or who has caused or permitted the grade to be altered contrary to the provisions of this ordinance, or who has placed or dumped fill, or who has caused or permitted fill to be placed or dumped contrary to the provisions of this ordinance to cease all work in respect of the alteration of the grade or of the dumping or placing of fill, to remove the fill, to fill in any excavations or ponds, and to do all work necessary to eliminate any hazard resulting from the alteration of the grade or the dumping or placing of fill and to restore the land to a condition of safety, to preserve the land pending any hearing of an appeal in respect of an application, to restore the land to its former condition prior to the alteration of the grade of the land or to the placing or dumping of the fill on the land, and to rehabilitate the land to a condition similar to its former condition prior to the alteration of the land or to the placing or dumping of the fill on the land.

1147.18 ACCESSORY STRUCTURES

Accessory structures and uses are allowed in all zoning districts as specified in each particular district. Some additional requirements are:

For residential districts or residential structures in other districts:

1) No more than two accessory structures shall be permitted per principal structure.

2) Accessory structures shall not be located in the front yard of any lot and if located in a side yard may not be located any closer to the front lot line than the existing front setback of the principal structure. On a corner lot, the accessory structure must be located no closer than the setback of the existing principal structure or the required front yard setback on the side street side.

3) Accessory structures shall be setback five (5) feet from the rear property line. Accessory structures attached to the principal structure are considered part of such structure and must meet principal structure setback requirements.

4) An accessory structure shall adhere to the front setback requirements for the zone it is located in.

5) In the R-1 zone an accessory structure shall be set back five (5) feet from any side property line, in the R-2 zone an accessory structure shall be set back three (3) feet from any side property line. In all other zones, accessory structures shall be five (5) feet from all rear and side property lines unless required otherwise by the Code.

6) Structures connected by open breezeways are considered separate structures.

7) The square footage of each accessory structure shall not exceed 75 percent of the first or ground floor of the principal structure.

8) The first floor square footage of any accessory building shall be included in the computation of any lot coverage requirement.

9) An accessory structure may not exceed 15 feet in height.

10) An accessory structure may not be designed for sleeping or living purposes unless it meets the requirements as outlined for accessory apartments.

For non-residential districts or commercial structures in other districts:

1) Accessory structures shall meet all setback requirements for the zoning district they are located in. On a corner lot, the accessory structure must be located no closer than the setback of the existing principal structure or the required front yard setback on the side street side.

2) Structures connected by open breezeways are considered separate structures.

3) The first floor square footage of any accessory building shall be included in the computation of any lot coverage requirement or FAR requirement.

4) An accessory structure may not exceed 25 feet in height.

1147.19 ACCESSORY APARTMENTS

Accessory apartments are permitted as long as they are accessory to an existing residential structure and meet the following guidelines.

For an accessory apartment attached to the principal structure:

- There shall be only one accessory apartment per dwelling unit on a lot.

- The principal dwelling shall be owner occupied.

- The total floor area of the accessory apartment shall not exceed 600 square feet or 30 % of the total area of the principal dwelling, whichever is less.

- All setbacks required for the principal structure, front, side and rear, shall be met by the accessory apartment.

- The height of the structure shall not exceed the height requirement for the zone it is located in.

- Public water and sewer must be provided.

- The front of the original principal structure must not change.

- An additional parking space shall be provided.

- The accessory structure must compliment the existing principal structure architecturally. Drawings by an architect must be prepared for the proposed apartment, i.e. exterior profiles and floor plans. These plans must be submitted to the Planning and Zoning Administrator and approved by the City prior to a permit being issued.

- A zoning permit with the appropriate fee is required.

For an accessory apartment detached from the principal structure in an accessory structure; i.e. garage apartment:

- There shall be only one accessory apartment per dwelling unit on a lot.

- The principal dwelling shall be owner occupied.

- The total floor area of the accessory apartment shall not exceed 600 square feet or 30 % of the total area of the principal dwelling, whichever is less.

- The detached accessory apartment structure shall meet the side setback requirements for a principal structure for the zone it is located in.

- The rear yard setback requirement for a detached accessory apartment is five (5) feet.

- The height of the structure shall not exceed twenty (20) feet.

- Public water and sewer must be provided.

- An additional parking space shall be provided.

- The accessory structure must compliment the existing principal structure architecturally. Drawings by an architect must be prepared for the proposed apartment, i.e. exterior profiles and floor plans. These plans must be submitted to the Planning and Zoning Administrator and approved by the City prior to a permit being issued.

- A zoning permit with the appropriate fee is required.

1147.20 OPEN PORCHES, OPEN DECKS, STAIRS AND OTHER PROJECTIONS

Open porches, open decks stairs and other minor projections normally found on a structure may extend in to a required setback by no more than half of the required setback.

Chapter 1148
OFF-STREET PARKING AND LOADING

1148.01 OFF-STREET PARKING GENERALLY.

a) Surfaced off-street automobile parking shall be provided on any lot on which any of the following uses are hereafter established and are intended for use by the public, whether as customers, employees, or residents. Off-street loading and vehicle storage space shall be provided for the handling of materials and products of commercial and industrial uses. Such off-street parking, loading and vehicle storage spaces shall be provided with vehicular access to a publicly dedicated street or alley.

b) Such required facilities, additional space provided, and access drives thereto, including required curb-cuts, shall be sloped and constructed to provide adequate drainage of the area, surfaced as required herein, and maintained in such a manner that no dust will be produced by continuous use. The design and construction of all such facilities shall be subject to approval by the Planning and Zoning Administrator.

1148.02 DIMENSIONS.

a) Parking Spaces. Minimum area and dimensions exclusive of driveways and aisles as follows:

TYPE OF PARKING SPACE	MINIMUM WIDTH (feet)	MINIMUM LENGTH (feet)	MINIMUM AREA (square feet)
90-degree parking	9	18	162
Parallel parking	8	23	207
60-degree parking	9	18	162
45-degree parking	9	18	162

A minimum width of ten (10) feet is required for any type of parking space listed above if the cross-slope is over 5 percent.

b) Parking Aisles. Minimum widths as follows:

TYPE OF PARKING	MINIMUM AISLE WIDTH (feet)
90-degree parking	22
Angle parking	18
Parallel parking on one-way drive	14

1148.03 SCHEDULE OF PARKING SPACES.

The number of off-street parking spaces required shall be as set forth in the following schedule. For uses not specifically named herein, the requirement shall be the same as required for a listed use similar in nature, as determined by the Planning and Zoning Administrator.

USE	REQUIRED PARKING SPACE
Automobile service station	1 for each 2 pumps
Automobile repairs	1 for each 400 sq. ft. of gross floor area
Assembly hall, club room, place of amusement or similar place of assembly without fixed seating	1 for each 1,500 sq. ft. of gross floor area
Banks, savings and loans, business and administrative offices	1 for each 600 sq. ft. of gross floor area
Bed and breakfast inns	1 for each guest room
Bowling alleys, tennis courts or similar place of intensive public activity	2 for each alley, court or similar activity area, plus additional space for supplementary uses
Business, technical and trade school, college and university	1 for each 4 students
Day care centers	1 for each classroom but not less than 6 per center
Drive-in or fast-food restaurants, with seating	1 for each 150 sq. ft. of gross floor space
Drive-in or fast-food restaurants, without seating	1 for each 400 sq. ft. of gross floor area
Driving range	1 per every 3 playing locations
Dwellings other than multi-family	2 for each dwelling unit
Elementary and middle schools	1 for each teacher and staff member, plus 1 for each student up to five (5) percent of the student body
Funeral homes, mortuaries	1 for each 200 sq. ft. of gross floor area
Furniture and appliance stores, household equipment or furniture repair shop	1 for each 500 sq. ft. of gross floor area
Golf course	3 for each hole
High school	1 for each 4 students
Hospitals	.5 for each bed
Indoor swimming pool or natatorium	1 for each 5-person capacity (1 person/1,000 gallons of pool capacity) plus 1 for each 4 seats or 30 sq. ft. of seating floor area
Indoor sales exclusively of motor vehicles, aircraft, watercraft, lumber, plants and furniture	1 for each 1,500 sq. ft. of sales area
Libraries, museums or art galleries	1 for each 500 sq. ft. of gross floor area

Medical and dental offices and clinics	2 for each examining room
Miniature golf course	.5 spaces for each hole
Motels and hotels (not including restaurant facilities)	1 for each living or sleeping unit plus space for supplementary uses
Multi-family residential	1.5 for each dwelling unit
Outdoor display and sales	1 for each 1,000 sq. ft. of display area
Outdoor swimming pool	1 for each 5-person capacity (1 person/500 gallons) plus space for supplementary uses
Personal services such as barber shop or beauty shop	1 for every chair
Professional offices	1 for every employee plus 1 for each 1,000 square feet of gross floor area
Recreational uses not elsewhere specified	1 for each 3 patrons
Restaurants and bars	1 for each 300 sq. ft. of gross floor area
Retail sales or services not elsewhere specified	3 for first 1,500 sq. ft. plus 1 for each additional 400 sq. ft. of gross floor area
Sanitariums, convalescent homes, children's homes	1 for each 3 beds
Service-related uses such as printing or plumbing shops	1 for each 2 employees plus 1 for every 2 vehicles used for service or delivery
Shopping centers	2 for each 2,000 sq. ft. of gross floor area
Auditoriums, theaters, assembly halls, churches, or similar place with fixed seating	1 for each 4 seats

a) Where two (2) or more uses are provided on the same lot, including principal and supplementary uses, the total number of spaces required shall equal or exceed the sum of their individual requirements times seventy percent.
b) The calculation of parking spaces shall be to the next highest whole number where a fractional space results.
c) Whenever a building or use is constructed or enlarged in gross floor area, by number of employees, by number of dwelling units, by seating capacity or otherwise after the effective date of this ordinance such as to create a requirement under this chapter for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.

