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## ARTICLE 11. REQUIREMENTS IN ALL DISTRICTS

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### Section 1100. Requirements for Environmental Impacts

All uses in all districts are subject to the requirements for environmental impacts. Certain projects in "B" and "M" districts are required to have an approved Environmental Impact Certification prepared by a professional engineer, as described in this Article.

**1100.1 Requirements to Control Environmental Impacts:** No proposed use in any district shall be permitted that will create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely effect the surrounding area or adjoining premises. The following environmental impact requirements shall apply to all uses:

(a) **Fire Hazards:** Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material, as determined by the Fire Chief. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

(b) **Radioactivity or Electrical Disturbance:** No activity shall emit dangerous radioactivity at any point or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

(c) **Noise and Vibration:** No activity shall emit noise or vibration which is objectionable because of intermittence, beat, frequency or shrillness. Noise or vibration may equal but shall not exceed average street traffic noise or vibration on the nearest street bordering a non-commercial or non-industrial use. Noise or vibration resulting from temporary construction activity that occurs between 7 a.m. and 7 p.m. shall be exempt from the requirements of this section.

(d) **Smoke and Air Pollution:** No establishment shall be permitted to emit into the air smoke, fly ash, dust, fumes, vapors, gases and other forms of air pollution except as permitted and approved by the Ohio Environmental Protection Agency Division of Air Pollution Control.

(e) **Odors:** No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

(f) **Glare:** No direct or reflected glare shall be permitted which is visible from any other property or from any public or private street.

(g) **Erosion:** No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

(h) **Water Pollution:** Pollution of water shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency, Division of Water Pollution Control.

(i) **Other hazards:** Other hazards not specifically addressed by the performance standards established herein shall be made known to the Zoning Inspector for any proposed use in any district. Regulations for such hazards shall be as determined by the Planning Commission.

#### 1100.2 Environmental Impact Certification

See Planning Commission, Article 17 and Board of Zoning Appeals, Article 18.

(a) **Environmental Impact Certification Prepared by Engineer in "B" and "M" Districts.** All applications for Zoning Certificates for non-residential uses shall be accompanied by an Environmental Impact Certification from a professional engineer registered in the state of Ohio. The certification shall describe the anticipated impacts relative to the requirements of this Article, state whether the proposed use will meet such requirements, and shall state, in list form, the measures to be taken to meet all requirements of this Article. Such certification shall be determined to be acceptable or unacceptable by the Zoning Inspector. The Zoning Inspector may waive all or part of this requirement when it is determined that the proposed use is not relevant to the requirements for environmental impacts.

(b) **Referral of Environmental Impact Certification to Planning Commission.** In certain instances where the determination of compliance with the requirements for environmental impacts, in the opinion of the Zoning Inspector, is not possible without additional expertise and analysis, such determination shall be made by the Planning Commission prior to the issuance of a Zoning Certificate. The applicant shall make application to the Planning Commission for determination that the proposed use will operate in compliance with the requirements for environmental impacts set forth in this Article. The cost of additional expertise and analysis on behalf of the Village shall be borne by the applicant.

(c) **Investigating Violations.** The Zoning Inspector shall investigate any reported violation of the requirements for environmental impacts as provided in this Ordinance. If the Zoning Inspector finds that a professional determination of the existence and nature of the violation is necessary, the services of an engineer or qualified professional may be requested. The cost of such services shall be incurred by the violator if such violation is established. The cost of such services may be incurred by the complainant if there is determined to be no violation.

**Section 1101. Planning Commission Approval Required for Portable Structures**

Portable structures shall be permitted only with the approval of the Planning Commission prior to the issuance of Zoning Certificates. Such buildings shall conform to all requirements which apply to permanent buildings, such as height, setbacks and floor area, parking and other dimensions. The Planning Commission may place special conditions on the placement, operation, and other features of a portable structure so that such building shall not create an inconvenience or hazard to neighbors, the community and the public.

**Section 1102. Planning Commission Approval Required for Temporary Structures**

Temporary structures shall be permitted only with the approval of the Planning Commission, prior to the issuance of Zoning Certificates, for a period up to twelve (12) months. The Commission may determine that requirements for such features as height, setbacks, floor area and other dimensions may be adjusted if it determines that the unique character or construction of such building, or the nature of its use, will not create an inconvenience or hazard to neighbors, the community and the public. The Commission may place special conditions on the placement, operation, and other features in granting approval for a temporary structure. The Planning Commission shall specify the date on which construction may begin or the structure may be placed on the site, and the date for completion of its removal, not to exceed twelve (12) months.

