

# **Village of Gambier Ohio**

## **Zoning Amendment Ordinance 1999-03**

**Revision Printing  
May, 2003**

**Adopted  
March 1, 1999**

Village of Gambier  
P.O. Box 1984  
Gambier, OH 43022  
(740)427-2671

# ZONING ORDINANCE OF THE VILLAGE OF GAMBIER, OHIO

Passed March 1999-This Version Printed with Revisions May 2003  
Previous Revisions Printed May 2000, October, 2001 and March 2002

## TABLE OF CONTENTS

CH. 1--PURPOSES AND SCOPE.....	6
CH. 2--TITLE.....	7
CH. 3--DEFINITIONS.....	7
CH. 4--DISTRICTS AND GENERAL PROVISIONS.....	16
4.0 Districts	16
4.1 Zoning Map	16
4.2 District boundaries	16
4.3 Compliance with regulations	17
4.4 Secondary dwellings	17
4.5 Street frontage required	17
4.6 Traffic visibility across corner lots	17
4.7 Unsafe buildings.	17
4.8 Required yards	17
4.9 Vacated street or alley	17
4.10 Prohibited uses	17
4.11 Garage sales	18
4.12 Driving over sidewalks or curbs	18
4.13 Storage and handling of construction/ demolition material and equipment	18
4.14 Minimum maintenance requirements	18
4.15 Zoning of land annexed to the Village	19
CH. 5--RESIDENTIAL DISTRICT “R”.....	19
5.0 Purpose	19
5.1 Uses permitted in the Residential district	19
5.2 Conditional uses in the Residential district	20
5.3 Prohibited uses	21
5.4 Required lot size	21
5.5 Height regulation in the Residential district	21
5.6 Required yard	21
5.7 Home occupations regulations	21
5.8 Secondary dwelling units	22
5.9 Application to the Planning Commission	22
CH. 6--INSTITUTIONAL DISTRICT “I-1”.....	23
6.0 Purpose	23
6.1 Uses permitted in the Institutional district	23
6.2 Conditional uses in the Institutional district	23
6.3 Prohibited uses	23
6.4 Required lot area and lot width and yard requirements	24

6.5 Building height regulation	24
6.6 Application to the Planning Commission	24
CH. 7--RECREATIONAL INSTITUTIONAL DISTRICT "I-2" .....	24
7.0 Purpose	24
7.1 Uses permitted in the Recreational Institutional district	24
7.2 Conditional uses in the Recreational Institutional district	25
7.3 Uses prohibited in the Recreational Institutional district	25
7.4 Application to the Planning Commission	25
CH. 8--HISTORIC INSTITUTIONAL DISTRICT "I-3" .....	25
8.0 Purpose	25
8.1 Uses permitted in the Historic Institutional District	26
8.2 Conditional uses in the Historic Institutional District	26
8.3 Uses prohibited in the Historic Institutional District	26
8.4 Development Standards in the Historic Institutional District	26
8.5 Application to the Planning Commission	26
CH. 9--MIXED-USE DISTRICT "M" .....	27
9.0 Purpose	27
9.1 Uses permitted in the Mixed-use district	27
9.2 Conditional uses in the Mixed-use district	28
9.3 Prohibited uses	28
9.4 Required lot area, lot width, and yards in Mixed-use district	29
9.5 Building height regulation in the Mixed-use district	29
9.6 Massing regulations in the Mixed-use district	29
9.7 Landscaping or screening provisions	29
9.8 Secondary Dwelling Units in the Mixed-Use district.	29
9.9 Application to the Planning Commission	29
CH. 10--CONSERVATION DISTRICT "C" .....	30
10.0 Purpose	30
10.1 Uses permitted in the Conservation district	30
10.2 Conditional uses in the Conservation district	30
10.3 Prohibited uses in the Conservation district	30
10.4 General provisions	30

CH. 11--NON-CONFORMING USES, SIGNS, OR BUILDINGS.....	31
11.0 Existing non-conforming uses--continuation	31
11.1 Non-conforming uses or buildings— enlargement, substitution, etc.	31
11.2 Discontinuance of a use	31
11.3 Repairs and alterations	31
11.4 Non-conforming lot of record	31
11.5 Non-conforming signs	31
 CH. 12--SPECIAL PROVISIONS.....	 32
12.0 General and specific provisions	32
12.1 Exceptions to height limits	32
12.2 Allowable projections of business structures over sidewalks	32
12.3 Demolition of structures and/or buildings	32
12.4 Wetlands; permanent open space	34
12.5 Steep slopes	35
12.6 Erosion hazard areas	35
12.7 Mature woodlands; woodlands; young woodlands	35
12.8 Plant materials	36
12.9 Soil erosion and sedimentation control	36
 CH. 13--SITE DESIGN STANDARDS.....	 38
13.0 Purposes	38
13.1 General design standards	38
13.2 Parking and Loading regulations	40
13.3 Transportation Impact report	43
13.4 Buffer yards	45
13.5 Residential, Mobile homes, trailers, and manufactured housing	46
13.6 Private swimming pools	46
13.7 Fencing regulations	47
13.8 Location of towers	48
13.9 Stormwater Study and Report	49
 CH. 14--SIGN REGULATIONS.....	 49
14.0 Purpose	49
14.1 Definitions	49
14.2 Permitted signs, by district or type	49
14.3 Additional regulations	51
14.4 Sign permits	52
14.5 Exterior lighting standards	52

CH. 15--PLANNING AND ZONING COMMISSION.....	53
15.0 Re-establishment and appointment of Planning Commission	53
15.1 Officers	53
15.2 Powers and duties	54
15.3 Procedures and meetings	55
15.4 Format of applications	56
15.5 Review of applications	56
15.6 Public Notice	57
CH. 16--BOARD OF ZONING APPEALS.....	57
16.0 Appointment	57
16.1 Powers and duties	57
16.2 Procedures	57
16.3 Appeals	58
16.4 Hearings and decisions	58
16.5 Appeals from decisions of the Board	59
CH. 17--LAND SUBDIVIDING PROCEDURES.....	59
17.0 Purposes	59
17.1 Definitions	59
17.2 Subdivision design elements and considerations	59
17.3 Minor subdivision: classification, application, review	60
17.4 Minor subdivision; recording	61
17.5 Major subdivision; preliminary plan	61
17.6 Major subdivision; final plat	62
17.7 Land for public and common use	63
17.8 Re-subdivision and vacation	64
17.9 Developer responsible for required improvements	64
17.10 Performance guarantee in lieu of installation of improvements	69
17.11 Certification of completion; maintenance bond	70
17.12 Insurance	70
CH. 18--ENFORCEMENT AND ADMINISTRATION.....	71
18.0 Zoning certificates required	71
18.1 Duration of zoning certificate	71
18.2 Certificate of occupancy required	72
18.3 Duration of certificate of occupancy	72
18.4 Building inspections	72
18.5 Sign permits required	72
18.6 Enforcement by Zoning Inspector	72
18.7 Enforcement by others	73
18.8 Compliance by other officials, agencies or employees	73
18.9 Violations	73