1148.04 DEVELOPMENT STANDARDS.

Every parcel of land hereafter used as a public or private off-street parking area, including a commercial parking lot and automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

a) Minimum Distance. Except in the TND, PUD, CD, and Downtown District, no part of any parking area for more than five (5) vehicles shall be closer than twenty (20) feet to

any dwelling unit, school, hospital or other institution for human care located on an abutting or adjoining lot, unless separated by a solid wood or vinyl privacy fence or other approved constructed screen of between four (4) and seven (7) feet in height.

b) Location Relative to Use. Off-street parking facilities shall be located on the same or contiguous lot(s) as the structure or use served, except that a parking facility providing the sum of parking space required of several uses may be provided contiguous and in common to the several structures and uses served. Parking spaces may be located on a lot other than that containing the principal use provided it is within three hundred (300) feet of the principal use, with the approval of the Planning Commission, and subject to meeting all applicable requirements of this Ordinance.

c) Parking Lot Layout. Whenever a parking lot extends to a property line or where the extension of a vehicle beyond the front line of the parking space would interfere with drive or aisle access, wheel blocks or other devices shall be used to restrict such extension.

d) Surfacing. All off-street parking areas shall be graded for proper drainage and surfaced with concrete, asphalt, stationary cobblestones, or brick so as to provide a durable and dustless surface. Off-street parking area designs shall be reviewed and approved by the Planning and Zoning Administrator prior to issuance of a Certificate of Zoning Compliance.

e) Illumination. Any parking lot intended to be used during non-daylight hours shall be illuminated. Illumination of parking lots shall be so arranged as to reflect light away from adjacent properties and shall provide not less than two and one-half (2 ½) foot candles at the paved surface. The Corridor District is exempt from this requirement.

f) Vehicular Access. All parking areas shall be provided with direct vehicular access to a street or alley abutting the property upon which the parking area is provided or to an adjacent parking area.

1148.05 ACCESS DRIVES.

The frequency of access points along thoroughfares in St. Clairsville is to be minimized to reduce vehicle and pedestrian conflict and improve traffic flow. Access drives (driveways) leading to and from a street shall be developed according to the following standards:

(a) Width. An access drive serving a single family residence shall be a minimum of ten (10) feet in width. Access drive entrances at a street shall be a minimum of eighteen (18) feet in width. All access drives shall not exceed twenty-five (25) feet in width, except at curb returns.

(b) Spacing. The following standards shall apply to determining the permitted spacing of access drives. Street classifications are based upon the interpretation of the Director of Public Service relative to street classification.

(1) For all arterials and collectors, the following minimum spacing related to posted speed limit shall be required between adjacent access drives:

POSTED HIGHWAY SPEED (mph)	MINIMUM SPACING (feet)
25	75

30	100
35	125

(2) For non-residential uses on local streets, the minimum distance between access drives shall be twenty-five (25) feet.

(3) For all arterials, access drives shall be located no closer than one hundred (100) feet to an intersection.

(c) Side Lot Lines. An access drive, exclusive of curb returns, shall be located no less than ten (10) feet from the side lot line, except that an access drive for a residential use may be within three (3) feet of a side lot line. Access drives for any uses utilizing a common drive may be adjacent to and coterminous with a side lot line.

(d) Quantity Permitted. The number of access drives shall be kept to a minimum to promote safe and reasonable access, improve the convenience and ease of movement of travelers, and permit reasonable speeds and economy of travel while maintaining roadway capacity. For lots with less than two hundred (200) feet of frontage on public right(s)-of-way and with less than five (5) acres in total area, no more than two (2) access drives shall be permitted. For lots with more than two hundred (200) feet of road frontage on public right(s)-of-way and greater than five (5) acres in total area, additional access drives may by permitted by the Planning and Zoning Administrator. The spacing standards of subsection (b) hereof shall take precedence.

(e) Surfacing. All access driveways shall be graded for proper drainage and surfaced with concrete, asphalt, stationary cobblestones, or brick to provide a durable and dustless surface. All access driveway aprons shall be graded for proper drainage and if required by the Director of Public Service, curbed with concrete, asphalt or cut stone, and surfaced with concrete, asphalt or brick. Access driveway and apron designs shall be reviewed and approved by the Director of Public Service prior to construction.

1148.06 OFF-STREET LOADING.

a) Classification. The loading space shall consist of a rectangular area of one (1) of the following classes:

Class A: An area at least fourteen (14) feet by fifty-five (55) feet having a vertical clearance of fifteen (15) feet or more, plus adequate area for ingress and egress.

Class B: An area at least twelve (12) feet by thirty (30) feet having a vertical distance of fifteen (15) feet or more, plus adequate area for ingress and egress.

b) Schedule of Loading Spaces. Loading space shall be provided for retailing, wholesaling, warehousing, processing, hotel, hospital, goods display, and similar uses requiring the receipt or distribution by vehicles of material or merchandise in accordance with the following schedule:

BUILDING AREA (square feet)	REQUIRED CLASS
Less than 750	None required
750 to 1,499	1 Class B
1,500 to 2,499	1 Class A or 2 Class B
2,500 to 9,999	1 Class A and 1 Class B or 3 Class B
10,000 to 49,999	1 Class A and 1 Class B or 3 Class B, plus 1 Class A for each 10,000 sq. ft. over the first 10,000 sq. ft. of area
More than 50,000	1 Class A for each 10,000 sq. ft. over the first 10,000 sq. ft. of area, plus 1 Class A for each 25,000 sq. ft. over the first 50,000 sq. ft.

c) Surfacing. Areas designated for off-street loading shall at a minimum be surfaced with asphalt to a depth of six inches and shall be graded for proper drainage. Designs shall be in accordance to Ohio Department of Transportation standards. The designs will be reviewed and approved by the Planning and Zoning Administrator prior to construction.

1148.07 LIMITATIONS IN RESIDENTIAL DISTRICTS AND PARKING IN THE FRONT YARD ALONG ROUTE 9 AND ROUTE 40.

The provision of parking space, either open or enclosed, for the parking or storage of vehicles in a residential zoning district or planned district for residential uses shall be subject to the following:

a) Commercial Vehicles. Trucks having dual tires on one (1) or more axles, or having more than two (2) axles, designed for the transportation of cargo and including tractor-trucks, trailers, and semi-trailers, shall not be permitted on a lot or parked on a street or alley in a residential area.

1) Parking of Semi-Trailers, Travel Trailers, or other Trailer or Motor Home. The parking of semi-trailers, travel trailers, or other trailers or motor homes shall not be permitted on the streets of any residential area, the corridor district or historic district within St. Clairsville, other than for the purpose of loading or unloading. Recreational equipment, including but not limited to travel trailers, motor homes, pickup campers, folding tent trailers, boats or boat trailers, and other similar recreational equipment, shall not be parked on Municipal streets for a period of more than seventy-two (72) hours.

b) Parking of Vehicles in Front Yards. For a vehicle to be parked in the front yard of a parcel or piece of property used for residential purposes, the front yard, from the parcels front property line to the front of the principal structure, must measure at least eighteen (18) feet deep. The parking area must be paved and meet all guidelines outlined in section 1148.05. On a corner lot, the side street side of the property shall be treated as a front and shall meet the same guidelines mentioned above.

Additionally, along Route 40 and Route 9, no parking shall be permitted in other than a driveway constructed to City standards. A front yard may not be turned into a parking area. Due to the difficulty of backing out onto Route 40 and Route 9, a turnaround may

be constructed in a front yard but cannot be larger than 9' x 18'. However, this turnaround must be approved by the Planning Commission. A turnaround is only acceptable when no other parking possibilities can be utilized, such as in the back yard. An example of an acceptable turnaround is attached. The purpose of these guidelines is to protect the characteristics of the main thoroughfares in the City.

1148.08 COMMERCIAL PARKING IN RESIDENTIAL AREAS, ACCESSORY PARKING.

a) Employee/client parking to serve commercial, office or industrial enterprises may be permitted in residential districts and the Corridor District with the approval of the Board of Zoning Appeals as a conditional use provided that:
    1) The area to be used for parking shall directly abut or be located across the alley from land zoned for non-residential uses; and
    2) The residentially zoned or corridor district land used for such parking shall not contain any dwellings; and
    3) That such parking is for passenger vehicles only. This does not include busses, semi-trucks, or other commercial vehicles.
    4) The edge of parking lots may not be closer than ten (10) feet to a residential property line.

In granting such approval, the Board of Zoning Appeals shall require a site plan of the proposed parking area including required landscaping, buffering and screening, landscaping, or buffering as it deems necessary to minimize the impact on adjoining properties.

CHAPTER 1149
Landscaping and Screening

1149.01 PURPOSE.

The purpose and intent of this chapter is the preservation and promotion of landscaping as a suitable and necessary aspect of land development, as a component of Municipal development character, as an important beneficial element of the microclimate through the provision of shade and as buffers, to provide energy conservation, to define spatial elements of community design, and to promote the public health, safety and general welfare. It is further the purpose of this chapter to promote the preservation and, when necessary, replacement of major trees removed in the course of land development, to promote the proper utilization of landscaping as a buffer between certain land uses to minimize conflicts, and to protect, preserve and promote the character of the Municipality.

1149.02 DEVELOPMENT STANDARDS.

a) Non-Residential Uses. All trees with a caliper of six (6) inches or more shall be maintained and preserved as part of all non-residential development. The location of all driveways, off-street parking and loading areas, and all other improvements, including grading, shall be designed to avoid the destruction of any such existing tree defined herein. As part of an approved landscaping plan, any such tree may be replaced by a tree of a species approved by the Planning and Zoning Administrator with a caliper not less than 1.5 inches only under the following conditions:
   1) An existing tree will be replaced within a public right-of-way or easement.
   2) An existing tree is located within the area to be covered by a proposed structure or within twenty-five (25) feet from the perimeter of such structure(s) and such structure(s) cannot be located in a manner to avoid removal of an existing tree at the same time permitting desirable, logical, and appropriate development of the lot.
   3) An existing tree will be located within a proposed driveway, off-street parking area or other improvement and relocation of such improvement would not permit desirable, logical, and appropriate development of the lot.
   4) An existing tree is damaged or diseased.

