

VILLAGE OF SUNBURY

DELAWARE COUNTY

OHIO

REVISED ZONING ORDINANCE OF 2018

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## **CHAPTER S81.01 TITLE, INTERPRETATION AND ENACTMENT**

### **Section S81.01.01 INTERPRETATION**

This Ordinance shall be known and may be designated and cited as The Village of Sunbury, Ohio, "Revised Zoning Ordinance of 2018", per Ordinance No. 2018-21.

Unless otherwise provided herein or by law or implication required, the same rules of construction, definition and application shall govern the interpretation of this Ordinance as those governing the interpretation of the Ohio Revised Code.

### **Section S81.01.02 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS.**

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, convenience, comfort, prosperity and the general welfare. Whenever the requirements of this 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.

### **Section S81.01.03 CAPTIONS.**

Headings and captions used in this Ordinance, other than the title, chapter and section numbers are employed for reference purposes only and shall not be deemed a part of the text of any section.

### **Section 81.01.04 RULE OF SEPARABILITY.**

Each chapter, section or other divisible part-section of this Revised Zoning Ordinance of 2018 is hereby declared to be separable and the invalidity of any chapter, section or divisible part section shall not be construed to effect the validity of any other chapter, section or part section hereof.

### **Section S81.01.05 REFERENCE TO OTHER SECTIONS.**

Whenever in one section the reference is made to another section hereof, such reference shall extend and apply to the section referred to as subsequently amended, revised, recodified or renumbered unless the subject matter be changed or materially altered by the amendment or revision.

**Section S81.01.06 REFERENCE TO OFFICES.**

Reference to a public office or officers shall be deemed to apply to any office or officer exercising the powers, duties or functions contemplated in the provision irrespective of any transfer of functions or change in the official title of the functionary.

**Section S81.01.07 ORDINANCE UNAFFECTED.**

All ordinances of a temporary or special nature and all ordinances pertaining to subjects not enumerated and embraced in this Zoning Ordinance of 1997 shall remain in full force and effect unless herein repealed expressly or by necessary implication.

**Section S81.01.08 REPEAL OF CONFLICTING ORDINANCE, EFFECTIVE DATE.**

All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective from and after the date of its approval and adoptions, as provided by law.

**Section S81.01.09 ERRORS AND OMISSIONS, ORDINANCE.**

If a manifest error be discovered consisting of the misspelling of any word or words, the omission of any word or words necessary to express the intention of the provisions affected, the use of a word or words to which no meaning can be attached, or the use of a word or words when another word or words was clearly intended to express such intent, such spelling shall be corrected and such word or words supplied, omitted or substituted as will conform with the manifest intention and the provision shall have the same effect as though the correct word were contained in the text as originally published. No such alteration shall be made or permitted if any question exists regarding the nature or extent of such error.

**Section S81.01.10 ERRORS AND OMISSIONS, MAP.**

Amendments to the Official Zoning Map are deemed in effect as adopted by the Sunbury Council even though they may not appear on the Official Zoning Map.

**CHAPTER S81.02 - Reserved for Future Use**

## **CHAPTER S81.03 DEFINITIONS**

### **Section S81.03.01 FOR THE PURPOSE OF THIS ORDINANCE, CERTAIN TERMS OR WORDS USED HEREIN SHALL BE INTERPRETED AS FOLLOWS:**

1. The word "person" includes firm, association, limited liability company organization, partnership, trust, company or corporation as well as the individual.
2. The present tense includes the future, the singular includes the plural, and the plural number includes the singular.
3. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
4. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".
5. The word "lot" includes the words "plot" or "parcel".
6. Words denoting the masculine gender shall be deemed to include the feminine and neuter genders.
7. A general term following a specific enumeration of terms is not to be limited to the class enumerated unless expressly so limited.
8. Either conjunction "and" or "or" shall include the other as if written "and/or".

### **Section S81.03.02 ACCESSORY BUILDING, USE OR STRUCTURE**

A building, use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use, structure or building. Accessory buildings and structures include those attached to or separate from the principal structure or building, and shall be permitted in association with a principal use or structure. Such Accessory Building or Structure shall not be used for dwelling purposes.

**Section S81.03.03 AGRICULTURAL PURPOSES**

A purpose directly or immediately related to agriculture, and either usually or naturally and inseparably dependent upon agriculture.

**Section S81.03.031 AGRICULTURE**

"Agriculture" means the use of land under one ownership for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

**Section S81.03.04 ALLEY**

A public thoroughfare which affords only a secondary means of access to abutting property and not intended for general circulation.

**Section S81.03.05 ALTERATIONS**

As applied to a building or structure, means a change or rearrangement in the structural parts in the existing facilities; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another.

**Section S81.03.06 ALTERATIONS, STRUCTURAL**

Any change in the supporting members of a building, such as bearing walls, columns, beams, and girders.

**Section S81.03.07 APARTMENT HOUSE**

A building arranged, intended or designed to be occupied by three or more families living independently of each other.

**Section S81.03.08 - Reserved for Future Use**

**Section S81.03.09 BASEMENT**

A story having less than two thirds (2/3) of its height above the average level of the adjacent ground.

**Section S81.03.091 BED AND BREAKFAST FACILITY**

A home occupied by the owner, owner's family, or owner's agent, constructed in a residential district, containing at least 2400 square feet of living space, with no more than 5 guest rooms in which overnight lodging and meals for the lodgers only are offered, for compensation; a "Bed and Breakfast Facility" is not a hotel, motel, boarding house, lodging house or inn.

**Section S81.03.10 BUILDING**

Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, chattel, property or materials.

**Section S81.03.11 BUILDING, FRONT LINE OF.**

The line of any constructed part of the building or structure nearest the front line of the lot. This space includes sun parlors and covered porches whether enclosed or unenclosed, and roof overhangs.

**Section S81.03.12 BUILDING, HEIGHT OF.**

The vertical distance measured from the average elevation of the established finished grade at the front of the building to the highest point of the roof for flat roofs; to the deck line of mansard roofs and to the mean height between eaves and ridge for gable, hip and gambrel roofs.

**Section S81.03.13 BUILDING, PRINCIPAL.**

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

**Section S81.03.13 BUILDING SETBACK LINE**

A line established by the Zoning Ordinance and/or subdivision regulations, generally parallel with and measured from the street right-of-way, defining the limits of required front, side and rear yards in which no part of any building or structure may be located except as provided in such codes.

**Section S81.03.14 CONDITIONAL USE.**

A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval by the Sunbury Planning and Zoning Commission. Conditional uses permitted in each district are presented in the District Regulation Section.

**Section S81.03.15 CONDITIONAL USE PERMIT.**

A document issued by the Zoning Inspector based upon a conditional use approved by the Sunbury Planning and Zoning Commission to allow use other than a principally permitted use to be established within the district.

**Section S81.03.16 COURT.**

An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two or more sides by the walls of such building.

**Section S81.03.17 COURT, INNER.**

A court enclosed on all sides by exterior walls of a building or by exterior walls and lot lines on which walls are allowable.

**Section S81.03.18 COURT, OUTER.**

A court enclosed on not more than three sides by exterior walls or a building, or by exterior walls and lot lines on which walls are allowable, with one side or end open to a street, driveway, alley or yard.

**Section S81.03.20 DENSITY.**

A unit of measurement; the number of dwelling units per acre of land.

**Section S81.03.201 GROSS DENSITY.**

The number of dwelling units per acre of land to be developed.

**Section S81.03.202 NET DENSITY.**

The number of dwelling units per acre of land when the acreage

involved includes only the land devoted to residential uses.

**Section S81.03.21 DWELLING.**

A building designed or used exclusively as the living quarters for one or more families.

**Section S81.03.22 DWELLING, MULTI-FAMILY.**

A building used or designed as the living quarters for more than two families residing independently of each other and doing their own cooking therein.

**Section S81.03.23 DWELLING UNIT.**

Living quarters designed for or occupied exclusively for one family.

**Section S81.03.24 DWELLING, ONE FAMILY.**

A detached building containing one dwelling unit only.

**Section S81.03.25 DWELLING, TWO FAMILY.**

A detached building containing two dwelling units.

**Section S81.03.27 FAMILY.**

One or more persons occupying the premises and living as a single housekeeping unit provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five persons. As distinguished from a group occupying a boarding house, lodging house, club, fraternity or hotel.

**Section S81.03.28 FAMILY CARE HOME**

A residential care facility serving no more than eight physically or mentally handicapped individuals and having a valid license issued by the State of Ohio.

**Section S81.03.29 GASOLINE SERVICE STATION/AUTO SERVICE STATION.**

Building, structure, land or portion thereof arranged, intended or designed to be used for the retail sale of any motor vehicle or motor boat fuels, oils or accessories, including lubrication of

automobiles and replacement or installation of minor parts and accessories.

Uses permissible at a gasoline service station do not include: body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in gasoline service stations. A gasoline service station is not a body shop.

**Section S81.03.30 FLOOD PLAIN AREA.**

Prairie Run Flood Plain which is subject to high water. For flood plain area regulation see S81.16.01(17).

**Section S81.03.31 FLOOR AREA OF A RESIDENTIAL BUILDING.**

The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor, open or closed porches or verandas. All dimensions shall be measured from the interior faces of the walls.

**Section S81.03.33 GARAGE, PRIVATE.**

An accessory building to a dwelling intended to be used for the storage of non-commercial motor vehicles.

**Section S81.03.34 GARAGE, PUBLIC.**

Any garage not a private garage, and which is used for the parking or temporary storage of passenger automobiles for some commercial purpose.

**Section S81.03.35 GRADE.**

The average level of the finished surface of the ground between the adjacent lot lines, finish grade shall be a minimum of eighteen inches (18) and a maximum of twenty-four inches (24) above the curb or center line of the street. Where severe varied contours exists, the grade level will be determined by the Sunbury Planning and Zoning Commission.

**Section S81.03.36 HOME OCCUPATION.**

An occupation conducted in a dwelling unit meeting the requirements

of S81.14.03(c).

**Section S81.03.37 HOSPITAL.**

Unless otherwise specified, the term "hospital" shall be deemed to include sanitarium, sanitorium, preventorium, clinic, rest home, nursing home, convalescent home and any other place for the diagnosis, treatment or other care of ailments and shall be deemed to be limited to places for the diagnosis, treatment or other care of human ailments with room, board and/or overnight facilities on the premises.

**Section S81.03.38 HOTEL.**

A building containing rooms intended or designed to be used or which are used, rented, or hired out to be occupied or which are occupied for sleeping purposes by guests for compensation on a temporary basis and where only a general kitchen and dining room may be provided within the building or in an accessory building. This does not include a multi-family dwelling wherein persons reside with the intent to dwell.

**Section S81.03.39 INSTITUTION.**

A building occupied by a non-profit corporation or a non-profit establishment for public use.

**Section S81.03.40 KENNEL OR CATTERY.**

Any lot or premises on which four or more domesticated animals more than four months old are housed, groomed, bred, boarded, trained or sold.

**Section S81.03.41 LINE, STREET.**

The dividing line between the street right-of-way and the lot.

**Section S81.03.42 LOCATION OR VICINITY MAP.**

A drawing located on the plat which sets forth, by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within Sunbury in order to better locate and orient the area in question.

**Section S81.03.43 LOT.**

A parcel of land which fronts and abuts upon an improved public street for a minimum required distance and is of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot may consist of:

- A. A single lot of record;
- B. A portion of a lot of record;
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

**Section S81.03.441 LOT, COVERAGE.**

The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

**Section S81.03.442 LOT, FRONTAGE.**

The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

**Section S81.03.443 LOT, MINIMUM AREA OF.**

The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

**Section S81.03.444 LOT, MEASUREMENTS.**

A lot shall be measured as follows:

- A. Depth of a lot shall be considered to be the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front at the street right-of-way and the nearest points of the side lot lines in the rear.
- B. Width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the right-

of-way line.

**Section S81.03.445 LOT OF RECORD.**

A Lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**Section S81.03.45 NON-CONFORMING USE.**

A building structure or use of land existing at the time of enactment of this Ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

**Section S81.03.46 PARKING SPACE, OFF-STREET.**

For the purpose of this Ordinance, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for ten or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk or alley, and so that any automobile may be parked and un-parked without moving another. Further, for purposes of rough computations an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case and in accordance with all ordinances and regulations of the municipality. Any off-street parking area shall be graded for proper drainage.

**Section S81.03.47 PLAT**

A map, plan or layout of a proposed subdivision indicating the location and boundaries of individual properties, drawn on durable material as specified in the Subdivision Regulations and intended for recording, meeting all of the requirements as enumerated in the Subdivision Regulations.

**Section S81.03.48 ROOMING HOUSE.**

A building in which three or more rooms are rented and in which no table board or cooking facilities are permitted. Said rooms are limited to two adults per room.

**Section S81.03.49 SIGN.**

Any device for visual communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not including any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal or similar organization.

**Section S81.03.50 STORY.**

That part of a building between the surface of the floor (whether or not counted for the purposes of computing floor area ratios) and the ceiling immediately above it.

**Section S81.03.51 STORY, HALF.**

A story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor or such story.

**Section S81.03.52 STREET.**

A public way which affords principal means of access to abutting properties.

**Section S81.03.53 STRUCTURE.**

Anything constructed or erected, the use of which requires location on the ground, or attachment to something having location on the ground.

**Section S81.03.54 USE.**

The specific purpose of which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained. The term, "permitted use", or its equivalent shall not be deemed to include any non-conforming use.

**Section S81.03.55 VARIANCE.**

The variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

**Section S81.03.56 YARD.**

An unoccupied space open to the sky, on the same lot with a building or structure.

**Section S81.03.57 YARD, FRONT.**

An open unoccupied space on the same lot between the building front line and the front line of the lot and extending the full width of the lot.

**Section S81.03.58 YARD, REAR.**

An open unoccupied space on the same lot between the building rear line and the rear line of the lot and extending the full width of the lot.

**Section S81.03.59 YARD, SIDE.**

An open unoccupied space on the same lot between the building and the side line of the lot and extending from the front yard to the rear yard. Any lot line not a rear line or a front line shall be deemed a side line.

**Section S81.03.60 SITE PLAN**

A drawing and other documents, subject to review and approval by the Village, describing the planned improvements of a lot.

**Section S81.03.61 MINOR SITE IMPROVEMENTS**

Minor Site Improvements are any improvement on a developed lot such as minor parking lot expansion (25 parking spaces or less), sidewalk improvements, ADA improvements (curb ramps, ingress / egress ramps, railings, etc.), landscaping improvements, exterior lighting improvements, minor grading and drainage

improvements, utility line installation or replacement or other minor improvements as determined by the Village Engineer.

**Section S81.03.62 RESIDENTIAL SITE PLAN**

A Residential Site Plan is a site plan required for a single family dwelling, two-family dwelling, or a dwelling within a planned development.

**Section S81.03.63 MINOR LOT LINE ADJUSTMENT**

A Minor Lot Line Adjustment is to provide for a minor adjustment of boundary lines to accommodate the transfer of land between two adjacent property owners which does not result in the creation of any new building site, sub-standard lot or sub-standard yard or setback requirement.

**Section S81.03.64 PORTABLE STORAGE CONTAINER**

The term "portable storage container" shall be defined to be any container, storage unit, shed-like container or other portable structure that can be or is used for the storage of personal property of any kind and which is located for such purposes outside an enclosed building other than an accessory building or shed complying with all building codes and land use requirements. This term shall not include roll-off or storage containers with storage capacity of less than 150 cubic feet used for such purposes as yard waste and debris removal.

**Section S81.03.65 ZONING CERTIFICATE.**

A document issued by the Zoning Inspector authorizing and approving the proposed use of lots, structures, uses of land and structures, and the characteristics of the proposed uses. Zoning Certificates are required before construction or alteration of a building, structure or lot.

**CHAPTER S81.04 - Reserved for Future Use**

## **CHAPTER S81.05 ENFORCEMENT**

### **Section S81.05.01 ZONING CERTIFICATES REQUIRED.**

#### A. Action by Planning and Zoning Commission

1. New building or structure Zoning certificate applications in any commercial or industrial district for a new building or structure shall come before Sunbury Planning and Zoning Commission for recommendation to Sunbury Council in conformance with the provisions of this Ordinance. Sunbury Planning and Zoning Commission may recommend the application be granted as requested or it may request a modification, or it may recommend that the application not be granted.
2. Additions, Alterations to Existing Buildings or Structures Zoning certificate applications in any commercial or industrial district for additions to or alterations of, existing buildings or structures shall come before Sunbury Planning and Zoning Commission for approval or disapproval in conformance with this Ordinance. No action by Sunbury Council is required to additions or alterations herein.
3. Site Plans associated with a new building or structure on undeveloped lots or site improvements which are not a Minor Site Improvement shall come before Sunbury Planning and Zoning Commission for recommendation to Sunbury Council in conformance with the provisions of this Ordinance. Sunbury Planning and Zoning Commission may recommend the application be granted as requested or it may request a modification, or it may recommend that the application not be granted.

If the applicant is seeking a zoning certificate for a phase development which appears on a site plan previously approved, by Sunbury Planning and Zoning Commission/Sunbury Council, then the Zoning Inspector shall have the discretion, if he should decide to exercise it, to approval or disapprove the application.

#### B. Action by Sunbury Council

Sunbury Council must vote on the recommendation of the Sunbury

Planning and Zoning Commission on the proposed zoning certificate application for new buildings or structures in any industrial or commercial districts and may either adopt or deny the recommendation of the Sunbury Planning and Zoning Commission. In the event the Sunbury Council adopts the recommendation of the Sunbury Planning and Zoning Commission, it must do so by not less than a majority vote of the full membership of the Sunbury Council. In the event the Sunbury Council modifies the recommendation of the Sunbury Planning and Zoning Commission, it must do so by not less than three-fourths (3/4) of the full membership of the Sunbury Council. No such ordinance shall be passed unless it has been full and distinctly read on three different days before Sunbury Council, unless three-fourths (3/4) of the membership of the Sunbury Council vote to dispense with the three reading rule. If a recommendation fails to receive the votes necessary for passage, the recommendation is rejected. If the recommendation fails to receive the votes necessary for passage or for modification or for denial, the matter may be remanded to Sunbury Planning and Zoning Commission and reconsidered without filing of application fees which might otherwise be necessary.

C. Residential Dwellings Excluded

Residential dwellings shall be excluded from the zoning certificate requirements. Residential dwellings shall otherwise, however, comply with all applicable provisions of this Zoning Ordinance and all applicable building code provisions.

D. Storage Shed Exclusion

Storage sheds which have no permanent foundation, and which have a total area of 100 square feet or less are excluded from the provisions of Section S81.05.01 of the Village of Sunbury, Ohio, Zoning Ordinance of 1981, Ordinance No. 81-699, requiring a zoning certificate prior to erection. (Ordinance No. 87-014)

E. Minor Site Improvements Excluded

Minor Site Improvements shall be excluded from the zoning certificate requirements. An application for a minor site plan shall be submitted for review and approval by the

Zoning Officer and the Village Engineer. The application for Minor Site Improvements is on file at the office of the Zoning Inspector.

F. Minor Lot Line Adjustment Excluded

Minor Lot Line Adjustments shall be excluded from the zoning certificate requirements. An application for a Minor Lot Line Adjustment shall be submitted for review and approval by the Zoning Officer, the Village Engineer and the Village Solicitor. The application for a Minor Lot Line Adjustment is on file at the office of the Zoning Inspector.

**Section S81.05.02 CONTENTS OF APPLICATION FOR ZONING CERTIFICATE.**

Every applicant for a Zoning Certificate shall file a written application with the Zoning Inspector.

The application for zoning certificate shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within 6 months or substantially completed within one and one-half (1 1/2) years. The application for the Zoning Certificate is on file at the office of the Zoning Inspector and shall contain the following information.

1. Name, address, and phone number of applicant,
2. Name, address, and phone number of owner,
3. Legal description of property,
4. Existing use,
5. Proposed use,
6. Zoning district,
7. Fifteen copies of plans in quality required by the Zoning Inspector and/or Village Engineer showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings or structures on the lot, if any; and the location and dimensions of the proposed building(s), structure(s) or alteration; elevation drawings which to depict an accurate representation of the architecture and building materials to be used in construction. This plan and elevation drawings as submitted with amendments as required by the Printing and Zoning Commission are

hereby incorporated by reference to any approved zoning certificate.

8. Building heights and square footage,
9. Number of off-street parking spaces or loading berths,
10. Number of dwelling units,
11. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

#### **Section S81.05.03 APPROVAL OF ZONING CERTIFICATE**

Action on the Application shall be taken in conformance with this Ordinance.

Upon approval by Sunbury Council or Sunbury Planning and Zoning Commission, where applicable, all zoning certificates shall be conditional upon the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after he shall have marked such copy either as approved or disapproved and attested to the same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of the Ordinance.

#### **Section S81.05.04 EXPIRATION OF ZONING CERTIFICATE.**

If the work described in any zoning certificate has not begun within one year of the date of issuance thereof, said certificate shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons attested. If the work described in any zoning certificate has not been substantially completed within one and one half (1 1/2) years of the date of issuance thereof, including completion of top coats of asphalted materials, said certificate shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons attested, together with notice that further work as described in the cancelled certificate shall not proceed unless and until a new zoning certificate has been obtained or extension granted. Upon expiration of a zoning certificate, prior to a new zoning certificate being issued or an extension granted, application shall be filed with the Planning and Zoning Commission and a reapplication/extension fee in the amount of \$75.00 will be paid to the zoning inspector provided no material changes to the

prior submission are involved. If occupancy permit is issued from December 1<sup>st</sup> through April 1<sup>st</sup> of any building season, the applicant will have until the following June 1<sup>st</sup> to have any delinquent top coat paving completed.

**Section S81.06.01 CERTIFICATE OF OCCUPANCY (PRE-OCCUPANCY) .**

A. Commercial or Industrial

It shall be unlawful to use or occupy or permit the use or occupancy of any commercial or industrial building, structure or premises, or part thereof, whether hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, or upon a change in ownership or occupant, until a certificate of occupancy shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance. Before any certificate of occupancy is issued, the applicant must first provide to the Zoning Inspector copies of all applicable inspection reports, including any inspections by state, county, and village personnel.

B. Residential

It shall be unlawful to use or occupy or permit the use for occupancy of any residential building, structure or premise, or part thereof, whether hereinafter created, erected, changed, converted, or wholly or partly altered or enlarged until a certificate of occupancy shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this ordinance.<sup>1</sup>

**Section S81.06.02 RECORD OF CERTIFICATES OF OCCUPANCY.**

The Zoning Inspector shall maintain a record of all certificates of occupancy and a copy shall be furnished upon request to any person upon payment of a specified fee.

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<sup>1</sup>Before any certificate of occupancy is issued, the applicant must first provide to the Zoning Inspector copies of all applicable inspection reports, including any inspections by state, county and village personnel.

**Section S81.06.03 TEMPORARY CERTIFICATE OF OCCUPANCY.**

A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

**Section S81.06.04 FAILURE TO OBTAIN A ZONING CERTIFICATE OR CERTIFICATE OF OCCUPANCY.**

Failure to obtain a zoning certificate or certificate of occupancy shall be a violation of this Ordinance and punishable under Section S81.06.08 of this Ordinance.

**Section S81.06.05 CONSTRUCTION AND OCCUPANCY TO BE AS PROVIDED IN APPLICATIONS, PLANS, AND CERTIFICATES.**

Zoning certificates or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the occupancy, construction and arrangement, set forth in such approved plans and applications or amendments thereto, and no other occupancy, arrangement, or construction. Occupancy or construction at variance with that authorized shall be deemed a violation of this Ordinance and punishable as provided in Section S81.06.08 of this Ordinance.

**Section S81.06.06 FEE SCHEDULE.**

Council by ordinance or resolution shall establish a schedule of fees, charges and expenses and a collection procedure for Zoning Certificates, Certificates of Occupancy, appeals and other matters pertaining to this Zoning Ordinance. The schedule of fees shall be posted in the office of the Zoning Inspector and may be altered and amended only by ordinance of Council. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal. All funds shall be made payable to the Village. All fees shall be paid to the General Fund.

**Section S81.06.07 COMPLAINTS REGARDING VIOLATIONS.**

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

provided by this Ordinance.

**Section S81.06.08 PENALTIES FOR VIOLATIONS.**

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Ordinance) shall constitute a first degree misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000.00 or imprisoned for not more than one hundred eighty (180) days, or both, and in addition shall pay all costs including legal fees and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, subcontractor, 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 action as is necessary to prevent or remedy any violations.

## **CHAPTER S81.07 NON-CONFORMING USES.**

Within the districts established by this Zoning Ordinance or amendments that may later be adopted, there exists lots, structures, uses of land and structures, and characteristics of use which were lawful before this Zoning Ordinance was passed or amended which would be prohibited, regulated or restricted under the terms of this Zoning Ordinance, or future amendments. It is the intent of this Zoning Ordinance to permit these non-conformities to continue until they are removed, to provide for their conversion into conforming uses as soon as it is reasonably possible, but not to encourage additional non-conformities.

### **Section S81.07.01 USES UNDER CONDITIONAL USE PROVISIONS NOT NONCONFORMING USES.**

Any use which is permitted as a conditional use in a district under the terms of this Zoning Ordinance shall not be deemed a nonconforming use in such district, but shall, without further action, be considered a conforming use.

### **Section S81.07.02 CONTINUANCE.**

The lawful use of any lot, structures, uses of land structures, and characteristics of use, as existing and lawful at the time of enactment of this Ordinance or amendments thereto, may be continued, although such use does not conform with the provisions of this Ordinance or amendments. If no structural alterations are made, any non-conforming use of a structure or structure in premises, lots or characteristics of use, may, as a conditional use, be changed to another non-conforming use, provided that the Sunbury Planning and Zoning Commission finds that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Commission may require appropriate conditions and safeguards in accord with other provisions of this Zoning Ordinance.

No non-conforming building or use may be enlarged, extended or otherwise expanded except upon the granting of a conditional use permit issued by the Sunbury Planning and Zoning Commission pursuant to Section S81:03:15 and this section. The Commission shall have the power to permit changes and extensions of nonconforming uses as follows:

1. A nonconforming use of a less objectionable nature may be

substituted for an existing nonconforming use.

2. An existing, legal nonconforming use which occupied only a portion of an existing structure or premises may be extended throughout such structure or premises.
3. The alteration or reconstruction of a nonconforming use or building provided that such will make the nonconforming use substantially more in character with its surroundings.
4. The extension of a nonconforming use when such extension will substantially make the nonconforming use more in character with its surroundings.
5. Any extension, alteration or reconstruction shall not be greater than 50% of the size of the nonconforming use that existed at the time of passage of this Ordinance.

The Board may impose such requirements and conditions as they may deem necessary for the protection of adjacent properties and the public interest.

**Section S81.07.03 DISCONTINUANCE.**

In the event that a non-conforming use of any dwelling, building or structure and of any land or premises is voluntarily discontinued for six (6) months or more, then pursuant to Ohio Revised Code §713.15, any future use thereof shall be in conformity with the provisions of this Ordinance.

**Section S81.07.04 DAMAGE TO.**

A nonconforming building or use more than 50% damaged, destroyed or removed by whatever cause, including acts of God, but not including acts of malicious mischief or vandalism, shall not be restored or replaced, except in accordance with the regulations for the district in which it is located. Those structures with less than 50% destruction or removal may only be restored or rebuilt and continued in such nonconforming use if the restoration or rebuilding is commenced within six months from the time of damage.

**Section S81.07.05 SINGLE NONCONFORMING LOTS OF RECORD.**

In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Ordinance, notwithstanding

limitations imposed by other provisions of this Zoning Ordinance. Such nonconforming lots must be in separate ownership and not of continuous frontage with other land in the same ownership on the effective date of the applicable amendment of this Zoning Ordinance. Variance of any development standard other than minimum lot area and/or minimum lot width shall be obtained only through action of the Sunbury Planning and Zoning Commission in accordance with the provisions of this Ordinance. Otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which said ownership is located.

**CHAPTER S81.08 - Reserved for Future Use**

**CHAPTER S81.09 ADMINISTRATIVE BODIES AND THEIR RESPONSIBILITIES.**

**Section S81.09.01 OFFICE OF ZONING INSPECTOR CREATED.**

A Zoning Inspector appointed by the Mayor and approved by the Sunbury Council and subject to the direction and supervision of the Administrator shall administer and enforce this Ordinance. Salary or other compensation shall be established by the Sunbury Council. He may be provided with the assistance of such persons as the Sunbury Council may permit.

The Zoning Inspector, before entering upon the duties of his office, shall give bond signed by a bonding or surety company authorized to do business in this state, or, at his option, signed by two (2) or more freeholders having real estate in the value of double the amount of the bond, in the amount specified by Sunbury Council. Such surety company or real estate bond shall be approved by the Sunbury Council and the bond shall be conditioned upon the faithful performance of such Zoning Inspector's official duties. Such bond shall be deposited with the Municipal Clerk.

**Section S81.09.02 DUTIES OF THE ZONING INSPECTOR.**

For the purposes of this Ordinance the Zoning Inspector shall have the following duties:

1. Upon finding that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation,
2. Order discontinuance of illegal uses of land, buildings, or structures,
3. Order removal of illegal buildings or structures or illegal additions or structural alterations,
4. Order discontinuance of any illegal work being done; or
5. Take any other action authorized by this Ordinance to ensure compliance with or to prevent violation(s) of this Ordinance. This may include the issuance of and action on zoning certificates and certificates of occupancy and such similar administrative duties as are permissible under the law.

6. Keep the Planning and Zoning Commission advised of all matters other than routine duties pertaining to the enforcement of the Ordinance, advise of all matters pertaining to conditional use permits, appeals or variances, and to transmit all applications and records pertaining to the Commission.