CH. 19--DISTRICT CHANGES AND REGULATION AMENDMENTS.....	73
19.0 Council may amend ordinance	73
19.1 Procedure for change	74
19.2 Commission review, notice	74
19.3 Council hearing, notice	74
19.4 Amendment or map change pending zoning certificate, building permit	74
19.5 Reapplication for amendment or change once denied	74
 CH. 20--MISCELLANEOUS PROVISIONS.....	 75
20.0 Severability	75
20.1 Conflicting ordinances	75
 CH. 21--SCHEDULE OF FEES.....	 76
 APPENDIX A -- TABLE OF REQUIRED BUFFER YARD PLANTINGS.....	 77
 APPENDIX B -- FLOWCHART FOR ZONING CERTIFICATE.....	 78
 APPENDIX C -- FLOWCHART FOR SIGN PERMIT.....	 79
 APPENDIX D -- AMENDMENTS.....	 80
 APPENDIX E -- ZONING MAP.....	 81

## CHAPTER 1--PURPOSES AND SCOPE.

The purpose of this Zoning Code, and the intent of the Village of Gambier Council in its adoption, is to provide planning standards, procedures, regulations, and controls for the use of the land in the Village, and for the design, use, bulk, location, and spacing of buildings and other structures, in order to most effectively, to the fullest extent permissible under the Village's powers of home rule, promote and insure the public health, safety, morals, convenience, and general welfare. The Council has determined that the following ordinance should be adopted to replace Zoning Code of the Village of Gambier, originally adopted in 1969, for the following purposes:

- A. To facilitate economic and adequate provision of transportation, communication, water supply, drainage, sanitation, education, recreation and other public requirements.
- B. To preserve and strengthen the reasonable balance of commercial activities within the Village, so long as they are consistent with the Village's residential, pedestrian, and rural character.
- C. To regulate the location of buildings and intensity of uses in relation to the street design so as to cause the least interference with, and be damaged least by, traffic movements, and hence result in lessened street congestion and improved public safety.
- D. To protect the character and values of the institutional, residential, business, and public uses and to assure their orderly and beneficial development.
- E. To minimize conflicts between different land uses by requiring adequate landscaping, yards, and buffers in appropriate locations.
- F. To protect and preserve the cultural resources of the Village.
- G. To prevent damage to environmentally sensitive areas and to protect existing natural resources.
- H. To provide methods to implement Gambier's home rule authority to regulate the use of land within its municipal boundaries.
- I. To control and to regulate the growth of Gambier, concentrating development in areas where adequate sewage facilities, roads, and schools can be provided, and limiting development in areas where these facilities are not and should not be provided.
- J. To protect landowners from adverse impacts of adjoining developments.

The provisions are designed to provide adequate light, air, access, and open space; conserve the natural environment and historic resources; maintain a compatible scale within an area; and to minimize traffic congestion and enhance the streetscape and pedestrian environment. They seek to achieve an efficient use of the land without major disruption of the natural environment and to direct development to sites with adequate services and amenities. It is the goal of this ordinance that both the burdens and the benefits which it, like any scheme of public regulation, implies be rationally and fairly distributed among the citizens and property owners of Gambier. The regulations contained in this ordinance are based on thorough analysis of the consequences of the regulations imposed by the previous Gambier zoning ordinance and the costs and benefits, to all affected parties, included in the regulations imposed by this ordinance. Zoning districts are few in number, and each has a clearly different purpose. Distinctions between districts are significant. They are sized to be adequate to handle Gambier's long-term needs and must be regularly updated as time passes.

## CHAPTER 2--TITLE

This ordinance shall be known and may be cited and referred to as the "Zoning Ordinance" of the Village of Gambier, Ohio."

## CHAPTER 3--DEFINITIONS

3.0 Interpretation: for the purpose of this ordinance the terms or words used herein shall be interpreted as follows:

All words used in the present tense include the future tense. All words in the singular include the plural and all words in the plural include the singular. The word "shall" is mandatory and imposes a duty upon the person to whom it is directed. The word "may" is permissive and creates a power, without duty, with the person to whom it is directed. The word "used," shall be deemed to include "designed, intended, or arranged to be used." The definitions of the Gambier Zoning Code apply to the interpretation and reading of the entire code unless a separate and different definition specifically appears in a section. Where the pronoun "he" is used, the usage is one of convenience and includes all appropriate extensions of meaning (i.e., "she," "they," and "it"). The word "person" includes all individuals, firms, corporations, associations, trusts, and any other similar entities. Otherwise, all words shall be given their common and ordinary meaning as derived from everyday usage. Those called upon to interpret this ordinance shall proceed as follows:

- A. Refer to or determine the public purposes of the standards with respect to which an interpretation is required.
- B. Determine the actual impact of a proposed determination and/or its alternatives.
- C. Determine that the proposed interpretation will ensure a just balance between the rights of the landowner and all others whom will be affected by that person's land use proposal.

3.1 Abutting/adjoining. Having a common border with, or being separated from such common border by an alley or easement or right-of-way.

3.2 Access. A means of vehicular approach or entry to or exit from property.

3.3 Accessory use or building. A use customarily incidental and subordinate to the principal use or building and located on the same lot with such principal use or building. Examples include, but are not limited to, garages, swimming pools, and yard barns.