   In addition to the requirements for off-street parking areas, all non-residential uses shall provide twenty (20) square feet of landscaped area for every five hundred (500) square feet of building ground coverage area, or fraction thereof, and a one and one-half (1 1/2) inch in caliper tree for every five hundred (500) square feet of building ground coverage. All areas of a lot not covered by buildings, structures, paving, or the landscaping required herein shall be covered by natural turf at a minimum. Tree planting requirements may be waived by the Planning Commission if the quantity of existing trees and their aggregate trunk sizes meet or exceed these requirements and are evenly distributed throughout the subject site.

b) Multi-Family Perimeter Treatment. For all multi-family residential uses a fifteen (15) foot landscaped perimeter shall be provided where such development is adjacent to or abuts a residential zoning district or public right-of-way, excluding on-site access drives.

Such landscaping shall include a combination of trees, shrubs, hedges, earth mounds, and other natural features. No more than fifty (50) percent of natural landscaping material shall consist of turf.

c) Off-Street Parking Areas. Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which abuts a residential zoning district or public right-of- way by a masonry wall, solid wood or vinyl fence. Such wall or fence shall be no higher than seven (7) feet and shall be maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height. This subsection shall apply to bed and breakfast inns regardless of the size of off-street parking area.
    1) All off-street parking areas shall provide one (1) tree of a 2" caliper for every six (6) parking spaces. All trees shall be balled and burlapped when planted. Planting beds for parking lot trees shall be constructed so as to minimize damage to trunks and roots of the trees from vehicles, pedestrians and parking lot maintenance through the use of adequate soil planting area and curbing or parking blocks. Planting soil area per tree shall be a minimum of sixteen (16) square feet. The minimum dimension for the planting areas shall be four (4) feet on one side. All trees shall be maintained in a healthy condition.
    2) Relative to landscaping within off-street parking areas and screening of parking area perimeters, for off-street parking areas equal to or larger than twenty-five hundred (2,500) square feet in total area or ten (10) or more parking spaces, whichever is greater, minimum landscaping areas within the interior of the parking area shall be provided at the rate of ten (10) square feet for every 1,000 square feet of parking area. No more than fifty (50) percent of natural landscaping material shall consist of turf.

d) Signage. In addition to requirements of subsections (a), (b), and (c) herein, a landscaped area totaling a minimum of fifty (50) square feet shall be provided centered on the base of all freestanding signs and should be comprised of a variety of natural materials, such as turf, ground cover, shrubs, and hedges. No more than fifty (50) percent of natural landscaping material shall consist of turf. Low maintenance plant materials should be utilized. A sketch plan drawn to scale and indicating plant material by type, size and quantity shall be provided to the Planning and Zoning Administrator.

e) Screening of Service Courts and Loading Dock Areas. All areas used for service, loading and unloading activities shall be screened along the entire lot line if adjacent to or abutting a residential zoning district or public right-of-way. The requirements of Section 1149.03(f) shall apply.

f) Screening of Trash Container Receptacles. For all non-single family residential uses requiring trash container receptacles, such as dumpsters, all such containers or receptacles shall be enclosed on all sides by walls or fences with an opacity of one hundred (100) percent and a minimum height of six (6) feet. Such containers or receptacles when located adjacent to or abutting a residential zoning district shall in addition be landscaped on all sides visible from such districts by shrubs and hedges with an opacity of seventy-five (75) percent. Trash containers and receptacles shall be located behind the building line and shall be located to the rear of non-residential uses. Trash

containers and receptacles shall conform to side and rear yard setback requirements and for non-residential uses adjacent to a residential zoning district such containers and receptacles shall be located no closer than twenty-five (25) feet to any property line.

g) Significant Trees. All significant trees as defined herein shall be protected and preserved to ensure that the value provided to St. Clairsville and its citizens by the cultural, historical, biological, or horticultural significance of any tree is continued into the future.

1149.03 LANDSCAPE STANDARDS.

Proposed landscape materials should complement existing vegetation, all architectural features and general layout, and should be comprised of plant material appropriate to the climate and geographic location of St. Clairsville. Landscaping design and materials shall consist of the following:

a) Plants. All plant materials shall be living plants that conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations. Artificial plants are prohibited in all landscaped areas in the Municipality required as per this chapter.

b) Deciduous Trees. Deciduous trees shall be species having an average mature crown spread of greater than fifteen (15) feet in Eastern Ohio and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements, except at vehicular use area intersections where eight (8) foot clear wood requirements will control. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. The deciduous trees are recommended as appropriate for Municipal environment and are encouraged for use in meeting the requirements of this chapter are found in the St. Clairsville Street Tree Ordinance.

c) Evergreen Trees. Evergreen trees shall be a minimum of five (5) feet in height with a minimum caliper of one and one-half (1 ½) inches at planting.

d) Shrubs and Hedges. Shrubs and hedges shall be at least two (2) feet in average height when planted.

e) Earth Mounds. Earth mounds shall be physical barriers which when planted, block or screen the view just as a hedge or low wall would. Mounds shall be constructed of clean fill, top soil and similar materials, and shall be designed with proper plant material to prevent erosion and facilitate drainage. Earth mounds shall not exceed four (4) feet in height and shall be planted completely by plant material, which may include mulching limited to the immediate base of plantings, of which no greater than fifty (50) percent shall be turf.

f) Screening Materials. Screening may consist of walls, fences, natural vegetation or a combination thereof acceptable to the Planning and Zoning Administrator and with an opacity of no less than seventy-five (75) percent. Only masonry and brick walls or solid wood or vinyl privacy fencing is permitted for built screening. Such screening shall be between four (4) and seven (7) feet in height and shall be maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of dense evergreen bushes planted no less than five (5) feet in height.

1149.04 SUBMITTAL REQUIREMENTS.

a) Procedure. Landscaping plans shall be submitted to the Planning and Zoning Administrator whenever an application is filed for a non-single family use as a part of a request for a Certificate of Zoning Compliance, zoning map amendment, conditional use permit, and in conjunction with the submittal requirements for Planned Districts.

b) Plan Contents. The landscaping plan shall be prepared by a licensed design professional or landscape professional and shall include the following information:
   1) Plot plan drawn to scale indicating property lines, easements, proposed improvements, natural features, drainage, adjacent uses and structures, and proposed landscaping which shall include botanical and common names, installation size, on-center planting dimensions where applicable, a description of existing soil types and any soil enhancements planned, and a summary of all landscaping materials used on-site, new and existing, by type, common name, and quantity.
   2) In the case where trees are to be removed as part of any site development, the plot plan shall, in addition to items included in (1) above, also specifically indicate any trees to be removed and include botanical and/or common names and location of any large trees and any significant trees as defined in this chapter.
   3) Typical building elevations and/or cross sections with proposed vegetation as may be required.
   4) Title block with the pertinent names and addresses of property owner, applicant, design or landscape professional and State of Ohio license number, scale, date, north arrow, zoning district, and St. Clairsville, Ohio.

c) Criteria For Review. The submitted landscaping plan shall be reviewed to determine if proposed improvements comply with the requirements and standards of this Chapter and commonly accepted landscaping and design standards. The Planning Commission and/or Planning and Zoning Administrator may call upon professional services from either the public or private sectors to provide an evaluation relative to any submitted landscaping plan.

1149.05 INSTALLATION AND MAINTENANCE.

a) Installation. Landscaping plans and the improvements identified therein meeting the requirements of this Zoning Ordinance shall be completely installed no later than one year subsequent to the date of issuance of a building permit. A single three (3) month extension may be granted by the Planning Commission upon request of the applicant and upon demonstration that such extension is warranted because of adverse weather conditions or unavailability of approved landscaping material. All landscaping material shall be installed in a sound, professional manner and according to accepted landscaping and planting procedures.

b) Maintenance. All landscaping material shall be maintained in proper and healthful condition. Property owners shall maintain landscaped areas in a proper, neat and orderly

appearance, and free from refuse and debris. The Municipality may call upon professionals from the public or private sectors to prepare a determination, the cost of which is to be jointly born by the Municipality and applicant/owner, as to the quality of maintenance undertaken by the applicant/owner and to forward a recommendation as to actions necessary to ensure compliance with this chapter. Upon issuance of a citation, corrective action shall be completed within sixty (60) days unless the Planning Commission determines that weather constraints require one additional sixty (60) day period. Failure to meet the requirements of this section shall constitute violation of this Zoning Ordinance and enforcement and penalty requirements of Chapter 1124 shall apply.

c) Dead or Diseased Trees. It shall be unlawful for any property owner to maintain or permit to stand on his or her property, dead, diseased, damaged or alive, tree, shrubs, evergreen or other plants which are deemed by the Municipality to be a menace to the public peace, health, and safety.

1149.06 PUBLIC SPACES.

a) Unless issued a written permit by the Planning and Zoning Administrator, no person shall attach any rope, wire, nails, advertising poster, or other contrivance to any tree on Municipally owned property. No person shall permit any fire to burn where such fire or heat therefrom, or heat from any source will injure any portion of any tree on Municipally owned property. No person shall use herbicides or other chemicals on any trees, shrubs or evergreens on Municipally owned property.

b) No person shall hinder, prevent, or interfere with the agents or employees of the Municipality while the agents or employees are engaged in planting, maintaining, or removing any tree, shrub, evergreen, or other plant material on Municipally owned property.

c) No person shall excavate any ditch, tunnel, trench, or lay any drive within a radius of ten (10) feet or within the drip line whichever is greater from any tree, shrub, evergreen, or other plant material standing on any Municipally owned property without first obtaining a permit from the Planning and Zoning Administrator.

d) It shall be unlawful for any person to break, deface, injure, mutilate, kill, or destroy any tree, shrub, or evergreen on any Municipally owned property. A replace fee will be assessed by the Planning and Zoning Administrator.

e) Removal of Stumps. All stumps of street trees shall be removed twelve (12) inches below the surface of the ground. Stumps shall be removed or shall be ground at the site. All residual material shall be removed from the site at the time the tree is removed and the site shall be restored.