**Section S81.09.03 SUNBURY PLANNING AND ZONING COMMISSION CREATED.**

The Sunbury Planning and Zoning Commission is hereby created, which shall consist of the Mayor, (3) residents appointed by the Mayor and confirmed by the Sunbury Council, each for a term of (3) three years, and one member elected from Sunbury Council for the remainder of his term will serve as a voting member. Members of the Commission may be removed from office by the Sunbury Council, for cause upon written charges and after public hearing. Vacancies shall be filled by appointment of the Mayor for the unexpired term of the member. The Mayor shall serve as Chairman of the Commission and the Council's representative shall serve as vice-chairman.

**Section S81.09.04 QUORUM; VOTING**

1. Four members present shall constitute a quorum of the Commission;
2. Four affirmative votes shall be required for the passage of any resolution.

**Section S81.09.05 CLERK TO THE SUNBURY PLANNING AND ZONING COMMISSION CREATED.**

The position of Clerk to the Sunbury Planning and Zoning Commission is hereby created, who shall be appointed by the Commission upon the approval of the Sunbury Council. Salary, and or other compensation, shall be established by the Sunbury Council. The duties of the clerk shall be defined in the operating procedures adopted by the Sunbury Planning and Zoning Commission.

**Section S81.09.06 PROCEEDINGS OF SUNBURY PLANNING AND ZONING COMMISSION.**

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Ordinance. Meetings shall be held at the call of the chairman and at such other times

as the Commission may determine. The chairman, or in his absence the vice chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Mayor.

**Section S81.09.07 DUTIES OF SUNBURY PLANNING AND ZONING COMMISSION.**

In exercising its duties, the Commission may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of four (4) members of the commission shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation in the application of this ordinance. For the purpose of this Ordinance the Commission has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector, and
2. To authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done. In permitting such variances, the Commission may establish conditions precedent to the granting thereof which it deems necessary to accomplish the purposes of this Ordinance, and
3. To grant conditional uses as specified in the Official Schedule of District Regulations and under the conditions specified in Chapter S81:11.29, et. seq. and such additional safeguards as will uphold the intent of this Ordinance, and

4. Review all proposed amendments to this Ordinance and make recommendations to the Sunbury Council, and
5. Review all planned residential, industrial and commercial district proposals and make recommendations to the Sunbury Council, and
6. To review all zoning certificate applications and site plans and make recommendations to the Sunbury Council, when required.

**Section S81.09.08 ON MATTERS OF APPEAL, THE DUTIES OF ZONING INSPECTOR, SUNBURY PLANNING AND ZONING COMMISSION, LEGISLATIVE AUTHORITY AND COURTS.**

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Commission only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Commission shall be to the courts as provided by law. It is further the intent of this Ordinance that the duties of the Sunbury Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this Ordinance. Under this Ordinance Sunbury Council shall have only the duties of considering and adopting or rejecting proposed amendments, rezoning, zoning certificate for new building in commercial or industrial district, or the repeal of this Ordinance as provided by law, and of establishing a schedule of fees and charges.

**CHAPTER S81.10 - Reserved for Future Use**

## **CHAPTER S81.11 ADMINISTRATIVE PROCEDURES.**

### **Section 81.11.01 PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES.**

This Ordinance may be amended utilizing the procedures specified in Section S81.11.02 - 81.11.14.

### **Section S81.11.02 GENERAL**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Sunbury Council may by ordinance after receipt of recommendation thereon from the Sunbury Planning and Zoning Commission, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classifications of property.

### **Section S81.11.03 INITIATION OF ZONING AMENDMENTS (REZONING).**

Amendments to this Ordinance may be initiated in one of the following ways:

1. By adoption of a motion by the Sunbury Planning and Zoning Commission.
2. By adoption of a resolution of Sunbury Council,
3. By filing with the Zoning Clerk of an application by at least one (1) owner, his/her agent or lessee of property within the area proposed to be changed or affected by said amendment. Applications will also be accepted, as a courtesy, on behalf of property owners who are seeking annexation into the Village. Said applications will only be accepted after the County Commissioners have voted to approve the annexation. Acceptance of applications after the approval of the County Commissioners but before acceptance by the Sunbury Council will permit tracking of the annexation request with the rezoning request. Applications will be accepted as a courtesy to the property owners, recognizing that annexation requests will ultimately include an application for rezoning.

### **Section S81.11.04 CONTENTS OF APPLICATION.**

The application for amendment is on file at the office of the Zoning Inspector and shall contain at least the following information:

1. Name, address, and phone number of legal owners of the

- real property,
2. Name, address, and phone number of applicant,
  3. Proposed amendment to the text or legal description,
  4. Present use,
  5. Present zoning district,
  6. Proposed use,
  7. Proposed zoning district,
  8. A vicinity map at a scale approved by the Zoning Inspector showing property lines, streets, existing and proposed zoning and such other items as the Zoning Inspector may require.
  9. A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and others within 200 feet of the parcel.
  10. A statement on how the proposed amendment relates to the comprehensive plan.
  11. A fee as established by Sunbury Council.

**Section S81.11.05 TRANSMITTAL TO SUNBURY PLANNING AND ZONING COMMISSION.**

Immediately after the adoption of a resolution by the Sunbury Council or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission.

**Section S81.11.06 PUBLIC HEARING BY THE SUNBURY PLANNING AND ZONING COMMISSION.**

The Sunbury Planning and Zoning Commission shall schedule a public hearing after the adoption of a motion, transmittal of a resolution from Sunbury Council, or the filing of an application for zoning amendment. Said hearing shall be not less than twenty (20) days and more than sixty (60) days from the date of the receipt of such motion, transmittal of such resolution, or the filing of such application.

**Section S81.11.07 NOTICE OF PUBLIC HEARING IN NEWSPAPER, AT MUNICIPAL BUILDING AND AFFECTED PROPERTY.**

Before holding the public hearing provided in Section S81.11.06, notice of such hearing shall be given by the Sunbury Planning and Zoning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in Sunbury at least fifteen (15) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the

proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to Sunbury Council for further determination. Notice shall also be given by placing a sign at the Municipal Building and on the affected property.

**Section S81.11.08 NOTICE TO PROPERTY OWNERS BY SUNBURY PLANNING AND ZONING COMMISSION**

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 Sunbury Planning and Zoning Commission by first class mail, at least fifteen (15) days before the date of the hearing to all owners of property within, contiguous to, directly across the street, and within 200 feet of such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Sunbury Council. The notice shall contain the same information as required of notices published in newspapers as specified in S81.11.07.

**Section S81.11.09 RECOMMENDATION BY THE SUNBURY PLANNING AND ZONING COMMISSION.**

Within sixty (60) days after the public hearing provided in Section S81.11.06, the Sunbury Planning and Zoning Commission shall recommend to Sunbury Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted. If the commission makes no report within sixty (60) days, Council shall proceed without such report.

**Section S81.11.10 PUBLIC HEARING BY SUNBURY COUNCIL.**

Upon receipt of the recommendation from the Sunbury Planning and Zoning Commission, or after expiration of sixty (60) days as set forth in S81.11.09, Sunbury Council shall schedule a public hearing.

**Section S81.11.11 NOTICE OF PUBLIC HEARING IN NEWSPAPER, AT MUNICIPAL BUILDING AND AFFECTED PROPERTY.**

Notice of the public hearing shall be given by Sunbury Council in at least one (1) publication in one (1) or more newspapers of general circulation in Sunbury. Said notice shall be published at

least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment. Notice shall also be given by placing a sign at the Municipal Building and on the affected property.

**Sections S81.11.12 NOTICE TO PROPERTY OWNERS BY SUNBURY COUNCIL.**

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 Clerk of Council, by first class mail, at least twenty (20) days before the day of the public hearing to all owners within, contiguous to, directly across the street and within 200 feet of such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by Sunbury Council. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section S81.11.11.

**Section S81.11.13 ACTION BY SUNBURY COUNCIL.**

Within thirty (30) days after the public hearing, the Sunbury Council must vote on the recommendation of the Sunbury Planning and Zoning Commission and may either adopt or deny the recommendation of the Sunbury Planning and Zoning Commission, or adopt some modification thereof. In the event the Sunbury Council adopts the recommendation of the Sunbury Planning and Zoning Commission, it must do so by not less than a majority vote of the full membership of Sunbury Council. In the event the Sunbury Council modifies the recommendation of the Sunbury Planning and Zoning Commission, it must do so by not less than three-fourths (3/4) of the full membership of Sunbury Council. No such ordinance shall be passed unless it has been fully and distinctly read on three different days before Sunbury Council, unless three-fourths (3/4) of the membership of the Sunbury Council vote to dispense with this rule. If a recommendation fails to receive the votes necessary for passage, the recommendation is rejected. If the recommendation fails to receive the votes necessary for passage or for modification or for denial, the matter may be remanded to Sunbury Planning and Zoning Commission and reconsidered without filing of application fees which might otherwise be necessary.

**Section S81.11.14 EFFECTIVE DATE AND REFERENDUM.**

Such amendment adopted by Sunbury Council shall become effective thirty (30) days after the passage of the date of such adoption unless within thirty (30) days after the passage of the ordinance there is presented to the Sunbury Clerk a petition, signed by a number of qualified voters residing in Sunbury equal to not less than ten (10) percent of the total vote cast at the last preceding general election at which a Governor was elected, requesting the Sunbury Council to submit the zoning ordinance to the electors of Sunbury for approval or rejection at the next general election.

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

**Section S81.11.15 PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES.**

Appeals and variances shall conform to the procedures and requirements of this Ordinance.

**Section S81.11.16 GENERAL.**

It is the purpose of Sections S81.11.17 - S81.11.26, to establish procedures and requirements for the hearing of appeals and variances. As is specified in Section S81.09.07, the Sunbury Planning and Zoning Commission has appellate jurisdiction relative to variances and to appeals.

**Section S81.11.17 APPEALS.**

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

**Section S81.11.18 STAY OF PROCEEDINGS.**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Sunbury Planning and Zoning Commission after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Sunbury Planning and Zoning Commission or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

**Section S81.11.19 VARIANCES**

The Sunbury Planning and Zoning Commission may authorize upon appeal in specific cases and subject to appropriate conditions such variance from the terms of this Ordinance as will not be contrary to the public interest where it is a conforming use of land, owing to special conditions, a literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. No non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance.

**Section S81.11.20 APPLICATION AND STANDARDS FOR VARIANCES.**

1. A variance from the terms of this Ordinance shall not be granted by the Sunbury Planning and Zoning Commission unless and until a written application for a variance is submitted to the Zoning Inspector and the Sunbury Planning and Zoning Commission. The application is on file at the office of the Zoning Inspector and shall contain the following information:
  1. Name, address, and phone number of applicants and legal owners, if different from the applicant;
  2. Legal description of property;
  3. Description of nature of variance requested;
  4. A narrative statement demonstrating that the requested variance conforms to the following standards:
    - a. 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;
    - b. 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;

- c. That special conditions and circumstances do not result from the actions of the applicant;
  - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this Ordinance to other lands, structures, or buildings in the same district.
5. A list of the property owners and their addresses, contiguous to, directly across the street(s) and with 200 feet of the property for which the variance is proposed.

**Section S81.11.21 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.**

In granting any appeal or variance, the Sunbury Planning and Zoning Commission shall 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. Under no circumstances shall the Sunbury Planning and Zoning Commission 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.

**Section S81.11.22 PUBLIC HEARING BY SUNBURY PLANNING AND ZONING COMMISSION.**

The Sunbury Planning and Zoning Commission shall hold a public hearing not less than twenty (20) days or more than sixty (60) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

**Section S81.11.23 NOTICE OF PUBLIC HEARING IN NEWSPAPER, AT MUNICIPAL BUILDING AND AFFECTED PROPERTY.**

Before holding the public hearing required in Section S81.11.22, notice of such hearing shall be given in one or more newspapers of general circulation of Sunbury, at least fifteen (15) 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.

**Section S81.11.24 NOTICE TO PROPERTY OWNERS.**

Before holding the public hearing required in Section S81.11.22, written notice of such hearing shall be mailed by the Clerk of the Sunbury Planning and Zoning Commission, by first class mail, at least fifteen (15) days before the day of the hearing to those property owners in interest including those identified in Section S81.11.20(5). The notice shall contain the same information as required of notices published in newspapers as specified in Section S81.11.23.

**Section S81.11.25 BURDEN OF PROOF**

It shall be the affirmative duty of the person bringing the appeal or pursuing the variance to present by a preponderance of the evidence, sufficient basis to demonstrate the propriety of the appeal or variance.

**Section S81.11.26 ACTION BY THE SUNBURY PLANNING AND ZONING COMMISSION.**

Within fifteen (15) days after the public hearing required in Section S81.11.22, the Sunbury Planning and Zoning Commission shall either approve, approve with supplementary conditions as specified in Section S81.11.21, or disapprove the request for appeal or variance. The Sunbury Planning and Zoning Commission shall further make a finding, upon approval, that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. If the request for appeal or variance is denied, the applicant may seek relief through the Court of Record.

**Section S81.11.27 PROCEDURE FOR REQUIREMENTS FOR APPROVAL OF CONDITIONAL USES.**

Conditional uses shall conform to the procedures and requirements of this Ordinance.

**Section S81.11.28 PURPOSE.**

Certain uses not otherwise allowed under this Ordinance may, if properly controlled, be compatible with the nature and spirit of the district regulations. This Ordinance calls those uses conditional uses and lists the conditional uses that may exist within a specific district. Upon proper review and approval by the

Sunbury Planning and Zoning Commission, the conditional use may be granted the status of permitted use with respect to the property concerned.

**Section S81.11.29 CONTENTS OF APPLICATION FOR CONDITIONAL USE PERMIT.**

An application for conditional use permit shall be filed with the Clerk of the Sunbury Planning and Zoning Commission by at least one owner or lessee of the property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant and of the legal owner, if different from the applicant;
2. Legal description of property;
3. Description of existing use;
4. Present zoning district;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic circulation, open spaces, landscaping, refuse, and service areas, utilities, signs, yards, and such other information as the Commission may require to determine if the proposed conditional use meets the intent and requirements of this Ordinance;
7. A narrative statement evaluating the economic effects on adjoining property; the effect of such elements as noise, glare, odor, fumes and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district.;
8. A list of the property owners and their addresses, contiguous to, directly across the street(s), and within 200 feet of the property for which the conditional use is proposed.

**Section S81.11.30 GENERAL STANDARDS APPLICABLE TO ALL CONDITIONAL USES.**

The Commission shall review the particular facts and circumstances of each proposed use in the terms of the following standards and before approval shall find adequate evidence showing that such use at the proposed location:

1. Will be harmonious with, and in accordance with, the general objectives, or with any specific objective of Sunbury's

Zoning Ordinance;

2. 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 same area, neighborhood and zoning district;
3. Will not be hazardous or disturbing to existing or future neighboring permitted uses, or entail a use structure or condition of operation that constitutes a nuisance;
4. Will be served adequately by, and not create an undue burden on, essential public facilities and services such as highways, streets, police and fire protections, drainage structures, refuse disposal, water and sewers, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
5. 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;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads; and
8. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

**Section S81.11.31 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS.**

In granting any conditional use, the Commission 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 and punishable under Section S81.06.08 of this Ordinance.

**Section S81.11.32 PUBLIC HEARINGS BY SUNBURY PLANNING AND ZONING COMMISSION.**

The Commission shall hold a public hearing not less than twenty (20) days or more than sixty (60) days from the receipt of the application specified in Section S81.11.29.

**Section S81.11.33 NOTICE OF PUBLIC HEARING IN NEWSPAPER, AT MUNICIPAL BUILDING AND AFFECTED PROPERTY.**

Before holding the public hearing required in Section S81.11.32 notice of such hearing shall be given in one (1) or more newspapers of general circulation in Sunbury at least fifteen (15) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use. Notice shall also be given by placing a sign at the Municipal Building and on the affected property.

**Section S81.11.34 NOTICE TO PROPERTY OWNERS**

Before holding the public hearing required in Section S81.11.32 written notice of such hearing shall be mailed by the clerk at least fifteen (15) days before the day of the hearing to those property owners in interest including those identified in S81.11.29(8). The notice shall contain the same information as required of notices published in newspapers as specified in Section S81.11.33.

**Section S81.11.35 BURDEN OF PROOF**

It shall be the affirmative duty of the applicant to present by the preponderance of evidence, sufficient basis to demonstrate the propriety of a conditional permit. Mere application for the permit is not sufficient.

**Section S81.11.36 ACTION BY THE SUNBURY PLANNING AND ZONING COMMISSION**

Within thirty (30) days after the public hearing required in Section S81.11.32 the Commission shall either approve, approve with supplementary conditions as specified in Section S81.11.31, or disapprove the application as presented. If the application is approved or approved with modifications, the commission shall direct the Zoning Inspector to issue a conditional zoning permit listing the specific conditions specified by the Commission for

approval. If the application is disapproved by the Commission, the applicant may seek relief through the Court of Record.

**Section S81.11.37 EXPIRATION OF A 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 six (6) months. No Conditional Use Permit shall inure to the benefit of the heirs, successors, assigns or purchasers of a Conditional Use Permit holder without first applying for a renewal of the Conditional Use Permit. Decision on the renewal shall be made by the Zoning Inspector. If the renewal is granted, it shall be issued instead of a Certificate of Use.

## **CHAPTER S81.12 PROVISIONS FOR OFFICIAL ZONING MAP.**

### **Section S81.12.01 OFFICIAL ZONING MAP**

The districts established in Chapter 81.13 of this ordinance are shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted as part of this Ordinance.

### **Section S81.12.02 IDENTIFICATION OF THE OFFICIAL ZONING MAP**

The official Zoning Map shall be identified by the signature of the Mayor, attested by Sunbury Clerk, and bearing the seal of Sunbury.

### **Section S81.12.03 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:

1. Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway lines shall be construed to be such boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance 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;
4. 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; and
5. 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 Sunbury unless otherwise indicated.

**Section S81.12.04 AMENDMENTS.**

If, in accordance with the provisions of this Ordinance changes are made in the district boundaries or other matters portrayed on the Zoning Map, such changes shall be entered on the Zoning Map promptly after the amendment has been approved by Council and the Mayor, with an entry on the Zoning Map indicating the ordinance number and date of adoption.

## CHAPTER S81.13 ESTABLISHMENT AND PURPOSES OF DISTRICTS

### Section S81.13.01 INTENT

The following zoning districts are hereby established for the Village of Sunbury, Ohio. For the interpretation of this ordinance, the zoning districts have been formulated to realize the general purposes as set forth in the Preamble of this ordinance.

All lands and all lots in subdivisions which are located within the limits of the Sunbury Zoning Ordinance and which were duly recorded upon the official zoning map of Sunbury, Ohio, at the effective date of this amendment to the Zoning Ordinance shall be considered legal residential lots and nothing in this Ordinance shall be construed to prohibit the use thereof for residential purpose.

In addition, the purpose of each zoning district shall be as follows:

#### 1. Residential Districts

- a. A-1, R-1, R-2, and R-3 Single Family Dwellings. These districts are established to accommodate single-family residential dwellings at a density that is similar to that which existed in the area so defined upon this code's initial creation. The objective of these districts is to discourage large concentrations of intensive development where it is desirable to maintain the character of the area.

- b. R-4 Multiple Family Dwellings.

This district is established to accommodate multi-family dwellings and apartment houses at a density compatible to that which existed in the areas so defined upon this code's initial creation. The object of this district is to allow continuance, redevelopment or limited expansion of existing apartments in areas appropriate for such development and to allow for a choice of dwelling structure types and densities.

- c. R-5 Two Family Dwellings.

This district is established to accommodate two-family

residential dwellings at a density that is similar to that which existed in the area so defined upon this codes initial creation. The object of this district is to discourage large concentrations of intensive development where it is desirable to maintain the character of the area.

d. PRD Planned Residential District.

Sunbury recognizing that with increased urbanization and population growth comes increased demands for well-organized residential areas which take into account unique natural factors, contemporary land use concepts, and a balanced residential environment, hereby provides for the Planned Residence District intending hereby to promote the variety and flexibility of land development for residential purposes that are necessary to meet these demands while still preserving and enhancing the health, safety, and general welfare of the inhabitants of the municipality.

2. Commercial Districts

a. C-1 Neighborhood Office District.

The Neighborhood Office District is intended to encourage grouping of small individual establishments to promote convenience in serving the needs of people in residential areas. These groups of establishments generally occupy land area in close proximity to the residential population served. In that office establishments allowed in the Neighborhood Office District will be closely associated with residential, religious, recreational, and educational land uses at the neighborhood level, more restrictive requirements for light, air, and open space are necessitated than in other Commercial Zoning Districts.

b. C-2 Commercial District.

The Commercial District is intended to encourage the concentration of a broad range of individual commercial establishments which together may constitute an area of commercial activity. A Commercial District should be centrally located and accessible by the population

served, and will normally be developed at the intersection of major thoroughfares.

c. C-3 Central Business District.

The Central Business District is intended to maintain and promote the historic character of the downtown business core. Permitted uses should reflect the historical nature and atmosphere which is the central business district.

d. PCD Planned Commercial District.

Sunbury, recognizing that with increased urbanization and population growth comes increased demands for well-organized commercial areas to provide employment, goods and services to area residents as well as to provide a balanced economy within the municipality, hereby provides for the Planned Commercial District, intending to promote the variety and flexibility of land development for commercial purposes that are necessary to meet these demands while still preserving and enhancing the health, safety, and general welfare of the inhabitants of the municipality.

3. Industrial Districts

a. I Industrial District

The Industrial District is proposed to accommodate industrial development and allow land for future industrial expansion and to provide land for new industrial sites. The I designation is intended for lands which are located with frontage along major thoroughfares and/or where convenient access exists to major highways and/or rail systems.

b. Planned Industrial District

In the creation of the Planned Industrial District, it is the intention and desire of the municipality to provide reasonable conditions under which well-planned industrial areas can develop for the greatest benefit of the entire municipality, while still preserving and enhancing the health, safety, and general welfare of all

Sunbury.

## **CHAPTER S81.14 DISTRICT REGULATIONS.**

### **Section S81.14.01 COMPLIANCE WITH REGULATIONS**

The regulations for each District set forth by this Ordinance shall be minimum regulations, and shall apply uniformly to each class or kind or structure or land, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall be erected or altered to:
  - a. provide for greater height or bulk;
  - b. accommodate or house a greater number of families;
  - c. occupy a greater percentage of lot area; and
  - d. have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner be contrary to the provisions of this ordinance;
3. No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements set forth herein;
4. All territory which may be annexed to the Village of Sunbury shall be administered according to the applicable township or county zoning district regulations unless otherwise classified. Annexed territory without township or county zoning shall be considered to be in the A-1 District unless otherwise classified.

### **Section S81.14.02 PROHIBITED USES**

1. No use not specifically authorized by the express terms of this chapter of the zoning ordinance shall be permitted.

2. For the purposes of this ordinance, the operation of a feed-lot for the feeding for sale of farm animals shall be termed commercial if the number of such animals is greater than five (5) head per five (5) acres of land operated by the proprietor in Sunbury, Ohio. The feeding for sale of more than fifty (50) chickens or ten (10) turkeys in a poultry operation at any one time shall be termed commercial. Neither of these commercial operations shall be permitted in the Residential Districts.
3. Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
4. No trailer of any type, no boats, no motor homes, and no equipment of any type shall be parked in front of the front building line on any parcel within this district. If a dwelling is located on said lot, the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
5. Motor homes, mobile homes, or campers of any type shall not be occupied by any person for more than fourteen (14) consecutive days within a 12-month period and shall not be used for commercial or business purposes
6. Portable Storage Container Regulations
  - a. Refer to Section S81.03.64 for the definition of a portable storage container.
  - b. Permit Requirements.
    - 1) Permit Required: The placement of a portable storage container in any zoning district is allowed only upon issuance of a permit by the Zoning Inspector. Applications for a permit are available at the Village of Sunbury Zoning Department.

- 2) Exceptions:
  - a) Where a portable storage container will be located on a zoning lot for less than seventy-two hours, no permit is required. However, the container company will be responsible for displaying documentation on the portable storage container, in a conspicuous place, indicating the delivery and removal dates and times.
- 3) Timing: A portable storage container may not be placed on the premises any time prior to 24 hours preceding the anticipated use of the container.
- 4) Duration: Portable storage containers are allowed to be placed on a lot for a period not to exceed ninety (90) consecutive days in any six (6) month period.
- 5) Permit Display: Permits shall be displayed in plain view from the nearest street.
- 6) Permit Cost: Permits cost twenty-five dollars (\$25.00) per container.

c. General Requirements for all Zoning Districts.

- 1) No more than one (1) portable storage container shall be permitted on any lot.
- 2) No portable storage container shall have dimensions greater than sixteen (16) feet in length, eight (8) feet in width, or eight and one-half (8 ½) feet in height.
- 3) With the exception of the name, telephone number and address of the container company and the permit, no signs or advertising may be displayed on any portable storage container.
- 4) No portable storage container shall be placed or located closer than five (5) feet from any side or rear lot line.

- 5) Any portable storage container shall be located to the rear of the front building line of the principal building facing a public street.
- 6) Where there is no principal structure on a lot, including construction sites, the portable storage container shall comply with the front yard setback for that zoning district.
- 7) Wherever possible, a portable storage container shall be placed on a driveway or other impervious surface and not upon a lawn or yard.
- 8) If site conditions prevent locating the portable storage container in conformity with sections (d)- (f), the applicant may request permission for the portable storage container to be placed in such other location as the Zoning Officer permits, provided that it is no closer than ten (10) feet from the paved portion of any street and not obstructing any sidewalk.
- 9) Where a portable storage container is lawfully located in a driveway or other area pursuant to sections (g) or (h), the applicant will attempt to locate it in a manner that allows for adequate off-street parking.
- 10) Portable storage containers may not be left open to view and are to remain locked when not in use.
- 11) Portable storage containers shall be in a condition free from rust, peeling paint, and other forms of deterioration.
- 12) Where applications are construction-related, applicants are encouraged to move portable storage containers off-site.
- 13) No portable storage container stored anywhere other than a POD facility shall contain any flammable, combustible, toxic or hazardous materials.

- 14) Upon reasonable notice, the permit holder shall permit the inspection of the interior of any portable storage container by any municipal official for compliance with this ordinance.
- 15) In the event of fire, hurricane or other natural disaster causing substantial damage to a primary structure, a property owner may apply to the Village of Sunbury for a reasonable extension of the time that the portable storage container may be located on a lot.

d. Enforcement.

- 1) These provisions shall be enforced by the Village of Sunbury Zoning Inspector.

e. Violations and Penalties.

- 1) Any person, firm or corporation that shall violate any provisions of this section shall be subject to the penalties as provided in S81.06.08. Each day that such violation exists shall constitute a separate offense.

**Section S81.14.03 ADDITIONAL DISTRICT RESTRICTIONS**

Where applicable, the following shall apply:

- A) Agricultural purposes, subject to the following restrictions:
  - 1) No animals, except household pets, shall be kept on any parcel of less than 5 acres unless the building housing said animals is at least 50 ft. from any lot line. This definition shall apply only to those parcels where the total land holdings of the using parts is 5 acres or less and shall not be construed to apply to individual pens, pastures or fields of less than five acres if part of a larger tract devoted to agricultural uses.
  - 2) Where roadside sales of agricultural products may be permitted in an applicable district, such products shall be produced on lands in this district or adjacent townships farmed by the proprietor of said sales stand

and further that said stand is in operation for not more than one hundred fifty (150) days in any year and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares.

- 3) Facilities for the storage, sorting, preliminary processing or sale of agricultural products shall be permitted if such products are used in the production of other farm products and if said storage, processing, sorting or sales is carried on incident to other farming operations by the owner/proprietor.
- B) Temporary structures such as mobile homes and temporary buildings of non-residential character may be used incident to construction work on the premises or on adjacent public projects. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for twelve (12) months and be renewed not more than once. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The fees for such permit and renewals thereof shall be established by the Sunbury Council. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.
- C) Home occupations conducted by the resident of a permitted dwelling shall be subject to the following restrictions:
- 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
  - 2) Only one sign, not illuminated, not larger than three (3) square feet and three (3) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building.
  - 3) The home occupation shall occupy not more than twenty percent (20%) of the total floor area of the dwelling unit or fifty percent (50%) of the floor space in any garage or accessory building.

- 4) No non-resident employee shall work on said premises.
- 5) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirement for the most similar commercial use shall be used in order to calculate the required minimum number of spaces).
- 6) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
- 7) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.
- 8) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- 9) No home occupation shall be permitted to operate until a certificate of compliance is issued for such establishment by the Zoning Inspector after approval by the Sunbury Planning and Zoning Commission.

- D) Private outdoor recreation areas shall be subject to the following restrictions.
- 1) Minimum site size: Ten (10) acres.
    - a) Minimum Yard Requirements:
      - i) Front Yard: Fifty (50) feet, except one hundred (100) feet when fronting on a state highway.
      - ii) Side Yard: Forty (40) feet.
      - iii) Rear Yard: Fifty (50) feet.
  - 2) The site shall have adequate access onto a hard surfaced state highway or municipal street that is regularly maintained and adequate to handle the additional traffic generated by the use.
  - 3) A Development Plan shall be submitted with the application.
  - 4) A Landscape Plan, including quantities, sizes and varieties of landscaping, shall be submitted with the application.
  - 5) Parking areas shall be a minimum distance of fifty (50) feet from residential uses.
  - 6) An outdoor artificial lighting plan shall be submitted with the application.
- E) Public or Private Schools and Colleges shall be subject to the following restrictions:
- 1) Minimum site size: Fifteen (15) acres.
  - 2) Instructional areas, whether improved with buildings or not, shall provide adequate parking areas for faculty, staff and students. Such parking may not exist within the right of way of any road or highway.
  - 3) Off-street parking areas shall be suitably screened from view from adjacent existing residential developments.