- 3.4 Action. An affirmative conduct or thing done.
- 3.5 Aesthetic significance. The artistic worth of a landmark or district; it contemplates the intangible values of natural beauty, artistry, craftsmanship, familiarity, order, and visual harmony.
- 3.6 Agriculture. Agricultural uses include farms (and farm residences), fish or poultry hatcheries, fur-bearing animal ranges, orchards, raising of livestock, horses, wild animals (traditionally non-domesticated animals) or poultry, truck farming, and all other agricultural uses. Included in this definition are agricultural support uses such as farm equipment sales and repair, farm produce sales and supply (feed, grain, fertilizer), farm product processing (cider mills, dairy, poultry or meat processing) unless the total number of employees in such a processing facility is less than five persons. Specifically excluded are nurseries and forestry operations and domesticated animals. Also excluded are uses which may be accessory to agriculture, such as retail stores, nor does it include industries or businesses which support or are supported by agriculture.
- 3.7 Alley or lane. A public or private way not more than 20 feet wide affording only secondary means of access to property.
- 3.8 Applicant. Any owner(s) or person(s) who files an application for a certificate, permit, or other approval called for in the Zoning Code.
- 3.9 Automotive or trailer sales area. Any area, used for the display, sale or rental of more than one new or used motor vehicle or trailer in optimal condition and where no repair work is done.
- 3.10 Automobile service station or filling station. A place where gasoline, kerosene, or any other motor fuel or lubricant oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing, oiling or other repair work on the premises. A service station does not lose its classification as such on account of additional business activities conducted therein, such as the sale of food, beverages, or other merchandise.
- 3.11 Automobile wrecking. The dismantling or disassembly of used motor vehicles or trailers, or the storage, sales, or dumping of dismantled, obsolete or wrecked vehicles or their parts.
- 3.12 Auxiliary sign. A sign which provides special information such as direction, price, sales information, hours of operation, or warning, and which does not include names, brand names, or information regarding product lines or services. Examples of such signs include directories of tenants in buildings, "no trespassing" signs, and signs which list prices of gasoline.
- 3.13 Back-lit sign lighting. The sign is lit by some mechanism internal to the sign face or area.
- 3.14 Basement. A story whose floor line is below grade at any entrance or exit *or* whose ceiling is not more than 5 feet above grade.
- 3.15 Bed and Breakfast. A facility for accommodations characterized by having a residential external appearance and less than 12 units available for transient guests with a minimum ratio of 500 square feet of total living or common space to each unit created (unless containing 5 or less units, which does not require compliance with this ratio).
- 3.16 Bedroom. A room marketed, designed, or otherwise likely to function primarily for sleeping.
- 3.17 Billboard. A sign, usually rectangular in shape, which is typically comprised of a fixed

and permanent frame and structure, the advertising space of which is typically leased to various persons or companies for the attachment of paper signs on a more temporary basis.

3.18 Board. The Board of Zoning Appeals of the Village of Gambier.

3.19 Boarding House. A place where one has food, or food and lodging at another's house for a stipulated charge.

3.20 Buffer yard. A unit of land, together with a specified type and amount of planting thereon, and any structures which may be required between land and uses to eliminate or minimize conflicts between them.

3.21 Building. Any structure constructed or used for residential, business, industrial, or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, railroad cars, barns, trailers and similar structures, whether stationary or movable.

3.22 Candle power. The amount of light that will illuminate a surface 1 foot distant from a light source to an intensity of 1 foot candle. Maximum (peak) candle power is the largest amount of candle power emitted by any lamp or light source.

3.23 Cellar. That portion of a building between floor and ceiling which is partly underground, but having half or more than half of its clear height below the adjoining finished grade.

3.24 Cemetery. Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

3.25 Chain-link fence. A fence consisting of loops of wire interconnected in a series of joined links. It is not an open or ornamental fence.

3.26 Clinic. A clinic is a place which provides a range of services by an individual practitioner or by a group of licensed practitioners, their associates and assistants, including the care, diagnosis and treatment of those who are sick, ailing, infirm, and/or injured persons, and include the care of those who are in need of medical, surgical or dental attention, but who are not provided with board or room nor kept overnight on the premises.

3.27 Club. A non-profit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a commercial service such as a for-profit corporation. Examples of clubs include fraternal societies and beneficial or charitable societies.

3.28 Commission. The Village of Gambier Planning and Zoning Commission.

3.29 Conditional use. A use of land which is not a principally permitted use (or otherwise permitted as a matter of right) in certain districts, but which may be permitted after Planning Commission's review of an application to make such use. That use may be conditioned upon compliance with certain terms of this Code. Permission to make a use of land which is listed as a conditional use requires an application for and granting of a permit by the Planning Commission.

3.30 Cutoff. The point at which all light rays emitted by a lamp or light source are completely eliminated (cutoff) at a specific angle above the ground.

3.31 Demolish/demolition. The substantial deterioration or complete or substantial removal

or destruction of any building or structure within any district, including buildings of historic significance (buildings more than 50 years old), whether by affirmative action taken or by passive action such as neglect.

3.32 Developer. The legal or beneficial owner of a lot or parcel of any land proposed for inclusion in a development, including the holder of an option or contract to purchase.

3.33 Development. The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structures or buildings; or the division of a parcel of land into two or more parcels; or any use or change in use of any buildings or land; any extension of any use of land or any clearing, grading, or other movement of land, for which permission may be required pursuant to this ordinance.

3.34 District. A portion of the territory of the Village within which certain uniform regulations and requirements or various combinations thereof apply.

3.35 Drainage. The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff to minimize erosion and sedimentation during and after development and includes the means necessary for water-supply preservation or prevention or alleviation of flooding.

3.36 Due consideration. To give in good faith such weight or significance to the decision, evidence, or factors as are merited by the circumstances.

3.37 Duty. A mandatory obligation to perform; obligatory conduct or service, not discretionary.

3.38 Dwelling. Any building or portion thereof which is designed or used for residential purposes for humans.

3.39 Dwelling unit. A room or group of rooms or a dwelling, providing or intended to provide living quarters for not more than one (1) family.

3.40 Erodible slope. All slopes with inclines in excess of 4%.

3.41 Family. Any number of related persons, or no more than 4 unrelated persons, living and cooking together on one premises as a single housekeeping unit.

3.42 Fence. A barrier with two sides exposed.

3.43 Final plan. A preliminary plan which has been approved by the Village Council.

3.44 Flag Lot. A lot that may meet minimum lot size but has a narrow access (pole) connecting the major portion of the lot (flag) to the road, such as to configure a flag pole.

3.45 Foot-candle. A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one (1) candle.

3.46 For cause. For reasons which law and public policy recognize as sufficient to warrant the action or removal; does not mean removal or action by arbitrary or capricious means but that there must be some cause affecting and concerning ability and fitness of an official to perform the duty imposed on him.

3.47 Forestry. The science of developing, caring for, managing, and/or cultivating forests.

For purposes of this ordinance, forestry does not include the harvesting or processing of timber.

3.48 Free-standing sign. A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground.

3.49 Frontage. All the property abutting on one side of a street between intersecting streets, or between a street and a right-of-way, water way, or a dead-end street, or Village boundary measured along the street line.

3.50 Garage. An enclosed detached accessory building or a portion of the principal building used for the storage of self-propelled motor vehicles or trailers by the families resident upon the premises.

3.51 General sign lighting. The sign itself neither is lit internally nor has an external source of light specifically directed at it. Rather, the sign depends upon the general illumination of the area for its illumination.

3.52 Glare. The brightness of a light source which causes eye discomfort

3.53 Good faith. An intangible and abstract quality which encompasses, among other things, an honest belief, the absence of malice, and the absence of design to defraud or to seek unconscionable advantage over another.

3.54 Height of building. The vertical distance from the established average sidewalk grade, street grade, or finished grade, whichever is the lowest, to the highest point of the building.

3.55 Home Occupation. Any business use, not employing more than one full-time equivalent person outside of the immediate family, conducted entirely within a dwelling or an accessory building by the owners or occupants of the dwelling and as a secondary use which is clearly incidental to the use of the dwelling for residential purposes.