Chapter 1151

SIGNS

1151.01 PURPOSE

The purpose of the sign regulations is to encourage the effective use of signs as a means of communication in the city; to maintain and enhance the aesthetic environment and the city's ability to attract sources of economic development and growth; to improve pedestrian and traffic safety; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions.

A sign may only be erected, placed, established, painted, created, or maintained in conformance with the standards, procedures, exemption, and other requirements of this ordinance. The ordinance is:

1. To establish a permit process to allow signs in residential, commercial and industrial zones;
2. To allow certain signs that are small and unobtrusive and related to a permitted use without a permit;
3. To allow for temporary signs without commercial messages within the public right-of-way;
4. To prohibit signs not permitted by this ordinance;
5. To provide enforcement for the provisions of the ordinance.

1151.02 DEFINITIONS

ABANDONMENT – A sign or sign structure shall be deemed abandoned if the use or structure on the lot is unused, unoccupied, vacant or abandoned for six calendar months within any twelve month period.

ANIMATED SIGN - Any sign that uses movement or change of lighting to depict action or create a special effect or scene.

AREA OF SIGN - The area enclosed by one rectangle, the sides of which makes contact with the extreme point or edges of the sign, excluding the supporting structure which does not form part of the sign proper or of the display.

AWNING SIGN - A sign other than a projecting sign designated on a canopy or awning of noncombustible material and identifying the name and address of a building or an establishment contained therein.

BANNER – Any sign of lightweight fabric or similar material that is permanently mounted to a pole or building by a permanent frame at one or more edges. National flags, state or municipal flags, or the official flag of any institution or business shall not be considered banners.

BEACON – Any light with one or more beams directed into the atmosphere or directed at one or more points not on the same zone lot as the light source' also, any light with one or more beams that rotate or move.

BENCH SIGN - Any sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair placed on or adjacent to a public roadway.

BILLBOARD - An off-premise sign that is more than two-hundred (200) square feet.

BUILDING MARKER – Any sign indicating the name of a building and date and incidental information about its construction , which sign is cut into a masonry surface or made of bronze or other permanent material.

BUILDING SIGN – Any sign attached to any part of a building, as contrasted to a freestanding sign.

CANOPY SIGN – Any sign that is a part of or attached to an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance, window, or outdoor service area. A marquee is not a canopy.

CHANGEABLE COPY SIGN - A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged without altering the face of the surface of the sign. A sign on which the message changes more than eight times per day shall be considered an animated sign and not a changeable copy sign for purposes of this ordinance. This definition includes both electronically and manually changeable signs.

COMBUSTIBLE MATERIAL - Any material that will ignite when heated to a temperature at or below 1200 degrees Fahrenheit.

COMMERCIAL MESSAGE – Any sign wording, logo, or other representation that, directly or indirectly, names, advertises, or calls attention to a business, product, service or other commercial activity.

CONFORMING SIGN - A sign that complies with the requirements of this Zoning Ordinance.

DIRECTIONAL SIGN - Any off-premise sign which indicates the direction or specific location of an institution, organization or business, which does not include advertising or any information regarding product lines or services offered.

DISPLAY SURFACE OR FACE - The area intended for display of advertising.

DOUBLE FACED - A sign having two display surfaces.

FLASHING SIGN - Any illuminated sign which exhibits changing natural or artificial light or color effect by any means whatsoever.

FREESTANDING SIGN - A sign that is wholly independent of any building for support.

GROUND SIGN - A sign supported by poles, uprights or braces extending from the ground or an object on the ground but not attached to any part of any building.

IDENTIFICATION SIGN - A sign indicating the name and address of an occupant as well as the business, commodity or service being conducted in the building.

ILLUMINATED SIGN - A sign designated to give forth any artificial light or reflect such light from an artificial source.

INCIDENTAL SIGN – A sign, generally informational, that has a purpose secondary to the use of the zone lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives. No sign with a commercial message legible from a position off the zone lot on which the sign is located shall be considered incidental.

INFORMATIONAL SIGN – A sign commonly associated with and limited to informational and directions relating to the permitted use on the premises on which the sign is located. Content shall be limited to such information or directives as "no parking", "entrance", "telephone" and other similar messages. No commercial message shall be allowed. Informational signs shall not be illuminated except from a concealed light source that does not flash, blink, or fluctuate. Such signs shall not be animated except that gauges or dials may be animated to the extent necessary to display correct measurement.

MARQUEE SIGN – Any sign attached to, in any manner, or made a part of a marquee.

MOVING SIGN - Any sign, all or any part of which physically moves or is animated to give the appearance of movement.

NAMEPLATE - A sign indicating the name and address of an occupant.

NONCONFORMING SIGN – A sign which is not properly erected under the conditions of the Zoning Ordinance.

OFF-PREMISE SIGN - Any sign that identifies or provides information related to a good, service or event that is not located on the property where such sign is located.

ON-PREMISE SIGN – A sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered on the same premise of lot where the sign is located.

OUTDOOR ADVERTISING SIGN - A sign including a billboard which directs attention to a business, commodity, service, entertainment or other activity, conducted, sold or offered elsewhere than on the zone lot on which the sign is located.

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

PERMANENT SIGN - A sign intended to be erected or used, or in fact which is used for time period in excess of 120 days.

POLITICAL ADVERTISING SIGN - A sign concerning candidates for elective office, public issues and similar matters to be decided by the public at an election. Political signs and posters, excluding billboards, on behalf of candidates for a particular public office or on behalf of a particular ballot issue are permitted without a permit; however, said signage and/or posters shall be subject to the guidelines set forth herein.

PORTABLE SIGN - A sign designed or constructed in such a manner that it can be moved or relocated without involving any structural or support changes and shall include signs that are constructed on a chassis intended for the mounting of wheels, thereby permitting the sign to be moved.

PROJECTING SIGN – Any sign affixed to a building or wall in such a manner that its leading edge extends more than six inches beyond the surface of such building or wall.

REAL ESTATE SIGN - Any sign advertising the sale, lease, rental or development of real property.

RESIDENTIAL SIGN – Any sign located in a district zoned for residential uses that contains no commercial message except advertising for goods or services legally offered on the premises where the sign is located, if offering such service at such location conforms with all requirements of the zoning ordinance.

ROOF SIGN - Any sign planted, erected upon, against or directly above the parapet of a building, including a sign affixed to any structure erected upon a roof.

SIGN – Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

SUSPENDED SIGN – A sign that is suspended from the underside of a horizontal plane surface and is supported by such surface.

TEMPORARY SIGN - A sign that is not permanently mounted and is intended to be used, or in fact used, for a time period of 120 days or less.

WALL SIGN – Any sign attached parallel to, but within six inches of, a wall, painted on the wall surface of, or erected and confined within the limits of an outside wall of any building or structure, which is supported by such wall or building, and which displays only one sign surface.

WINDOW SIGN – Any sign, pictures, symbol, or combination thereof, designed to communicate information about an activity, business, commodity, event, sale, or service, that is placed inside a window or upon the windowpanes or glass and is visible from the exterior of the window.

1151.02 COMPUTATIONS

The following principals shall control the computation of sign area and sign height.

(a) Computation of Area of Individual Signs. The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed, but not including any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

(b) Computation of Area of Multi-faced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two identical sign faces are placed back to back, so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.

(c) Computation of Height. The height of a sign shall be computed as the distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to the lower of (1) existing grade prior to construction or (2) the newly established grade after construction, exclusive of any filling, berming, mounding, or excavating solely for the purpose of locating the sign. In cases in which the normal grade cannot reasonably be determined, sign height shall be computed on the assumption that the elevation of the normal grade at the base of the sign is equal to the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the zone lot, whichever is lower.

(d) Computation of Maximum Total Permitted Sign Area for a Zone Lot. The permitted sum of the area of all individual signs on a zone lot shall be computed by applying the formula contained in the sign chart, to the lot frontage, building frontage, or wall area, as appropriate, for the zoning district in which the lot is located. Lots fronting on two or more streets are allowed the permitted sign area for each street frontage. However, the total sign area that is oriented toward a particular street may not exceed the portion of the lot's total sign area allocation that is derived from the lot, building, or wall area frontage on that street.

1151.03 SIGNS ALLOWED WITHOUT A PERMIT.

A permit shall not be required for the following signs:

(a) The flag, pennants or insignia of any nation, state, Municipality, or other political

unit or jurisdiction.

(b) Cornerstones, commemorative tablets and historical signs, not to exceed ten (10) square feet in area.

(c) Signs bearing only residential property address or names of occupants of residential premises, not to exceed one (1) square foot in area. Signs bearing only non-residential street number, not to exceed one (1) square foot in area.

(d) One wall sign on or over a show window or door of a store or business establishment, announcing only the name of proprietor and the nature of the business, not to exceed three (3) square feet in area.

(e) Real estate for sale, sold, rental or lease signs limited to no more than five (5) square feet in area, no more than three (3) feet in height, and with one (1) sign per lot. Sold signs may be posted for a period not to exceed ten (10) days. A maximum of three (3) off-premise directional signs shall be permitted in conjunction with an open house, not to exceed 48 consecutive hours. During the hours of the open house, one additional sign indicating that the house is open will be permitted on the property.

(f) Signs for the civic promotion of schools, church, or community service activities which may be displayed for a maximum of thirty (30) days.

(g) Flags, signs and sources of illumination clearly in the nature of decorations customarily associated with any national, state, local or religious holiday, and containing no advertisement.

(h) Traffic directional signs indicating points of entry or exit to off-street parking, provided such signs are not larger than four (4) square feet in area. Such signs shall not be located in a public right-of-way and shall not obstruct the view of motorists for the purposes of ingress and egress.