- 4) A heavily vegetated buffer strip, not less than fifty (50) feet in width, shall be planted along the lot line where the Institution of Higher Learning is located adjacent to any Residential District.
- F) Churches and similar Places of Worship shall be subject to the following restrictions:
- 1) There shall be a minimum lot size of five (5) acres.
  - 2) All structures, including accessory buildings, shall be set back a minimum distance of at least fifty (50) feet from the front lot line.
  - 3) Access to a major thoroughfare shall be provided by at least two (2) entrance/exits.
  - 4) All parking areas shall be screened from view from any adjacent existing or platted residential areas.
- G) Cemeteries shall be subject to the following restrictions:
- 1) Minimum site size: Forty (40) acres.
  - 2) Any mausoleum or crematory operated incident thereto shall be located at least three hundred (300) feet from any property boundary.
  - 3) No interment shall be permitted in said cemetery nearer than fifty (50) feet to any property line or to the right of way line of any adjoining road or street.
- H) Water Impoundments shall be subject to the following restrictions:
- 1) Water Impoundments shall include all ponds and lakes.
  - 2) No impoundment shall be located closer than twenty-five (25) feet to the right of way line or fifty-five (55) feet of the center line of any adjacent public right of way.
  - 3) All installed swimming pools, or the entire property upon which it is located, shall be walled or fenced to prevent uncontrolled access by individuals from the

street or from adjacent properties. Said fences shall be solid wood, chain link, or masonry and not less than five (5) feet in height, and shall be maintained in good condition with a self-locking gate.

I) Resource and Mineral Extraction Operations shall be subject to the following restrictions:

- 1) The applicant must demonstrate that such operations will not be detrimental to the vicinity or surrounding properties.
- 2) All equipment used in these operations shall be constructed, maintained and operated in such a manner as to eliminate so far as practical, noise, vibration, or dust which would injure or annoy persons living in the vicinity.
- 3) No mining, quarrying, or gravel or sand extraction shall be permitted nearer than fifty (50) feet to the boundary of the property being utilized for such use.
- 4) In order to insure adequate lateral support, all sand and gravel excavations shall be located at least one hundred (100) feet, or backfilled to at least one hundred fifty (150) feet, and all quarrying or blasting shall be located at least (50) feet from the right of way line of any existing or platted street, road, highway or railway, except that such excavation or quarrying may be permitted within these limits to the point of reducing the ground elevation to the grade of the existing or platted street, road, or highway.
- 5) All excavations of gravel or sand shall either be made to a water-producing depth, plus five (5) feet or graded and/or backfield with non-noxious and non-flammable solids to assure:

That the excavated area will not collect and retain stagnant water, and

That the graded or backfield surface will create a gently rolling topography to minimize erosion by wind and rain and substantially conform with the contours of the surrounding area.

- 6) The banks of all excavations not backfilled shall be sloped to the water line at a grade of not less than two (2) feet horizontal to one (1) foot vertical and such banks shall be sodded or surfaced with at least six (6) inches of suitable soil and seeded with grass. Spoil banks shall be graded to a level suiting the existing terrain and planted with trees, shrubs, legumes, or grasses where revegetation is possible. Where flood water exists, spoil banks shall be high enough to prevent overflow of water in the gravel pits and shall be sloped, graded, and seeded as prescribed herein.
- 7) Whenever the floor of a quarry is more than five (5) feet below the average grade of the highway, road, street, or land adjacent thereto, the property containing such quarry shall be completely enclosed by a barrier consisting of not less than a six (6) foot mound of earth planted with suitable dense planting or other suitable material sufficient in either case to prevent persons from trespassing thereon or passing through. Such mound shall be located at least twenty-five (25) feet from any street, road, highway, or boundary of the quarry property.
- 8) All quarrying, blasting, drilling or mining shall be carried out in a manner and on such scale as to minimize dust, noise, and vibrations and to prevent adversely affecting the surrounding properties.
- 9) When any quarrying has been completed, such excavated areas shall either be left as a permanent spring-fed lake if such lake has an average depth of twenty (20) feet or more, or the bottom floor thereof shall be leveled to prevent the collection and stagnation of water and to provide drainage without excessive soil erosion, and said floor shall be covered with soil of adequate thickness for the growing of turf or other ground cover. The edge of such excavation shall be further protected by construction of a barrier consisting of not less than a six (6) foot mound of earth planted with a double row of multiflora rose bushes or other equally effective planting.
- 10) The Sunbury Planning and Zoning Commission may require a performance bond in an appropriate amount to ensure

that adequate restoration measures be undertaken and completed by the applicant.

- 11) All conditional use applications for resource and mineral extraction operations shall be reviewed by the Sunbury engineers.
- J) Family Care Home shall be subject to the following restrictions:
- 1) Every room occupied for sleeping purposes within the home shall contain a minimum of eighty (80) square feet of habitable room area for one occupant, and when occupied by more than one individual shall contain at least sixty (60) square feet of habitable room area for each occupant. No such facility shall use living rooms, dining rooms, entry ways, closets, corridors, outside porches, or cellars as sleeping rooms.
  - 2) The Family Care Home shall provide not less than twenty-five (25) square feet per person of suitable indoor recreation area and not less than seventy-five (75) square feet of outdoor recreation open space per person, exclusive of required front and side yards, and parking areas, consolidated in a useful configuration and location provided on the site.
  - 3) No exterior alterations of the structure shall be made which depart from the residential character of building. All new structures shall be compatible in residential design with the surrounding neighborhood.
  - 4) All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.
  - 5) No Family Care Home should be located within one-quarter (1/4) mile radius of another such facility in a given neighborhood.
  - 6) Criteria for Evaluation:
    - a) Is the facility licensed by and/or has legal accountability to an established social service agency of local government and that sufficient

controls can be exercised to ensure continued compliance to the provisions of this Section?

- b) Is the facility needed based upon the evidence submitted by the applicant?
  - c) Will the proposed facility be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or officially planned uses of the general vicinity and that such use will not change the essential character of the neighborhood?
  - d) Will the proposed facility not be hazardous or disturbing to existing or officially planned future neighborhood uses from the standpoint of noise, lights, congestion, or traffic generation which would be incompatible with the neighborhood environment?
  - e) Will the proposed facility 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?
  - f) Will the proposed facility have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on public thoroughfares?
- 7) In the event that the Family Care Home should come under new ownership, the facility's existing Zoning Certificate shall be rendered null and void at the time of the change of ownership. The new owner shall apply for and obtain a new Zoning Certificate for the facility, and may do so prior to the change in ownership in order to ensure continuity of the facility's operation.
- 8) Required submittal:
- a) Information explaining the need for the facility,

the clientele to be served and the financial resources that will be used to operate the facility.

- b) Identification of similar facilities located in the area, including the names of individuals who may be contacted concerning the operation of such facilities.
  - c) Identification of community facilities and social services that will be used by the clientele of the Family Care Home, including an indication from the Administrator of such facilities and services that the clientele of the Family Care Home can be accommodated.
  - d) A license or evidence of ability to obtain a license from the appropriate governmental agency. Prior to the issuance of a Zoning Certificate, the applicant shall provide evidence that a valid license has been issued or is obtainable for the proposed conditional use of the subject property. When a license is not required of the applicant by a governmental agency, a written affidavit shall be presented as a part of the application by the governmental agency to which that applicant has accountability stating that a license is not required. The affidavit shall further state and describe the procedures that have been established in lieu of licensing to ensure that the provisions of this Section are carried out and the types of controls that the governmental agency can exercise in this regard.
  - e) A copy of the operational and occupancy standards that will be used in establishing the facility.
  - f) A detailed plan of services and programs to be offered the clientele of the facility, including the nature of care to be provided and the types of services to be offered, and the individuals and/or agencies who will be responsible for administering such care and services.
- 9) Unless modified by this Section, the facility shall

comply with all other applicable codes and ordinances prior to the issuance of a Zoning Certificate.

- K) Bed and Breakfast Facilities shall be subject to the following.
- 1) The premises shall not be subject to minimum lot size.
  - 2) The premises shall not be subject to minimum yard requirements.
  - 3) The premises shall have adequate vehicular access onto a regularly maintained throughway to handle any traffic generated by the Bed and Breakfast Facility.
  - 4) A parking area for motor vehicles shall be furnished on the premises for vehicles of paying guests. All vehicles parked on the premises are to be less than twenty (20) feet in length. The parking area and ingress and egress driveway servicing the parking area shall be constructed of concrete, blacktop or firmly packed crushed stone, and kept free from holes, bumps, and cracks at all times. (The parking area shall be not closer than ten (10) feet to adjacent side-yard property lines).
  - 5) No activity on the premises shall create or expel noise, odor, or electrical interference beyond limits of the premises.
  - 6) No waste materials of any sort shall be created on the premises at a greater level than normal for residential use.
  - 7) The premises shall have a smoke alarm and a fire extinguisher in each bedroom, the hallway of each floor, in the basement and in the attic. The smoke alarms and fire extinguishers will be inspected and tagged annually by the local fire department. The owner will be responsible for the annual inspections.
  - 8) No structural change unless otherwise approved by Sunbury Planning and Zoning Commission shall be made to any building or buildings including garages and out-buildings (except for painting, maintenance, and re-roofing), providing that any change, painting,

maintenance or re-roofing of the above does not conflict with the esthetic character of the surrounding neighborhood.

- 9) There may be a sign (no larger than three (3) square feet), which may not extend beyond the right of way line or over the public walkway.
  - 10) All development permits, lighting permits, and application for Conditional Use and Sign Permit must be paid for before the issuance of any Conditional Use permit.
  - 11) Conditional Use Permit is renewable subject to approval of Sunbury Planning and Zoning Commission and the permit cannot be transferred to any other party or future property owner.
  - 12) A limitation of 300 square feet of living space (excluding the garage, attic, and basement) is required per paying guest.
- L) Kindergarten or Child Care Facilities may be permitted, where applicable, provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc., or adjacent yards.
- M) Hospitals shall be subject to the following restrictions:
- 1) Located on a major thoroughfare on a minimum of five (5) acres.
  - 2) Maximum Lot Coverage: Twenty-five percent (25%).
  - 3) Required setback from right of way line: 150 feet.
  - 4) Required Side Yard: One hundred fifty (150) feet.
  - 5) Required Rear Yard: One hundred fifty (150) feet.
  - 6) Setback Required for Off-Street Parking: Fifty (50) feet.

- 7) A six (6) foot solid wall or fence or compact hedge shall be required when located closer than one hundred fifty (150) feet from an existing or platted residential development.

**Section 81.14.04 OFFICIAL SCHEDULE OF DISTRICT REGULATIONS**

District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this Ordinance.

**Section S81.14.05 IDENTIFICATION OF THE OFFICIAL SCHEDULE OF DISTRICT REGULATIONS**

The Official Schedule of District Regulations shall be identified by the signature of the Mayor.

## **Section S81.15:01 - Agriculture Residence District (A-1)**

1. There is created in Sunbury an Agriculture Residence District to provide the use of appropriate lands for continued agricultural use and to permit construction of very low density single family residences and other essentially non-urban types of activities so that the basically rural character of these areas may be preserved and maintained within the corporate limits.
2. APPLICATION - All lands under Sunbury Zoning not otherwise zoned shall be controlled by the provisions of this Section of the Zoning Ordinance.
3. PERMITTED USES - Within the Agriculture Residence District the following uses, developed in accordance with all other provisions of this ordinance, shall be permitted:
  - a) Single Family residence.
  - b) Accessory buildings and accessory uses including private garages.
  - c) Agricultural purposes in accordance with S81.14.03(A).
  - d) Temporary structures in accordance with S81.14.03(B).
  - e) Home occupations in association with a permitted dwelling, and in accordance with S81.14.03(C).
4. CONDITIONAL USES - Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission pursuant to the provisions of S81.11.27 et. seq. Conditionally permitted uses shall be considered and declared abandoned if said uses are discontinued for a period in excess of six months.
  - a) Private outdoor recreation areas in accordance with S81.14.03(D).
  - b) Kennels and Catteries shall be subject to the following restrictions:
    - 1) No building or structure used for the purpose of a kennel shall be located closer than four hundred

(400) feet from the lot line of any lot within a Residential District, or any lot occupied by a church, school, or any institution for human care.

- 2) No commercial activity may take place on said premises.
  
  - c) Public or Private Schools and Colleges, in accordance with S81.14.03(E).
  - d) Churches and similar Places of Worship in accordance with S81.14.03(F).
  - e) Cemeteries in accordance with S81.14.03(G).
  - f) Water Impoundments in accordance with S81.14.03(H).
  - g) Resource and Mineral Extraction Operations in accordance with S81.14.03(I).
  - h) Family Care Home in accordance with S81.14.03(J).
  - i) Other uses of like or similar nature which promote the purpose of this district.
5. DEVELOPMENT STANDARDS - All lands and uses within the Agriculture Residence District shall be developed in strict compliance with the standards hereinafter established.
- a) Lot Area - No parcel of land in this district shall be used for residential purposes which has an area of less than one (1) acre (43,560 square feet). All other uses in this district shall have such lot area prescribed by the article permitting the use or as prescribed by the Sunbury Planning and Zoning Commission as a condition of said use.
  
  - b) Lot Frontage - Except as hereinafter set forth, all lots or parcels within this zoning district shall have the following minimum lot frontage on a public road:

Less than 2 acres	150 ft.
2 acres but less than 3 acres	175 ft.
3 acres but less than 4 acres	200 ft.
4 acres but less than 5 acres	250 ft.
5 acres or larger	300 ft.

Lots or parcels having less than the above listed minimum frontages on the right of way line of the adjoining public road or street must have a lot width fifty (50) feet forward of the building line which is equal to that minimum lot frontage requirement. In no case shall the

parcel or lot frontage at the right of way line be less than sixty (60) feet and width of sixty (60) feet shall not be decreased at any point forward of the building line of the principal residence located on the premises.

If an irregularly shaped lot (i.e. pie shaped) located on a curve or cul-de-sac widens to the minimum lot width within 75 feet of the right of way line of the adjoining roadway, the requirement for extra setback is required to conform with setback lines for principal structures on adjoining lots.

- c) **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 (15) feet to the exterior wall of the structure. Barns, silos, grain handling conveyors, church spires, domes, flag poles, elevator shafts, and windmills are exempted from any height regulation and may be erected to any safe height. 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 of said tract.
- d) **Building Set Back -** No building shall be located closer than fifty (50) feet to the right of way line of the adjoining street or road. If the right of way of the adjoining street or road is less than sixty (60) feet, no building shall be located closer than eighty (80) feet to the center line of said road or street.
- e) **Side Yard Set Back -** No building or structure shall be located closer than twenty-five (25) feet to any side lot line.
- f) **Rear Yard Requirement -** No principal dwelling shall be located closer than eighty (80) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- g) **Maximum Lot Coverage -** On no lot or parcel shall a building be constructed which covers more than twenty-five percent (25) of the lot area. No combination of buildings shall be constructed which cover more than thirty percent (30%) of the lot area.

**Section S81.15.02 - Low Density Residential District  
(R-1)**

1. There is created in Sunbury a Low Density Residential District intended to provide areas for single family suburban type residential development at relatively low density on land which is generally vacant at the time of development. These areas are intended to provide space for new residential development of a suburban character on lands which are served with central water and sewer.
2. APPLICATION - All lands under Sunbury Zoning which are to be used for single family lots of less than one acre but at least one half (1/2) acre (22,000 sq. ft.) shall be controlled by the provisions of this section of the Zoning Ordinance unless the total plan contains more than 25 acres, regardless of the size of the individual phases, in which case such application for rezoning shall be submitted pursuant to the terms of Section S81.11.02 of this ordinance.
3. PERMITTED USES - Within any Low Density Residential District (R-1) the following uses, developed in accordance with all other provisions of this resolution, shall be permitted:
  - a) Single Family residence.
  - b) Accessory buildings and accessory uses including private garages.
  - c) Agricultural purposes in accordance with S81.14.03(A).
  - d) Temporary structures in accordance with S81.14.03(B).
  - e) Home occupations in association with a permitted dwelling, and in accordance with S81.14.03(C).
4. CONDITIONAL USES- Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission pursuant to the provisions of S81.11.27 et. seq. Conditionally permitted uses shall be considered and declared abandoned if said uses are discontinued for a period in excess of six months.

- a) Private outdoor recreation areas in accordance with S81.14.03(D).
  - b) Public or Private Schools and Colleges in accordance with S81.14.03(E).
  - c) Churches and Similar Places of Worship in accordance with S81.14.03(F).
  - d) Cemeteries in accordance with S81.14.03(G).
  - e) Water Impoundments in accordance with S81.14.03(H).
  - f) Kindergarten or Child Care Facilities in accordance with S81.14.03(L).
  - g) Hospitals in accordance with S81.14.03(M):
  - h) Family Care Home in accordance with S81.14.4(J).
  - i) Other uses of such like or similar nature which promote the purpose of this district.
5. DEVELOPMENT STANDARDS - All lands and uses within the Low Density Residential District (R-1) shall be developed in strict compliance with the standards herein established:
- a) Lot Area - Residential lots which are served with an approved central water and sewer systems serving all lots may be developed for such use if they have a lot area of not less than 22,000 square feet. All other parcels, not so serviced, shall contain the lot areas prescribed by the provisions of Section S81-15.01(5)a of this Zoning Ordinance.
  - b) Lot Frontage - All lots or parcels developed within this district having an area less than one (1) acre shall have a minimum lot frontage of one hundred (100) feet. All other lots or parcels shall have the minimum lot frontage prescribed in Section S81-15.01(5)b of this Ordinance and all measurements of such frontage shall be in conformity with that section.
  - c) Required Square Footage - 1500 square feet, exclusive of basement, porches, and garages.

- d) Building Height Limits - The maximum permitted height of a primary structure is thirty-five (35) feet in height measured from the finished grade to the highest peak of the roof. The maximum permitted height of a detached structure is based upon the height of the primary structure. No detached garage, carport, or accessory building shall exceed the height of the primary structure and in no case shall exceed twenty-five (25) feet in height measured from the finished grade to the highest peak of the roof. These structural height limits shall be exclusive of cupolas and similar decorative features. Church spires are exempt from any height regulation and may be erected to any safe height.
- e) Building Set Back - No building shall be located closer than fifty (50) feet to the right of way line of the adjoining street or road. If the right of way of the adjoining street or road is less than sixty (60) feet no building shall be located closer than seventy-five (75) feet to the center line of said road or street.
- f) Side Yard Set Back - No building or structure shall be located closer than ten (10) feet minimum, to any side lot line with a total side yard setback of twenty percent of the lot width, or thirty (30) feet whichever is greater.
- g) Rear Yard Requirement - No principal dwelling shall be located closer than fifty (50) feet to the rear line of any lot and no accessory building shall be located closer than ten (10) feet to said rear lot line.
- h) Maximum Lot Coverage - On no lot or parcel shall a building be constructed which covers more than twenty-five percent (25%) of the lot area. No combination of buildings shall be constructed which cover more than thirty percent (30%) of the lot area.

**Section S81.15.03 - Low Density Residential District  
(R-2)**

1. There is created in Sunbury a Low Density District intended to provide areas for single family suburban type residential development at relatively low density on land which is generally vacant at the time of development. These areas are intended to provide space for new residential development of a suburban character on lands which are served with central water and sewer.
2. APPLICATION - All lands under Sunbury Zoning which are to be used for single family lots of less than one acre but at least 12,000 sq. ft. shall be controlled by the provisions of this section of the Zoning Ordinance unless the total plan contains more than 25 acres, regardless of the size of the individual phases, in which case such application for rezoning shall be submitted pursuant to the terms of Section S81.11.02 of this ordinance.
3. PERMITTED USES - Within any Low Density Residential District (R-2) the following uses, developed in accordance with all other provisions of this ordinance, shall be permitted:
  - a) Single Family residence.
  - b) Accessory buildings and accessory uses including private garages.
  - c) Agricultural purposes in accordance with S81.14.03(A).
  - d) Temporary structures in accordance with S81.14.03(B).
  - e) Home occupations in accordance with S81.14.03(C).
4. CONDITIONAL USES - Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission pursuant to the provisions of S81.11.27 et. seq. Conditionally permitted uses shall be considered and declared abandoned if said uses are discontinued for a period in excess of six months.
  - a) Private outdoor recreation areas in accordance with S81.14.03(D).

- b) Public or Private Schools and Colleges in accordance with S81.14.03(E).
- c) Churches and Similar Places of Worship in accordance with S81.14.03(F).
- d) Cemeteries in accordance with S81.14.03(G).
- e) Water Impoundments in accordance with S81.14.03(H).
- f) Kindergarten or Child Care Facilities in accordance with S81.14.03(L).
- g) Hospitals in accordance with S81.14.03(M).
- h) Family Care Home in accordance with S81.14.03(J).
- i) Other uses of like or similar nature which promote the purpose of this district.

5. DEVELOPMENT STANDARDS - All lands and uses within the Low Density Residential District (R-2) shall be developed in strict compliance with the standards herein established:

- a) Lot Area - Residential lots which are served with an approved central water and sewer systems serving all lots may be developed for such use if they have a lot area of not less than 12,000 square feet. No more than three dwelling units, not density, per acre will be permitted. All other parcels, not so serviced, shall contain the lot areas prescribed by the provisions of Section S81-15.01(05)a of this Zoning Ordinance.
- b) Lot Frontage - All lots or parcels developed within this district having an area less than one (1) acre shall have a minimum lot frontage of eighty (80) feet. All other lots or parcels shall have the minimum lot width prescribed in Section S81-15.01(05)b of this Ordinance and all measurements of such frontage shall be in conformity with that section.
- c) Required Square Footage - 1450 square feet, exclusive of basement, porches, and garages.
- d) Building Height Limits - The maximum permitted height of a primary structure is thirty-five (35) feet in height measured from the finished grade to the highest peak of the roof. The maximum permitted height of a detached structure is based upon the height of the primary

structure. No detached garage, carport, or accessory building shall exceed the height of the primary structure and in no case shall exceed twenty-five (25) feet in height measured from the finished grade to the highest peak of the roof. These structural height limits shall be exclusive of cupolas and similar decorative features. Church spires are exempt from any height regulation and may be erected to any safe height.

- e) Building Set Back - No building shall be located closer than forty (40) feet to the right of way line of the adjoining street or road. If the right of way of the adjoining street or road is less than sixty (60) feet no building shall be located closer than seventy-five (75) feet to the center line of said road or street.
- f) Side Yard Set Back - No building or structure shall be located closer than eight (8) feet minimum to any side lot line, and a total side yard setback of sixteen (16) feet minimum or twenty (20) percent of the lot width, whichever is greater.
- g) Rear Yard Requirement - No principal dwelling shall be located closer than forty (40) feet to the rear line of any lot and no accessory building shall be located closer than ten (10) feet to said rear lot line.
- h) Parking - Off-street parking shall be provided, at the time of construction of the main structures or building, with adequate provisions for ingress and egress. Parking shall be in strict compliance with Section 81.16.02 and 81.16.03 of this ordinance.
- i) Maximum Lot Coverage - On no lot or parcel shall a building be constructed which covers more than twenty-five percent (25%) of the lot area. No combination of buildings shall be constructed which cover more than thirty percent (30%) of the lot area.
- j.) Signs - may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission.
- k.) Lighting - may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission.

**Section S81.15.04 - Low Density Residential District (R-3)**

1. There is created in Sunbury a Low Density District intended to provide areas for single family suburban type residential development at relatively low density on land which is generally vacant at the time of development. These areas are intended to provide space for new residential development of a suburban character on lands which are served with central water and sewer.
  
2. APPLICATION - All lands under Sunbury Zoning which are to be used for single family lots of less than one acre but at least 12,000 square feet shall be controlled by the provisions of this article of the Zoning Ordinance unless the total plan contains more than 25 acres, regardless of the size of the individual phases, in which case such application for rezoning shall be submitted pursuant to the terms of Section S81.11.02 of this ordinance.
  
3. PERMITTED USES - Within any Low Density Residential District (R-3) the following uses, developed in accordance with all other provisions of this resolution, shall be permitted:
  - a) Single Family residence.
  - b) Accessory buildings and accessory uses including private garages.
  - c) Agricultural purposes in accordance with S81.14.03(A).
  - d) Temporary structures in accordance with S81.14.03(B).
  - e) Home occupations in association with a permitted dwelling, and in accordance with S81.14.03(C).
  
4. CONDITIONAL USES - Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission pursuant to the provisions of S81.11.27 et. seq. Conditionally permitted uses shall be considered and declared abandoned if said uses are discontinued for a period in excess of six (6) months.
  - a) Private outdoor recreation areas in accordance with

S81.14.03(D).

- b) Public or Private Schools and Colleges in accordance with S81.14.03(E).
- c) Churches and Similar Places of Worship in accordance with S81.14.03(F).
- d) Cemeteries in accordance with S81.14.03(G).
- e) Water Impoundments in accordance with S81.14.03(H).
- f) Kindergarten or Child Care Facilities in accordance with S81.14.03(L).
- g) Hospitals in accordance with S81.14.03(M):
- h) Family Care Home in accordance with S81.14.03(J).
- i) Bed and Breakfast Facilities in accordance with S81.14.03(K).
- j) Other uses of like or similar nature which promote the purpose of this district.

5. DEVELOPMENT STANDARDS - All lands and uses within the Low Density Residential District (R-3) shall be developed in strict compliance with the standards herein established:

- a) Lot Area - Residential lots which are served with an approved central water and sewer systems serving all lots may be developed for such use if they have a lot area of not less than 12,000 square feet. All other parcels, not so serviced, shall contain the lot areas prescribed by the provisions of Section S81-15.01(05)a of this Zoning Ordinance.
- b) Lot Frontage - All lots or parcels developed within this district having an area less than one (1) acre shall have a minimum lot frontage of seventy (70) feet. All other lots or parcels shall have the minimum lot frontage prescribed in Section S81-15.01(05)b of this Ordinance and all measurements of such frontage shall be in conformity with that section.

- c) Required Square Footage - 1450 square feet, exclusive of basement, porches, and garages.
- d) Building Height Limits - The maximum permitted height of a primary structure is thirty-five (35) feet in height measured from the finished grade to the highest peak of the roof. The maximum permitted height of a detached structure is based upon the height of the primary structure. No detached garage, carport, or accessory building shall exceed the height of the primary structure and in no case shall exceed twenty-five (25) feet in height measured from the finished grade to the highest peak of the roof. These structural height limits shall be exclusive of cupolas and similar decorative features. Church spires are exempt from any height regulation and may be erected to any safe height.
- e) Building Set Back - No building shall be located closer than forty (40) feet to the right of way line of the adjoining street or road. If the right of way of the adjoining street or road is less than sixty (60) feet no building shall be located closer than seventy-five (75) feet to the center line of said road or street.
- f) Side Yard Set Back - No building or structure shall be located closer than four (4) feet minimum, to any side lot line, and a total side yard setback of eight (8) minimum or eleven (11) percent of the lot width, whichever is larger.
- g) Rear Yard Requirement - No principal dwelling shall be located closer than forty (40) feet to the rear line of any lot and no accessory building shall be located closer than six (6) feet to said rear lot line.
- h) Maximum Lot Coverage - On no lot or parcel shall a building be constructed which covers more than twenty-five percent (25%) of the lot area. No combination of buildings shall be constructed which cover more than thirty percent (30%) of the lot area.

## **Section S81.15.05 - MULTI-FAMILY RESIDENCE DISTRICT (R-4)**

1. There is created in Sunbury a Multi-Family Residence District to promote diversity within the housing stock by permitting limited amounts of multi-family housing development on vacant sites within the limits of the Sunbury Planning and Zoning Ordinance. Single family housing is also permitted, recognizing the demand for multi-family housing fluctuates and may not justify construction on all R-4 lands. Multi-Family Residence District is intended to be located only in areas serviced with central water and sewer systems.
2. APPLICATION - All lands under Sunbury Zoning which are to be used for multi-family or apartments 'development' which tract is 10 acres or less shall be controlled and governed by the provisions of this section of the zoning ordinance unless the owner thereof elects to apply the provisions of Section S81.11.02.
3. PERMITTED USES - Within any Multi-Family Residence District (R-4) the following uses, developed in accordance with all other provisions of this ordinance, shall be permitted:
  - a) Single Family Dwellings
  - b) Multi-family, cluster housing structures, patio cluster housing or common wall structures designed to accommodate more than one family in a single structure, provided however, that no more than four (4) dwelling units shall be constructed in any single structure, cluster or other modification on the same theme within this district.
  - c) Accessory buildings and accessory uses including private garages.
  - d) Temporary structures in accordance with S81.14.03(B).
  - e) Home occupations in accordance with S81.14.03(C).
4. CONDITIONAL USES- Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission pursuant to the provisions of S81.11.27 et. seq. Conditionally permitted uses shall be considered and declared

abandoned if said uses are discontinued for a period in excess of six (6) months.

- a) Churches and Similar Places of Worship in accordance with S81.14.03(F).
- b) Kindergarten or Child Care Facilities in accordance with S81.14.03(L).
- c) Family Care Home in accordance with S81.14.03(J).
- d) Water Impoundments in accordance with S81.14.03(H).
- e) Bed and Breakfast Facilities in accordance with S81.14.03(K).
- f) Other uses of like or similar nature which promote the purpose of this district.