3.56 Hospital. A building or portion thereof used for the overnight accommodation of sick, injured or infirm persons, including sanatoria, nursing homes, and/or convalescent centers.

3.57 Industry. Use for the storage of raw materials, machines, tools or the operation of machines and equipment for the repair, manufacture, preparation or treatment of goods, substances, commodities on a scale which would comprise more than 25% of the total land usage for a particular parcel. Industrial uses may be divided into two categories:

Light industry. These uses include blacksmith shops, boat building and repair, building materials sales or storage yards (excluding asphalt or concrete mixing), bulk materials or machinery storage (fully enclosed), carpet and rug cleaning plants, contractors' offices and equipment storage yards, dry cleaning and laundry plants serving more than 1 outlet, dyeing plants, extermination shops, food processing and packing plants, fuel oil, ice, coal, and wood sales, furniture cleaning plants, furniture refinishing shops, lumberyard, manufacturing (including the production, processing, cleaning, testing, and distribution of materials, goods, food, and products in plants with less than five hundred thousand square feet of floor area, or fewer than two thousand employees on every shift), mini-warehouses or storage facilities, mirror supply and refinishing shops, monument works, ornamental iron workshops, printing plants, publishing plants, scientific (e.g., research, testing, or experimental) laboratories, trade shops (including cabinet, carpentry, planing, plumbing, refinishing, and paneling), truck terminals, veterinary offices with fully enclosed runs, yards, pens, and kennels, warehouses, wholesale business and

storage, and all other light industrial uses. These industrial uses generally are not objectionable because of their noise, heavy truck traffic, or fumes but in a close and confined village setting, these uses present an objectionable risk of increased traffic and other disruptions of the existing quality of life.

Heavy industry. This use category includes landing strips, asphalt or concrete mixing plants, bold material or machinery storage (unenclosed), fuel generation plants, grain elevators, meat packing plants or slaughterhouses, resource recovery facilities, motor or rail terminals; also, any industrial use, including those uses listed above as light industry, having five hundred thousand or more square feet of floor area or more than two thousand employees on any shift, and all other heavy industrial uses. This group contains uses which have severe potential for negative impact on any uses which would locate relatively close to them. This group differs from light industrial uses in that it includes uses that require unenclosed structures that are large, tall, and unsightly, such as concrete batching plants. These uses also have severe potential for generation of odor and may involve large amounts of exterior storage; because of their scale, they are likely to have a negative impact regionally.

3.58 Institution. An established organization or corporation of a public character, organized for charitable, educational, governmental, scientific, humanitarian, or religious purposes.

3.59 Landscape/landscaped. To ornament, modify, or enhance a natural landscape by altering, managing, and cultivating existing and/or additional plant material.

3.60 Living fence. A fence consisting of the natural growth or placement of hedges, trees, bushes, plants or a combination thereof into a vision-obstructing fence.

3.61 Lot. A piece, parcel, or plot of land as shown and recorded in the land records of the Knox County Recorder which is occupied or may be occupied by one principal building and its accessory buildings including the open spaces required under this ordinance.

3.62 Marquee. The sign of a theater, auditorium, or museum, which advertises present and scheduled events.

3.63 Masonry fence. A fence constructed of concrete, cinder block, brick, stone, or other masonry materials and which shall be less than 3 feet tall from grade, excluding ornamental post finials.

3.64 Mobile home. A structure designed to be used for human habitation carrying or storage of persons or property, being able to be easily equipped with wheels or other devices to be transported from place to place. This includes trailers, "manufactured homes" and other pre-fabricated dwelling units.

3.65 Motel or Hotel. A series of attached or semi-attached sleeping or living units, for the accommodation of automobile transient guest units having convenient access to parking spaces, for the exclusive use of the guests or occupants. This definition excludes bed and breakfasts as defined above.

3.66 Multi-family dwelling. A building designed for or containing three or more dwelling units.

3.67 Neglect. To omit or fail to do a thing that can be done or is required to be done; also imports an absence of care or attention in the action or omission; or, a designed refusal to

perform a duty.

3.68 Non-conforming use. A use of building or land lawful at the time of enactment of this ordinance that does not conform with the “permitted use” provisions of this ordinance.

3.69 Occupancy, Certificate of. A document issued by the Zoning Inspector by authority of the Planning Commission authorizing occupancy of buildings or structures for uses which, after inspection, are determined to be consistent with the terms of the Zoning Code and all other applicable codes or ordinances and all conditions and requirements, if any, stipulated by the Planning Commission, Board of Appeals or other proper authority, and for the purpose of enforcing this ordinance’s provisions.

3.70 Open or ornamental fence. A split-rail or board or iron, or vinyl fence which, as viewed at a position of 90° from the fence line shall be at least 40% open and unobstructed space and shall be less than 5 feet tall from grade, excluding ornamental post finials.

3.71 Original plat/tract. The map or site plan of the parcel or contiguous parcels as of the last preceding tax roll which is intended to be subdivided.

3.72 Owner. The legal owner of record of real property; an owner may be, but is not necessarily, a resident as defined by this code.

3.73 Panhandle Lot. See Flag Lot, 3.42

3.74 Park. A piece of public ground kept for ornament and recreation; an area maintained in its natural state as public property.

3.75 Parking lot. A fixed improvement to land involving the paving with gravel, concrete, asphalt, or other similar material for the purpose of parking the equivalent of three (3) or more vehicles (or in excess of 471 square feet).

3.76 Playground. A piece of public land used for and usually equipped with facilities for recreation; especially for children.

3.77 Power. The right, ability and authority to do something; not obligatory but discretionary.

3.78 Preliminary plan. A site plan of the original plat, showing all lot lines, buildings, structures, uses, and improvements intended by the developer and including a narrative explanation of how the intended development complies with or should be permitted to partially comply with this Code.

3.79 Privacy or screening fence. A fence constructed so as to prevent public view from public spaces and to provide seclusion therein and which shall be less than 7 feet tall from grade.

3.80 Private swimming pool. Any pool, open tank, or man-made body of water not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1 ½) feet.

3.81 Projecting sign. A sign which is attached to and projects from a structure or building face. The sign area of double-faced projecting signs is calculated by measuring 1 face of the sign only

3.82 Public utility. A corporation or other organization which provides an essential service or good to the general public and that the public has a legal right to demand the good or service from.