(i) Window signs not larger than twenty-five (25) percent of the aggregate window area on the same elevation nor more than 25 percent of each individual unit. For uses that are located in the second or higher floors of a building, window signs shall meet the requirements of this section.

(j) One (1) sandwich board shall be permitted for each business location not to exceed four (4) feet in height as measured from the sidewalk and shall not exceed three (3) feet in width per side. Such signs shall be limited to five (5) colors, shall be displayed only during daylight hours and shall not be located on a sidewalk less than six (6) feet in width. Damage to sandwich signs and any liability shall be the responsibility of the owner. Sandwich boards shall be placed in such a way as to leave at least four (4) feet to allow for passage. Sandwich boards are not permitted in residential areas.

(k) Personal property "For Sale" signs limited to one (1) per residential dwelling, not to exceed four (4) square feet in area and posted not more than three (3) consecutive days. Off-premises directional signs shall be permitted for a single forty-eight (48) hour period.

(l) A maximum of two (2) directional signs for any bona fide church, religious sect or congregation located within the corporate boundaries of St. Clairsville shall be permitted provided that such signs do not exceed four (4) square feet in area, do not exceed six (6) feet in height and are located outside a public right-of-way.

(m) A sign(s) located inside a building, whether or not the same are visible from the

exterior that is clearly for the customers benefit when inside the business.

(n) Signs of a duly constituted government body.

(o) Banners, ribbons, pennants and streamers may be installed as part of window signs provided such elements are displayed for a period of not longer than thirty (30) days.

(p) Elevated signs posted to indicate special parking locations for the handicapped, imprinted with the international symbol of accessibility.

(q) Flags, pennants, or insignia of any educational institution.

(r) Political signs and/or posters are permitted as a wall, window or ground sign in all zoning districts. Said ground signage and/or posters may not be higher than six (6) feet above grade nor greater than twenty-four (24) square feet in area. Further, political signs and/or posters may not be attached or placed on utility poles, traffic devices or within any public right-of-way or in any location which may cause hazardous traffic conditions. Political signs and/or posters may not be illuminated. It is recommended that a political sign erected on behalf of candidates for a particular public office or on behalf of a particular political issue that will be placed on the ballot for consideration by the electors of the City of St. Clairsville not be displayed more than thirty (30) days prior to an election and removed no later than seven (7) days after such election. Any sign and/or poster determined to be in violation of this ordinance shall be removed by City personnel and if said signage/posters are not claimed within ten (10) days after the election for which the sign/poster is applicable to, it shall be discarded. A sign and/or poster must be located on private property.

1151.04 PROHIBITED SIGNS.

The following signs and types of signs shall be prohibited in St. Clairsville:

(a) No display signs except those exempted in Section 1151.03, church sign, comprehensive subdivision type signage, and temporary signs shall be permitted in any residential district, excluding parcels occupied by commercial uses in PUD and TND.

(b) Signs shall not be placed within any public right-of-way.

(c) Flashing, moving, rotating, intermittently lighted signs or other mechanical devices.

(d) Roof signs.

(e) Billboards and all off-premises signs except for church and institutional directional signs provided for in Section 1151.05, personal property "For Sale" signs, and special event signs provided for in Section 1151.06(c).

(f) Any sign not included under the types of signs permitted in any district regulations or in this chapter.

(g) Neon “OPEN” signs for businesses are not permitted in the Downtown Historic District.

1151.05 CHURCH AND INSTITUTIONAL DIRECTIONAL SIGNS.

Any bona fide church, religious sect or congregation, or other public institution such as a school or hospital and which is located in St. Clairsville may erect signage subject to the

following requirements:

(a) Directional Signs. Not more than three (3) directional signs may be erected in St. Clairsville provided the following requirements are met:

(1) Signs are not located within the public right-of-way.

(2) All church signs shall be of uniform design, size and construction as specified by the Planning Commission and Architectural Board of Review.

(3) The church or institution shall secure in writing permission from the owner of the property on which such signs shall be located. Such permission shall be filed with the Planning and Zoning Administrator who will issue the required sign permit upon authorization by the Planning and Zoning Commission.

(4) No sign shall exceed five (5) square feet in area not shall it exceed six (6) feet in height.

(b) Church and Institutional Bulletin Board. Any bona fide church, religious sect or congregation, community center or public or semi-public similar institutional use may erect and maintain for their own use a bulletin board or announcement sign not over twelve (12) square feet in area located on the same premises upon which such use is located. If not attached flat against a building, such sign shall be at least twelve (12) feet from all street line.

1151.06 TEMPORARY SIGNS.

A sign permit shall be issued by the Planning and Zoning Administrator prior to the erection or construction of any temporary sign. No sign shall contain more than two (2) faces. The maximum square footage allowed for a temporary sign shall apply to each face.

(a) Subdivision Signs. Signs advertising the sale of platted lots in a subdivision may be erected and displayed in such subdivision provided that not more than one (1) such sign facing on any one (1) street shall be permitted in a any subdivision. Such signs may also be used to advertise the sale or lease of multi-family units or store or office space in a commercial development, however, such signs shall not be utilized to advertise the sale, lease or development of land. Such signs shall be limited to twenty-four (24) square feet in area, be not more than eight (8) feet in height and be located not closer than fifteen (15) feet from any public right-of-way. Such signs shall be permitted for a one (1) year period if ownership of a minimum of sixty (60) percent of the platted lots are transferred.

(b) Banner Signs. Banner signs may be installed subject to the following requirements:

(1) That the size of the banner sign shall not exceed that allowed for a permanent wall sign.

(2) That a banner sign may only be displayed for a period not to exceed thirty (30) days in any calendar quarter, and no more than two (2) times per calendar year.

(3) That a banner sign shall not be displayed above the roof line of any structure.

(4) That a banner sign shall not have more than four (4) colors. For the purpose of this section, black and white shall be considered colors.

(c) Special Event Signs. Special event signs shall be defined as signs which are used to present knowledge regarding some special event of community importance such as a community festival or political issue. Such signs shall be considered as temporary signs, must be authorized by the Planning and Zoning Administrator before erection, and subject to the following requirements:

(1) Not more than two (2) such signs regarding the same topic shall be erected at any given time and located no closer than one thousand (1,000) feet from each other.

(2) Not more than four (4) special event signs shall be permitted at any given time regardless of topic.

(3) No more than three (3) colors shall be included on such sign(s). For the purposes of this section, black and white shall be considered colors.

(4) Where such signs are proposed to be located in or above a public right-of-way, no solid portion of the sign shall be located within fifteen (15) feet horizontally of any vehicular pavement not less than eighteen (18) feet above such pavement, or not within ten (10) feet horizontally of any sidewalk nor less than twelve (12) feet above such sidewalk. No fastening or tying device shall be located within fifteen (15) feet above vehicular pavement.

(5) Such signs shall not be illuminated.

(6) Such signs shall not be displayed for a period more than thirty (30) days before the event and shall be removed within forty-eight (48) hours after the event if located in any public right-of-way or within five (5) days if located elsewhere.

(7) Flexible type signs such as banners shall be provided with internal air vents to adequately relieve wind pressure.

Each temporary sign permit issued for the erection or maintenance of any sign located over a public street or sidewalk may contain a condition that the permit holder furnishes a bond set by Council to hold the Municipality harmless from liability for injury to third persons.

(d) Portable Signs. Portable signs shall be limited to unlighted signs and shall be permitted for not more than two (2) weeks per year for each business. Such signs shall be not more than four (4) feet high and not more than eight (8) feet wide and mounted such that the overall height is not greater than seven (7) feet above the ground. Portable signs shall not be located in any right-of-way and shall be located such that they do not obstruct the view of motorists for the purposes of ingress and egress.

(e) Construction Signs. Construction signs announcing the names of contractors, material men, developers, designers and financial institutions participating in the construction of a building shall be permitted only during the actual time of construction and shall be limited to only one (1) sign per building, shall not exceed twenty (20) square feet in area for a residential project and thirty-two (32) square feet for a non-residential project, shall not exceed four (4) feet in height for a residential project and six (6) feet in height for a non-residential project, and shall be located no closer than fifteen (15) feet from any public right-of-way. Such signs shall be removed within thirty (30) days after the Certificate of

Occupancy is issued.

(e) Air Actuated Attraction Devices. Devices used to attract the attention of the public which are either air filled or air floating shall be regulated as temporary signs. Such devices shall be permitted for not more than two (2) weeks per year for each business. Such devices shall be not more than thirty (30) feet in height above the ground and located such that the device is at least the divided height from any public right-of-way, lot lines, or overhead utility lines and fastened in such a manner that the device shall not shift more than three (3) feet horizontally under any wind condition.

1151.07 GENERAL PERMIT PROCEDURES

The following procedures shall govern the application for, and issuance of, all sign permits under this ordinance, and the submission and review of Common Signage Plans and Master Signage Plans. Prior to issuance of a permit, signs within the Architectural Board of Review District must be approved by the Architectural Board of Review. Such signs may be subject to different or more stringent criteria as adopted for the Architectural Board of Review District.

(a) Applications. Each application for a sign permit shall be made on forms provided by the Planning and Zoning Administrator, and shall include the following information: For new development sites with more than three tenants, Plaza Signage Plan will be required.

(1) Name, address, and telephone number of the applicant.

(2) Drawings to an appropriate scale showing at a minimum:

A. The design and layout of the proposed sign, including the total area of the sign and the size, height, character, material and color of letters, lines, and symbols. If more that one sign face is proposed, separate information on each face shall be provided.

B. The exact location of the sign in relation to the building and property.

C. The method of illumination, if any.

(3) Details and specifications for the construction, erection and attachment of the sign.

(4) Name, address and telephone number of the sign contractor or company.

(5) Other information as may be required by the Planning and Zoning Administrator to ensure compliance with the provisions of this ordinance.

(6) For ground signs, a sign base landscaping plan.