5. DEVELOPMENT STANDARDS - All lands and uses within the Multi-Family Residence District (R-4) shall be developed in strict compliance with the standards herewithin established:

- a) Lot Area - Lots served by approved central water and sewer systems are required to have a minimum of 12,000 sq. ft. to be developed as single family residential and are required to have 4,000 sq. ft. per dwelling unit for multi-family development. No more than twelve two family and/or townhouses or fourteen two story apartments per acre, not density, will be permitted. All other parcels, not so serviced, shall contain the lot areas prescribed by the provisions of Section S81-15.01(05)a of this Zoning Ordinance.
- b) Lot Frontage - All lots or parcels developed within this district having an area less than one (1) acre shall have a minimum lot frontage of one hundred (100) feet. All other lots or parcels shall have the minimum lot frontage prescribed in Section S81.15.01(05)b of this Ordinance and all measurements of such frontage shall be in conformity with that section.
- c) Building Height Limits - The maximum permitted height of a structure in this district is thirty-five (35) feet in height measured from the finished grade to the highest

peak of the roof. Church spires are exempt from any height regulation and may be erected to any safe height.

- d) Building Dimensions - All apartments or other multi-family structures constructed within this district shall contain the following minimum floor space, to-wit:
- |                         |   |              |
|-------------------------|---|--------------|
| One (1) bedroom unit    | - | 850 sq. ft.  |
| Two (2) bedroom units   | - | 1020 sq. ft. |
| Each additional bedroom | - | 120 sq. ft.  |
- e) Building Set Back - No building shall be located closer than forty (40) feet to the right of way line of the adjoining street or road. If the right of way of the adjoining street or road is less than sixty (60) feet no building shall be located closer than sixty-five (65) feet to the center line of said road or street.
- f) Side Yard Set Back - No building or structure shall be located closer than ten (10) feet to any side lot line.
- g) Rear Yard Requirement - No principal dwelling shall be located closer than forty (40) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- h) Parking - Off-street parking consisting of two and 1/2 spaces per residential unit, shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress. Also, parking standards shall be in strict compliance with sections 81.06.62 and 81.06.03 of this section.
- i) Maximum Lot Coverage - On no lot or parcel shall a building be constructed which covers more than twenty-five percent (25%) of the lot area. No combination of buildings shall be constructed which cover more than thirty percent (30%) of the lot area.
- j) Signs - may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission.
- k) Lighting - may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and

Zoning Commission.

## **SECTION S81.15.06 - Two-Family Residence District (R-5)**

1. There is created in Sunbury a Two-Family Residence District to promote diversity within the housing stock by permitting limited amounts of two-family housing development on vacant sites or through conversion with the limits of the Sunbury Planning and Zoning Ordinance. Single family housing is also permitted, recognizing the demand for two-family housing fluctuates and may not justify construction on all R-5 lands. Two-Family Residence District is intended to be located only in areas serviced with central water and sewer systems.
2. APPLICATION - All lands under Sunbury Zoning which are to be used for two-family development or conversion which tract is 10 acres or less shall be controlled and governed by the provisions of this section of the zoning ordinance unless the owner thereof elects to apply the provisions of Section S81.11.02.
3. PERMITTED USES - Within any Two-Family Residence District (R-5) the following uses, developed in accordance with all other provisions of this ordinance, shall be permitted:
  - a) Single Family Dwellings.
  - b) Conversion, doubles, twin singles.
  - c) Accessory buildings and accessory uses including private garages.
  - d) Temporary structures in accordance with S81.14.03(B).
  - e) Home occupations in accordance with S81.14.03(C).
4. CONDITIONAL USES- Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Sunbury Regional Planning and Zoning Commission pursuant to the provisions of S81.11.27 et. seq. Conditionally permitted uses shall be considered and declared abandoned if said uses are discontinued for a period in excess of six (6) months.
  - a) Churches and Similar Places of Worship in accordance with S81.14.03(F).

- b) Kindergarten or Child Care Facilities in accordance with S81.14.03(L).
- c) Family Care Home in accordance with S81.14.03(J).
- d) Water Impoundments in accordance with S81.14.03(H).
- e) Bed and Breakfast Facilities in accordance with S81.14.03(K).

5. DEVELOPMENT STANDARDS - All lands and uses within the Two-Family Residence District (R-5) shall be developed in strict compliance with the standards herein established:

- a) Lot Area - Lots served by approved central water and sewer systems are required to have a minimum of 12,000 sq. ft. to be developed as single family residential and are required to have 5,500 sq. ft. per dwelling unit for two-family development. No more than twelve two-family units per acre, not density, will be permitted. All other parcels, not so serviced, shall contain the lot areas prescribed by the provisions of S81-15.01(05)a of this Zoning Ordinance. Not more than one structure may be constructed on any parcel herein.

Each conversion shall be judged on respective merits against similar properties in the same area.

- b) Lot Frontage - All lots or parcels developed within this district having an area less than one (1) acre shall have a minimum lot width of one hundred (100) feet. All other lots or parcels shall have the minimum lot frontage prescribed in Section S81.15.01(05)b of this Ordinance and all measurements of such width shall be in conformity with that section. Conversions are exempt from this rule.
- c) Building Height Limits - The maximum permitted height of a primary structure in this district is thirty-five (35) feet from the finished grade to the highest peak of the roof. The maximum permitted height of a detached structure is based upon the height of the primary structure. No detached garage, carport, or accessory building shall exceed the height of the primary structure and in no case shall exceed twenty-five (25)

feet in height measured from the finished grade to the highest peak of the roof. Church spires are exempt from any height regulation and may be erected to any safe height.

- d) Building Dimensions - All two-family structures constructed within this district shall contain the following minimum floor space, to-wit:

One (1) bedroom unit	-	850 sq. ft.
Two (2) bedroom units	-	1020 sq. ft.
Each additional bedroom	-	120 sq. ft.

- e) Building Set Back - No building shall be located closer than forty (40) feet to the right of way line of the adjoining street or road. If the right of way of the adjoining street or road is less than sixty (60) feet no building shall be located closer than seventy-five (75) feet to the center line of said road or street.
- f) Side Yard Set Back - No building or structure shall be located closer than ten (10) feet to any side lot line.
- g) Rear Yard Requirement - No principal dwelling shall be located closer than forty (40) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
- h) Parking - Off-street parking consisting of two and 1/2 spaces per residential unit, shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress. Also, parking standards shall be in strict compliance with section 81.16.02 and 81.16.03 of this ordinance.
- i) Maximum Lot Coverage - On no lot or parcel shall a building be constructed which covers more than twenty-five percent (25%) of the lot area. No combination of buildings shall be constructed which cover more than thirty percent (30%) of the lot area.
- j) Signs - may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission.

- k) Lighting - may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission.

## **Section S81.15:07 - PLANNED RESIDENCE DISTRICT (PRD)**

1. PURPOSE - Sunbury recognizing that with increased urbanization and population growth comes increased demands for well-organized residential areas which take into account unique natural factors, contemporary land use concepts, and a balanced residential environment, hereby provides for the Planned Residence District intending hereby to promote the variety and flexibility of land development for residential purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of the municipality.
2. APPLICATION - The provisions of this section of the Zoning Ordinance shall apply to all lands of the municipality regardless of the size of the parcel being developed, which are to be developed in a balanced residential environment.
3. PERMITTED USES - Within the Planned Residence District (PRD) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:
  - a) Residential structures of any type, either single family or multi-family, cluster, patio, common wall or any reasonable variation on the same theme.
  - b) Non-residential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Planned Residence District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.
  - c) Commercial uses to the extent that said uses are totally self-contained within the multi-family residential structures and are designed solely for the purpose of providing service to that or adjoining residential structures. No commercial use shall be established prior to the substantial occupancy by the residents it is designed or intended to serve.
  - d) Temporary structures in accordance with S81.14.03(B).

- e) Home occupations in accordance with S81.14.03(C).
4. CONDITIONAL USES - Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission pursuant to the provisions of S81.11.27 et. seq. Conditionally permitted uses shall be considered and declared abandoned if said uses are discontinued for a period in excess of six (6) months.
- a) Kindergarten or Child Care Facilities in accordance with S81.14.03(L).
  - b) Family Care Home in accordance with S81.14.03(J).
  - c) Model home(s) so long as the business conducted is limited to the residential structures and lots within the PRD. The model home shall be ready for occupancy as a residential structure before any permit is issued. The restrictions in S81.14.03(C) shall be modified to apply whenever possible.
  - d) Other uses of like or similar nature which promotes the purpose of this district.
5. PROCEDURE - In addition to any other procedures set out in this Ordinance, all applications for amendments to the zoning map to re-zone lands in this district shall follow the procedures hereinafter set forth:
- a) Application - The owner or owners of lots under the jurisdiction of the Sunbury Planning and Zoning Commission may request that the zoning may be amended to include such tracts in the Planned Residence District in accordance with the provisions of this ordinance.
    - 1) The applicant is encouraged to engage in informal consultations with the Sunbury Planning and Zoning Commission prior to formal submission of a development plan and request for an amendment to the zoning map; it being understood that no statement by Officials of Sunbury, Ohio, shall be binding upon either.
  - b) Development Plan - Fifteen (15) copies of the

development plan shall be submitted with the application, which plan shall include in text and map the following:

- 1) The proposed size, location, and the total number of units to be developed in the Planned Residential Development.
- 2) The general development character of the tract including property boundaries, the limitations or controls to be placed on residential and related uses, probable lot sizes, density levels, and other development features including landscaping, and the proposed location, size and use of the non-residential portions of the tract, including usable open space, parklands, playgrounds and other areas and spaces, including their suggested ownership.
- 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
- 5) The proposed pedestrian and vehicular traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
- 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- 7) The location of school, park, and other community facility sites, if any.
- 8) The proposed time schedule for development and probable uses of surrounding areas.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be

developed after the first, which in no event shall be less than ten (10) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Sunbury Officials definitive guidelines for approval of future phases.

- 10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
  - 11) Specific statements of divergence from the development standards in Section S81.16.01 and S81.15.07 and justification therefore.
  - 12) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- c) Criteria for Approval - In approving an application for a Planned Residential Development the reviewing authorities shall determine:
- 1) That proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Ordinance.
  - 2) That the proposed development is in conformity with existing comprehensive and/or land use and development plans, or portions thereof as they may apply.
  - 3) That the proposed development advances the general welfare of the immediate vicinity.
  - 4) That each individual section of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability or that adequate assurance will be provided that such objective will be attained.
  - 5) That the uses proposed will not be detrimental to present and potential surrounding uses, but will

have a beneficial effect which could not be achieved under zoning districts in these Regulations.

- 6) That the internal streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic.
  - 7) That the property is easily accessible to publicly controlled and maintained community recreational facilities or that such facilities have been provided for within the development.
  - 8) That any part of the development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved.
  - 9) That the utilities to serve the proposed development have been approved by the applicable utility department heads, Village Administrator and the Ohio Environmental Protection Agency.
  - 10) Specific statements of divergence from the development standards in S81:16 and the justification therefore.
  - 11) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- d) Effect of Approval - The Development Plan as approved by the Sunbury Council shall constitute an amendment to the zoning ordinance as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Sunbury, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to R-1 District unless the application for time extension is

timely submitted and approved.

- e) Extension of Time - An extension of the time limit of the approved development plan may be approved by the Sunbury Council. Such approval shall be given only upon a finding of the purpose and necessity for such extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in S81.15.07(5)d as hereinbefore set forth.
  
- f) Modification of Approved Development Plan - A modification of the approved development plan shall be filed with the Zoning Inspector, and reviewed by Planning and Zoning Commission. Planning and Zoning Commission's recommendation shall then be considered by Sunbury Council. Approval shall be given only upon a finding of the purpose and necessity for such modification, and a determination that it is not in conflict with the general health, welfare and safety of the public or development standards of the district.
  
- g) Plat Required - In the Planned Residential District (PRD), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations for Sunbury, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:
  - 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right of ways, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.

- 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of the occupants, including those applicable to areas within the tract to be developed for non-residential uses.
  - 3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the Village of Sunbury in a satisfactory amount assuring expeditious completion of said facilities within one year after the recording of said plat. In no event, however, shall any zoning certificates be issued for any building until such time as the facilities for the phase in which the building is located are completed.
- h) Administrative Review. All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Planning and Zoning Commission and the Sunbury Council or their designated technical advisors for administrative review and approval to insure substantial compliance with the development plan as approved.
  - i) Appended with the required plat and filed accordingly shall be the following: site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
6. DEVELOPMENT STANDARDS - In addition to any other provisions of this ordinance the following standards for arrangement and development of lands and buildings are required in the Planned Residence District.

a) Intensity of Use - The maximum density shall be 2.5 dwelling units per gross acre of area within the area to be developed, unless the physical boundaries of land or existing developments adjacent thereto on adjoining lands establish an atmosphere inconsistent with the above maximum density of 2.5 dwelling units per gross acre. Increased densities may be recommended by the Sunbury Planning and Zoning Commission and granted by the Sunbury Council if it is determined that any of the following conditions exist:

- 1) If the property is directly adjacent and easily accessible to major thoroughfares.
- 2) If the property is directly adjacent and easily accessible to publicly controlled and maintained community recreational facilities or service facilities.
- 3) If the property is developed in a high quality of building design and site design.
- 4) If the property is developed to include major community services such as churches and schools.

The Sunbury Council may grant zoning incentives of up to one (1) unit per gross acre for each of the above standards of quality found to exist, however, the total density for the entire area of the development shall not exceed seven (7) units per gross acre.

For purposes of development within the Planned Residence District in Sunbury, Ohio, the maximum density for any single acre within the development shall be as follows:

- (a) Single Family: A maximum of 3 units on any single acre within the development.
- (b) Two Family and Townhouse: A maximum of 8 units on any single acre within the development with a maximum of 4 units side by side and connected with a common wall.
- (c) Two Story Apartment: A maximum of 8 units on

any single acre within the development with a maximum of 4 units side by side and connected with a common wall.

- b) Required Square Footage - 1450 square feet, exclusive of basement, porches, and garages.
- c) Open Space - Open space shall be in compliance with Section 81.16.01(21).
- d) Arrangement of Structures - The physical relationship of dwelling units and their minimum yard space shall be determined in accordance with the following:
  - 1) Set Back - All dwellings shall have a setback from the right of way line of forty feet. If the right of way of the adjoining street or road is less than sixty (60) feet, no building shall be located closer than seventy-five (75) feet to the center line of said road or street.
  - 2) Side Yards - No single family dwelling shall be located closer than seven (7) feet minimum to any side lot line, and a total side yard setback of fourteen (14) feet minimum or twenty percent (20%) of the lot width, whichever is greater. For all other structures within the Planned Residential District the side yard shall be not less than one sixth (1/6) of the sum of the height of the structure and length of the wall most nearly parallel to the side lot line but in no case shall said structure be closer than fifteen (15) feet to the lot line within development except as follows:
    - a) In the event that the walls are solid and without windows, said building shall not be closer than fifteen (15) feet to the adjoining structure, and
    - b) In the event said wall has windows said structure shall not be closer than twenty-five (25) feet to the adjoining structure without regard to lot lines.  
In no case shall any building be located closer than fifteen (15) feet to the outside perimeter line of the planned area.

The requirements for side yards herein shall apply to the principal structures but shall not be interpreted as prohibiting designs of single family structures normally referred to as common wall, cluster, patio or other variations on the same theme.

- 3) Rear Yards - A rear yard of not less than forty (40) feet shall be maintained on all parcels within this district.
- 4) 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 (15) feet to the exterior wall of the structure. Church spires, domes, flag poles, elevator shafts, and windmills are exempted from any height regulation and may be erected to any safe height. No aerial antenna or tower shall be permitted to extend more than twenty-five (25) feet over the highest point of the principal residence on the premises.
- e) Landscaping - All yards, front, side, and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat. Also, landscaping standards shall be in strict compliance with Sections 81.06.03, 81.18.11, 81.16.20 and 81.16.21.
- f) Site Development - To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six percent (6%) shall be maintained.
- g) The Sunbury Planning and Zoning Commission and/or Sunbury Council may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

- h) Maximum Lot Coverage - On no lot or parcel shall a building be constructed which covers more than twenty-five percent (25%) of the lot area. No combination of buildings shall be constructed which cover more than thirty percent (30%) of the lot area.
- i) Signs - may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission.
- j) Lighting - may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission.

**Section S81.15:07A - PLANNED SINGLE FAMILY DISTRICT (PSFD)**

1. PURPOSE - Sunbury, recognizing that with increased urbanization and population growth comes increased demands for well-organized single family residential areas which take into account unique natural factors, contemporary land use concepts, and a balanced residential environment, hereby provides for the Planned Single Family District, intending to promote flexibility of land development for residential purposes that are necessary to meet these demands while still preserving and enhancing the health, safety, and general welfare of the inhabitants of the municipality.
2. APPLICATION - The provisions of this section of the Zoning Ordinance shall apply to all lands of the municipality regardless of the size of the parcel being developed, which are to be developed in a balanced residential environment.
3. PERMITTED USES - Within the Planned Single Family District (PSFD) the following uses, developed in strict compliance with the approved development plan and standards shall be permitted:
  - a) Single Family Residential structures, only; no multi-family, cluster, patio, common wall or any reasonable variation on the same theme will be permitted.
  - b) Non-residential uses of a religious, cultural, educational, or recreational nature or character to the extent that they are designed and intended to serve the residents of the Planned Single Family District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.
  - c) Temporary structures in accordance with S81.14.03(B).
  - d) Home occupations in accordance with S81.14.03(C).
4. CONDITIONAL USES - Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning & Zoning Commission pursuant to the provisions of S81.11.27 et seq.

Conditionally permitted uses shall be considered and declared abandoned if said uses are discontinued for a period in excess of six months.

- a) Kindergarten or Child Care Facilities in accordance with S81.14.03(L).
  - b) Family Care Home in accordance with S81.14.03(J).
  - c) Model home(s) so long as the business conducted is limited to the residential structures and lots within the PSFD. The model home shall be ready for occupancy as a residential structure before any permit is issued. The restrictions in S81.14.03(C) shall be modified to apply whenever possible.
  - d) Other uses of like or similar nature which promote the purpose of this district.
5. PROCEDURE - In addition to any other procedures set out in this Ordinance, all applications for amendments to the zoning map to re-zone lands in this district shall follow the procedures hereinafter set forth:
- a) Application - The owner or owners of lots under the jurisdiction of the Sunbury Planning and Zoning Commission may request that the zoning may be amended to include such tracts in the Planned Single Family District in accordance with the provisions of this Ordinance.
    - 1) The applicant is encouraged to engage in informal consultations with the Sunbury Planning and Zoning Commission prior to formal submission of a development plan and request for an amendment to the zoning map; it being understood that no statement by Official of Sunbury, Ohio, shall be binding upon either party.
  - b) Development Plan - Fifteen (15) copies of the development plan shall be submitted with the application, which plan shall include in text and map the following:
    - 1) The proposed size, location, and the total number

of units to be developed in the Planned Single Family Development.

- 2) The general development character of the tract including property boundaries, the limitations or controls to be placed on residential and related uses, probable lot sizes, density levels, and other development features including landscaping, and the proposed location, size, and use of the non-residential portions of the tract, including usable open space, parklands, playgrounds, and other areas and spaces, including their suggested ownership.
- 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
- 5) The proposed pedestrian and vehicular traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
- 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- 7) The location of school, park, and other community facility sites, if any.
- 8) The proposed time schedule for development and probable uses of the surrounding areas.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than ten (10) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Sunbury Officials definitive guidelines for approval of future phases.

- 10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
  - 11) Specific statements of divergence from the development standards in Section S81.16.01 and S81.15.07(A) and justification therefore.
  - 12) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- c) Criteria for Approval - In approving an application for a Planned Single Family Development, the reviewing authorities shall determine:
- 1) That proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Ordinance.
  - 2) That the proposed development is in conformity with existing comprehensive and/or land use and development plans, or portions thereof as they may apply.
  - 3) That the proposed development advances the general welfare of the immediate vicinity.
  - 4) That each individual section of development, as well as the total development, can exist as an independent unit capable of creating an environment of sustained desirability and stability of that adequate assurance will be provided that such objective will be attained.
  - 5) That the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under zoning districts in this Ordinance.
  - 6) That the internal streets and thoroughfares proposed are suitable and adequate to carry anticipated traffic.

- 7) That the property is easily accessible to publicly controlled and maintained community recreational facilities or that such facilities have been provided for within the development.
  - 8) That any part of the development not used for structures, parking and loading areas, or streets, shall be landscaped or otherwise improved.
  - 9) That the utilities to serve the proposed development have been approved by the applicable utility department heads, Village Engineer, Village Administrator, and the Ohio Environmental Protection Agency.
  - 10) Specific statements of divergence from the development standards in S81:16 and the justification therefore.
  - 11) Evidence of the applicant's ability to post a bond if the plan approved assuring completion of public service facilities to be constructed within the project by the developer.
- d) Effect of Approval - The Development Plan as approved by the Sunbury Council shall constitute an amendment to the Zoning Ordinance as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Sunbury, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to R-1 District unless the application for time extension is timely submitted and approved.
- e) Extension of Time - An extension of the time limit of the approved development plan may be approved by the Sunbury Council. Such approval shall be given only upon a finding of the purpose and necessity for such extension

and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension is not in conflict with the general health, welfare, and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in S81.15.07(5)d as hereinbefore set forth.

- f) Modification of Approved Development Plan - A modification of the approved development plan shall be filed with the Zoning Inspector, and reviewed by Planning and Zoning Commission. Planning and Zoning Commission's recommendation shall then be considered by Sunbury Council. Sunbury Councils' approval shall be given only upon a finding of the purpose and necessity for such modification, and a determination that it is not in conflict with the general health, welfare, and safety of the public or development standards of the district.
  
- g) Plat Required - In the Planned Single Family District, no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations for Sunbury, Ohio and this Ordinance. The subdivision plat shall be in accordance with the approved development plan and shall include:
  - 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public right of ways, parking areas, and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
  
  - 2) Deed restrictions, covenants, easements, and encumbrances to be used to control the use, development, and maintenance of the land, the improvements, thereon, and the activities of the

occupants, including those applicable to areas within the tract to be developed for non-residential uses.

3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the Village of Sunbury in a satisfactory amount assuring expeditious completion of said facilities within one year after the recording of said plat. In no event, however, shall any zoning certificates be issued for any building until such time as the facilities for the phase in which the building is located are completed.

h) Administrative Review - All plats, construction drawings, restrictive covenants, and other necessary documents shall be submitted to the Zoning Inspector, Village Engineer, the Planning and Zoning Commission, and the Sunbury Council or their designated technical advisors for administrative review and approval to insure substantial compliance with the development plan as approved.

i) Appended with the required plat and filed accordingly shall be the following: site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage, and waste disposal facilities; easements, access points to public rights-of-way, parking areas, and pedestrian ways, and land reserved for non-highway service use with indication of the nature of such use.

6. DEVELOPMENT STANDARDS - In addition to any other provisions of this Ordinance, the following standards for arrangement and development of lands and buildings are required in the Planned Single Family District.

a) Intensity of Use - The maximum density shall be 2.5 dwelling units per gross acre of area within the area to be developed, unless the physical boundaries of land or

existing developments adjacent thereto on adjoining lands establish an atmosphere inconsistent with the above maximum density of 2.5 dwelling units per gross acre. Increased densities may be recommended by the Sunbury Planning & Zoning Commission and granted by the Sunbury Council if it is determined that any of the following conditions exist:

- 1) If the property is directly adjacent and easily accessible to major thoroughfares.
- 2) If the property is directly adjacent and easily accessible to publicly controlled and maintained community recreational facilities or service facilities.
- 3) If the property is developed in a high quality of building design and site design.
- 4) If the property is developed to include major community services such as churches and schools.

The Sunbury Council may grant zoning incentives of up to one (1) unit per gross acre for each of the above standards of quality found to exist, however, the total density for the entire area of the development shall not exceed seven (7) units per gross acre.

For purposes of development within the Planned Single Family District in Sunbury, Ohio, the maximum density for development shall be three (3) units on any single acre.

- b) Required Square Footage - 1450 square feet single family, exclusive of basement, porches, and garages.
- c) Open Space - Open space shall be in compliance with Section 81.16.01(21).
- d) Arrangement of Structures - The physical relationship of dwelling units and their minimum yard space shall be determined in accordance with the following:
  - 1) Lot Frontage - All lots or parcels developed within

this district having an area less than one (1) acre shall have a minimum lot frontage of eighty (80) feet at the building line.

- 2) Set Back - All dwellings shall have a setback from the right-of-way line of forty (40) feet. If the right-of-way of the adjoining street or road is less than sixty (60) feet, no building shall be located closer than seventy-five (75) feet to the center line of said road or street.
- 3) Side Yards - No single family dwelling shall be located closer than ten (10) feet minimum to any side lot line, and a total side yard setback of twenty (20) feet minimum or twenty-five percent (25%) of the lot width, whichever is greater. For all other structures within the Planned Single Family District, the side yard shall be not less than one sixth (1/6) of the sum of the height of the structure and the length of the wall most nearly parallel to the side lot line but in no case shall said structure be closer than fifteen (15) feet to the lot line within development except as follows:
  - a) In the event that the walls are solid and without windows, said building shall not be closer than fifteen (15) feet to the adjoining structure, and
  - b) In the event said wall has windows said structure shall not be closer than twenty-five (25) feet to the adjoining structure without regard to lot lines.

In no case shall any building be located closer than fifteen (15) feet to the outside perimeter line of the planned area.
- 4) Rear Yards - A rear yard of not less than forty (40) feet shall be maintained on all parcels within this district.
- 5) 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 (15) feet to the exterior wall of the structure. Church spires, domes, flag poles, elevator shafts, and windmills are exempted from any height regulation and may be erected to any safe height. No aerial antenna or tower shall be permitted to extend more than twenty-five (25) feet over the highest point of the principal residence on the premises.

- e) Landscaping - All yards, front, side, and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.
- f) Site Development - To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six percent (6%) shall be maintained.
- g) The Sunbury Planning and Zoning Commission and/or Sunbury Council may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.
- h) Maximum Lot Coverage - On no lot or parcel shall a building be constructed which covers more than twenty-five percent (25%) of the lot area. No combination of buildings shall be constructed which cover more than thirty percent (30%) of the lot area.

## **Section S81.15:08 NEIGHBORHOOD OFFICE DISTRICT (C-1)**

1. PURPOSE - It is the intention of this Ordinance to create a district which will regulate future commercial development and foster expansion and rehabilitation of existing facilities to provide the atmosphere and opportunity to develop neighborhood oriented office facilities which are small, pleasant, safe and convenient to the neighborhood.
2. APPLICATION - The provisions of this article of the Zoning Ordinance shall apply to all proposed uses which are designed to serve the limited neighborhood areas as opposed to the community at large.
3. PERMITTED USES - Within the Neighborhood Office District (C-1) the following uses, developed in accordance with other provisions of this Ordinance shall be permitted.
  - a) Office facilities for the providing of personal/professional service such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, surgeons, dentists, dental surgeons, osteopathic surgeons, chiropractors, or podiatrists or other allied medical, such as, professional type pharmacy, dental or optical fields, engineers, architects, surveyors, data processing, computer programming and software, tax preparation, decorating services, and other associated services.
  - b) Offices of credit agencies, personal credit institutions or loan offices, and financial institutions, provided that no drive-in windows or services are provided.
  - c) Offices of Veterinarians provided that the practice of said veterinarian is limited to small domestic animals, that no animals are boarded on the premises and that no outside runs or exercise areas are provided. No crematory services are permitted in this area.
4. CONDITIONAL USES - Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission pursuant to the provisions of S81.11.27 et. seq. Conditionally permitted uses shall be considered and declared abandoned if said uses are discontinued for a period in excess

of six (6) months.

- a) Single Family Residence subject to the restrictions in S81.15.03.
- b) Apartments in areas over or adjacent to the office facility provided that apartments constructed within this district shall contain the following minimum floor space, exclusive of porches, basements or garages, to wit:
  - One (1) bedroom unit - 850 sq. ft.
  - Two (2) bedroom units - 1020 sq. ft.
  - Each additional bedroom unit - 120 sq. ft.
- c) Other uses of like or similar nature which promote the purpose of this district.

5. DEVELOPMENT STANDARDS - In addition to any other provisions of this ordinance, all lands and permitted uses within the Neighborhood Office District shall be developed in strict compliance with the standards hereinafter established. Single family residence shall be developed in accordance with S81.15.03 and apartments in accordance with S81.15.05 or S81.15.06.

- a) Building Size - No structure in this district shall contain more than three thousand square feet (3000 sq. ft.) of floor space devoted to the providing of such services. This square footage limitation shall apply to any office use within this district.
- b) Lot Size - No minimum lot size shall be required, however, the lot size shall be adequate to provide the yard spaces and off-street parking as herein required.
- c) Lot Width - No minimum lot width shall be required, however, all tracts shall have access to public streets and shall be of such width as to provide required yard spaces and off-street parking.
- d) Building Heights - No building shall exceed two (2) stories or thirty-five (35) feet in height.
- e) Building Set Backs - There shall be a setback of all

buildings of not less than fifty (50) feet from the right of way line of the public street, provided, however, no such setback shall be required to exceed the average of the minimum depths of existing front yards on lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.

- f) Side Yards - Side yards shall be required adjacent to residential uses not less than one-fourth (1/4) of the sum of the height and depth of the buildings but in no case less than twenty-five (25) feet from adjacent residential lots or subdivisions.
- g) Rear Yards - Rear yards of not less than thirty (30) feet shall be required when office areas are adjacent to residential areas.
- h) Screening - All office areas adjacent to residential areas shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service areas from the view of adjacent residential areas. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner. The landscaping material shall be in strict compliance with Section 81.16.03, 81.16.11, 81.16.19, 81.16.20 and 81.16.21 of this ordinance.
- i) Parking - Off-street parking shall be provided within this district in strict compliance with Section 81:16.02 and 81.16.03 of this Ordinance.
- j) Signs - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by S81:17.01 of this Ordinance.
- k) Lighting - The light from the exterior lighting shall be brightness shall not be objectionable to surrounding areas. Also, lighting standards shall be in strict compliance of Section 81.16.02(g) of this Ordinance.