- 3.83 Quality of life. The peculiar and essential character of daily living which may be unique to a particular area, such as the Village of Gambier, and which contemplates the economy, enjoyment, meaningfulness, benefits, and ease of locating one's home or business in that area.
- 3.84 Reasonable. Fair, proper, just, moderate, and suitable under the circumstances; not excessive, being synonymous with rational, honest, and equitable.
- 3.85 Recommendation. An action which is advisory in nature rather than one having any binding effect.
- 3.86 Resident. A person who would be entitled to vote in any general election in the Village of Gambier because of his/her residential qualifications.
- 3.87 Rooming House. A house where lodgings are provided for rent or a house that lets furnished rooms.
- 3.88 Secondary Dwelling Unit. A dwelling or dwelling unit added, created, or constructed on a parcel of land on which a dwelling or dwelling unit already exists. A Secondary Dwelling Unit may or may not be attached to or a part of the pre-existing one. Re regulations under section 5.8.
- 3.89 Sedimentation. The settling out of the soil particles which are transported by water or wind. Sedimentation occurs when the velocity of water or wind in which soil particles are suspended is slowed to a sufficient degree and for a sufficient period of time to allow the particles to settle out of suspension or when the degree of slope is lessened to achieve the same result.
- 3.90 Sign. Any object, device, display, structure, or part thereof, situated outdoors or visible from outdoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, designs, fixtures, colors, illumination, or projected images. Signs do not include the flag or banner of any nation, state, city, or religious organization; also excluded are merchandise, pictures, or models of products or services incorporated in a window display.
- 3.91 Sign, area of. The total surface computed in square feet of a sign having one exposed exterior surface or half of the total of the exposed exterior surface computed in square feet of a sign having more than one such surface.
- 3.92 Sign, temporary. A sign or advertising display constructed of cloth, canvas, fabric, paper, plywood, or other light material, including inflatable signs and intended to be displayed for a short period of time (30 consecutive days or less) and which is no larger than 40 square feet. Included in this category are retailer's signs temporarily displayed for the purpose of informant the public of a sale or "special" offer.
- 3.93 Single-family dwelling. A room or group of rooms or a dwelling, providing or intended to provide living quarters for not more than one (1) family which is not attached to another dwelling.
- 3.94 Soil erosion. Any removal and/or loss of soil by the action of water, ice, gravity, or wind. Erosion includes both the detachment and movement of soil particles.
- 3.95 Spot lighting. The sign is lit by spotlights specifically directed at it.
- 3.96 Stored. To have placed or left in a location for later use or disposal or to provide a space for, whether temporarily or permanently.

3.97 Street. Any public or private way dedicated to public travel. The word “street” shall include the words “road,” “highway,” and “thoroughfare.”

3.98 Structure. Anything constructed in any manner, whether temporary or permanent, which is located on land in any fashion, including buildings, sculptures, signs, or similar objects.

3.99 Structural alteration. Any change in the structural members of a building, such as walls, columns, beams, girders, roofs, windows, porches, or doors. This includes the removal or addition thereof.

3.100 Story. That portion of a building, included between the surface of any floor and the surface of the floor next above it, or, if there be no floor above it, then the space between the floor and the ceiling next above it.

3.101 Student residences. Dormitories and student apartments including related offices and dining facilities intended for the seasonal occupation by enrolled students of an educational institution or similar programs.

3.102 Subdivision. The division of land shown as a unit or as contiguous units on the last preceding tax roll into two or more parcels, sites, or lots which may or may not include the planned development of the land or which may or may not be intended for the transfer of ownership.

3.103 Substantial. Of real worth, value, or importance; material; something other than nominal.

3.104 Temporary. That which is to last for a limited time only, or for a short period of time (30 consecutive days or less), as distinguished from that which is perpetual, indefinite, or regularly reoccurring in its duration.

3.105 Tool shed or Yard barn. A free-standing shed or barn structure not exceeding two hundred and forty (240) square feet in area.

3.106 Transient. A person passing through a place without staying in it, or staying only for a short period of time.

3.107 Transmission towers. Any free-standing structure or other transmission device created or erected for the purpose of holding equipment used in the transmission or reception or relay of signals for radio, telephone, television, cellular telephone, or other communications media. All such towers and equipment shall be made of, painted, and/or maintained in a color scheme of natural, “earth-toned,” neutral tan or gray shades which avoid extremes of light and dark within those shades.

3.108 Two-family dwelling. More than one room or group of rooms or dwellings, providing or intended to provide living quarters for not more than two (2) families, which are attached to each other.

3.109 Use. The purpose or activity for which a building, structure, or land is occupied or maintained.

3.110 Wetland. An area of half (1/2) of an acre or more where standing water is retained for any portion of the year. Wetlands include all areas designated as “marsh” in the Hydrologic Investigations Atlas of the U.S. Geologic Survey and all areas designated as wetlands by the Army Corps of Engineers or the Soil Survey of Knox County of the Soil Conservation Service.

3.111 Willful. Intending the result which actually comes to pass; designed; intentional; not accidental or

involuntary.

3.112 Wire fence--a fence constructed of wire woven in an open square pattern, sometimes referred to as "farm fence". It is not a chain-link, barbed wire, or single electrified wire line fence.

3.113 Woodland. An area of planted material covering one (1) acre or more and consisting of 30% or more canopy trees having a sixteen (16) inch or greater caliper measurement, or any grove consisting of eight (8) or more trees having a ten (10) inch or greater caliper measurement within a 5,000 square foot area.

3.114 Woodland, mature. An area of plant material covering one (1) acre or more and consisting of 30% or more canopy trees having a sixteen (16) inch or greater caliper measurement, or any grove consisting of eight (8) or more trees having a eighteen (18) inch or greater caliper measurement within a five thousand (5,000) square foot area.

3.115 Woodland, young. An area of plant material covering one (1) acre or more and consisting of 70% or more canopy trees having a 2½ inch caliper measurement or greater, or a tree plantation for commercial or conservation purposes where 70% or more of the canopy trees have a 2½ inch or greater caliper measurement within a 5,000 square foot area.

3.116 Yard. The space between a lot line and building line. The space of grass or garden on the same lot with a principal building which is open, unoccupied, and unobstructed by structures. The distance of any yard shall be measured from the lot line or right-of-way line to the nearest part of the principal building on the lot.

3.117 Zoning certificate. A document issued by the Zoning Inspector by authority of the Planning Commission authorizing buildings, structures, or uses consistent with the terms of the Zoning Code, and for the purpose of carrying out and enforcing its provisions.

3.118 Zoning Inspector. The Zoning Inspector of the Village of Gambier or his staff members.

3.119 Zoning Map. The Zoning Map or Maps of the Village together with all amendments or subsequently adopted.

## CHAPTER 4--DISTRICTS AND GENERAL PROVISIONS

4.0 Districts. The Village is hereby divided into districts known as:

- R--Residential district
- I-1--Institutional district
- I-2--Recreational Institutional district
- I-3--Historic Institutional district
- M--Mixed-use district
- C--Conservation district

4.1 Zoning Map. The districts and boundaries thereof are established as shown on the Zoning Map, which, together with all notations, references, data, district boundaries and other information shown thereon, shall be part of this ordinance. The Zoning Map, properly attested, shall be and remain on file in the office of the Village Clerk.