**Section 1103. Storage of Materials During Construction**

The temporary open storage of contractor's equipment and material shall be permitted on the site upon which buildings or structures are being erected or installed for the duration of the construction period. Storage of all materials shall be controlled at all times to prevent hazard or inconvenience to neighbors, the community and the public. All such materials shall be removed prior to the issuance of the Zoning Compliance Inspection.

**Section 1104. Restrictions on Rummage Sales**

Rummage Sales are permitted as an accessory use to an assembly hall, dwelling, church, place of worship, or school only. Rummage sales are permitted for not more than four (4) days per sale, and not more than four (4) times per year for each dwelling unit or non-residential premises. See Section 1105, Restrictions on Homemade Sales, Section 1106, Zoning Inspector Approval Required for Seasonal Sales, Article 6, Parking Regulations, and Article 12, Sign Regulations.

**Section 1105. Restrictions on Homemade Sales**

Homemade Sales are permitted as an accessory use to a residential or agricultural use only. Such sales may be conducted in a structure and/or out-of-doors. See Section 1104, Restrictions on Rummage Sales, Section 1106, Zoning Inspector Approval Required for Seasonal Sales, Article 6, Parking Regulations, and Article 12, Sign Regulations.

**Section 1106. Zoning Inspector Approval Required for Seasonal Sales**

Seasonal sales shall conform to the requirements of this section, and shall be permitted only if it is the determination of the Zoning Inspector that the seasonal sale conforms to the requirements of this Ordinance and will not cause any hazard, interference or inconvenience to the community or neighboring properties. See Section 1104, Restrictions on Rummage Sales, Section 1105, Restrictions on Homemade Sales, Article 6, Parking Regulations, and Article 12, Sign Regulations.

- Seasonal sales may be conducted as an accessory use to a non-residential use.
- Merchandise shall be displayed out-of-doors only, and shall conform to all setback requirements.
- Only one (1) operator may attend the seasonal sale at a time.
- Seasonal sales are permitted for not more than thirty (30) consecutive days per sale, and not more than sixty (60) days per year at a premises.
- A site for a proposed seasonal sale shall be suitable to provide on-site parking for all vehicles associated with the sale.
- Seasonal sales shall not create noise, litter, glare, traffic and/or parking interference or other impact which disrupts the permitted use on the premises or activities and/or occupants of neighboring premises.
- Seasonal sales shall not be situated so as to impede, slow, or otherwise interfere with traffic on any street.

**1106.1 Seasonal Sale Permit.** A Seasonal Sale Permit is issued by the Zoning Inspector as provided in this Ordinance.

**(a) Separate Permits for Different Sales.** A separate permit shall be required each seasonal sale, and for each premises as regulated in this Ordinance.

**(b) Contents of Application for Seasonal Sales Permit.** A seasonal sale permit application shall be submitted by the seasonal sale operator and the operator of the permitted non-residential use to the Zoning Inspector, who shall review the application for completeness. The application shall contain the following:

- An application form, available from the Zoning Inspector, to be completed and signed by the operator of the seasonal sale, operator of the permitted use, and property owner(s).
- A statement of the type of goods to be offered for sale,
- A sketch map, using the parcel map as the base, showing the location of the sales area, structures, parking, setbacks and signs. The scale of drawings submitted with the application shall be sufficient to adequately evaluate whether the proposed seasonal sales comply with the regulations of this Ordinance.
- A fee as determined by the Village.

**(c) Seasonal Sale Permit Expiration**

A Seasonal Sale Permit shall be valid for a period of up to thirty (30) consecutive days according to the determination of the Zoning Inspector, and approved dates shall be specified on the permit.

**1106.2 Violation of the Seasonal Sales Regulations.** Violation of any of the provisions of this Ordinance pertaining to a Seasonal Sale shall be subject to the actions of the Village and penalties are provided in Article 16. Penalties for violations of these regulations shall be imposed against both the operator of the permitted non-residential use, the operator of the seasonal sale, and the property owner.

#### **Section 1107. Swimming Pools**

Swimming pools shall be allowed in the rear yard of any "B" or "R" District as an accessory use and shall comply with the following conditions and requirements:

**(a) Swimming Pool to be Used by Occupants of Principal Use Only.** The pool is intended and is to be used solely by the occupants of the principal use of the property on which it is located.

**(b) Setbacks of Swimming Pool.** The pool or any accessory structure shall be located no closer than ten (10) feet to any property line of the property on which it is located.

**(c) Covers Over, and Walls and Fences Around Swimming Pool.** The swimming pool shall be covered with a locked device that prevents access when the pool area is unattended. Alternatively, the swimming pool or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access from the street or from adjacent properties. Said fence or wall shall be not less than five (5) feet in height and maintained in good condition with a gate and lock.

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