## Section S81.15.09 COMMERCIAL DISTRICT (C-2)

1. PURPOSE - The intent of the Commercial District is to establish small, compact commercial districts at strategic locations near or adjacent to residential areas in order to provide land for convenient retail and commercial uses and personal service establishments at locations where they can be easily used by neighborhood residents on a day-to-day basis.
2. APPLICATION - The provisions of this section shall apply to all areas zoned commercial as of the date of adoption of this amendment, however, all existing legal commercial uses now zoned commercial within the municipality shall be considered, for purposes of this zoning district, permitted uses.

The provisions of this section of the Zoning Ordinance shall apply to all proposed uses which are designed to serve the community at large.

3. PERMITTED USES - Within the Commercial District (C-2) the following uses, developed in accordance with other provisions of this ordinance, shall be permitted:
  - a) Retail Stores - Primarily engaged in selling of merchandise for personal or household consumption and rendering services incidental to the sale of goods, including hardware stores, grocery stores, meat and seafood markets, fruit stores and vegetable markets, candy stores, nut and confectionery stores, dairy product stores, retail bakeries, drug and proprietary stores, liquor stores, carry-outs, florists, eating and drinking places, self-service laundromats, laundry and dry-cleaning shops, beauty shops, health spas, barber shops, shoe repairing or shining shops or any other like retail establishment consistent with the above listed uses.
  - b) Office facilities for the providing of personal service as insurance agencies, insurance broker, real estate offices, law offices, offices of physicians, surgeons, dentists, dental surgeons, osteopathic surgeons, chiropractors, or podiatrists or other allied medical, dental or optical fields.

- c) Offices of credit agencies, personal credit institutions, loan offices, and financial institutions.
  - d) Offices of veterinarians provided that the practice of said veterinarian is limited to small domestic animals and that no outside runs or exercise areas are provided.
  - e) Temporary structures in accordance with S81.14.03(B).
4. CONDITIONAL USES - Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission pursuant to the provisions of S81.11.27 et. seq. Conditionally permitted uses shall be considered and declared abandoned if said uses are discontinued for a period in excess of six (6) months.
- a) Single Family Residence subject to the restrictions in S81.15.03.
  - b) Apartments in areas over or adjacent to the commercial storeroom or office facilities provided that apartments constructed within this district shall contain the following minimum floor space, exclusive of porches, basements or garages, to-wit:
 

One (1) bedroom unit	-	850 square feet
Two (2) bedroom unit	-	1020 square feet
For each additional bedroom	-	120 square feet

and shall otherwise be developed in accordance with S81.15.05 or S81.15.06.
  - c) Outside display of products for sale.
  - d) Churches and similar Places of Worship in accordance with S81.14.03(F).
  - e) Water Impoundments in accordance with S81.14.03(H).
  - f) Kindergarten or Child Care as set forth in S81.14.03(L).
  - g) Hospitals in accordance with S81.14.03(M).
  - h) Nursing Homes, Convalescent Homes, Rest Homes shall be

subject to the following restrictions:

- 1) Access to major thoroughfare shall be required.
  - 2) An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent major thoroughfare.
  - 3) Where a nursing home, convalescent home, or rest home is adjacent an existing or platted residential development, there shall be planted a six (6) foot wide screen of evergreen shrubs or trees not less than twenty (20) feet inside the lot line. The twenty (20) foot buffer strip shall be landscaped and kept clear of all buildings, structures, sidewalks, or other facilities.
- i) Auto Service Stations shall be subject to the following:
- 1) Minimum Lot Size: Twenty thousand (20,000) square feet.
  - 2) Minimum Frontage: One hundred (100) feet.
  - 3) There shall be two (2) separate driveways located along the frontage(s) providing both ingress and egress to and from the property.

All design requirements, including but not limited to, driveway width and alignment, separation of driveways, distance from intersections, and required sight distances, shall be determined on an individual basis by the Zoning Officer. The Sunbury Planning and Zoning Commission shall review each application for conditional use as specified in S81:11.27.

- 4) All service station buildings shall have a minimum front yard depth of forty (40) feet, and all gasoline pumps shall be set back a minimum distance of twenty (20) feet from the front property line.
- 5) The entire lot area, exclusive of the area covered by the service station building, required driveways, and all required planting areas, shall

be paved. All landscaped areas shall be separated from all paved areas by a six (6) inch high curb.

- 6) All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.
  - 7) No outdoor disassembly or repair of motor vehicles shall be permitted. Storage of rental trucks, trailers or passenger vehicles shall not be permitted in the front yard.
  - 8) A solid fence, wall, earthen berm, or evergreen hedge six (6) feet high shall be constructed or planted along the lot line where the automobile service station is located adjacent a Residential District.
  - 9) No automotive service station shall engage in the following activities: body and/or fender repair, spray painting, upholstery work, auto glasswork, or tire recapping.
- j) Storage Buildings.
- 1) Such storage buildings include buildings which are divided in such a way as to allow the buildings or portions thereof to be rented to individuals or businesses for the exclusive use of storing items other than explosive chemicals, noxious substances, or animals.
  - 2) The use of portions of such buildings for storage can be combined with office use for other portions of the buildings.
  - 3) Such storage buildings do not include buildings commonly considered warehouses or buildings used for the storage of explosive chemicals, noxious substances, or animals or any other building or use included in Section S81.15.12 providing for an Industrial District.
- k) Other uses of like or similar nature which promote the

purpose of this district.

5. DEVELOPMENT STANDARDS - In addition to any other provisions of this Ordinance, all lands and uses, excluding single family residences and apartments, within the Neighborhood Commercial District shall be developed in strict compliance with the standards hereinafter established. Single family residences shall be developed in accordance with S81.15.02 and apartments in accordance with S81.15.05 or S81.15.06.
- a) Building Site - Structures in this district shall contain no less than one thousand five hundred (1500) square feet of floor space devoted to the storage, display and sale of said products or to the providing of such services. This square footage limitation shall also apply to any office use within this district.
  - b) Lot Size - No minimum lot size shall be required, however, the lot size shall be adequate to provide the yard spaces and off-street parking as herein required.
  - c) Lot Width - No minimum lot width shall be required, however, all commercial tracts shall have access to public streets and shall be of such width as to provide required yard spaces and off-street parking.
  - d) Building Heights - No building shall exceed two (2) stories or thirty-five (35) feet in height.
  - e) Building Set Back - There shall be a setback of all buildings of not less than fifty (50) feet from the right of way line of the public street, provided, however, no such setback shall be required to exceed the average of the minimum depths of existing front yards on lots adjacent on each side, if each of such lots are within the same block and within one hundred (100) feet.
  - f) Side Yard - Side yards shall be required adjacent to residential districts not less than twenty-five (25) feet from the adjacent residential district.
  - g) Rear Yard - Rear yards of not less than thirty (30) feet shall be required when commercial areas are adjacent to residential areas.

- h) Screening - All commercial areas adjacent to residential areas shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service areas from view of adjacent residential areas. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner. Landscaping material shall in strict compliance with Sections 81.16.03, 81.16.11, 81.16.19, 81.16.20 and 81.16.21 of this Ordinance.
- i) Parking - Off-street parking shall be provided within this district shall be in strict compliance with Section 81.16.02 and 81.16.03 of this Ordinance.
- j) Signs - Signs identifying or advertising uses within this district shall be in strict compliance with Section 81:17.01 of this Ordinance.
- k) Lighting - The light from the exterior lighting shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas. Lighting standards shall be in strict compliance with Section 81.16.02(c) of this Ordinance.
- l) Freight Loading Area - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent highways or streets. Freight loading shall be in strict compliance of Section 81.16.04 and 81.16.05 of this Ordinance.
- m) All uses, activities, and transactions (with the exception of off-street parking and loading/unloading) shall be conducted entirely within an enclosed building.

## **Section S81.15.10 - CENTRAL BUSINESS DISTRICT (C-3)**

1. PURPOSE. The Central Business District is intended to maintain and promote, and where possible, revitalize the historic character of the downtown business core.
2. APPLICATION. The provisions of this section shall apply to all area zoned Central Business District as of the date of the adoption of this amendment.
3. PERMITTED USES. Within the Central Business District (C-3) the following uses, developed in accordance with other provisions of this Ordinance shall be permitted. Preference shall be given to applicants who emphasize revitalization of the property.
  - a) Retail Stores - primarily engaged in selling of merchandise for personal or household consumption and rendering services incidental to the sale of goods, including hardware stores, grocery stores, meat and seafood markets, fruit stores and vegetable markets, candy stores, nut and confectionery stores, dairy product stores, retail bakeries, drug and proprietary stores, liquor stores, carry-outs, provided drive through service is not included, florists, eating and drinking places where service is provided totally within the building, self-service laundromats, laundry and dry-cleaning shops, beauty shops, health spas, barber shops, shoe repair or shining shops or any other like retail establishment consistent with the above listed uses.
  - b) Office facilities for the providing of personal service such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, surgeons, dentists, dental surgeons, osteopathic surgeons, chiropractors, or podiatrists or other allied medical, dental or optical fields.
  - c) Offices of credit agencies, personal credit institutions or loan offices, or financial institutions, provided that no drive-in windows or services are provided.
  - d) Offices of veterinarians provided that the practice of said veterinarian is limited to small domestic animals, that no animals are boarded on the premises and that no outside runs or exercise areas are provided.

- e) Newspaper printing and publishing.
- f) Hotels, including motels and motor hotels.
- g) Commercial studios.
- h) Theaters.
- i) Churches and other places of worship.
- j) Temporary structures in accordance with S81.14.03(B).

4. CONDITIONAL USES. Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission pursuant to the provisions of Section S81.11.27 et. seq. Conditionally permitted uses shall be considered and declared abandoned if said uses are discontinued for a period in excess of six (6) months.

- a) Apartments in areas over or adjacent to the commercial storeroom or office facility provided that apartments constructed within this district shall contain the following minimum floor space, exclusive of porches, basements or garages, to wit:

One (1) bedroom unit	-	850 sq. feet
Two (2) bedroom unit	-	1020 sq. feet
For each additional bedroom	-	120 sq. feet

and shall otherwise be developed in accordance with S81.15.05 or S81.15.06.

- b) Outside display of products for sale.
- c) Drive-in facilities for banks, savings and loan associations and similar financial establishments.
- d) Gasoline/Automotive Service Stations shall be subject to the following:
  - 1) Minimum Lot Size: Eleven thousand (11,000) sq. feet.
  - 2) Minimum Frontage: One hundred (100) feet.

- 3) There shall be two (2) separate driveways located along the frontage(s) providing both ingress and egress to and from the property. All design requirements, including but not limited to, driveway width and alignment, separation of driveways, distance from intersections, and required sight distances, shall be determined on an individual basis by the Zoning office. The Sunbury Planning and Zoning Commission shall review each application for conditional use as specified in Section S81.11.27.
  - 4) All service station buildings shall have a minimum front yard depth of forty (40) feet, and all gasoline pumps shall be set back a minimum of twenty (20) feet from the front property line.
  - 5) The entire lot area, exclusive of the area covered by the service station building, required driveways, and all required planting areas, shall be paved. All landscaped areas shall be separated from all paved areas by a six (6) inch high curb.
  - 6) All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.
  - 7) No outdoor disassembly or repair of motor vehicles shall be permitted. Storage of rental trucks, trailers or passenger vehicles shall not be permitted in the front yard.
  - 8) A solid fence, wall, earthen berm, or evergreen hedge six (6) feet high shall be constructed or planted along the lot line where the automobile service station is located adjacent to a Residential District.
  - 9) No automobile service station shall engage in the following activities: body and/or fender repair, spray painting, upholstery work, auto glasswork, tire recapping.
- e) Retail stores-primarily engage in providing services, including eating and drinking places which may include outdoor service, subject to restrictions as approved

by the commission.

f) Other uses of like or similar nature which promote the purpose of this district.

5. DEVELOPMENT STANDARDS. In addition to any other provisions of this Ordinance, all lands and uses within the Central Business District shall be developed in strict compliance with the standards hereinafter established.

a) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade.

b) Dwelling Dimensions and Lot Coverage - No minimum lot size is required.

c) Lot Width - No minimum lot width is required; however, all lots shall abut an improved public right-of-way.

d) Side Yard - A side yard shall be required adjacent to a Residential Zoning District. These required side yards shall be not be less than fifteen (15) feet.

e) Rear Yard - A rear yard shall be required adjacent to a Residential Zoning District. These required rear yards shall be not less than one-fourth (1/4) the sum of the height and width of the building, except when adjacent to a dedicated alley of not less than twenty (20) feet. A use designed to be serviced from the rear shall provide a service court, alleyway or combination thereof having a width of not less than thirty (30) feet.

f) Parking - No minimum requirement.

## **Section S81.15.11 PLANNED COMMERCIAL DISTRICT (PCD)**

1. PURPOSE. The municipality recognizing, that with increased urbanization and population growth comes increased demands for well-organized commercial areas to provide employment, goods and services to area residents as well as to provide a balanced economy within the municipality, thereby provides for the Planned Commercial District, intending hereby to promote the variety and flexibility of land development for commercial purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of the municipality.
2. APPLICATION. This provision of the Zoning Ordinance shall apply to all lands within the municipality which are to be used for commercial purposes and which are not regulated by the Commercial District as hereinbefore set forth in S81.15.09 of this Ordinance.
3. PERMITTED USES. Within the Planned Commercial District (PCD) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted.
  - a) Commercial and Office Establishments of all types developed and maintained within an organized development of associated commercial activities in accordance with the approved development plan.
  - b) Community Facilities such as libraries, offices or educational facilities operated by a public agency or government.
  - c) Commercial Establishments normally associated with and intended to service the traveling public with motels, gasoline/auto service stations, convenience stores which sell gasoline, restaurants, travel trailer parks for overnight parking or any other allied activity.
  - d) Other Commercial ventures not prohibited by this or other sections of this Ordinance, of like or similar nature.
  - e) Apartments or residences in areas over or above the commercial storerooms or office facilities provided that each single story dwelling hereafter erected in this district shall have a ground floor area of not less than

One Thousand square feet. All such living areas shall be exclusive of basements, porches or garages. All apartments or other multi-family structures constructed within this district shall contain the following minimum floor space, to-wit:

- One (1) bedroom unit ..... 850 sq. ft.
- Two (2) bedroom unit ..... 1020 sq. ft.
- For each additional bedroom ... 120sq.ft.per bedroom

and shall otherwise be developed in accordance with S81.15.05 or S81.15.06.

- 4. CONDITIONAL USES. Provisions for conditional uses are unnecessary under the article because, in effect, each application for plan approval is a conditional use granted by the Planning and Zoning Commission and/or the Sunbury Council.
- 5. PROCEDURE. In addition to any other procedure set out in this resolution, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:
  - a) Application. The owner or owners of lots within the municipality may request that the zoning map be amended to include such tracts in the Planned Commercial Development District in accordance with the provisions of this Ordinance.
    - 1) The applicant is encouraged to engage in informal consultations with the Sunbury Planning and Zoning Commission prior to formal submission of a Development Plan and request for an amendment to the zoning map, it being understood that no statement by officials of the municipality shall be binding upon either.
  - b) Development Plan. Fifteen (15) copies of the development plan shall be submitted with the application, which plan shall include in the text and map form:
    - 1. The proposed size and location of the Planned Commercial District.
    - 2. The general development character of the tract including the limitations of controls to be placed

on commercial uses, operations, locations or types of tenants with probable lot sizes, minimum setback requirements, and other development features including landscaping.

3. Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
4. The proposed provisions for water, fire hydrants, sanitary sewer, industrial waste disposal and surface drainage with engineering feasibility studies or other evidence of reasonableness.
5. The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
6. The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
7. Location of parks and other public facility sites, if any.
8. The proposed time schedule for development of the site, including streets, transportation facilities, buildings, utilities and other facilities.
9. If the proposed timetable for development includes developing the land in phases, in all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Sunbury Officials definitive guidelines for approval of future phases.
10. The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
11. Specific statements of divergence from the development standards in S81.15.08, S81.15.09,

S81.16.01 and S81.15.11 and the justification therefore.

12. Evidence of the applicant's ability to post a bond, if the plan is approved, assuring completion of public service facilities to be constructed within the project by the applicant.
- c) Criteria for Approval. In approving an application for a Planned Commercial District the reviewing authorities shall determine:
- 1) If the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Ordinance.
  - 2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
  - 3) If the proposed development advances the general welfare of the Village and the immediate vicinity.
- d) Effect and Approval. The Development Plan as approved by the Sunbury Council shall constitute an amendment to the Zoning Ordinance as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Sunbury, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years the approval shall be voided and the land shall automatically revert to prior district designation unless the application for time extension is timely submitted and approved.
- e) Extension of Time. An extension of the time limit of the approved development plan may be approved by the Sunbury Council. Such approval shall be given only upon a finding of the purpose and necessity for such extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension is not in conflict with the general health, welfare and safety of the public or development

standards of the district. No extension of time shall be granted except on application filed with the Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in S81.15.11(4)d as hereinbefore set forth.

- f) Modification of Approved Development Plan. A modification of the approved development plan shall be filed with the Zoning Inspector, and reviewed by Planning and Zoning Commission. Planning and Zoning Commission's recommendation shall then be considered by Sunbury Council. Approval shall be given only upon a finding of the purpose and necessity for such modification, and a determination that it is not in conflict with the general health, welfare and safety of the public or development standards of the district.
  
- g) Plat Required. In the Planned Commercial District (PCD), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Subdivision Regulations for Sunbury, Ohio and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:
  - 1. Site arrangement, including building setback lines and space to be built upon or within the site; water, fire hydrants, sewer, and underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
  
  - 2. Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of tenants, including those applicable to areas within the tract to be developed for residential uses.
  
  - 3. In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a

performance bond in favor of the Village of Sunbury in a satisfactory amount assuring expeditious completion of said facilities within one year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building until such time as the facilities for the phase in which the building is located are completed.

- h) Administrative Review. All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Planning and Zoning Commission and the Sunbury Council or their designated technical advisors for administrative review and approval to insure substantial compliance with the development plan as approved.
- i) Appended with the required plat and filed accordingly shall be the following: site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.

6. DEVELOPMENT STANDARDS. In addition to any other provisions of this Ordinance the following standards for arrangement and development of lands and buildings are required in the Planned Commercial District.

- a) Screening - A use allowed in this district shall entirely enclose its operation within a structure or behind screening. Open storage, service areas and loading docks shall be screened by walls, fences or shrubbery at least six (6) feet but not more than twelve (12) feet in height. These walls, fences or shrubbery shall be of a design so as to effectively screen such storage, production or service areas and loading facilities from adjoining streets or other zoning districts. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner. Landscape materials shall be in strict compliance with Sections 81.16.03, 81.16.11, 81.16.19, 81.16.20 and 81.16.21 of this Ordinance.

- b) Lot Size - The minimum lot size shall be 20,000 square feet.
- c) Building Set Back - No building, service or storage area shall be constructed closer than fifty (50) feet to the right-of-way line or one hundred (100) feet of the center line of any public road, whichever is closer.
- d) Side Yard - For main and accessory structures, including open storage, processing, servicing or loading areas, the side yard shall be equal to one-third (1/3) of the sum of the height and depth of the structure but in no case shall side yards adjacent to the residential districts, be less than one hundred (100) feet.
- e) Rear Yards - For main and accessory structures, including open storage, processing servicing or loading areas, the rear yard shall be equal to one-third (1/3) of the sum of the height and width of the structure but in no case shall rear yards adjacent to the residential districts be less than one hundred (100) feet.
- f) Building Height - No building within this district shall exceed two (2) stories or thirty-five (35) feet in height.
- g) Landscaping - All yards, front, rear and side, shall be landscaped. Such landscape plan shall be submitted with the Subdivision Plat and shall be subject to approval in the same manner required of the Subdivision Plat. All landscaping used for screening purposes shall be non-deciduous. Landscaping standards shall be in strict compliance with Section 81.16.03, 81.16.19, 81.16.20 and 81.16.21 of this Ordinance.
- h) Parking - Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress. Parking standards shall be in strict compliance with Section 81.16.02 and 81.16.03 of this Ordinance.
- i) Lighting - The light from the exterior lighting shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas. Lighting standards shall be in strict compliance with Section 81.16.02(g) of this Ordinance.

- j) Freight Loading Areas - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways. Freight loading standards shall be in strict compliance of Section 81.16.04 and 81.16.05 of this Ordinance.
- k) Additional Conditions - The Sunbury Council upon recommendation of the Sunbury Planning and Zoning Commission may impose special additional conditions relating the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement and maintenance of common open space; and any other pertinent development characteristics.
- l) Lot Width - The Minimum lot width shall be 80'.

## **Section S81.15.12 INDUSTRIAL DISTRICT (I)**

1. PURPOSE. The Industrial District is proposed to accommodate industrial development and allow land for future industrial expansion; to provide land for new industrial sites. The (I) designation is intended for lands which are located with frontage along major thoroughfares and/or where convenient access exists to major highways and/or rail systems.
2. APPLICATION. The provisions of this section shall apply to all areas zoned Industrial (I) as of the date of the adoption of this amendment. All existing legal industrial uses on lands now zoned Industrial (I) under Sunbury Planning and Zoning shall be considered for purposes of this Ordinance and this zoning district, permitted uses.
3. PERMITTED USES. Within the Industrial District (I) the following uses, developed in accordance with other provisions of this Ordinance shall be permitted.
  - a) Wholesale business, storage buildings and warehouses.
  - b) Industrial and Manufacturing Establishments.
  - c) Warehouse and Storage buildings.
  - d) Temporary structures in accordance with S81.14.03(B).
4. CONDITIONAL USES. Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Sunbury Planning and Zoning Commission pursuant to the provisions of S81.11.27 et. seq.
  - a) Gasoline/Auto Service Station shall be subject to the following:
    - 1) Minimum Lot Size: Twenty Thousand (20,000) square feet.
    - 2) Minimum Frontage: One Hundred (80) feet.
    - 3) All design requirements, including but not limited to, driveway width and alignment, separation of driveways, distance from intersections, and required sight distances, shall be determined on an individual basis by the Sunbury Zoning Officer. The

Sunbury Planning and Zoning Commission shall review each application for conditional use as specified in Section S81.11.27 et. seq.

- 4) All gasoline service station/auto service station buildings shall have a minimum front yard depth of forty (40) feet.
  - 5) The entire lot area, exclusive of the area covered by the gasoline service station/auto service station building, required driveways, and all required planting areas, shall be paved. All landscaped areas shall be separated from all paved areas by a six (6) inch high curb.
  - 6) The light from the exterior lighting shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
  - 7) No outdoor disassembly or repair or motor vehicles shall be permitted. Storage of rental trucks, trailers, or passenger vehicles shall not be permitted in the front yard.
  - 8) A solid fence, wall, earthen berm, or evergreen hedge six (6) feet high shall be constructed or planted along the lot line where the automotive repair garage is located adjacent to a Residential District.
- b) Manufacturing Retail Outlets shall be subject to the following:
- 1) Outlets must clearly be an accessory use to the principal permitted manufacturing use and shall not occupy greater than twenty-five percent (25%) of the total floor area of the manufacturing establishment.
  - 2) Access to a major thoroughfare shall be required.
- c) Water Impoundments in accordance with S81.14.03(H).
- d) A dwelling unit limited to occupancy by a residential caretaker, subject to the limitations imposed by the Planning and Zoning Commission.

e) Other uses of like or similar nature which promote the purpose of this district.

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

a) Lot Size - Minimum lot size shall be 20,000 square feet.

b) Lot Width - The minimum lot width shall be 80 feet.

c) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade.

d) Building Set Back - Except for state and federal highways in this district, no building shall be closer than 65' to right of way line of adjacent street or road. In addition, there must be an allowance for green space to extend a minimum of 25' from right of way line of the adjacent street or road.

For properties fronting on a state or federal highway in this district no building shall be closer than 100' to the right of way line of the adjacent state or federal highway. In addition, there must be an allowance for a green space to extend a minimum of 35' from right of way line of the adjacent state or federal highway.

e) Side yards - There shall be one side yard of the main building constructed in this district of not less than 20'. No accessory building, outdoor storage or parking shall be permitted in this area. This area shall be paved with a minimum of 8" of firmly packed crushed stone.

f) Rear yards - No building shall be located closer than 30' to the rear line of any building lot.

Notwithstanding any of the above provisions, any building of a size of 5000 square feet or less shall have access on two sides for fire protection purposes. Any building of a size greater than 5000 square feet shall have access on three sides for fire protection purposes.

g) Screening - All outside storage areas, manufacturing

areas, service areas and loading docks shall be screened by properly maintained walls, fences or shrubbery at least six (6) feet but not more than twelve (12) feet in height. These walls, fences or shrubbery shall be of a design so as to effectively screen such storage, manufacturing, service or loading areas and facilities from adjoining streets or other zoning districts. Such shrubbery shall be neatly trimmed and all other fences or walls shall be maintained in neat and tidy manner.

- h) Parking - Off-street parking shall be provided within this district in strict compliance with the provisions of Section 81.16.02 and 81.16.03 of this Ordinance.
- i) Signs - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Section 81.17.01 of this Ordinance.
- j) Lighting - The light from the exterior lighting shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas. Lighting standards shall be in strict compliance of Sections 81.16.02(g) of this Ordinance.
- k) Freight Loading Areas - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided shall be adequate in size to accommodate tractor/trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways. Freight loading standards shall be in strict compliance of Sections 81.16.04 and 81.16.05 of this Ordinance.
- l) Landscaping - 1) Property perimeters - when adjacent to a residential/commercial/office district there shall be a 15' landscape buffer adjacent to the boundary, excepting street frontage. There shall be 1 tree per 40' of lineal boundary plus a continuous 6' high planting, hedge, fence, wall or earth mound. 2) Pavement Area Perimeters - require a 4' buffer from edge of pavement to trees. There shall be 1 tree per 30' of pavement perimeter with a 3.5' average height of continuous

fence, wall, planting, hedge, earth mound. 3) Street Trees - Landscaping shall consist of at least a ten (10) feet wide landscaped area, along the street right-of-way. These areas are exclusive of the area required for sidewalks, public street right-of-ways, or parking. Utility easements can be used with the permission of the Village. Street trees shall be required along existing or proposed public streets and shall be planted with even spacing, adjacent to public street right-of-way. One (1) street tree shall be required for every fifty (50) feet of road frontage, or portion thereof. These trees shall have a clear trunk height of a least six (6) feet. 4) Building Screening - a screening plan shall be submitted for review and approval to screen the industrial use from adjoining less intensive uses and public streets.

- 1) Grass or ground cover shall be planted on all portions of the buffer areas not occupied by other landscape material.
- 2) Pavement areas are defined as any open or unenclosed area containing more than 1,800 square feet of area and/or used by six or more of any type of vehicle, whether moving or at rest, including, but not limited to, parking lots, loading and unloading areas, mobile home parks, and sales and service areas. Landscape standards shall be in strict compliance of Section 81.16.03, 81.16.11, 81.16.19, 81.16.20 and 81.16.21 of this Ordinance.

### **Section S81.15.13 PLANNED INDUSTRIAL DISTRICT (PID)**

1. **PURPOSE:** In the creation of the Planned Industrial District it is the intention and desire of the municipality to provide those reasonable conditions under which well-planned industrial areas can develop for the greatest benefit of the entire Municipality, while still preserving and enhancing the health, safety and general welfare of all Sunbury.
2. **APPLICATION:** The provisions of this Section shall apply to all lands under Sunbury Zoning regardless of the size of the tract and the owner may elect to submit his application for change in the zoning under the provisions of this article or the provisions of Section S81.11.02 - S81.11.14. The Sunbury Council or the Planning and Zoning Commission may, in their discretion, require that an application be filed under this article if approval under this article serves the best interest of the community and assures quality development.
3. **PERMITTED USES:** Within the Planned Industrial District (PID) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:
  - a) Manufacturing, processing, warehousing and industrial service activities located and maintained within the limits of the development standards of these Planned Industrial District Regulations.
  - b) Commercial Establishments normally associated with and designed to serve the Industrial establishments or their employees and approved as part of the development plan such as financial institutions, restaurants, gasoline service stations, automobile repair establishments, recreation or other personal enrichment facilities, provided such establishments or facilities are established primarily for employees of industrial establishments or in conjunction with commercially operated recreation establishments developed as part of the approved plan for the Planned Industrial District.
  - c) Temporary structures in accordance with S81.14.03(B).
  - d) Dwelling units for residential caretakers only.
4. **CONDITIONAL USES:** Provisions for conditional uses are unnecessary under the article because, in effect, each

application for plan approval is a conditional use granted by the Planning and Zoning Commission and/or the Sunbury Council.

5. PROCEDURE: In addition to any other procedures set out in this Ordinance, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:
  - a) Application - The owner or owners of lots and lands within the municipality may request that the zoning map be amended to include such tracts in the Planned Industrial District in accordance with the provisions of this ordinance.
    - 1) The applicant is encouraged to engage in informal consultations with the Planning and Zoning Commission prior to formal submission of a development plan and request for an amendment of the zoning map, it being understood that no statement by Officials of the Municipality shall be binding upon either.
  - b) Development Plan - Fifteen (15) copies of the development plan shall be submitted with the application, which plan shall include in the text and map form:
    - 1) The proposed size and location of the Planned Industrial District.
    - 2) The general development character of the tract including the limitations or controls to be placed on all industrial uses, operations, locations or types of tenants with probable lot sizes, minimum setback requirements, and other development features including landscaping.
    - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
    - 4) The proposed provisions for water, fire hydrants, sanitary sewer, industrial waste disposal and surface drainage with engineering feasibility studies or other evidence of reasonableness.