4.2 District boundaries. The district boundary lines on said Map are intended to follow either the center of the street right-of-way, alley, or lot lines; and, where the districts designated on the map are bounded approximately by such street, alley or lot lines, the street or alley or lot lines shall be construed to be the

boundary of the district, unless such boundary is otherwise indicated on the Map.

4.3 Compliance with regulations. No building shall be erected, converted, or altered, nor shall any building or land be used except for a purpose permitted in the district in which the building or land is located, except as hereinafter provided. No building shall be erected, enlarged or altered except in conformity with the structural specifications of this ordinance for the district in which such building is located.

4.4 Secondary dwellings. There must be provided for any free-standing secondary dwelling of a primary residential structure an unoccupied and unobstructed access-way not less than 12 feet wide to a public street for the dwelling unit; no more than one (1) dwelling unit per secondary dwelling is permitted.

4.5 Street frontage required. Except as permitted by other provisions of these regulations, no lot shall contain any building used in whole or part for residential purposes unless such lot abuts for at least sixty (60) continuous feet on a street, and the building meets all required yard requirements in Section 5.6, including the minimum and maximum front yard setbacks including any planned driveway. The sixty (60) foot minimum requirement shall run the entire depth of the property and/or lot.

4.6 Traffic visibility across corner lots. In any residential district, on any corner lot, no fence, structure, or planting shall be erected or maintained within 20 feet of the corner (the point of intersection of the right-of-way lines), which interferes with traffic visibility across the corner.

4.7 Unsafe buildings. Nothing in these regulations shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe in writing by proper authority.

4.8 Required yards. No part of a yard or other open space required about any building for the purpose of complying with this ordinance, shall be included as a part of a yard or other open space similarly required for another building.

4.9 Vacated street or alley. Whenever any street, alley, or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.

4.10 Prohibited uses. Because of the traditional and historical development of the Village of Gambier, the proximity of its districts to each other, the small size of the Village, and the rural and pedestrian characteristics which distinguish this Village, certain land uses are so incompatible with the town and its existing uses that they are prohibited within all of the districts established by this ordinance. Specifically prohibited are:

Hospitals--large health care facilities which require large physical plants and are further characterized by great volumes of traffic, the creation of bio-hazardous wastes, and great parking requirements. Typically these facilities provide overnight accommodations for patients.

Automobile and trailer sales areas--retail establishments which require large physical plants, excessive lighting, and are characterized by traffic-oriented (non-pedestrian) usage with great parking requirements. These uses are inconsistent with the pedestrian, village character of Gambier.

Light and Heavy Industrial Uses--typically large facilities which create high-volume demands

upon utilities and which are further characterized by the creation of noise, fumes, dust, and other by-products which are especially undesirable in close conditions such as those presented by the Village of Gambier. These uses may also require large amounts of land for their physical facilities which the Village of Gambier does not desire to have used in such a manner, considering its rural nature.

Extraction and junkyard uses--including junk, scrap, or salvage yards and automobile wrecking and all extraction uses of any kind. These uses create major disruption to the area's environment, even when carefully regulated. Dust, dirt, noise, and unsightly conditions are unavoidable. None of these uses is an acceptable neighbor in a residential or village environment.

4.11 Garage sales. No more than three garage sales may be held at any one address during any calendar year. Each garage sale shall be held no longer than three consecutive days and must be conducted during daylight hours.

4.12 Driving over sidewalks or curbs. No person shall drive over any sidewalk or curb for any purpose in connection with construction or demolition or the delivery of material therefor or removal of material therefrom, or for any other purpose in connection therewith, without first having obtained written permission endorsed on its zoning certificate or demolition permit to do so from the Zoning Inspector and posting a deposit or bond, adequate to reimburse the Village for any costs which may be incurred by the Village because of damage or destruction caused thereby, and in the form and amount directed or approved by the Mayor and the Zoning Inspector. Such deposit shall not be returned, nor shall the surety under a bond be released, until operations have been completed and an inspection of the premises and adjoining premises, made by the Zoning Inspector, reveals no uncorrected damage or destruction. Any costs incurred by the Village in correcting damage or destruction shall be deductible from the deposit or, when operations are performed under a bond, paid by the person, firm or corporation acting as surety.

4.13. Storage and handling of construction/demolition material and equipment. No material or equipment shall be stored or placed so as to be a hazard to the public, workers, adjoining property, or to the structure on which it is placed. No fire hydrant, emergency call box, public utility box, catch basin, or manhole shall be obstructed or rendered inaccessible, and every tree, light pole, and utility pole shall be protected and maintained free from damage; and no material shall be piled, or equipment or structure placed, so as to interfere with the proper drainage of streets or other public property. No material shall be handled, worked upon, or prepared so that public property may be damaged thereby.

4.14. Minimum maintenance requirements. Every owner, lessee, or tenant of any property shall keep in good repair all of the exterior portions of each building and each lot, including any portions thereof which, if not so maintained, may cause or tend to cause such portions, building, or lot to deteriorate, decay, or become damaged or otherwise fall into a state of disrepair. The repair and maintenance required by this section includes, without limitation:

- A. Structurally stabilizing each building and lot by taking all steps necessary to ensure that:
  1. The roof is watertight;
  2. Gutters are properly pitched and cleared of debris;
  3. Downspout joints are intact;
  4. Drains are unobstructed;

5. Windows, doors, framing therefor, and siding are in good condition;
6. Masonry walls are sealed to keep out moisture;
7. The lot is graded for proper water run-off;
8. Non-landscaped vegetation is cleared from around each building and that grass is no longer than 18 inches; and
9. Trash, debris, and hazardous materials such as flammable liquids, poisons, and paints are removed from the building and lot on a continuous basis.

The replacement of original support systems (either vertical or horizontal) with new members or elements (either interior or exterior), not adequately designed to carry normal loads, shall not be permitted.

B. Securing each vacant building and lot from vandalism and break-ins.

4.15. Zoning of land annexed to the Village. Upon the annexation of any land to the Village of Gambier, the Village Council shall pass legislation zoning the annexed territory as “Conservation” as soon as permitted under law. Thereafter, the owner(s) of the land may petition for a rezoning of the property as provided by other sections of this Zoning Code. In the event that the owner(s) have received approval from the Village Planning Commission in advance of the annexation for a particular development not permitted in a “Conservation” district, and by agreement with the Village Council, the annexed land may be classified in a district other than “Conservation.”