(b) Completeness. Within thirty days of receiving an application for a sign permit or for a Common or Master Signage Plan, the Planning and Zoning Administrator shall review it for completeness. If the Planning and Zoning Administrator finds that it is complete, the application shall then be processed. If the Planning and Zoning Administrator finds that it is incomplete, the Planning and Zoning Administrator shall, within such thirty day period, send to the applicant a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this ordinance.

(c) Action. Within thirty days of the submission of a complete application for a sign permit, the Planning and Zoning Administrator shall either:

(1) Issue the sign permit, if the sign(s) that is the subject of the application conforms in every respect with the requirements of this ordinance and of the applicable Master or Common Signage Plan; or

(2) Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this ordinance and of the applicable Master

or Common Signage Plan. In case of a rejection, the Planning and Zoning Administrator shall specify in the rejection the section or sections of the ordinance or applicable plan with which the sign(s) is inconsistent. The applicant can appeal this decision to the Sign Board of Appeals.

(d) Inspection. The Planning and Zoning Administrator shall cause an inspection of the zone lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance wit this ordinance and with the building and electrical codes, the Planning and Zoning Administrator shall provide to the owner a certificate of compliance which contains a picture of the sign(s) and the applicable permit by number. A complete copy of this certificate will be kept on file with the Planning and Zoning Administrator. In addition, a copy of this certificate of compliance must be kept on the premises where the sign is located. If the construction is substantially complete but not in full compliance with this ordinance and applicable codes, the Planning and Zoning Administrator shall give the owner or applicant notice of the deficiencies and shall allow an additional thirty (30) days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the Planning and Zoning Administrator shall issue a certificate of compliance as described above.

(f) Renewal. Sign permits shall be issued for twelve (12) months. Sign permits are renewable annually upon submission of a renewal application form and the applicable fees. Renewal applications shall contain a representation by the applicant that no change in signage under the permit has been made or shall contain dimensions, drawings, and photos of any changes.

(g) Lapse of Sign Permit. A sign permit shall lapse automatically if not renewed. A sign permit shall also lapse if the business activity on the premises is discontinued for a period of 180 days or more.

(h) Assignment of Sign Permits. A current and valid sign permit shall be freely assignable to a successor as owner of the property at the same premises, subject only to filing such application as the Planning and Zoning Administrator may require and paying any applicable fee. The assignment shall be accomplished by filing and shall not require approval.

1151.08 PLAZA SIGNAGE PLAN

In addition to the requirements of Section 1151.07, any signage proposed for a new major plaza, six or more tenants) must submit a signage plan to the Planning and Zoning Administrator.

(a) Plaza Signage Plan. For any zone lot on which the owner proposes to have six or more tenants must submit to the Planning and Zoning Administrator a Plaza Signage Plan containing the following:

1. An accurate plot plan of the zone lot, at such scale as the Planning and Zoning Administrator may reasonably require;
2. Location of buildings, parking lots, driveways, and landscaped areas on such zone lot;
3. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the zone lot(s) included in the plan under this ordinance; and
4. An accurate indication on the plot plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.

(a) Common Signage Plan. If the owners of two or more contiguous (disregarding intervening streets and alleys) zone lots or the owner of a single lot with more than one building, including accessory buildings, file with the Planning and Zoning Administrator for such zone lots a Common Signage Plan conforming with the provisions of this section, a 5 percent increase in the maximum total sign area shall be allowed for each included lot. This bonus shall be allocated within each zone lot as the owner(s) elect.

(b) Provisions of Common Signage Plan. The Common Signage Plan shall contain all of the information required for a Master Signage Plan and permit requirements and shall also specify standards for consistency among all signs on the zone lots affected by the Plan with regard to color scheme, lettering or graphic style, lighting, location of each sign on the buildings, material, and sign proportions. To qualify for the bonus outlined in 1151.07(b), all signs must be uniform with regard to the above provisions.

(c) Showing Window Signs on Common or Master Signage Plan. A Common Signage Plan or Master Signage Plan including window signs must indicate the areas of the windows to be covered by window signs, the exact dimension or nature of every window sign and the general type of window signs (e.g. paper affixed to window, painted, etched on glass, or some other material hung inside window).

(d) Limit of Number of Freestanding Signs Under Common Signage Plan. The Common Signage Plan, for all zone lots with multiple uses or multiple users, shall limit the number of freestanding signs to a total of one for each street on which the zone lots included in the plan have frontage and shall provide for shared or common usage of such signs.

(e) Other Provisions of Master or Common Signage Plans. The Master or Common Signage Plan may contain such other restrictions as the owners of the zone lots may reasonably determine.

(f) Consent. The Master or Common Signage Plan shall be signed by all owners or their authorized agents in such form as the Planning and Zoning Administrator shall require.

(g) Procedures. A Master or Common Signage Plan shall be included in any development plan, site plan, planned unit development plan, or other official plan required by the City for the proposed development and shall be processed simultaneously with such other plan.

(h) Amendment. A Master or Common Signage Plan may be amended by filing a new Master or Common Signage Plan that conforms with all requirements of the ordinance then in effect.

(i) Binding Effect. After approval of a Master or Common Signage Plan, no sign shall be erected, placed, or maintained, except in conformance with such plan and such plan may be enforced in the same way as any provision of this ordinance. In case of any conflict between the provisions of such a plan and any other provision of this ordinance, the ordinance shall control.

1151.09 DESIGN, CONSTRUCTION AND MAINTENANCE

All signs shall be designed, constructed, and maintained in accordance to the following standards:

(a) All signs shall comply with applicable provisions of the Uniform Building Code and the National Electric Code at all times.

(b) There shall not be more than two styles nor more than three sizes of lettering used for any sign including characters or trademarks used for identification except for sidewalk signs as described.

(c) Not more than four colors, including black and white shall be used on any sign, except for sidewalk signs as described. The background color is considered one of the four permissible colors, unless channel letters are used, in which case the background is not considered on of the four permissible colors.

(d) Any multi-faced sign shall consistently display the same name, message and graphics on all faces.

(e) Reverse sides of signs shall be unobtrusive and blend with the surroundings.

(f) Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or another structure by direct attachment to a rigid wall, frame, or structure.

(g) All signs shall be maintained in good structural condition, in compliance with all building and electrical codes, and in conformance with this code, at all times.

(h) Signs or signs structures which no longer serve the purposes for which they were intended, or are not so maintained or which have been abandoned, shall be removed by the person responsible for the sign or sign structure upon receipt of written notice, by certified mail, from the Planning and Zoning Administrator, and in any case within ten days of the date of such notice. After that time the Planning and Zoning Administrator may cause the sign or sign structure to be removed at the expense of the person responsible for the sign or sign structure. If the sign owner refuses to pay for removal of the sign, the cost of such removal shall be assessed to the property owner's tax record.

1151.10 LANDSCAPING REQUIREMENTS

All permanent freestanding signs shall require a single continuous landscaped area to be maintained around the base of the sign in accordance with the following standards:

(a) The minimum landscaped area shall be equal to the greater of the total sign area or three feet from the sign face or supporting structure in all directions.

(b) The landscaped area shall include all points where sign structural supports attach to the ground and are visible.

(c) Where the required landscaped area is adjacent to a paved surface accessible to vehicular traffic, a raised non-mountable curb suitable to prevent the encroachment of vehicles into the landscaped area shall be required. The minimum distance between the face of any such required curb and any part of the sign shall be thirty-six (36) inches.
(d) The landscaped area shall include one or more of the following plant materials: shrubs, trees, and/or seasonal varieties permanently located and properly maintained with dead vegetation replaced as soon as weather permits. The use of exposed concrete, asphalt, or any other paved surface inside the required landscaped area beneath the sign is prohibited.

1151.11 ELECTRONIC MESSAGE CENTER/ ELECTRONIC VARIABLE MESSAGE CENTER SIGNS

An electronic message center sign/electronic variable message center (EMC/EVM) sign is defined as any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

The following guidelines must be followed when an applicant is interested in erecting an electronic message center sign/electronic variable message center sign.

(a) An electronic message center/electronic variable message center sign is considered a conditional sign in the Commercial District (C-1) and Office & Institution District (OI). An emc/evm sign is not permitted in the Downtown Historic District for any use. A school or church is permitted to have such sign if located in a district other than C-1 or OI if approved by the Board of Zoning Appeals.
(b) Any request for an electronic message center/electronic variable message center sign is considered a conditional use and must follow the process for a conditional use outlined in Chapter 1135 prior to approval.
(c) The overall dimension of the cabinet area of the sign shall measure no more than eight (8) feet wide by two (2) feet high. The display area of the sign shall measure no more than eight (8) feet wide by fifteen (15) inches high. Only one (1) sign is permitted per zone lot. A back to back EMC/EVM sign with a sign facing in either direction is considered one sign. If not back to back it is considered two (2) signs.
(d) An EMC/EVM sign shall not be lit/on between the hours of 11:00 p.m. and 6:00 a.m. eastern standard time.
(e) A message shall be static and shall not flash, scroll, blink or fluctuate.
(f) Animation is not permitted.
(g) A message must remain consistent for fifteen (15) seconds.
(h) A message shall only change by utilizing dissolving or fading.
(i) From dawn to dusk the illumination can be no greater than 5,000 nits. At other times, illumination shall be no greater than 500 nits.
(j) There can be no more than two lines of text with letter height a maximum of six inches per line.
(k) The sign must be equipped with an automatic dimming device.
(l) All other sign guidelines outlined in the Code must be met.
(m) If there is a malfunction in the sign it must be set to either freeze or go blank. This is to prevent flashing or movement which could create a diversion to travelers.
(n) Lettering may only be amber in color and the background must always be black.

A sign, if approved, shall not create a public nuisance. These guidelines are designed to protect the public health, safety and welfare.

Relevant Definitions

Animation – Any movement or change of lighting to depict action or to create a special effect or scene, including flashing and video.

Blink – the rapid movement of a message on and off.

Cabinet/Can Area – The structure that holds the sign which houses the display area.

Display – Any combination of letters or numbers intended to inform, direct and transmit a message.