- 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
  - 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
  - 7) Location of parks and other public facility sites, if any.
  - 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
  - 9) If the proposed timetable for development includes developing the land in phases, in all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textural form in a manner calculated to give Sunbury Officials definitive guidelines for approval of future phases.
  - 10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
  - 11) Specific statements of divergence from the development standards, in Section S81.15.12, S81.16.01, and S81.15.13 and the justification therefore.
  - 12) Evidence of the applicant's ability to post a bond if the plan is approved, assuring completion of public service facilities to be constructed within the project by the applicant.
- c) Criteria for Approval - In approving an application for a Planned Industrial District the reviewing authorities shall determine:
- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Ordinance.

- 2) If the proposed development is in conformity with the comprehensive plan or portion thereof as it may apply.
  - 3) If the proposed development advances the general welfare of the Village and the immediate vicinity.
- d) Effect of Approval - The Development Plan as approved by the Sunbury Council shall constitute an amendment to the Zoning Ordinance as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Sunbury, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commenced within three (3) years, the approval shall be voided and the land shall automatically revert to prior district designation unless the application for time extension is timely submitted and approved.
- e) Extension of Time - An extension of the time limit of the approved development plan may be approved by the Sunbury Council. Such approval shall be given upon a finding of the purpose and necessity for such extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section S81.15.14(4)d as hereinbefore set forth.
- f) Modification of Approved Development Plan. A modification of the approved development plan shall be filed with the Zoning Inspector, and reviewed by Planning and Zoning Commission. Planning and Zoning Commission's recommendation shall then be considered by Sunbury Council. Approval shall be given only upon a finding of the purpose and necessity for such modification, and a determination that it is not in conflict with the general health, welfare and safety of the public or development standards of the district.

- g) Plat Required - In the Planned Industrial District (PID), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations for Sunbury, Ohio and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:
- 1) Site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
  - 2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon and the activities of occupants.
  - 3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the Village of Sunbury in a satisfactory amount assuring expeditious completion of said facilities within one year after the recording of said plat. In no event, however, shall any zoning certificate be issued for any building until such time as the facilities for the phase in which the building is located are completed.
- h) Administrative Review - All plats, construction drawings, restrictive covenants and other necessary documents shall be submitted to the Zoning Inspector, the Planning and Zoning Commission and the Sunbury Council or their designated technical advisors for administrative review and approval to insure substantial compliance with the development plan as approved.

- i) Appended with the required plat and filed accordingly shall be the following: site arrangement, including building setback lines and space to be built upon within the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the nature of such use.
6. DEVELOPMENT STANDARDS: In addition to any other provisions of this Ordinance, the following standards for arrangement and development of lands and buildings are required in the Planned Industrial District.
- a) Setbacks - The physical relationships of the structures or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan or the provisions of Section S81.15.12 unless variance therefrom is approved.
  - b) Building Height Limits - No building or structure in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Elevator shafts and aerial antennas may be constructed to any safe height.
  - c) Building Dimensions - Buildings may contain such area of floor space as is approved in the development plan.
  - d) Landscaping - All yards, front, side and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat. Landscaping standards shall be in strict compliance with Sections 81.16.03, 81.16.11, 81.16.19, 81.16.20 and 81.16.21 of this Ordinance.
  - e) Site Development - To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six percent (6%) shall be maintained.

- f) Parking - Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according. Parking standards shall be in strict compliance of Section 81.16.02 and 81.16.03 of this Ordinance.
  
- g) The Planning and Zoning Commission and/or Village Council may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

**SECTION S81.16.01 - General Development Standards**

- 1. GENERAL - It is the purpose of these development standards to set forth certain general rules to be adhered to regardless of type or classification of development. They are designed to insure that the general welfare of citizens of Sunbury, Ohio be protected and enhanced. These development standards apply throughout the municipality. If a conflict exists between these standards and more specific standards prescribed in any individual zoning district, the specific provisions of the zoning district in question shall prevail. The standards set forth herein are to be considered minimum standards to be augmented by standards set forth elsewhere in this Ordinance or prescribed or agreed to by the land owner in any rezoning or variance.

Maximum Lot Coverage on any lot or parcel in R-1, R-2, R-3, R-4, or R-5 zoning district shall a building be constructed which covers more than twenty-five percent (25%) of the lot area.

- 2. DESIGN STANDARDS FOR OFF-STREET PARKING

Parking - Off-street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Section S81:16-02 of the Ordinance.

In all districts there shall be provided at the time any building or structure is erected or structurally altered off-street parking spaces in accordance with the following requirements.

- a) Dimensions. All parking spaces shall be a width of not less than ten (10) feet and a length of not less than twenty (20) feet. Such spaces shall be measured rectangularly from the centerline of all pavement markings. The spaces shall be served by aisleways with a minimum inside width of twenty four (24) feet to permit suitable access to all parking spaces. All parking spaces shall be maintained in good condition.
- b) Pavement. All parking areas and adjacent aisles or driveways shall be paved with asphalt or concrete. The minimum thickness of the asphalt pavement shall be 4-inches and the minimum thickness of the concrete

pavement shall be 6-inches unless otherwise approved by the Village Engineer. Both pavement sections shall have an aggregate base course with a minimum thickness of 8-inches for asphalt pavement and 6-inches for concrete pavement unless otherwise approved by the Village Engineer. Pavement and aggregate base materials shall follow ODOT Standards as approved by the Village Engineer.

- c) Driveways and Parking Lot Access Roads.
  - 1) All driveways and parking lot access roads to parking lots for five (5) or more vehicles shall be served by a driveway not less than twenty-four (24) feet in width.
  - 2) Driveway and access road locations shall be approved by the Village Engineer to ensure a suitable distance is provided from adjacent public streets and other driveways.
  - 3) All driveways and access roads shall be located and the adjoining lots graded so that vehicular traffic entering a public road has an unobstructed sight distance of at least three hundred (300) feet. A site distance analysis shall be performed at the request of the Village Engineer.
  - 4) The pavement for all driveway and access road aprons shall be concrete and have a minimum thickness of 6-inches for residential aprons, 8-inches for commercial aprons and 10-inches for industrial aprons unless otherwise approved by the Village Engineer. All aprons shall have an aggregate base of thickness of 6-inches unless otherwise approved by the Village Engineer. Pavement and aggregate base materials shall follow ODOT Standards as approved by the Village Engineer.
  
- d) Parking Area Location. Except in the (R-1), (R-2), and (R-3) districts no parking lot or parking area shall be located nearer than ten (10) feet to the side or rear line of the tract on which the structure is located. Parking in front of the main structure may be permitted if approved as part of a plan of development.

All parking spaces required herein shall be located on the same lot with the building or use served, except as provided for below:

- 1. Two or more non-residential uses may jointly

provide and use parking spaces when their hours of operation do not normally overlap.

2. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring the retention for such purposes shall be properly drawn and executed by the parties concerned and approved as to form by a proper legal authority and shall be filed with the application for a building permit.

e) Curbing

1. The edge of all commercial and industrial driveways, commercial and industrial access roads, all parking lots and all landscape areas adjacent to the pavement shall have a six (6) inch high concrete curb.
2. The curbing shall have a minimum thickness of 6-inches and have a total depth of 12-inches below grade for a vertical curb (ODOT Type 6). A combined curb and gutter may also be provided (ODOT Type 2).
3. All materials shall be in accordance with ODOT specifications as approved by the Village Engineer.

f) Screening

- 1) In all commercial and industrial areas any off-street parking area shall be effectively screened on each side which adjoins or faces any residential district, institutional premises or any off-street parking area which is adjacent or visible from a public street.

- a) Screening for off-street parking on commercial and industrial areas adjacent to a residential district or institutional premises shall be provided by a masonry wall or a solid fence as approved by the Village Engineer. Such wall or fence shall not be less than six (6) feet, and shall be maintained in good condition without any advertising. The space between such wall or fence and the lot line of the adjoining premises in any residence district shall be landscaped with grass, hardy shrubs or

evergreen ground cover, and maintained in good condition. In lieu of such wall or fence, a strip of land not less than fifteen (15) feet in width and planted with dense evergreen shrubs not less than six (6) feet in height may be substituted. All vegetation used for screening shall be maintained in good condition.

- b) Screening for off-street parking on commercial and industrial areas that are adjacent to or visible from a public street shall be provided with shrubs, berms or walls having a minimum height of three (3) feet. Such landscaping and/or screening shall be located parallel to and within five (5) feet of the edge of the parking lot. Hedges and other landscape screening materials cannot exceed four (4) feet in height. The landscape border may be broken for necessary walkways, driveways, and sight distance areas.
- g) Minimum Distances of Set-back. No part of any parking area for more than five (5) vehicles shall be closer than five (5) feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot, unless screened by a solid fence or masonry wall of acceptable design. If on the same lot with a main building, a parking area shall not be located within the front yard or street side yard required for such building. In no case shall any part of the parking area be closer than five (5) feet to any established street or alley right-of-way. The screening required above shall be set back from each street, the same as if it were a building wall, so as to observe the front yard and side yard and the street side yard requirements of these Regulations. No off-street parking area or part thereof shall be located within any established public right-of-way.
- h) Off-Street Parking Lighting
  - 1) Decorative Lighting Requirements
    - a) Purpose: The purpose of this requirement is to install exterior lighting which is aesthetically pleasing and fits the character of the Village.

- b) Requirements: Any exterior, off-street lighting for parking lots, access roads, pedestrian areas or other areas that are required to have lighting and is not in a public street right-of-way, but within 500 feet of a public street right-of-way, residential district or other public area shall be a decorative type fixture and pole as approved by the Village of Sunbury.
- c) Light Fixture Type: The light fixture shall be a non-shoebox style light which is decorative. An example of a lighting fixture which meets the intent of this requirement is a Hadco Model CF6. The pole shall be circular and can be decorative. The color of the pole and fixture shall be either bronze, black or other similar color as approved by the Village of Sunbury.
- d) Exemptions: Decorative lighting is not required for parking lots, access roads, pedestrian areas, which are more than 500 feet from a public street right-of-way, residential districts or other public areas. The color of these fixtures shall be consistent with the decorative fixtures described in this section. All industrial districts are not required to have decorative lighting unless they are visible from a residential or commercial district.

2) All developments with 6 or more parking spaces are required to provide exterior lighting for all vehicular use areas and pedestrian paths connecting parking areas and building(s).

3) Lighting Plan Requirements

A lighting plan demonstrating compliance with the following exterior lighting standards must be approved by the Village of Sunbury for all uses which are required to file a development plan. All plans submitted shall include the following minimum lighting standards:

- a) 0.5 footcandles minimum maintained light level at grade in all vehicular use areas and

- connecting pedestrian paths;
- b) Location of all fixtures, controllers and transformers;
- c) Property boundaries, building location(s), parking lot layout, vehicular traffic roadways and driveways, pedestrian paths, adjacent right of ways, north arrow, scale;
- d) Specifications of the proposed light fixtures including the manufacturer's information regarding fixture style, pole and mounting details, lamp type, wattage, light distribution information, pole height and pole foundation.
- e) Photometrics plan of light levels;

#### 4) Lighting Restrictions

- a) Any lighting used to illuminate any off-street parking shall be so arranged as to deflect the light away from adjoining premises in any residential district.
- b) All exterior fixtures to be "total cut-off" type fixtures as defined by the Illuminating Engineer's Society Standards except: Architectural / Accent lighting, street lighting, landscape lighting, area lighting for recreational uses and exterior residential lighting may be semi-cutoff or non-cutoff luminaries, but shall be located or provided such that no lamp or reflector image is directly visible from any site boundary at or above grade when the initial lumen output exceeds 2850 lumens (equivalent to a 150 watt incandescent A lamp). Luminaries required by the Building Code which operate only in an emergency model are exempt from these standards.
- c) No portion of the lamp, reflector, lens, or refracting system may extend beyond the housing or shield so as to be visible from off site or cause disabling glare. Exterior residential lights are exempt from this requirement when the initial lumen output does not exceed 2850 lumens (equivalent to a 150 watt incandescent A lamp). Street lights are exempt.

- d) All fixtures shall be directed downward. Exterior residential lights are exempt from this requirement when the initial lumen output does not exceed 2850 lumens (equivalent to a 150 watt incandescent A lamp). Street lights shall comply regardless.
  
- e) Height limitations for exterior lighting which shall be measured from surrounding natural grade:
  - (1) Residential / Multi-Family: 25 feet
  - (2) Office / Commercial: 28 feet
  - (3) Industrial: 30 feet
  - (4) Outdoor Recreational Facility: All recreational/sports facility lighting will be reviewed for compliance with the intent of the Sunbury Lighting Guidelines to minimize the impact on all surrounding properties and public right of ways.
  - (5) All outdoor light poles shall be metal, fiberglass or finished wood, approved by the Village of Sunbury Planning Commission and Engineer. Light poles on private, commercial or industrial property shall be located a minimum distance of the pole's height from any adjoining residential district.
  - (6) Where used for signs or for decorative effects or recreational facilities, such as for building landscaping or sports field illumination, the outdoor light fixtures shall be equipped with automatic timing devices and shielded and focused to minimize light pollution.
  - (7) Except for security lighting, all commercial, industrial, recreational, and institutional use exterior lighting shall be extinguished within one hour of closing.
  - (8) No color or flashing lights shall be used to light the exterior of building or other site facilities.
  - (9) Light pollution standards: Light pollution shall be defined as any measurable exterior artificial

illumination that strays beyond the site boundary both horizontally at grade and vertically to the building height limitation. Artificially produced light straying beyond the property boundaries shall be considered a public nuisance when intensity levels exceed the following maximum illumination levels at or beyond 5 feet into the adjoining property and shall be adjusted, modified, or removed accordingly.

(10) Maximum Light Pollution Illuminances:

Receiving Area Classification	Maximum Horizontal Foot Candles	Maximum Vertical Foot Candles
Residential	0.4	0.8
Commercial	3.4	6.5
Industrial	3.4	6.5

Note: When two differing zoning districts abut, the lower light level value shall take precedence, i.e. residential over commercial.

(11) Lighting required exclusively to illuminate entrance drive and pedestrian ways from the public right of way shall be permitted to illuminate to the far limit of the right of way.

(12) Exceptions:

1. All outdoor light fixtures producing light directly from fossil fuel, such as kerosene lanterns or gas lamps are exempt from this chapter.
2. All low voltage lighting and holiday lighting shall be exempt from this chapter.
3. All illuminated poles for governmental or institutional flags are exempt from this chapter.

- i) In computing the number of required spaces, the following rules shall govern:
  - 1) A floor area shall mean the gross floor area of the specified use.
  - 2) Where fractional spaces result, the parking spaces required shall be rounded upward to the nearest whole number.
- j) Whenever a building or use constructed or established after the enactment date of these Regulations is changed or enlarged in the floor area, the number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten percent (10%) or more of the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- k) Off-street parking requirements for any use not specified in these Regulations shall be the same as that specified for a similar permitted use.
- l) Mechanical Screening - All ground mounted mechanical and electrical equipment shall be screened from view from all public streets in its entirety by mounding, landscaping, wood fencing or a wall that are architecturally compatible with the building, to blend with adjacent building architecture. All rooftop mechanical equipment shall be screened from view from all public streets.
- m) Vehicular and Pedestrian Sight Distance - off-street parking requirements shall be met without creating any hindrance of vehicular and/or pedestrian sight distance per appropriate engineering calculations from any obstacles. Obstacles include, but not limited to new and mature landscaping, signs, utilities, parked vehicles, etc.

### 3. SPECIFIC OFF-STREET PARKING REQUIREMENTS.

Angled off-street parking shall be encouraged by the Planning and Zoning Commission. Aisle widths for angled parking in this section. Stall widths shall be as specified in S81.16.02.

Aisle. That portion of the off-street parking and loading

area that provides access to parking, stacking or loading spaces, exclusive of driveways and parking and loading spaces. Minimum aisle width to serve a loading space shall be 15 feet. Minimum aisle width to serve a parking space shall be as follows:

Angle of Parking (degrees)	Minimum Aisle Width (feet)	
	One-Way Travel	Two-Way Travel
Parallel	15	22
Up to 50	14	Non Applicable
50 up to 80	18	Non Applicable
80 or more	Non Applicable	24

Interior Landscaping for Vehicular Use Areas. Any open vehicular use area, excluding loading, unloading and storage areas in an industrial zone or business zone, containing more than 6,000 square feet of area, or 20 or more vehicular parking spaces, shall provide interior landscaping in addition to the previously required perimeter landscaping. Interior landscaping may be peninsular or island types, and must include one deciduous shade tree per peninsula or island. Interior landscaping shall be designed and constructed so to not hinder vehicular sight distance at all public and private intersections per appropriate engineering calculations. Sight distance requirements must be met at initial planting as well as mature landscaping materials.

- a) Purpose. It is the purpose of this section to break up large areas of impervious surfaces in order to provide shade and heat abatement, and enhance the appearance of the community.
- b) Landscape Area. For each parking space 22 square feet of landscaped area shall be provided.
  - 1. Minimum Area. The minimum landscape area permitted

shall be 120 square feet with a minimum width of 10 feet for the peninsula or island. Smaller areas will not be counted toward the landscape area requirement. In addition, a four-foot minimum dimension to all trees from edge of pavement where vehicles overhang shall be required.

2. Maximum contiguous area. In order to encourage the required landscape areas to be properly dispersed, no individual landscape area shall be larger than 350 square feet in size, and no individual area shall be larger than 1,500 square feet in vehicular use areas over 30,000 square feet. In both cases, the least dimension of any required area shall be four minimum dimension to all trees from edge of pavement where vehicles overhang. Individual landscape areas larger than above are permitted as long as the additional area is in the excess of the required minimum total.
- c) Tree Planting Requirements. The following number and size of trees are required within the interior landscaped area. This requirement is based upon total ground coverage of structures and vehicular use areas:
1. There shall be a minimum of one tree for every 5,000 square feet of ground coverage. Trees must be at least two inches in caliper at installation.
  2. Permitted trees to fulfill this requirement include those listed in the approved Street Tree List. Ornamental and evergreen trees cannot be used to fulfill this requirement.
  3. Trees shall have a clear trunk of at least five feet above the ground, and the remaining area shall be landscaped with hardwood mulch, shrubs, or ground cover, not to exceed two feet in height.

In all commercial or industrial areas added after the effective date, sufficient area shall be available to allow off-street parking to meet minimum requirements in accordance with the schedule outlined below. The schedule of requirements shall be used by the owner to design and plan for required off-street parking.

At the discretion of the Planning and Zoning Commission, actual demonstrated off-street parking requirements may be used as the basis for construction of initial allocation of parking spaces. Funds provided by the applicant to construct future parking spaces, if required, shall be held in escrow as required by the Zoning Commission for a period not to

exceed two years. Area for spaces deemed not-required shall be set aside as un-constructed parking. At a period of one year after occupancy of the approved facilities, the appropriateness of provided parking spaces shall be reviewed by the Zoning Inspector or Village Engineer. Should it be determined that additional off-street parking is required, the designed, non-constructed parking shall be constructed. Failure to construct the required parking within six months of written notice from the Village Zoning Inspector shall be in violation of Section S81.06.08.

Change of ownership, or use of facilities shall require a re-evaluation of required parking spaces.

At no time shall, set aside parking area be used for any other purpose, and shall not count toward any open space, or green space calculations.

The following are the minimum number of spaces required for each type of use:

- 1) Residential Uses
  - a) Single-Family Dwelling: 2 spaces per dwelling unit.
  - b) Two-Family Dwelling: 2 spaces per dwelling unit.
  - c) Multi-Family Dwelling: 2 spaces per dwelling unit.
  - d) Bed and Breakfast: 2 spaces, plus 1 space per guest room.
  - e) Residential Care Facility: 1 space per 2 beds.
  
- 2) Community Facilities
  - a) Art Gallery, Library or Similar Public Cultural Institutions: 10 spaces, plus 1 space for each 200 square feet of floor area in excess of 2,000 square feet.
  - b) Nursing Home: 1 space per 2 beds plus 1 for each employee on the largest shift.
  - c) Day Care, Child and Adult: 1 space per employee, plus 1 space per 5 persons enrolled at design capacity.
  - d) Place of Worship: 1 space for every 3 seats in principal assembly room.
  - e) School, High School: 2 spaces per classroom, plus 1 space for every 5 students at design capacity.

- f) School, Primary and Secondary: 2 spaces per classroom, plus 1 space for every 5 seats in largest assembly room.
  - g) School, Trade/Business or Cultural Arts: 2 spaces per classroom, plus 1 space for every 2 students at design capacity.
  - h) A minimum of five (5) spaces is required for each use.
- 3) Office and Professional Uses
- a) Office-Administrative, Business and Professional (excluding medical and dental offices): 1 space per 300 square feet of floor area.
  - b) Medical or Dental Office and/or Clinic: 1 space per 200 square feet of floor area.
  - c) Financial Institution/Bank: 1 space per 200 square feet of floor area.
  - d) Hospital: 1 space per 3 beds, plus 1 space per employee on the largest shift.
  - e) Research and Development Facility: 1 space per 400 square feet of floor area, plus 1 space per motor vehicle used in the business and based upon the premises.
- 4) Retail and Service Uses
- a) Retail and Service Establishment: 1 space per 200 square feet of floor area.
  - b) Hotel and Motel: 1 space per guest room, plus 1 space per employee on the largest shift.
  - c) Funeral Home and Related Facilities: 1 space per 50 square feet of floor area in the public rooms, plus one space for each vehicle maintained on the premises.
  - d) Restaurant-Table Service (including café, nightclub and bar/tavern): 1 space per 50 square feet of floor area or 1 space for every 2 seats, whichever requires the greater number of spaces.
  - e) Restaurant-Counter Service (when located in a shopping center): 10 spaces, or 1 space per 75 square feet of floor area, whichever is greater, plus one space for each delivery vehicle.
  - f) Restaurant-Counter Service (when located as the only use in a free-standing building): 20 spaces, or 1 space per 75 square feet of floor area, whichever is greater, plus one space for each delivery vehicle.

- g) Self Service Storage: 1 space per every 25 storage units, plus 1 space per 300.
  - h) Veterinary Office or Hospital: 1 space per 400 square feet of floor area, plus 1 space for every 2 employees.
- 5) Automotive Uses
- a) Gasoline Stations: 1 space for every 2 pumps, plus 1 space per employee.
  - b) Automotive Repair Garage: 1 space per 200 square feet of floor area.
  - c) Automotive, Truck and Trailer Sales and Rental: 1 space per 400 square feet of floor area in sales/showroom, plus 1 space per service bay.
  - d) Car Wash: 1 space per employee.
  - e) Terminal-Bus, Cab: 1 space per 200 square feet of floor area, plus 1 space per vehicle used in the conduct of the business.
- 6) Recreation and Entertainment
- a) Bowling Alley: 1 space per 250 square feet of floor area.
  - b) Golf Course: 8 spaces per green.
  - c) Health Club: 1 space per 200 square feet of exercise area, including locker and equipment rooms.
  - d) Indoor Auditorium, Sports Arena, Theater, Stadium, gymnasium or Public Meeting Rooms (excluding school facilities): 1 space for every 4 seats or for every 10 linear feet of bench seating space or 1 space for every 150 square feet of floor area (for facilities without fixed seats).
  - e) Private Membership Club or Lodge: 1 space per 400 square feet of assembly area.
- 7) General Commercial and Industrial Uses
- a) Office Areas: 1 space per 300 square feet of administrative office area.
  - b) Product/Manufacturing: 1 space for each motor vehicle used in the business and based upon the premises, plus 1 space per 400 square feet of floor area devoted to the non-office uses.
  - c) Warehouse, Distribution and Indoor Storage: 1 space per 1,000 square feet of floor area.

- d) Wholesale Facility: 1 space per 400 square feet of floor area.

4. DESIGN STANDARDS FOR OFF-STREET LOADING AND UNLOADING

- a) Off-street loading/unloading spaces or berths shall be provided in connection with every building or part of building which has a floor area greater than 10,000 square feet, and normally receives or distributes material by vehicle.
- b) Off-street loading requirements for any use not specified in these Regulations shall be the same as that specified for a similar permitted use.
- c) No such loading/unloading shall be located closer than (50) feet to any lot in an "R" District unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height. An evergreen hedge or planting no less than six (6) feet in height may be substituted for a fence if maintained in good condition.
- d) Each loading space shall not be less than fifteen (15) feet in width, fifty (50) feet in length, and fourteen (14) feet in height.
- e) Whenever a building or use constructed or established after the enactment date of these Regulations is changed or enlarged in the floor area, the number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten percent (10%) or more of the number of existing loading and unloading spaces, such spaces shall be provided on the basis of the enlargement or change.
- f) All loading/unloading areas and adjacent aisles and driveways shall be paved with asphaltic material, cement.

5. SPECIFIC OFF-STREET LOADING AND UNLOADING REQUIREMENTS

Off-street loading and unloading shall be provided in accordance with the schedule outlined below:

- a) Retail/Service/Office 1 space for the first 10,000

square feet of floor area plus 1 space hereafter for each additional 20,000 square feet.

- b) Truck Terminal/Warehouse/ Wholesale Establishments 1 space for each 7,500 square feet of floor area.
- c) Industrial Plants 1 space for the first 10,000 square feet of floor area plus 1 space for each 20,000 square feet thereafter.

6. EXCEPTIONS TO HEIGHT LIMITATIONS.

The building height limitations set forth in this Ordinance shall not apply to church spires, domes, flag poles, windmills, chimneys, cooling towers, elevator bulkheads, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers, tanks, water towers or necessary mechanical appurtenances which may be erected to any safe and lawful height.

7. STRUCTURE SEPARATION.

No building shall be located closer than twenty-five (25) ft. to another structure unless the adjacent walls of both structures are masonry in which event said buildings shall be no closer than fifteen (15) ft. No building shall be located closer than fifteen (15) feet to another building unless one of said structures has, as its exterior facing wall, a fire wall, free of any opening and capable of stopping the spread of any fire. The provisions herein shall not apply to a residential garage servicing a single family residential residence.

8. SANITARY SEWER REQUIREMENTS AND POLLUTION CONTROL.

All uses shall be conducted in conformance with regulations promulgated by the Environmental Protection Agency and the Village of Sunbury. Prior to the issuance of any zoning certificate, evidence of compliance with said regulations shall be presented to the zoning inspector.

9. WATER IMPOUNDMENTS.

All water impoundments such as ponds, lakes or swimming pools shall be constructed and developed in compliance with the following standards:

- a) No impoundment shall be located closer than twenty-five (25) feet to the right of way line or fifty-five (55) feet of the center line of any adjacent public right of way.
- b) All installed swimming pools, or the entire property upon which it is located, shall be walled or fenced to prevent uncontrolled access by individuals from the street or from adjacent properties. Said fences or walls shall be solid wood, chain link or masonry, and not less than five (5) feet in height and shall be maintained in good condition with a self-locking gate.

10. PUBLIC NUISANCE REGULATIONS.

- a) Prevention of Nuisance. Every structure or use subject to the provisions of the Zoning Ordinance shall be located, arranged and operated in accordance with the following provisions so that it will not interfere with the development and enjoyment of adjacent property.
- b) Required Limits. The following limits of development and operation are provided to control hazardous, obnoxious or other nuisance activity of uses subject to the provisions of the Zoning Ordinance.
  - 1) Noise. Noise or vibration shall be so controlled that at the property line on which such noise or vibration is produced it will not be at a level above that normally perceptible from other development in the area or from the usual street traffic observed at the street right-of-way line of the lot, except occasional blast or shock required in normal operation and produced in such manner as not to create a hazard.
  - 2) Dust. Dust or particulate matter shall be so controlled as not to produce a hazardous or obnoxious situation beyond the property lines of the lot on which such dust or particulate matter is produced.

- 3) Odor or fumes. Odor or noxious fumes shall be so controlled as not to be offensive nor to create a hazard.
- 4) Glare. Glare or heat from processing or other activity or lighting shall be so screened as not to be perceptible beyond the property lines of the lot on which such glare or heat is produced.

11. LANDSCAPING.

All uses and improvements in the municipality should pay close attention to maintenance of proper landscaping as soon as possible after completion of construction of the principal structures or improvements. Maintenance of ground cover at all times is encouraged to prevent erosion. Replacement of trees, removed during the land clearing, should be accomplished as soon as possible.

12. CONDITION OF PREMISES; WASTE ACCUMULATION.

No person, firm, or other property owners or residents shall:

- a) Cause or permit waste, garbage, trash or any debris such as lumber and building materials , unused tires or other material to accumulate or remain on their property except as follows:
  - 1) Trash and garbage properly located for normal and regular pickup, provided that no such items shall be permitted to remain exposed to open view beyond normal pickup times.
  - 2) All trash and debris associated with or resulting from the construction of either residential or commercial structures permitted hereby shall be contained on the construction site in a stable and secure enclosure. The permit holder shall maintain the enclosure and site so as to control litter and debris at all times, and remove and dispose of the debris in an approved landfill. The enclosure shall be removed from the site within ten days of issuance of the occupancy permit or within ten days of cessation of active construction work.
- b) Permit commercial vehicles or non-private passenger

vehicles exceeding four to be parked or remaining in open view upon the premises of a residential neighborhood except in connection with repair or construction work being undertaken at the premises and only during such periods of repair or construction.