## CHAPTER 5--RESIDENTIAL DISTRICT “R”

5.0 Purpose. The residential district is intended to preserve the character of existing residential neighborhoods and developments under construction at the time of adoption of this ordinance. It is designed to prevent these neighborhoods and developments from becoming nonconforming under the terms of this ordinance. This district is also intended to provide for minor in-filling within existing neighborhoods consistent with their zoning and character at the time of enactment of this ordinance. Gambier’s residential neighborhoods have been stable areas for dwelling and property ownership. In part, their character is heavily defined by the pedestrian nature of the entire Village. These regulations permit future development consistent with that existing character. Areas identified as having a stable and fixed residential character should continue to exist and develop under the general regulations governing the design and construction or the actual plat plans previously approved.

This district is considered appropriate for moderate, small scale new development which caters to the pedestrian.

### 5.1 Uses permitted in the Residential district.

A. Single-family dwellings.

B. Churches, schools (pre-kindergarten through grade 12), libraries, parks, cemeteries, and playgrounds.

C. Accessory uses to those listed above including secondary dwelling units. Accessory uses shall be permitted on the same lot with and incidental to any permitted use; they shall not be conducted as an independent principal use. Any question of whether a particular use is permitted as an accessory use by the provisions of this ordinance shall be determined by the Planning Commission pursuant to its authority to interpret the provisions of this ordinance.

D. Home occupations.

E. Bed and breakfasts of 5 units or less.

5.2 Conditional uses in the Residential district.

A. Two-family dwellings.

1. Conversion: Any structure in the residential and Mixed-Use District, built primarily as a single-family residence that is converted for use as a duplex or multi-family dwelling may not be divided into more than three (3) residential units, with each unit meeting at least the minimum requirement of six hundred (600) square feet of living space. Such converted single-family residences must continue to have a single entrance and must offer at least one (1) and no more than two (2) enclosed garage stalls per unit. In addition, provision must be made for screened storage of two (2) thirty (30) gallon trash cans per unit. Owner must make every effort to ensure the building and its grounds remain compatible with those of single-family residences in the neighborhood, especially those closest to it.
2. New Building: Any new building constructed in the residential district as a duplex or multi-family dwelling may not include any unit with fewer than six hundred (600) square feet of living space. Such buildings must offer at least one (1) and no more than two (2) enclosed garage stalls per living unit. In addition, provision must be made for screened storage of two (2) thirty (30) gallon trash cans per unit. Owner must make every effort to insure the building and its grounds remain compatible with those of single-family residences in the neighborhood, especially those closest to it.

B. Bed and breakfasts of 6 or more units.

C. Multi-family dwellings.

1. Conversion: Any structure in the residential and Mixed-Use District, built primarily as a single-family residence that is converted for use as a duplex or multi-family dwelling may not be divided into more than three (3) residential units, with each unit meeting at least the minimum requirement of six hundred (600) square feet of living space. Such converted single-family residences must continue to have a single entrance and must offer at least one (1) and no more than two (2) enclosed garage stalls per unit. In addition, provision must be made for screened storage of two (2) thirty (30) gallon trash cans per unit. Owner must make every effort to ensure the building and its grounds remain compatible with those of single-family residences in the neighborhood, especially those closest to it.
2. New Building: Any new building constructed in the residential district as a duplex or multi-family dwelling may not include any unit with fewer than six hundred (600) square feet of living space. Such buildings must offer at least one (1) and no more than two (2) enclosed garage stalls per living unit. In addition, provision must be made for screened storage of two (2) thirty (30) gallon trash cans per unit. Owner must make every effort to insure the building and its grounds remain compatible with those of single-family residences in the neighborhood, especially those closest to it.

D. Certain home occupations, as permitted by §5.7.

E. Public and/or Government buildings.

F. Parking lots in excess of three (3) spaces

G. Cellular phone, radio, and any other kind of transmission tower.

H. Utility sub-stations and pump houses providing that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety, welfare, or quality of life of the residents of the area.

5.3 Prohibited uses. No clubs, funeral homes, retail or commercial establishments, motels, hotels, auto or trailer sales areas, service stations utility office buildings, or agricultural uses are permitted as uses within the residential district. All other uses not specifically addressed in sections 5.1- 5.3 shall be deemed prohibited uses in the Residential districts.

5.4 Required lot size.

A. For single- and two-family dwellings, each lot shall be no less than 7,000 square feet unless the Planning Commission determines that a lot of a smaller area serves the health and safety purposes of this ordinance, including required yards, buffer yards, and setbacks. See also frontage requirements found in section 4.5.

B. For multi-family dwellings and all permitted uses other than those listed in subsection A., each lot shall be no less than 10,000 square feet unless the Planning Commission determines that a lot of a smaller area serves the health and safety purposes of this ordinance, including required yards, buffer yards, and setbacks. See also frontage requirements found in section 4.5.

C. For all other conditional uses, each lot shall be no less than the size necessary to provide for all required yards, buffer yards, setbacks, and other provisions of this ordinance as determined by the Planning Commission upon the submission of an application for a zoning certificate.

5.5 Height regulation in the Residential district. No residential dwelling shall exceed two and one-half (2 ½) stories or thirty (30) feet in height.

5.6 Required yard.

A. Front: shall be not less than the average established for the block on which the development is to be located, or alternatively, the average of the setbacks of the two properties on each side of the proposed development. On a street where there is no established setback, the minimum shall be five (5) feet to steps or enclosed porches or ten (10) feet minimum to the main building.

Side-loaded garages may be placed a minimum of 10 feet from the lot front but front-loaded garages require a minimum setback of twenty (20) feet. In no case will a front-loaded garage be closer to the street than the front wall of the main building. The maximum setback allowed in all circumstances is twenty (20) feet if no setback is established by practice on that block. Generally, the closer towards the center of the Village a property lies, the shallower its front yard setback should be.

B. Side: shall be a minimum total (on both sides of the building) of 20 feet with not less than 5 feet of side yard on each side of the building. Generally, the closer towards the center of the Village a property lies, the smaller the side yards should be.

C. Rear: 35 feet minimum.

5.7 Home occupation regulations. It is the intent of this ordinance to permit the operation of home occupations in circumstances such that the average neighbor, under normal circumstances, will not be aware of their existence other than for a permitted sign. No special permits or applications are necessary so long as the home occupation use meets all of the following criteria:

A. The occupation must be clearly incidental to the use of the dwelling as a residence.

- B. No outdoor display or storage of materials, goods, supplies, or equipment used in the home occupation shall be permitted on the premises.
- C. There shall be no visible evidence that the residence is being operated as a home occupation, except for the permitted sign.
- D. A maximum of one (1) full-time equivalent person other than members of the immediate family residing in the dwelling may be employed in the home occupation.
- E. Off-street parking shall be provided on the premises, or as other sections of this ordinance specify.
- F. A home occupation use shall not generate nuisances such as traffic, on-street parking to excess, noise, vibration, glare, odors, fumes, electrical interference, or hazards to any greater extent than what is usually experienced in the residential neighborhood.