Display/Copy Area – The area of the sign occupied by the actual text display or copy. It is computed by determining the square footage of the display area.

Dissolve – a mode of message transition on an EMC/EVM sign accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate with the gradual appearance of the next message.

Electronic Message Center/Electronic Variable Message Center Sign - any sign or portion of a sign that uses changing lights to form a sign message or messages in text form wherein the sequence of messages and the rate of change is electronically programmed and can be modified by electronic processes.

Fade – a mode of message transition in the display area that is accomplished by varying the light intensity, where the first message gradually reduces intensity and the next message gradually increases intensity.

Flash/Flashing – a means of attracting attention by using an intermittent display of light.

Fluctuate – an irregular pattern for the display of a message.

Nit - a unit of luminance equivalent to one candela per square metre (1 cd/m^2)

Scroll/Scrolling – a mode of changing a message on the display area where the message appears to move vertically on the display area.

Static - a constant message that does not flash, blink or fluctuate.

Travel/Travelling – a mode of changing a message on the display are where the message appears to move horizontally across the display area.

1151.12 VIOLATIONS

Any of the following shall be a violation of this ordinance and shall be subject to the enforcement remedies and penalties provided by this ordinance, by the zoning ordinance, and by state law.

(a) To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which the sign is located;

(b) To install, create, erect, or maintain any sign requiring a permit without such a permit;

(c) To install, create, erect, or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the zone lot on which sign is located;

(d) To fail to remove any sign that is installed, created, erected, or maintained in violation of this ordinance, or for which the sign permit has lapsed; or

(e) To continue any such violation, each such day of a continued violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance. Each sign installed, created, erected, or maintained in violation of this ordinance shall be considered a separate violation when applying the penalty portions of this ordinance.

Chapter 1153
ADULT ENTERTAINMENT BUSINESSES

1153.01 PURPOSE.

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

1153.02 EXCEPTIONS

Nothing in this Chapter shall be construed to pertain to:

a) The purchase, distribution, exhibition and/or loan of any work of art, book, magazine or other printed material or manuscript by an accredited museum, library, fine art gallery, school or museum of higher learning.

b) The exhibition and/or performance of any play, drama tableau, or motion picture by any theater, museum, library, fine art gallery, school, or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

1153.03 LOCATION

Adult Entertainment Facilities shall be considered a conditional use in the Commercial District (C-1), and shall be subject to the following conditions:

a) No adult entertainment facility shall be established within 2,000 feet of any residence or Residential, Community Facilities or Corridor District Zone.

b) No adult entertainment facility shall be established within a radius of 2,000 feet of any school, library, or teaching facility, whether public or private, when such school, library, or teaching facility is attended by persons under 18 years of age.

c) No adult entertainment facility shall be established within a radius of 2,000 feet of any park or recreational facility attended by persons under 18 years of age.

d) No adult entertainment facility shall be established within a radius of 2,000 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.

e) No adult entertainment facility shall be established within a radius of 2,000 feet of any other adult entertainment facility.

f) No advertisements, displays or other promotional materials displaying specified sexual activities or specified anatomical areas shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, adjoining properties, or from other public or semipublic areas.

g) All building openings, entries, windows, etc. for adult entertainment uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public or semi-public area, sidewalk or street, or adjoining properties.

h) No screens, loudspeakers or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned from public or semi-public areas or adjoining properties.

i) For the purpose of this section of the code, distance shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the parcel of real estate upon which an adult business is located or proposed to be located to the nearest property line of the premises or zone it is not permitted to be located from.

CHAPTER 1157

RIGHT-OF-WAY USE

(SAME AS PREVIOUS ORDINANCE)

CHAPTER 1159
WIRELESS COMMUNICATION FACILITIES

1159.01 INTENT AND PURPOSE.

The intent of this Chapter is to balance the diverse interests in wireless communication; to improve citizen access and use of new and existing technologies; to assure the right of business the exercise of free trade; and to protect the community from uncontrolled proliferation of antennas and antenna support structures. More specifically, the purpose is to provide for the proper location of private as well as public and commercial wireless facilities, including antennas, dish antennas, antenna support structures, and accessory equipment structures; to encourage multiple use of antenna support structures; to ensure compatibility with nearby uses; in particular to minimize negative impacts on residential areas; and otherwise to assure the public health, safety and general welfare of the community. It is also the purpose of this Chapter to conform with the federal preemption pertaining to amateur radio operations per 101 FCC 2d 952 (1985) and with exemptions for antennas utilized by amateur radio operators who are duly licensed by the FCC under Part 97 Rules Section 153(q) of Title 47 USC.

1159.02 PRIVATE NON-COMMERCIAL ANTENNAS, SATELLITE DISH ANTENNAS, AND ANTENNA SUPPORT STRUCTURES.

Private non-commercial antennas, satellite dish antennas, and antenna support structures are permitted accessory uses in any zone district under the following conditions:

(a) Exclusion: This section does not apply to satellite dish antennas one (1) meter (3.3 feet) or less in diameter in residence zones or two (2) meters (6.6 feet) or less in commercial and industrial zones.

(b) Dish antennas greater than five (5) feet in diameter may not be placed on the roof of a principal or accessory building in any residential zone because of objectionable aesthetic impact on surrounding dwellings and views therefrom.

(c) Structures controlled under provisions of this Section, including guys, are prohibited in any front or side yard of a lot or parcel in any residential or commercial zone and shall not encroach upon any side yard setback line, nor be placed within ten (10) feet of the rear property line, provided that guy wire anchors may be located within one (1) foot of property lines that define the rear yard. In addition, an antenna support structure in residential and commercial zones shall be set back from the nearest property line a distance equal to structural height.

(d) Height of any antenna support structure covered under this Section shall be controlled by the height regulation of the zone in which it is located, provided that an antenna on such support structure shall be permitted up to twenty-five (25) feet of additional height in excess of the zone limit.

(e) Structures covered under this Section, for which an in-ground foundation or substructure must be constructed or which are roof mounted and extend more than fifteen (15) feet above the ridge line of the roof, shall require a building permit prior to erection, enlargement, increase in height or relocation. The application for a permit shall include address of lot or parcel, type of structure and height, and placement on lot or parcel shown on an illustration drawn to scale. Also required is information on method of installation including, as appropriate, details on structural support, footings, foundations, guys, braces, anchors, and grounding. As part of the permitting

process the applicant will affirm receipt of a Safety Advisory Bulletin concerning safety issues, grounding, anti-climb devices, guying and wire sizes, and maintenance and inspections.

(f) Climbable antenna support structures shall be completely enclosed by a fence six (6) feet in height or shall have an effective anti-climb device attached as described in the Safety Advisory Bulletin. If fenced, the fence shall restrict the passage of a two (2) inch diameter sphere.

(g) Lots or parcels in residential zones shall be limited to not more than one (1) antenna support structure per building containing one (1) or more dwelling units.

(h) An antenna support structure shall be inspected annually and maintained in a safe condition by the owner or operator. Such owner or operator shall notify the Planning and Zoning Administrator if requisite safety standards are no longer being met and what steps are being taken to remedy the situation. The owner or operator of such structure shall maintain a record of inspections on file and a log of routine maintenance as well as work undertaken in response to inspections.

(i) Upon cessation of ownership or leasehold rights in an antenna support structure, the operator or property owner shall remove such structure within ninety (90) days, or within thirty (30) days of receipt of final written notice from the City to do so, provided that the new owner or leaseholder may retain said structure, after its inspection and written notice to the Planning and Zoning Administrator of the intention to retain such structure and to assume responsibility for same under this Section.

1159.03 AMATEUR RADIO ANTENNAS AND ANTENNA SUPPORT STRUCTURES

Amateur radio antennas and antenna support structures are permitted accessory uses in any zone district under the following conditions:

(a) Exclusion: This section does not apply to satellite dish antennas one (1) meter (3.3 feet) or less in diameter in residence zones or two (2) meters (6.6 feet) or less in commercial and industrial zones, and wire antennas erected unobtrusively for the purpose of amateur radio communications.

(b) Dish antennas greater than five (5) feet in diameter may not be placed on the roof of a principal or accessory building in any residential zone because of objectionable aesthetic impact on surrounding dwellings and views therefrom.

(c) Structures controlled under provisions of this Section are prohibited in any front or side yard of a lot or parcel in any residential or commercial zone, provided that guy wire anchors may encroach into the side yard. Guy wire anchors and structural foundations may be located not closer than one (1) foot of property lines that define the rear yard, and in the case of guy wire anchors, in the side yard, provided that antennas may encroach within the one (1) foot setback, and may even protrude over the lot line, where written permission to do so is provided by the current affected property owner and is on file with the Planning and Zoning Administrator.

(d) The overall antenna height shall be limited to one hundred (100) feet above grade whether freestanding or mounted on a structure. If the Planning Commission determines it necessary to consult with an expert in considering an increase in overall antenna height, all reasonable costs and expenses associated with such consultation shall be borne by the person seeking to exceed such height limit.

(e) Structures covered under this Section, for which an in-ground foundation or substructure must be constructed, and/or which exceed thirty-five (35) feet in height above grade, or which are roof-mounted and extend more than fifteen (15) feet above the ridge line of the roof, shall

require a permit prior to erection, enlargement, increase in height or relocation. The application for a permit shall include address of lot or parcel, type of structure and height, and placement on lot or parcel shown on an illustration drawn to scale. Also required is information on method of installation including, as appropriate, details on structural support, footings, foundations, guys, braces, anchors, and grounding. As part of the permitting process the applicant will affirm receipt of a Safety Advisory Bulletin concerning safety issues, grounding, anti-climb devices, guying and wire sizes, and maintenance and inspections.

(f) Climbable antenna support structures shall be completely enclosed by a fence six (6) feet in height or shall have an effective anti-climb device attached as described in the Safety Advisory Bulletin. If fenced, the fence shall restrict the passage of a two (2) inch diameter sphere.