- 1) All motor vehicles at the premises, whether private, passenger, commercial or other, shall be parked on driveways or paved areas or concealed from public view in private garages, carports, etc. No motor vehicles shall be parked in required yard areas of residential neighborhoods.
  - 2) All such motor vehicles in public view on the premises shall be in operating condition and in compliance with all motor vehicle safety, equipment and registration and licensing laws displaying proper tags and validation stickers.
  - 3) Motor homes, trailers, boats and other non-private passenger vehicles shall, as nearly as practicable, be concealed from public view.
- c) Fail to keep the exterior of all residential and commercial premises in good condition, and well-maintained, including painting, if necessary, and such persons shall, within a reasonable time, after notice, remove or remedy all unsightly, dirty and unsafe conditions.
- d) Keep all vacant lots mowed as often as necessary in keeping with the character of the neighborhood to prevent pestilence, insect infestation, and to discourage use of the property for dumping or landfill purposes.
- 1) All such vacant property shall be kept free of hazardous and unhealthful accumulations of water and other conditions affecting the health and welfare of residents of the Municipality.
  - 2) In those instances where such vacant property is being used contrary to Municipal zoning laws and other ordinances, the property owner, upon notice, shall take appropriate remedies to prevent such unlawful uses in cooperation with Municipal officials.

- 3) All vacant lots shall be kept seeded or maintained in such manner as to prevent erosion of the property and excess drainage onto adjoining lands and kept free of trash and debris.

13. CORRECTIVE ACTION BY MUNICIPAL OFFICIALS.

- a) All violations of this section which remain uncorrected after not less than ten days' notice to the owner or resident, may be corrected by the Municipality, or by any person, firm or organization selected by the Municipality, and the costs thereof shall be paid by the owner of such property within thirty days.
- b) Any such charges which remain unpaid for the thirty days may be collected in any manner provided by law and shall be certified by the Administration to the Auditor of each county wherein such property may be located to be charged as a lien against the property.
- c) Violations occurring on construction sites may result in the issuance of a stop-work order until the site is brought into compliance.

14. PENALTY.

Whoever violates any provision of this section, in addition to any other cost or charge is guilty of a minor misdemeanor. Each day that such violation continues shall constitute a separate offense.

15. APPEALS.

Any person affected or aggrieved by this section may appeal a decision of the Manager or the Code Enforcement Officer directly to Council, and the decision of Council shall be final.

16. DRAINAGE.

All construction within this municipality shall be accomplished in a manner consistent with maintenance of good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required every reasonable effort shall be made to insure that proper drainage on the subject property and adjacent or servient properties

is maintained or improved. In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.

17. FLOOD PLAIN REGULATION.

Certain limited areas of Sunbury lie within the flood plain of the Prairie Run. Inundation of those areas during periods of high water can impose great loss of property value unless controls are imposed to insure that land uses within those areas consider such risks and minimize the impact of such flooding. In an effort to control such uses, in the best interest of the municipality the following regulations shall be imposed.

- a) The Sunbury Regional Planning and Zoning Commission shall maintain on file, subject to public examination, a current map, approved by the Sunbury Council, delineating the boundaries within the municipality of all lands designated "flood plain". In the event a property owner contests the boundaries of such flood plain he shall be given reasonable opportunity to present technical evidence to support his position.
- b) Open space uses shall be permitted within the flood plain to the extent that they are permitted within the zoning district controlling use of said land and provided they do not require structures, fill or storage of material or equipment.
- c) No use shall be permitted within the flood plain which will adversely affect the efficiency or which will unduly restrict the capacity of the channel or floodway of any tributary to the main stream, drainage ditch or other drainage facility or system.
- d) No fill shall be deposited within the flood plain without permission from the Sunbury Regional Planning and Zoning Commission. Showing must be made that such fill is for some beneficial purpose and will be protected against erosion by rip-rap, vegetation cover or bulkheading.
- e) No structure of any kind shall be permitted within the flood plain except upon issuance of special permission by the Sunbury Regional Planning and Zoning Commission

and upon satisfactory proof of compliance with all applicable county, state and federal statutes, rules and regulations. Such structures shall not be permitted unless it is shown that:

- 1) Structure has a low flood damage potential.
- 2) Location of the building or structure will not significantly impede flow of flood waters.
- 3) So far as possible or practicable the structure is elevated out of the flood level.
- 4) All structures are firmly anchored to prevent floatation and all heating and electrical equipment is located above the flood level.

#### 18. DAMAGE AND/OR DESTRUCTION AND REBUILDING

- a) Upon damage of any nature to a building in any zoning classification covered by the Zoning Ordinance of 1997 and subsequent amendments thereto, in which any building structure would be unusable, uninhabitable, unsafe, or not fit to use as a home, business, a manufacturing plant, or any other type of use, said building must be removed completely from the premises within six (6) months of said damage.
- b) If the owner, lessee, or other interested persons having a right to reconstruct desires to do so instead of removing said building or buildings, they shall have an additional six (6) months to begin to construct or rebuild said buildings, with the total of a and b above to be one (1) year, upon application to the Sunbury Planning and Zoning Commission for approval.

#### 19. STREET TREE PLANTING REQUIREMENTS

The following are street tree planting requirements for all zoning districts:

- a) It shall be required that all subdividers or developers plant trees along public streets of their developments in such a manner, type, quantity and location as approved by the Village of Sunbury. In no case shall said trees be species included on the list of prohibited trees as set forth by the Village of Sunbury Tree and Landscape

Commission. A copy of the prohibited tree list is on file at the Office of the Zoning Inspector. Said trees shall be set back as required by the Zoning and Commission outside of the public right-of-way of sufficient depth to minimize interference with public sidewalks and keep leaves and related tree debris from public streets.

The developers/builder shall be required to maintain the trees for one year after the trees are planted and to replace any tree which dies within such one-year guarantee period. Upon completion of the street tree planting, the landscape contractor shall contact the Village of Sunbury Zoning Inspector for inspection. The guarantee period shall begin after the approval of the Zoning Inspector. A final inspection shall be made at the end of the guarantee period. All trees not exhibiting a healthy, vigorous growing condition, as determined by the Village's inspection, shall be replaced at the expense of the developer or builder and the one year guarantee period shall begin again for the trees which are replaced.

The developer/builder shall be required to provide a bond to the Village of Sunbury covering the cost of street trees, to be effective during the guarantee period.

## 20. STREET LIGHTING

- a. Residential or Commercial Zoning Districts: All public street lighting within a public street right-of-way in a residential or commercial zoning district shall be Main Street lighting, AA114-BK-LAN2 for the light poles / lamp posts, and the Main Street L200-BK-LG43 for the luminaries unless other approved by the Village. The light pole/lamp post must be fourteen (14) feet in length to provide a light center mounting height of approximately fifteen (15) feet six (6) inches. The pole shall have a three (3) inch top to mount the post top luminaries. The pole shall feature cast aluminum bases, a tapered spun aluminum shaft, which is strong and light weight for ease of installation. They must require little maintenance and be damage resistant in areas where lawn and snow equipment comes in direct contact with the base. For multiple luminaire ornamentation a

three (3) inch diameter lantern top shall be standard. The finish of the base/shaft shall be with Sherwin Williams polane polyurethane finish over Sherwin Williams industrial primer or approved equivalent. The base and shaft shall be fade and chemical resistant and color is to be black. The poles shall be furnished with a hand hole and removable cover. The removable cover shall have vandal resistant fasteners to prevent access. The seal and cover shall have the same color and texture as the pole and be equipped with a vandal resistant fastener. The pole shall have a nine (9) and one-eighth (1/8) inch diameter bolt circle with a four (4) bolt pattern.

- b. Industrial Zoning Districts: All public street lighting within a public street right-of-way in an Industrial Zoning District "I", except for a Planned Industrial District (PID), shall be Hapco #20-967 for light poles and GE Lighting Systems #M-250R2 for the luminaries unless otherwise approved by the Village. If the Industrial District is within close proximity to a residential or commercial district, the Village may require the street lights to meet the requirements of the residential / commercial zoning district requirements. The poles shall be furnished with a hand hole and removable cover. The removable cover shall have vandal resistant fasteners to prevent access. All foundations shall be designed in accordance with the Ohio Department of Transportation specifications for light poles. Light pole foundations shall be A.B. Chance Co. #T112-0679 or approved equivalent. Alternatively, light poles posts may be anchored to a round 14"x40" (or as required) per ODOT specifications for concrete footing using four (4) galvanized anchor bolts provided with the post. The top of the concrete must be formed into a 15x15 inch square. The concrete footing must be installed approximately four (4) inches above grade to prevent damage to fixtures by mowers and to allow for easy trimming of grass.
- c. Fixtures must be wired and installed for the current edition of the National Electric Code manufacturer's specification and the following requirements:
  - 1. An eight (8) foot grounding electrode must be installed adjacent to the service panel. The service shall be bonded by a #6 copper grounding electrode conductor. The grounding electrode

conductor must be installed in a 1 ¼ inch rigid metallic conduit to protect it from any physical damage.

2. The feeder conductor must be a minimum #12-2 type U.F. The conductor must be protected by 1 ¼ inch rigid non-metallic conduit and installed a minimum of 18 inches below grade. The conduit must be changed to a rigid metallic conduit where above grade and entering the service panel. The conduit must terminate with proper bushings. The branch circuit conductors shall be no less than #12 A.W.G. copper THHN; one colored black, one white and one green.
  
- d. A street lighting plan shall be submitted to the Sunbury Planning and Zoning Commission for review and approval. The plan must show the location of proposed fixtures, locations of utility easement, the proposed routing of the branch circuits, and an isolux. Final plans shall be submitted to Council for approval.
  
- e. Spacing between street lighting fixtures shall not be greater than 220 feet nor less than 180 feet. This area does not include the area in front of designated parks/open spaces along right-of-ways. One light fixture must be placed at the end of a cul-de-sac, at an intersection and on a curve exceeding fifteen (15) degrees. All street lighting is to meet I.E.S. standards (Illuminating Engineering Society).
  
- f. The design and layout for the street lighting, the underground wiring and other pertinent equipment to be used shall be designed by a registered engineer and approved by the designated Village representative. All energy lines leading to the proposed street lighting shall be underground whenever reasonably possible, including in new developing subdivisions. All street lighting designs shall be coordinated with the supplier of electric energy. Recorded easements must be provided to the Village of Sunbury for the branch circuit conductors on the property lines.
  
- g. For every twenty-five (25) fixtures required in a development or housing project, regardless of the number of phases to the project, one (1) complete light fixture and pole shall be provided to the Village of Sunbury for the future replacement, repair or placement at the

Village's discretion.

- h. An inspection is required and shall include fixture footings, underground conduit prior to backfill, electrical service inspection, and final inspection of fixtures. Fees for said inspections shall be calculated in accordance with the Village ordinances.
- i. After the complete installations of the required number of light fixtures in a development and the installation is approved by all applicable inspectors, the developer shall be responsible for the first two (2) years of maintenance. Street lights installed in accordance with these standards shall become public improvements and shall be subject to Article VIII of the subdivision regulations. This includes the repair of all the components of the lighting system, such as the replacement of faulty equipment, damaged poles or fixtures and lamps or any item damaged by contractors or any other means. This includes the painting of marred poles. All repairs shall be made in a timely manner.
- j. Any person, firm or corporation desiring a final acceptance of a street shall, before this final acceptance is granted, have the street lights installed pursuant to these standards and ready for use. Installation shall also be in accordance with, and pursuant to, all applicable rules and regulations of the energy supplier. In addition, "as built" plans, and verification of acceptable installation from the energy supplier shall be submitted to the Village before final acceptance is granted.
- k. It will be the responsibility of the Village of Sunbury to secure the energy for lighting within a public street right-of-way.
- l. Any contractor or agent for the developer while in the process of installing street lights, who damages the distribution system of the electric energy supplier, shall be liable for such damages and for any other cost as a result of such damages and the energy supplier may charge and receive payment for such damages from the party responsible.

## 21. OPEN SPACE REQUIREMENTS

- a) Minimum Common Open Space - A portion of the total project area shall be devoted to common open space in proposed subdivisions and planned unit developments as follows:
- 1) The amount of land, a percentage of each residential subdivision or planned unit development exclusive of streets, which shall be required to be deeded and dedicated shall be 20% of the project area. In commercial, office, and industrial districts the amount of land dedication shall be determined by the Village of Sunbury based on estimated population and recreational opportunities to service the community.
  - 2) A minimum of 10% of the land to be dedicated as a requirement of this section shall be reasonably adaptable for use for park and recreation purposes and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of proposed park and recreation areas shall include size and shape, topography, geology, tree cover, access and location.
  - 3) Council, upon recommendation from the Planning Commission, may reduce the land dedication requirement for those recreational areas or facilities which are provided by the owner within the subdivision as a part of the development or in cases where lower density development is anticipated.
  - 4) Council may, upon recommendation from the Planning Commission, require or accept cash in lieu of the required land dedication. A cash dedication shall be at a rate established every two years by resolution of Council based upon the recent real estate transactions to determine an estimated average value of land per acre with public improvements completed thereon. The decision to accept cash in lieu of parkland shall be made with regard to the availability of Village park and recreational facilities and by the population generated by the proposed subdivision.
  - 5) Cash received in lieu of parkland dedication shall be placed in a special fund for the development of parks and recreational facilities.
- b) Open Space Requirements- The required common open space

shall comply with the following:

- 1) The common open space shall be located and designed to:
  - a. Be sufficiently aggregated to create large areas of planned open space;
  - b. Conserve significant natural features to the extent practicable;
  - c. Be easily accessible to residents of the subdivision;
  - d. Generally, be not less than 100 feet in width at any point except for short segments which provide visual and pedestrian connections between larger open space areas;
  - e. Be interconnected with open space areas on abutting parcels wherever possible, by open space corridors.
- 2) Land area devoted to the following shall not be included as meeting the common open space requirement:
  - a. Public street right-of-ways, private roads and parking areas;
  - b. Required setbacks between building, parking areas and project boundaries and between building and public or private streets unless the required setback is contiguous to and part of a larger area of open space;
  - c. Required spacing between buildings and between buildings and parking areas;
  - d. Private yards within subdivided lots;
  - e. The land area within 15 feet of all dwelling units;
- 3) Areas designated for common open space purposes may be:
  - a. Preserved as wetlands, woodlands, lakes or ponds, historic sites, environmentally sensitive areas, or similar conservation-oriented area; or
  - b. Used for outdoor active or passive recreation including in-ground pools, tennis courts, etc. but shall not include the area for recreation building or related parking.
- 4) Any common open space intended to be devoted to recreational activities shall be of a usable size and shape for the intended purpose as determined by the Planning Commission. Where deemed appropriate by the Planning Commission, recreation areas shall

be provided with sufficient parking and appropriate access.

- 5) Legal instruments setting forth the ownership and perpetual maintenance or the required common open space by the developer, homeowners' association or similar entity shall be submitted to the Village Solicitor or City Attorney for review and approval.
- 6) Such common open space, including any recreational facilities proposed to be constructed in such space, shall be clearly shown on the development plan.
- 7) The Village may determine that private recreational facilities or common open space provided as a part of a subdivision are of equivalent value to provide in part open space and recreational opportunities for residents of the proposed development that would otherwise need to be provided by the City. In such case, the Planning Commission may waive all or a portion of the requirement for the dedication of land for public purposes. In making such a decision, the Planning Commission shall consider:
  - a. The type and size of facilities provided;
  - b. The availability of the facilities to the residents;
  - c. The likelihood that such facilities will lessen the need for additional public parks and public open space for the residents.
- 8) All common open space shall be prohibited from further subdivision or development by deed restriction or other agreement in a form acceptable to the Village's Attorney.
- 9) Subject to such permanent prohibition as set forth above, common space in a subdivision may be owned by an association or by a similar entity acceptable to the Village. The Village may, but shall not be required to, accept dedication in the form of fee simple ownership of the common open space.

## 22. TREE PRESERVATION

- a) Purpose - The purpose of the tree preservation regulations established in this section are to conserve energy, promote clean air quality, reduce noise, improve surface drainage, minimize flooding, provide visual buffers, enhance the visual and aesthetic quality of the community, increase property value and to promote the

preservation and replacement of trees that may otherwise be damaged or removed during land development and building construction.

b) Definitions

- 1) Caliper: The diameter of the tree trunk.
- 2) Drip Line: A perpendicular line that extends downward from the outermost tips of the tree branches to the ground.
- 3) Major Tree: A tree with a caliper (diameter) greater than 6 inches measured 24 inches above the ground.
- 4) Tree Preservation Area: An area designated in which all trees shall not be removed and shall be preserved and protected during all phases of construction. This area shall be designated on the final plat or site plan with restrictions noted regarding the removal of trees.

c) Tree Survey, Preservation and Replacement Plan - A tree survey, preservation and replacement plan shall be prepared and submitted to the Planning and Zoning Commission for approval. The Village of Sunbury Tree and Landscape Commission shall also review the plan and provide comments to the Planning and Zoning Commission. The tree survey and replacement plan shall contain the following information:

- 1) The location, common name and size of all existing major trees. When a site exceeds five (5) acres, an estimate of the number and size of major trees on a site may be submitted at the discretion of the Planning and Zoning Commission. In preparing this estimate, techniques such as site photographs, aerial photography, site visits to check average density may be permitted;
- 2) Identify the tree preservation areas, including all major trees that will remain on site after the construction and development is completed;
- 3) Indicate protective measures and restrictions to be taken during construction for the tree preservation areas described above. This shall include, but not be limited to the following:
  - a) Temporary fencing around the drip line of the tree;
  - b) No soil disturbance, clearing, grubbing, grading or stockpiling of soil shall occur

- within the drip line of the tree;
    - c) No change in grade within the drip line of the tree;
    - d) No redirection of surface runoff towards the tree preservation area;
    - e) No trenched installation of utilities within the drip line of the tree. Utilities within the drip line shall be bored a minimum of 24 inches in depth below the root system.
  - 4) Identify all major trees that will be removed as permitted by this section;
  - 5) The location, common name and size of all major replacement trees to be planted on the site as required by this section.
  - 6) Replacement trees shall be located in accordance with Ordinance 2008-30.
  - 7) The replacement trees shall be in addition to and coordinated with any landscaping or screening requirements.
- d) Major Tree Preservation and Removal
- 1) Every possible effort shall be made to preserve natural vegetation areas. The design of any proposed development, streets, lots, utilities, structures and parking areas shall avoid the unnecessary removal of heavily wooded areas.
  - 2) All major trees shall be preserved in their current location and condition unless such trees are exempted as follows:
    - a) The tree is located within a public right-of-way;
    - b) The tree is located within a utility easement;
    - c) The tree is within the footprint of a proposed structure, or within fifteen (15) feet from the drip line of the tree to the perimeter of such structure;
    - d) The tree is located within the access drive or walk area for a permanent residential unit;
    - e) A tree which is diseased, damaged, interferes with utility lines, or is an inappropriate or undesirable species as approved by the Village Planning and Zoning Commission.
  - 3) The approval to remove a major tree does not remove the property owner's responsibility to replace the removed major tree in accordance with this section.

- e) Major Tree Replacement
  - 1) Each major tree removed during the course of any development or building construction shall be replaced by the owner with trees that have a total caliper (diameter) equal to or greater than the total caliper of the major tree removed. In no case shall any replacement tree have a trunk diameter less than two (2.0) inches, measured twenty-four (24) inches above the ground.
  - 2) Tree replacement will not be required on developed single-family residential lots except where a tree has been removed from a Tree Preservation Area.
  - 3) Replacement tree species types must be approved by the Planning and Zoning Commission and be in accordance with Ordinance 2008-30.
  - 4) Should tree replacement be determined by the Planning and Zoning Commission to be inappropriate, a sum suitable to complete the required replacement shall be paid to the Village for use by the Parks and Recreation Committee as deemed appropriate.

- f) Maintenance Requirements
  - 1) The owner shall be required to maintain all replacement trees for a two (2) year period after the planting.
  - 2) Any replacement tree that dies or does not exhibit proper growth within the two year maintenance period, shall be replaced by the owner with one (1) year upon notification by the Village.

f) Reserved for Future Use

- h) Penalties
  - 1) Failure to replace a major tree or submit fees as required, within one year of the approval of the application, shall be subject to Section S81.06.08.

## 23. ARCHITECTURAL REVIEW

All building permits in compliance with the zoning code shall be subject to an architectural review, performed by a reviewing agent appointed by the Village of Sunbury.

- A. Site Considerations
  - 1. Goal - Maintain the rural village character of Sunbury.

All new and renovated structures should be design-integrated with their neighbors, creating pleasing vistas so all entities are enhanced and one does not reduce the value of another.

2. Roads and Drives

In existing developments, driveway New driveways and parking lots should be encouraged to utilize alley entrances whenever possible. Residential driveways should be designed to provide the least amount of surface area. Commercial and industrial drives should be paved with brick, asphalt or concrete.

3. Parking

New businesses should be encouraged to provide parking in the rear to accommodate the minimum number of spaces required in the zoning code. Surface material should be brick, asphalt or concrete.

4. Sidewalks

a.) Sidewalks are required in all residential, commercial and industrial areas. Sidewalks shall be in compliance with Chapter 905 of the Codified Ordinances. Tree lawns shall be in compliance with the Subdivision Regulations. Interior sidewalks shall be required in all private developments regardless of zoning classification in which multiple units access a common parking area to provide pedestrian access between units and to adjacent sidewalks along the public right-of-way and/or private drive. Sidewalks are also required along both sides of private drives.

5. Setbacks

Typically residential structures are set back ±20 feet from the street, while commercial structures are separated from the street by the sidewalk. New construction should follow the setback lines appropriate to its location and purpose as defined

in the Subdivision Regulations.

B. Architectural Considerations

1. Residential

- a.) Building Types-Buildings in close proximity to each other should have a similar theme dealing with architectural styles.
- b.) Roof Types- Single story buildings will be required to have pitched roofs with gable or hip ends. Roof materials shall be shingles, cedar shakes, slate or synthetic slate, and metal standing seam. A minimum of 4-in-12 slope are required, however steeper slopes are preferred. Flat roofs are not recommended, but may be considered if they are concealed by parapet walls
- c.) Building Materials- Exterior walls shall utilize natural materials such brick, wood, stone, cultured stone, stucco and efis, cementious siding, and architectural grade vinyl. Building color ranges and materials shall present a uniformity of theme within the immediate area.
- d.) Doors & Windows- Suggested trim for these openings and other design treatments are wood, stone, ornamental exterior plaster, formed metal or plastic. These materials may also be considered for application on fascias, soffits and vents.
- e.) Improvements such as landscaping; lighting; fencing; parking location, planning and orientation; access roads; lawn areas; pools; terraces; patios; decks; flagpoles; etc. will all be under review for design compatibility, not only with the project itself, but also with its surroundings.

2. Industrial and Commercial

- a.) Building Types-Buildings within close proximity to each other should have a similar theme dealing with architectural styles.

- b.) Roof Types-Single story buildings will be required to have pitched roofs with gable or hip ends. Roof materials shall be shingles, cedar shakes, slate or synthetic slate, and metal standing seam. Flat roofs will be permitted on buildings of two stories or greater.
- c.) Building Materials- Exterior walls shall utilize natural materials on the sides facing a public street, visible from a public street, visible from a residential district for all Industrial Districts. All exterior walls of a building in any commercial district shall utilize natural materials. Acceptable natural materials include brick, wood, stone, cultured stone, architectural grade concrete block (i.e., split-face block), stucco, and efis or cementitious siding. No standard concrete block (split face block not prohibited) shall be permitted on the elevation facing a public street.

#### 24. FENCE REGULATIONS

- A. Purpose - Fence regulations are established in order to protect the public health, safety, and general welfare by establishing regulations controlling the use of fences in order to assure property owners of privacy, security, and personal preference in landscape design within their own properties, with consideration of the surrounding environment, the appearance of the community as a whole, and the safety of the public and the individual.
- B. Definitions - As used in this chapter:
  - 1. "Fence" means any structure composed of wood, metal, stone, brick or other material, including hedges or other plants, directed in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partition, or decoration. Trellises or others structures for the purpose of supporting vines, flowers or other vegetation when erected in a positions to

enclose, partially enclose or divide any premises or any part of a premises shall also be considered a fence.

2. "Privacy fence" means a fence made to inhibit public view and provide seclusion and, when viewed at right angles, having more than fifty percent (50%) of the area of its vertical plane (the area with a rectangular outlining closing all parts of the fence and its vertical plane) closed to light or air. Permitted privacy fences are:
  - a. "Basket weave or woven fence" means offence of interwoven strips or slats of flexible or semi-flexible material in which the pattern has the appearance of a plaited basket.
  - b. "Louver or ventilating fence" means a fence made of a series of slats placed at an angle or position so as to provide air but to deflect light perpendicular to its vertical plane.
  - c. "Stockade fence"- fence of contiguous or closely spaced usually pointed boards
  - d. "Dog ear fence"- fence of contiguous or closely spaced boards with top of fence boards in dog ear shape
  - e. Other like or similar privacy fences as approved by the zoning inspector which meet the criteria set forth above
  
3. "Ornamental fence" means a fence usually made of wood constructed for its beauty or decorative effect and when viewed at right angles having not less than 50% of the area of its vertical plane (the area within a rectangular outlining closing all parts of the fence in its vertical plane) open to light and air. Permitted ornamental fences are:
  - a. "Rail or split rail fence" means a fence construction of narrow, wood or split, with Timbers placed horizontally between operate supporting posts.
  - b. "Picket fence" means an open fence made of upright pales or slats.
  - c. "Wrought iron" means an open fence made of the type compounds formed of iron that has

been beaten out or shaped by hammering rather than cast.

- d. Other like or similar ornamental fences as approved by the zoning inspector which meet the criteria set forth above
  4. Chain link fence means a fence usually made of metal consisting of loops or wire interconnected any series of joined links.
  5. Barb wire fence means a fence made with metal wire having sharp points or barbs along its length.
- C. Application - The provisions of this chapter shall apply to any zoning district except where expressly provided herein
- D. Fence Standards for all Districts
1. Permit and Inspection Required: No fence shall be constructed prior to the issuance of a permit by the Village Zoning Inspector. Applications for permit shall include plans or drawings showing the actual and accurate shape and dimensions of the property on which the fence is to be built; the exact height, location, length, type of material, color, and type of construction of proposed fence; the location of all buildings on the lot; or any other information deemed necessary by the Sunbury Zoning Inspector. The Sunbury Zoning Inspector shall review each application to determine its compliance with the provisions of this Ordinance. Each property owner shall determine property lines and certify that the proposed fence does not encroach upon another lot or parcel of land. The issuance of a permit by the Village shall not be construed to mean the Village has determined the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed herein.
  2. Materials, Maintenance, and Repair: Approved fencing and wall materials include stone, brick, wood, metal, synthetic look-a-like products or other materials including hedges or other non-invasive plants as approved by the Sunbury

Planning and Zoning Commission. Chain link fences shall be permitted for use on single family lots provided that they are located in the side or rear yard and approved by the Zoning Inspector. The smooth finished side of the fence shall be the side of the fence that faces outward from the yard being fenced. All of the framing or support members shall face the property owner (inward). Fences and walls shall be maintained in good repair, be structurally sound, and be attractively finished at all times by the owner and/or occupant of the lot on which they are located.

3. Uniform Design: Whenever a development identification fence is proposed along a public or private right-of-way or there is an existing fence in the development, proposed fencing should be uniform in design and color.
4. Height and Location: The permitted height of a fence shall be determined by its location on the property as follows:
  - a. Front yards: Ornamental fences only may be erected in front yards. Ornamental fence means a fence constructed for its beauty or decorative effect, and having not less than fifty percent (50%) of the area of its vertical plan open to light and air. Examples of permitted ornamental fences are picket fence, split rail fence, wrought iron fence, and others by approval of the Sunbury Planning and Zoning Commission. Fence must be parallel to the building line to a height not exceeding three and one half (3 1/2) feet and not nearer than one foot to the street right of way. Chain link and privacy fences are not permitted in front yards.
  - b. Side and rear yards:
    - i. Ornamental fences may be erected in side and rear yards up to and parallel with a common property line to a height of not more than six feet.
    - ii. Chain link fences subject to the standards set forth herein shall be permitted in side and rear yards parallel to and adjacent to a common

property line to a height of not more than six feet.

- iii. Privacy fences shall be permitted in rear and side yards only. Privacy fences in side yards may extend no closer than 20 feet to the front corner of the primary structure. Such fences shall not exceed six (6) feet in height above the natural grade. Privacy fence means a fence made to inhibit public view and provide seclusion and having more than fifty percent (50%) of the area of its vertical plane closed to light or air.
  - c. Corner Lots: Where a rear or side yard abuts a street, privacy fences otherwise permitted in a side or rear yard shall not extend into required side or rear yards on the street side absent prior approval of the Sunbury Planning and Zoning Commission, provided however, that this provision shall not prohibit permitted rail or split rail fence is erected in such side or rear yards parallel to and not nearer than 1 foot to the side or rear property line, height not to exceed four (4) feet above the natural grade.
5. All fences on a single parcel shall have a unified style for all fence segments visible from off the premises from any single direction unless otherwise approved by the Sunbury Planning and Zoning Commission.
  6. Fences are prohibited to extend further than the existing sidewalk. If no sidewalk exists and inadequate room exists within the existing right of way, the fence may be required to be set back far enough to allow the installation of a future sidewalk if deemed necessary in the discretion of the Zoning Inspector.
  7. The Sunbury Planning and Zoning Commission may permit other fences which are similar in character and design to one or more of the fences permitted herein.

8. Prohibited Fences: Unless provided for elsewhere in this chapter, the following fences and walls are prohibited:
  - a. Above-ground electrified fences, barbed wire, razor wire or sharp edged fences.
  - b. Snow fencing except during the appropriate weather conditionsConstruction fencing is prohibited except during active construction and must be removed within 14 days of completion of construction.
9. Appeal: Should the Zoning Inspector fail or refuse to issue (deny) a permit after proper application has been made therefor, a person may appeal the failure or refusal to the Planning and Zoning Commission. The Planning and Zoning Commission shall have the power to approve applications upon appeal and the power to permit variances after hearing in accordance with the established rules and procedures of the Sunbury Planning and Zoning Commission. The power to grant variances with respect to prohibited fences. A person seeking a variance in the planning and zoning commission shall follow all the rules and procedures in force for the granting of variances as set forth in the relevant provisions of the Sunbury Zoning Code.
10. Fee: Anyone desiring to build or install a fence in the Village of Sunbury shall pay an application fee as provided by council.
11. Easements: A fence may be located within an easement provided the fence is not prohibited by the express terms of the easement and provided the fence will not prohibit the purpose of the easement. A fence removed within an existing easement shall be replaced within a reasonable amount of time not to exceed 30 days, weather permitting, and the responsibility for replacement will be as provided in the terms of the written easement or in default of a clear obligation in the written easement upon the property owner. Nothing herein shall require a fence completely removed from an easement to be replaced if not desired by the property owner.

12. Nonconforming Fences: Fences existing as of the date of the enactment of this ordinance shall be allowed to remain. Replacement of nonconforming fences shall be made in compliance with the terms of the fence provisions in existence at the time of the replacement.

## Section S81.17.01 - SIGN AND BILLBOARD REGULATION

1. PURPOSE. The purpose of this sign regulation is to promote and protect the public safety by regulating existing and proposed signs of all types. It is intended to protect values, create a more attractive economic and business climate, enhance and protect the physical appearance and preserve the scenic and natural beauty of the community, reduce sign distraction and obstructions that may contribute to traffic accidents, provide more open space and generally curb the deterioration of the natural environment.
2. PERMITTED SIGNS - NO PERMIT REQUIRED. The following signs shall be permitted in the municipality subject to the regulations set forth herein. No zoning permit shall be required for any sign constructed or erected under the terms of this subheading.
  - A) Signs for Sale, Lease or Rent of the single lot on which the sign is located. Signs for sale, lease or rent of more than one lot shall be in accordance with S81.17.01(3). Not more than two signs shall be displayed on any lot or parcel. Such signs shall not be illuminated and shall not exceed six square feet of area per side with not more than two sides, or signs of the same size identifying the builder or contractor. All such signs shall be removed within thirty (30) days after occupancy. Except as otherwise provided under the provisions of this article, including for home occupations or as controlled by Section S81:17 of this Ordinance and except as permitted by the Sunbury Planning and Zoning Commission incident to Conditional Uses, no signs shall be permitted in R-1, R-2, R-3, R-4, R-5, or PRD zoning district.
  - B) Name and Address of Occupant of residential property provided that such sign is not more than two square feet in area and outside the right of way of any public road. Said sign shall not be higher than five (5) feet above the ground and not more than one sign shall be permitted.
  - C) Political Signs - The erection of political signs shall be permitted in the municipality provided that said signs:
    - i) Are located outside the right of way limits of the

road and do not interfere with visibility of vehicular traffic entering or leaving the highway.

- ii) Are erected or posted not more than ninety (90) days prior to the election and are removed within fifteen (15) days following elections.
  - iii) Are capable of posting and removal without destruction of public or private property.
  - iv) Designate the name and address of the person charged with removal of the sign.
- D) Temporary Signs announcing special public or institutional events. Such signs shall not exceed 32 sq. ft. in area per side and shall not be permitted more than thirty (30) days prior to the planned event nor more than seven (7) days after said event. Such sign shall designate the name and address of the person charged with the duty of removing said sign.
- E) Farm Signs denoting the name and address of the occupants, denoting produce or products for sale on the premises and denoting membership in organizations. No more than one sign of any type may be permitted and it shall be located outside the road right of way. Advertising signs may not exceed thirty-two square ft. of area per sign and all other signs shall be limited to four (4) sq. ft. per side.
- F. Holiday Signs. Signs clearly in the nature of decorations customarily associated with any national, state, local, or religious holiday, to be limited to an aggregate total of 60 days in any one given year, and to be displayed not more than 60 consecutive days. Such sign may be illuminated, providing no safety or visibility hazards are caused by such illumination. Animated and flashing signs are permitted for residential uses only, providing no safety or visibility hazards are caused by such illumination, said sign shall not display commercial advertising.
- G) Window Display Signs. Window signs shall include signs, posters, symbols and any other identification of/or information about the occupant or the activity and/or use of premises.

- i) Placement. Window signs shall be limited to the ground floor or first floor windows only, unless a use is located in the second or higher stories of a building.
    - ii) Number and Size. Window signs shall not exceed fifty percent (50%) of the total window area, and in no case to exceed a total of ten square feet per business.
    - iii) Total Sign Area Calculations. Window sign area shall not be included in calculating total sign area unless illuminated. Illuminated window signs shall be included in calculating total sign area of a business and a sign permit shall be required for illuminated window signs.
  - H) Private Traffic and on Site Directional Signs. Traffic and directional signs indicating points of entry or exit for a facility or off-street parking area, provided such signs are limited to a maximum of four square feet in total area and three feet in height and do not interfere with safe vehicular or pedestrian traffic circulation or obstruct the view of drivers exiting onto highways or thoroughfares. Such signs may contain information such as "in", "enter", "entrance", "out", "exit", "do not enter" or similar language as approved by the zoning inspector or designee. Arrows indicating desired traffic movement may also be used for directional signage. Such signs may contain no advertising, including logos and must be of a rectangular shape. Such signs must be on the property to which they refer and may not be placed within a public right-of-way.
  - I) Previously submitted sign, change of copy. No additional permit shall be required for a previously permitted sign where change in copy of sign only is made (no area or structural changes being made) and the following requirements of Section S81.17.01(10)(B) are met-:
    - i) The business conducted in the premises does not substantially change.
    - ii) The primary ownership of the business remains the same.
3. SIGNS PERMITTED - PERMIT REQUIRED. The following signs shall be permitted in areas clearly delineated herein and subject to the reasonable regulations set forth herein. To ensure

compliance with these regulations, a sign permit shall be secured from the Zoning Inspector or designee for each sign unless such sign is specifically exempted in this section. An application fee will be required at the time of application. No permit shall be issued until a completed application and fees have been submitted.

Submittal Requirements for Sign Permits:

- a) A completed application and fee for each requested sign.
- b) Scale elevation drawing(s) of proposed sign(s)
- c) Foundation and anchoring drawing(s) of proposed sign(s).
- d) A dimensioned site plan showing the location of proposed sign(s) and adjacent buildings or other structures.
- d) For wall signs, a building elevation drawn to scale showing the proposed wall sign and the dimension from established grade to the top of the sign.
- f) For ground signs, a sign base landscaping.

Categories. The following categories of permanent signs are hereby established:

a) Wall Signs

A wall sign is a sign affixed to any exterior wall of a building, or extension of a building wall, which does not extend beyond the building setback line. A wall sign may extend no more than six inches above the parapet, eaves or facade, project nor more than twelve (12) inches from the face of the building and have copy on one side only. Letters, numerals or other graphics attached directly to the building wall shall be considered a wall sign. Unlighted letter numerals or other graphics carved into the face of the building shall generally not be considered wall signs, unless they are over nineteen inches high, or one inch thick, or the color contrasts with that of the building. Super-graphics (large scale painted graphic devices) and architectural detailing which has a graphic or signage function, which are painted upon a building, shall be subject to regulation as a wall sign.

b) Projecting Wall Signs

A projecting wall sign is a two-faced sign mounted at an angle to the building face and projecting more than twelve (12) inches. Projecting wall signs are subject to

the following regulations:

- 1) There shall be ten (10) feet of minimum sidewalk clearance.
- 2) No sign shall project more than six (6) feet from the face of the building or structure, nor in any case beyond a vertical plane two (2) feet inside the curb line of a public right of way.
- 3) No more than one such projecting sign shall be permitted per business frontage.
- 4) A projecting sign may be illuminated internally or indirectly.

c) Roof Signs

Roof signs are mounted at or above the roof lines, wholly supported by the building. Roof signs are permitted only in special districts as herein described, and may extend no more than fifteen feet above the roof lines or twenty percent of the total building height, whichever is less.

d) Ground/Monument Signs

Ground/Monument signs are free-standing, supported by a single solid base. The base width shall be equivalent to or greater than the width of the display faces above the base.

e) Canopy Signs

Canopy signs are mounted on or supported by a canopy or marquee, or a roof which extends beyond the face of the building. Canopy signs may not extend more than two feet above the roof, canopy or marquee. Letters or numerals or other graphic devices over three (3) inches in height shall be counted as allowed signage allotment.

f) Window Signs

Permanent window signs or permanent window graphics shall be considered in the total sign allocation.

g) Billboard

Any sign larger than 150 square feet shall be considered a billboard.

h) Signs for Home Occupations

One sign per lot shall be permitted in any residential district for the purpose of announcing a home occupation which has complied with all conditions imposed by the Planning and Zoning Commission.

i) Vehicular Signs

Directional or other incidental signs pertaining to vehicular or pedestrian control on private property shall be permitted provided the said signs are located outside the right of way of any public street or road, do not exceed two square feet of area per side and do not interfere or obstruct visibility when entering or leaving said property.

j) Subdivision Development

The developer of a subdivision or similar area may, upon the condition and for the time period established by the Sunbury Planning and Zoning Commission, erect one sign not exceeding 32 square feet in area per side advertising said subdivision or development.

4. SIGNS NOT SPECIFICALLY REGULATED. The classification of any sign not specifically regulated by this chapter shall be determined by the Planning and Zoning Commission.

5. PROHIBITED SIGNS. The following signs and billboards shall be prohibited in Sunbury:

a) All signs not specifically permitted by the express terms of the Sunbury Zoning Ordinance.

b) Portable signs and portable billboards, pennants, streamers, flashing lights, string of lights, "A" frame signs and billboards, or air-activated attraction devices shall not be permitted.

c) Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.

- d) Except for identification signs on agricultural buildings, no sign or billboard shall be painted directly upon the wall or roof of any building or structure.
  - e) No sign shall be attached to any fence within the right of way of any road and no sign shall be attached to any board or wooden fence regardless of location without the permission of the owner of the fence.
  - f) Signs or advertising devices which attempt or appear to attempt, to direct the movement of traffic, or which interfere with, imitate or resemble an official sign, signal, or device.
  - g) The following signs or similar devices are prohibited: Off-premise signs, trailblazer signs, trailer signs, search lights, laser lights, pennants, streamers, spinners, , flashing signs, projected images, animated signs, any signs with movable parts, signs painted on roofs or walls (except for identification signs on agricultural buildings, and any look alike versions of any of these prohibited sign types.
6. GENERAL REGULATIONS. The following restrictions shall apply to all signs located and erected within the municipality regardless of type, style, location, design or other classification.
- a) Maximum Number, Height and Area  

The maximum number, height and area of signs shall be regulated by Section S81.17.01(11) except as specifically regulated herein.
  - b) Joint Identification Signs  

Joint identification signs shall be permitted for two or more combined uses on the same lot, including shopping center and other group complexes. A joint identification sign shall be allowed in addition to other permitted signs, total aggregate signage and items of information. A joint identification sign shall be limited to one wall or one ground sign. One (1) square foot of sign area is permitted for each two (2) linear feet of street frontage or store frontage, provided that the maximum shall not

exceed the square footage allowed.

c) Location

A building or use may display signage only to the street right of way, parking lots or pedestrian malls on which a building or business tenancy faces. No sign shall be located within the right of way of any public or private road within the County. Said sign or signs shall be located in strict compliance with this ordinance, in strict compliance with the approved development plan or restrictions imposed by the Planning and Zoning Commission.

d) Lighting

- 1) No sign shall be illuminated to a level which causes unnaturally high light levels on adjacent residential lots.
- 2) No illuminating device for any sign shall be designed which permits the direct beaming of any light onto adjacent thoroughfares thereby creating a hazard to vehicular traffic.
- 3) No flashing, rotating, or moving light source shall be permitted on any sign within this municipality.

e) Height

No signs within Sunbury shall be erected to a height greater than twenty-five (25) feet.

f) Sight Interference

No sign shall be permitted in Sunbury which interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares.

g) Maintenance

All signs or billboards constructed or erected within Sunbury shall be maintained as follows:

- 1) All sign surfaces, supports, braces, guys and anchors shall be kept in repair and in a proper state of preservation by painting or otherwise.

h) Abandoned Signs

If any sign or billboard shall become abandoned, in the manner defined herein, such a sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties. An abandoned sign or billboard is defined as any sign or billboard that meets any one of the following criteria:

- 1) Any sign or billboard associated with an abandoned non-conforming use.
- 2) Any sign or billboard that remains after the termination of a business. A business has ceased operations if it is closed to the public for at least one hundred and eighty (180) consecutive days. Seasonal businesses are exempted from this determination.
- 3) Any sign or billboard that is not maintained in accordance with this resolution.

When the Zoning Inspector finds, upon investigation, that a sign or billboard has been abandoned, as defined herein, he shall notify the owner of said sign, together with the owner of the land on which the sign is located, by ordinary mail, of his findings. Such notice shall advise the owner that the sign has been declared abandoned and must be removed within 30 days from the date of mailing of said notice. The owner may appeal such decisions to the Planning and Zoning Commission.

It shall be the duty of the Zoning Inspector to maintain a photograph and file on said sign together with a written report of his findings for submission to the Planning and Zoning Commission upon request.

If the sign is not removed, as ordered, the same may be removed by the municipality at the expense of the lessee or owner. If the municipality is not immediately reimbursed for such costs, the amount thereof shall be certified to the Delaware County Auditor for collection as a special assessment against the property on which the sign is located.

7. SPECIFIC REGULATIONS. See Number 11 below.

8. AREAS OF SPECIAL CONTROL.

a) It is recognized that the provisions of this chapter may be insufficient to effectively regulate certain areas where special considerations are required. Of particular relevance may be areas of architectural, historical or scenic merit.

b) An area of architectural, historical or scenic merit is an area whose special and unique visual characteristic or natural beauty requires special regulations to insure that all signage and graphics are compatible. Generally, regulations in such areas will be more restrictive than regulations otherwise permitted by this chapter. Signage within such areas will be controlled within the legislation establishing and regulating such areas. The Planning and Zoning Commission may establish an historical classification for individual existing signs and establish regulations regarding such historical signs.

9. NON-CONFORMING SIGNS OR BILLBOARDS. Any sign or billboard in existence within the County prior to the effective date of this Section, that does not conform with the provisions of this Section is considered to be non-conforming.

Any sign or billboard that does not conform to the provisions of this Section shall be allowed to continue in its non-conforming status provided the sign or billboard was erected in compliance in all respects with applicable laws in existence on the date of its erection.

A non-conforming sign or billboard shall not be structurally relocated or replaced unless it is brought into compliance with the provisions of this Section. Should any replacement or relocation take place without being brought into compliance, the sign or billboard shall be existing illegally.

A non-conforming sign or billboard shall be maintained or repaired in accordance with the following provisions:

a) The size and structural shape shall not be changed or altered.

- b) The copy may be changed provided the change applies to the original non-conforming use associated with the sign or billboard and that the change is made by the owner of the sign or billboard at the time the sign or billboard became non-conforming; the copy area shall not be enlarged.
  - c) In the case where damage occurs to the sign or billboard to the extent of 50% or more of either the structure or the replacement value of the sign or billboard, the sign or billboard shall be brought into compliance. Where the damage to the sign or billboard is less than 50% of the structure or its replacement value, the sign or billboard shall be repaired within sixty (60) days.
10. PERMIT. No signs, except as provided for in Section S81.17.01, paragraph 2. of this ordinance, shall be erected prior to the issuance of a permit therefore by the Zoning Inspector.
- a) Fees - The applicant for a permit herein shall pay such fee as is prescribed by the Sunbury Council. Such fee shall be prescribed annually, or more often, by the Council.
  - b) Term of Permit - The sign permit issued pursuant hereto shall be valid so long as the owner complies with the terms and conditions of this zoning ordinance or any amendment thereto. A change in copy to an existing sign does not require a new permit so long as the following requirements are met:
    - 1. The business conducted in the premises does not substantially change.
    - 2. The primary ownership of the business remains the same.
  - c) Inspection - All signs and billboards erected within this municipality are subject to inspection, whether a permit is required or not prior to erection. The Zoning Inspector or any other official of the municipality, is hereby authorized to enter upon any property or premises to ascertain whether the provisions of this Section are being complied with.

Such inspection may be made at any reasonable time and the Zoning Inspector may order the removal of any sign or billboard that is not maintained in accordance with

the provisions of this Ordinance. Failure to comply with the order of the Zoning Inspector shall be punishable pursuant to S81.06.08.

- d) Cancellation of Permit - In the event that the owner of any sign or property fails to comply with the terms of this zoning resolution said permit may be revoked upon compliance with the following terms:
  - 1) Notice - The Zoning Inspector shall notify the owner of any deficiency or violation of this regulation. Notice shall be served personally or by ordinary mail at the last known address of the permit holder. The permit holder may seek a hearing on said notice by complying with the provisions of this Ordinance. Failure to correct deficiencies or to appeal the decision of the Zoning Inspector within seven (7) days will result in cancellation of the permit for such sign and said sign shall then be removed as provided by this Ordinance.
  
- e) Removal of Signs - The Zoning Inspector may effect removal of any sign illegally placed within the right of way of any road within this municipality. The Zoning Inspector shall maintain said sign and shall notify the owner thereof of its location, by ordinary mail. If the owner of any sign fails to claim the same within 180 days after mailing of notice by the Zoning Inspector said sign may be destroyed.

## Section 81.17.02 - Sign Area Allotment

11A. Within the A-1 District, the following signage and sign area shall be permitted:

HOME OCCUPATION -one(1)per residence;

- Type (a) wall, maximum height of five (5) feet;
- (b) ground, maximum height of three (3) feet, and be behind the setback;

Area - three (3) square feet maximum.

FARM SIGNS - one (1) per farm;

- Type (a) wall, maximum height of 12 feet;
- (b) ground, maximum height of 12 feet, and 15 feet behind the right-of-way line;

Area -32 square feet.

No illumination is permitted for farm signs and home occupation signs.

For schools, public parks, churches, libraries, private recreation areas and cemeteries see next district.

11B. Within the R-1, R-2, R-3, R-4, R-5 and PRD Districts, the following signage and sign area shall be permitted:

HOME OCCUPATION - one (1) per residence;

- Type (a) wall, maximum height of five (5) feet;
- (b) ground, maximum height of three (3) feet, and must be ten (10) feet behind the right-of-way line;

Area -three (3) square feet maximum;

No illumination permitted.

COMPLEX IDENTIFICATION - one (1) per street frontage;

- Type (a) wall;
- (b) ground, maximum height 15 feet, and must be 15 feet behind the right-of-way

Area - 100 square feet maximum;

Only white light illumination permitted.

HOMES, MEDICAL COMPLEXES - two (2) per major street frontage, one (1) per secondary frontage;

- Type (a) wall, any face over five (5) feet in length shall not exceed 4 feet;

- (b) ground maximum height of 15 feet, 10 feet behind the right-of-way; only one (1) ground

sign per street frontage;  
Area - one (1) square feet per three (3) lineal feet of lot frontage;  
-150 square feet maximum accumulation, 100 square feet per sign;

Only white light illumination permitted.

SCHOOLS, PUBLIC PARK, CHURCH, LIBRARY, RECREATION AREA, CEMETERIES - 2 (two) per street frontage;

Type (a) wall, maximum area of 40 square feet;  
(b) ground, maximum area of 20 square feet, maximum height of fifteen (15) feet, ten (10) feet behind the right-of-way; ground sign may be increased two square feet for each additional one foot of setback to a maximum of 40 square feet;

Only white light illumination permitted.

11C. Within the C-1 District, the following signage and sign area allotment shall be permitted:

1. Number - Two (2) signs maximum per major street frontage

and one (1) sign per secondary street frontage;

2. Types - (a) Wall signs;  
(b) Window signs;  
(c) Ground signs with a maximum height of fifteen (15) feet, and ten (10) feet behind the right-of-way, only one (1) ground sign per street frontage.

3. Area - Wall and window maximum area of signage allowed shall be one-half square foot per lineal foot of lot frontage;  
- Ground 100 maximum accumulation, 40 square feet per sign maximum.

4. Other - (a) Only white light may be permitted for illumination;  
(b) The face of any wall sign over five (5) feet in length shall not exceed four (4) feet in height;  
(c) For home occupation or specific conditional uses, see 11B above.

11D. Within the C-3 District, the following signage and sign areas shall be permitted:

1. Number - One (1) signs maximum per major street frontage and one (1) sign per secondary street frontage, parking lot or pedestrian mall.
2. Types -
  - (a) Wall; any face over five (5) feet in length shall not exceed four (4) feet in height.
  - (b) Window;
  - (c) Grounded, must be ten (10) feet behind the right-of-way, and only one (1) ground sign per street frontage;
  - (d) Canopy;
  - (e) Projecting.
3. Area - Five (1 square feet per lineal foot of lot frontage; 25 square feet maximum per sign; 25 square feet maximum for projecting signs.
4. Other - For home occupations or specific conditional uses, see 11B above.

11E. Within the C-2, PCD, I and PID Districts, the following signage and sign area shall be permitted:

1. Number - Three (3) per major street frontage.
2. Types -
  - Wall - maximum height 25 feet; any wall sign with a face over five (5) feet in length, shall not exceed four (4) feet in width;
  - Window - maximum height 25 feet;
  - Ground - maximum height 15 feet; ten feet behind the right-of-way;
  - Canopy - maximum height two (2) feet above canopy;
  - Roof - maximum height fifteen (15) feet above the roof not to exceed 25 feet maximum total height;
  - Projecting - six (6) feet beyond building maximum, cannot exceed height of building;
  - Billboards - maximum height of twenty-five (25) feet, must be fifty (50) feet behind the right-of-way, maximum area 150 square feet; the length may not exceed three (3) times the height of the sign face and shall only be illuminated by white light; and be in compliance with all federal and state

- regulations.
3. Area - Maximum of two (2) square feet per lineal foot of lot or store frontage, 150 square feet total accumulation, 60 square feet maximum per sign.
  4. Other - Shopping centers:
    - (a) Over five (5) acres, but less than ten (10) acres may display one additional sign up to 100 square feet;
    - (b) Over ten (10) acres may display one additional sign up to 150 square feet;
    - (c) For home occupations or specific conditional uses, see 11B above.

## 12. PROHIBITED SIGN LOCATIONS

Prohibited Sign Locations - Signs may not be installed in any of the following locations:

- 1) In any public right-of-way, unless specifically authorized by this section and the Village Engineer;
- 2) In any utility easement or no-build zone;
- 3) In any public park or other public property;
- 4) On any traffic control signs, construction signs, fences, utility poles, street signs, trees or other natural objects;
- 5) In any location where the view of approaching and intersecting traffic would be obstructed. No sign shall be located so as to interfere with the safe movement of vehicles or pedestrians entering, leaving, or crossing a public right-of-way;
- 6) On any property without the prior authorization granted by the property owner on which any sign is to be placed.

## 13. GENERAL REQUIREMENTS FOR TEMPORARY AND PERMANENT SIGNS

- a) Sign Area.
  1. Sign area shall include the face of all the display area of the sign not including the bracing, framing and structural supports of the sign, unless such support members are made part of the message or face of the sign.
  2. Where a sign has two or more display faces, the area of all faces of the sign shall be included in determining the area of the sign unless two display

faces join back to back, are parallel to each other and not more than twelve inches apart, or form a V-angle of less than forty-five degrees. For spherical signs, the sphere shall be counted as the sign face. For cubical signs, the area of all display faces shall be included in determining the area of the sign.

3. The area of letters, numbers or emblems mounted on a building wall or wall extension shall be computed by enclosing such sign with the smallest single continuous perimeter around the letters, numbers or emblems and determining its area.
  4. For structures and uses having no direct frontage on public roads, as within shopping centers, frontage shall be counted as the intersection of the building line onto adjacent drives or parking areas.
- b) Design. Signs shall not resemble by design, color, shape, or other characteristic of any common traffic control device, directional or warning signs directed or maintained by the state, Village of Sunbury, or any railroad, public utility, or similar agency concerned with the protection of the public health and safety. Reverse sides of signs shall be unobtrusive and blend with the surroundings.
- c) Landscaping. The base of all permanent ground signs shall be effectively landscaped with living plant material and maintained in good condition at all times. The minimum landscape area shall extend at least three feet beyond all faces or supporting structures in all directions. Exposed foundations must be constructed with a finished material such as brick, stone, or wood, or be screened with evergreens to the top of anchor bolts. The landscaped area shall include all points where sign structural supports attach to the ground.

## Section S81.18.01 - SIDEWALK CAFÉ AREAS

### A. OVERVIEW

To ensure safety and accessibility as well as commercial prosperity, the Village has created guidelines for Downtown restaurants, cafés and businesses that wish to apply for a Sidewalk Café/Street Furniture Permit to provide tables, chairs, benches or planters on the sidewalk. The guidelines aim to facilitate outdoor seating that is functional and desirable, while at the same time ensure public safety and preserve the distinct atmosphere and charm of the Downtown.

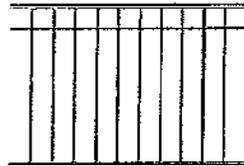
1. Street furniture and planters shall only be placed on the sidewalk in front of the applicant's place of business and directly adjacent to the building wall.
2. A minimum of 5-feet of pedestrian clearance must be maintained on the sidewalk. The 5-feet of clearance shall not include tree plots, benches, trees, parking meters, streetlights or other sidewalk obstructions.
3. Placement of street furniture and planters must not interfere with crosswalks, curb ramps, access to buildings, driveways or access to any fire escape.
4. Placement of street furniture and planters on the sidewalk must conform to all Federal, State and Local laws and regulations.
5. The sidewalk café/street furniture will not have a substantial adverse impact on the use, enjoyment or property values of adjoining properties.

### B. Design Guidelines

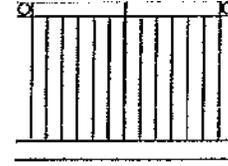
The following guidelines have been established for the tables and chairs:

1. The table and chairs shall be comprised of metal or wood and the color shall be black, dark bronze or as otherwise approved by the Sunbury Planning and Zoning Commission, Planter style and material shall compliment the storefront.
2. Restaurants and cafés serving alcohol beverages in the sidewalk dining area will need to delineate the entire area with a physical boundary as required by the Division of Liquor Control. The boundary shall be a removable fence and shall be 36 inches in height. The fence shall

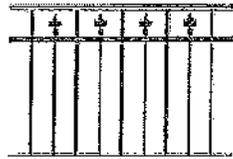
be historically-appropriate wrought iron or steel made to resemble historically appropriate wrought-iron. Example fence styles include the following:



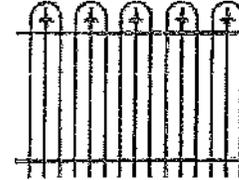
Fence Type 1



Fence Type 3



Fence Type 2



Fence Type 4

### C. Applications Required

1. Submit an application for a permit to:

Sunbury Planning & Zoning Commission  
9 E. Granville Street  
Sunbury, Ohio 43074

2. Applicants must submit the following with their applications:
  - a. Application
  - b. Site plan illustrating:
    - i. Entrance to business and adjacent building entrances.
    - ii. Property lines, sidewalk width and all surface obstructions within 15 feet of occupied area (i.e., fire hydrants, streetlights, parking meters, trees, tree grates, etc.).
    - iii. Width and length of occupied area, approximate location of tables and chairs and their relative proximity with the 5-foot pedestrian clearance.
    - iv. Location and dimension of fence (if applicable). Include additional fence specification information including type and style.
  - c. Liability insurance naming the Village as co-insured.

3. Application Approval Process

- a. Once the applicant submits a complete application and meets all the necessary guidelines, the Zoning Inspector will review and take action on the permit within 30 working days of submittal, which may include referral to the Planning and Zoning Commission.
- b. During the approval process, the application will be submitted to the Police Department, Fire Department, Building Department, and Engineering Department, for review and comment.
- c. Application decisions may be appealed to the Planning and Zoning Commission.
- d. The Zoning Inspector will inspect all Sidewalk Café/Street Furniture after permits have been issued.

4. Responsibilities of Permit Holders

In order to maintain this revocable Sidewalk Café/Street Furniture Permit the permit holder must comply with all applicable stipulations and rules and applicable Village Ordinances, which include the following:

- a. Permit holder is responsible for ensuring that all activity stays within the delineated area.
- b. Food trays or carts, receptacles for dirty dishes, etc. shall not be stored on any portion of the sidewalk/Right-of-Way.
- c. Fences, tables, umbrellas, chairs and planters in the sidewalk area must be kept free of advertising, litter and other debris at all times.
- d. Permit holder with self service restaurants must provide one durable covered appropriately sized refuse container within the permit area at all times area is in use.
- e. All tables, chairs, etc. must be promptly removed from the sidewalk at the end of each business day, unless they are secured overnight (you are not permitted to affix furniture or planters to the sidewalk, except for allowable fences).
- f. Permit holder must keep current liability insurance that the Village requires.
- g. Permit holders must display a copy of the permit within public view during business hours.
- h. Area must meet applicable health requirements and all applicable Village ordinances.
- i. Applicants intending to serve liquor at the sidewalk café must have a valid Liquor License pursuant to the Ohio Revised Code. Consumption of alcohol within the sidewalk dining area is regulated by the permitted uses and restrictions defined in the individual liquor license. The site diagram submitted to the Ohio Department of

Commerce Division of Liquor Control must include the sidewalk area and shall be approved by the Village.

- j. Restaurants possessing an alcoholic liquor license of any classification and located within the Downtown may sell alcoholic liquor on sidewalk café premises. Such sale of alcoholic liquor shall be for consumption on the premises only with the consumption of a meal. This provision must be clearly stated on sidewalk café menus.
- k. Alcohol must not be removed from the delineated area.
- l. The permit is revocable at the discretion of the Village; applicable penalties for non-compliance are outlined in the Codified Ordinances of Sunbury.
- m. Sidewalk cafés shall not operate earlier than 7:00 am nor later than 11:00 pm on Sunday to Thursday nor later than 12:00 am on Friday to Saturday.