(g) Lots or parcels in residential zones shall be limited to not more than one antenna support structure in excess of thirty-five (35) feet in height above grade per building containing one or more dwelling units. A second support structure, which is thirty-five (35) feet or less in height, shall be permitted, and may be accompanied by antenna(s) of up to twenty-five (25) feet of additional height.

(h) An antenna support structure shall be inspected annually and maintained in a safe condition by the owner or operator. Such owner or operator shall notify the Planning and Zoning Administrator if requisite safety standards are no longer being met and what steps are being taken to remedy the situation. The owner or operator of such structure shall maintain a record of inspections on file and a log of routine maintenance as well as work undertaken in response to inspections.

(i) Upon cessation of ownership or leasehold rights in an antenna support structure, the operator or property owner shall remove such structure within ninety (90) days, or within thirty (30) days of receipt of final written notice from the City to do so. Where the new owner or leaseholder is a licensed amateur radio operator, such person may retain said structure after its inspection and written notice to the Planning and Zoning Administrator of intention to do so and to assume responsibility for same under this Section.

1159.04 COMMERCIAL, PUBLIC, AND SEMI-PUBLIC ANTENNAS, RADIO AND TELEVISION ANTENNAS, MICROWAVE AND OTHER WIRELESS COMMUNICATION ANTENNAS, DISH ANTENNAS, ANTENNA SUPPORT STRUCTURES, AND EQUIPMENT STRUCTURES.

Commercial, public, and semi-public antennas, radio and television antennas, microwave and other wireless communication antennas, dish antennas, antenna support structures, and equipment structures, are permitted as primary or accessory uses, subject to Site Plan Review under the following conditions:

(a) Antenna support structures with antenna may be located as follows:

(1) On property or existing buildings in any commercial or industrial zone where located not closer than five hundred (500) feet from any residential unit in any residential zone. Support structures shall be excluded from City park, cemetery, and museum property, provided that public communication structures qualifying as essential services as defined in this Chapter shall not be so excluded.

(2) On property or existing buildings in any residential zone where located not less than five hundred (500) feet from any residential unit in any residential zone, subject to review by the Planning and Zoning Administrator. Support structures shall be excluded from City park, cemetery, and museum property, provided that public communication structures qualifying as essential services as defined in this Chapter shall not be so excluded.

(b) Antennas and antenna arrays, independent of antenna support structures normally accompanying their use, may be located as follows:

(1) On existing buildings or structures in commercial and industrial zones.

(2) In any zone on existing tall structures, excluding those provided for in Section 1159.02 and 1159.03, such as communication towers, power transmission towers and poles, stadium and athletic field lighting standards, water storage tanks, street light standards along expressways and major and regional streets as defined by the City's thoroughfare plan, and on or within other similar tall structures as determined by the Planning and Zoning Administrator.

(c) Structures for housing of equipment required to operate an antenna, not higher than twelve (12) feet above grade nor greater than three hundred (300) square feet in area, may be constructed in proximity to an antenna support structure or existing tall structure as accessory to each antenna array or user of an antenna support structure. A single, larger structure may be built for multiple users, provided that total floor area does not exceed six hundred (600) square feet. An equipment structure may also be treated as a mechanical appurtenance or penthouse on the roof of an existing building on which the antenna, antenna array, or antenna support structure is erected. Where the equipment structure is erected at grade, color and character of the exterior surface shall be aesthetically and architecturally compatible with buildings in the surrounding area.

(d) Antenna support structures shall maintain a setback from the nearest property line a distance at least equal to the height of the structure, provided that a structure mounted on the roof of a building shall not be so restricted.

(e) Overall antenna height covered under this Section shall be limited to not more than one hundred ninety-five (195) feet above grade.

(f) Required submittals accompanying applications:

(1) Applicant must provide a written statement that the proposed antenna and antenna support is compliant with: antenna and antenna support structure site federal registration; maximum exposure to non-ionizing radiation and ionizing radiation standards, singly or as co-located, recertified biannually.

(2) Applicant must provide an analysis of the visual impact of the antenna support structure on the surrounding area. Such analysis shall include points-of-view renderings of the structure to scale in its proposed setting, with special attention to adjoining residential areas, including proposed landscaping to screen the structure base and accessory building.

(g) No placement of new antenna support structures shall be permitted unless the Planning Commission finds credible evidence establishing to a reasonable certainty one or more of the following:

(1) No existing antenna support structure, tall structure or building is located in the area in which the applicant's equipment must be located, or

(2) No existing antenna support structure, tall structure or building in the area is of sufficient height to meet the applicant's requirements and the deficiency cannot be remedied at reasonable cost, or

(3) No existing antenna support structure, tall structure or building within the area has sufficient structural strength to support the applicant's equipment and the deficiency cannot be remedied at reasonable cost, or

(4) Electromagnetic interference would occur between the applicant's and existing equipment and such interference cannot be eliminated at reasonable cost, or

(5) The fees, costs or contractual provisions required by the owner to co-locate on existing antenna support structure, tall structure or building are unreasonable relative to industry norms, or

(6) The applicant demonstrates that there are other factors that render existing antenna support structures, tall structures or buildings unsuitable or unavailable for co-location. The cost of eliminating impediments to co-location shall be deemed reasonable if it does not exceed by twenty-five (25) percent of the cost of constructing a new antenna support structure on which to mount the applicant's equipment.

(h) If the Planning Commission determines it necessary to consult with an expert in considering the factors listed in subsection (7) above, all reasonable costs and expenses associated with such consultation shall be borne by the applicant. Failure to pay such costs and expenses or provide information requested by the Planning Commission shall be grounds for denial or the withholding of the issuance of a building permit until such costs have been paid.

(i) Unless shown to be unreasonable, a condition of approval shall be to construct an antenna support structure so as to accommodate the co-location of at least three additional antenna arrays similar in size and function to that placed by the applicant. The additional co-location-sites shall be made available at prevailing rates in the industry and under standard contractual provisions. Failure to do so shall be considered grounds for denying approval or voiding of approvals given.

(j) Any modification which significantly alters the appearance, height, or structural integrity of an antenna support structure or which involves the installation of antenna equipment differing in size or function from that previously installed shall require the approval of the Planning Commission under Article 6A of this Chapter.

(k) Additional approval by the Planning Commission shall not be required for co-location on an existing antenna support structure, provided the co-located antenna array and equipment is similar in size and function to that installed by the applicant of the approved antenna support structure. Such co-location shall be subject to review and approval of the Planning and Zoning Administrator.

(l) No advertising or business signs shall be allowed on structures covered under this section.

(m) No signals, lights or illumination not required by the FCC, FAA, or City may be placed on structures covered by this Section. Any such required signal or light shall be shielded to prevent downward transmission of light.

(n) Antenna support structures shall have an exterior finish that preserves their structural integrity and visual appearance.

(o) Structures covered under this Section shall require a permit prior to erection, enlargement, increase in height or relocation. The application for a permit shall include construction drawings showing the proposed method of installation, including details of

structural support, footing, foundation, guys, braces, anchors, and such other information as required by the Planning and Zoning Administrator to assure proper engineering practice. A site plan and other illustration drawn to scale shall be provided showing the lot or parcel on which the structure is to be erected, all structures on site, all structures within two hundred (200) feet of the site, all structural elements, and all other relevant information.

(p) Antenna support structures shall be inspected annually and maintained in a safe condition by the owner or operator. Such owner or operator shall notify the Planning and Zoning Administrator if requisite safety requirements are no longer being met and the steps being taken to remedy the situation. The owner or operator shall maintain inspection reports on file and a log of routine maintenance as well as work undertaken in response to inspection reports.

(q) The owner or operator of an antenna or antenna support structure shall give notice to the Planning and Zoning Administrator when such equipment is no longer in use. Any such equipment no longer used for a continuous period of six (6) months or which no longer meets safety standards in the view of the Planning and Zoning Administrator shall be removed; it shall be removed within sixty (60) days of written notice by the City to do so. If not removed within such sixty (60) day period, the City may remove it at the owner's expense.

APPENDICES

A. Schedule of Fees
B. Zoning Map

SCHEDULE OF FEES
CITY OF ST. CLAIRSVILLE

The following fees are required to be paid to the City of St. Clairsville for the application indicated herein. These fees are established by ordinance and may be amended at any time by the City Council by ordinance.

	FEE
A. Certificate of Zoning Compliance	$35; $35 plus $.15 per sq. ft. new construction
B. Fence/Wall	$30
C. Signs	See Below
D. Accessory Structures	$25 plus $.15/sq. ft.
E. Wireless Communications Facilities Permit	
1. Non-commercial	$250
2. Commercial	$3,000
F. Parking Lot Paving (Replacement)	$50
G. Demolition Permit	$100
H. Moving (Structure greater than 200 square feet)	$100
I. Conditional Use, Special Exception Permit Application	$100
J. Variance Application	$300
K. Right-of-Way Permit (sidewalks, drive aprons, etc.)	$35
L. Temporary Use Permit (Special events, tents, etc.)	$35
M. Occupancy Permit	$25
N. Re-Occupancy Permit	$50
O. Site Plan Review (Commercial)	$200 plus $10/100 sq. ft. or fraction thereof
P. Zoning Map Amendment (Rezoning)	
1. Up to one acre	$350
2. Each additional Acre	$50
Q. Planned District	
1. Conceptual Plan	$250
2. Preliminary Development Plan	$500
3. Final Development Plan	$1000
R. Park Fee	$250
S. Lot Split/Subdivision	$100 plus $15 per lot
T. Fill/Grading Permit	$100
U. Appeal	$1,000

The review costs incurred by the Municipality for any application, including review fees incurred for subdivision regulations review, shall be passed on to the application. The applicant will be notified in advance before such outside review is undertaken.

The fees for sign permits and plans shall be:

Sign Permit, Initial, including inspection, per zone lot	$75
Additional Fee for signs extending over public right-of-way, per sign	$50
Temporary Sign Permit, Private Property, per sign	$100