If a home occupation use does not meet all of these criteria completely, then the owner/occupant must apply to the Planning Commission for a conditional use permit. Operation of a home occupation requiring a conditional use permit without making application for such constitutes a violation of this ordinance.

5.8 Secondary Dwelling Units. All secondary dwelling units (SDU) shall meet the following requirements to be maintained as a permitted accessory use to a primary residential structure:

- A. There shall be a maximum of one SDU on any single lot.
- B. The gross minimum area of an SDU shall be 600 square feet.
- C. The gross above-ground floor area of a separate or detached SDU shall not exceed 900 square feet unless, upon the recommendation of the Planning Commission, a larger amount would permit the use of existing buildings to be converted into an SDU.
- D. Off-street parking and yard area shall be provided and screened according to the requirements of the zoning code.
- E. SDUs in principal residences or in new/traditional outbuildings shall be designed to harmonize with the vernacular rural buildings of the Village's historical landscape.

5.9 Application to Planning Commission. Development plans of all proposed permitted and/or conditional uses in the Residential district shall be submitted along with maps, surveys, land-scaping plans, and other required information to the Planning Commission as an application for a zoning certificate for review, report, and action thereon. General criteria for reviewing a development plan for such a proposal shall be:

- A. The proposed building or use shall be in conformance with all of the provisions of this chapter, and other applicable sections of this ordinance and any other planning documents of the Village; and
- B. The proposed building or use is properly located in such a way as to generate a minimum of traffic on local streets; and
- C. The location, design, and occupancy of such a building or use will complement or enhance the surrounding residential neighborhoods and the Village's architectural design and character; and

D. The location, design, and occupancy of such a building or use will not cause harm of any sort to the surrounding residential neighborhoods or the Village's architectural design and character.

## CHAPTER 6--INSTITUTIONAL DISTRICT "I-1"

6.0 Purpose. The Institutional district and the accompanying regulations are hereby established in order to achieve, among others, the following purposes: to provide educational facilities in locations for the full development of a college campus in a spacious and well-organized environment (specifically, Kenyon College); to protect the surrounding residential neighborhoods during development and to establish a stable relationship with the residential citizens adjacent thereto; and to provide a zoning classification and conditions for the proper functioning of college educational facilities in conformance with the objectives of this ordinance.

6.1 Uses permitted in the Institutional district. Buildings and land shall be used and buildings shall be designed, erected, altered, moved, or maintained in the Institutional district only for these uses:

- A. College or university buildings, meaning administrative and faculty offices, classrooms, auditoriums, commons, dormitories, laboratories, recreational spaces, assembly and dining facilities and all facilities and areas normally associated with these uses.
- B. Churches, schools (pre-kindergarten through grade 12), day-care, libraries, parks, cemeteries, and playgrounds.
- C. Student residences.
- D. Similar uses, being any other institutional use not listed above and determined as "similar" by the determination of the Planning Commission, with approval of Council.
- E. Accessory uses pertaining to these uses. Any question of whether a particular use is permitted as an accessory use by the provisions of this ordinance shall be determined by the Planning Commission pursuant to its authority to interpret the provisions of this ordinance.

6.2 Conditional uses in the Institutional district.

- A. Single-, two-, and multi-family dwellings.
- B. Clubs, lodges, and recreational facilities designed for use by non-profit organizations.
- C. Retirement living and life-care centers.
- D. Cellular phone, radio and other transmission towers.
- E. Home occupations.
- F. Parking lots in excess of three (3) spaces.
- G. Chain-link fencing other than softball/baseball backstops.
- H. Utility sub-stations and pump houses providing that such structures will not detract from the area nor adversely affect the comfort, safety, welfare, or quality of life of the residents of the area.
- I. Gymnasiums or stadiums with a capacity of 700 or more persons.

6.3 Prohibited uses. All uses not specifically addressed in sections 6.1 and 6.2 are deemed prohibited uses.

6.4 Required lot area and lot width and yard requirements.

- A. Minimum lot area: ten thousand (10,000) square feet
- B. Minimum lot width: fifty (50) feet
- C. Minimum front yard: thirty-five (35) feet, unless for residential uses where twenty (20) feet is minimum required.
- D. Minimum side yard: 10 feet, unless it is a non-residential use abutting a Residential District in which case 50 feet side yard is required, unless the building on the lot is already closer, in which case it may be expanded to the rear consistent with the existing side yard.
- E. Minimum rear yard: thirty-five (35) feet, unless abutting a Residential District in which case fifty (50) feet is required.
- F. Conditional uses may require larger setbacks for buffering purposes.
- G. Under no circumstances shall impervious surface area within any given lot or parcel surrounded by public right-of-way exceed twenty percent (20%) of total ground area.

6.5 Building height regulation. No building in the institutional district shall exceed 50 feet in height.

6.6 Application to Planning Commission. Development plans of all proposed buildings and land improvements shall be submitted along with maps, surveys, landscaping plans and other required information to the Planning Commission as an application for a zoning certificate for review, report, and action. General criteria for reviewing a development plan for such facility shall be:

- A. The proposed building or use shall be in conformance with the provisions of this chapter, and other applicable sections of the ordinance and any other planning documents of the Village; and
- B. The proposed building or use is properly located in such a way as to generate a minimum of traffic on local streets; and
- C. The location, design, and operation of such building or use will not adversely affect the surrounding residential neighborhoods or the Village's architectural design and character;
- D. Adequate sewers, drainage, and other utilities will be provided by the developer.

## CHAPTER 7--RECREATIONAL INSTITUTIONAL DISTRICT "I-2"

7.0 Purpose. The purposes of this section are to provide for the usage of land by local institutions, specifically Kenyon College, which is characterized by large land amounts, such as for athletic fields and other spacious facilities; to safeguard the views to and from the valleys which surround the Village; and to minimize the capital loss and risk to life and property which may be experienced in areas subject to occasional flooding or erosion.

7.1 Uses permitted in the Recreational Institutional district. Other facilities which are not included in the uses permitted under Chapter 6 but are associated with recreational institutional use, such as parks, tennis courts, stadiums and athletic fields, and their accessory uses. Any question of whether a particular use is permitted as an accessory use by the provisions of this ordinance shall be determined by the Planning Commission pursuant to its authority to interpret the provisions of this ordinance.

7.2 Conditional uses in the Recreational Institutional district.

- A. Parking lots in excess of three spaces.

- B. Other uses by educational, charitable, or scientific organizations.
- C. Other athletic/recreational facilities enclosed by buildings or structures.
- D. Cellular phone, radio and other transmission towers.
- D. Chain-link fencing other than softball/baseball backstops.
- F. Utility sub-stations and pump houses providing that such structures will not detract from the area nor adversely affect the comfort, safety, welfare, or quality of life of the residents of the area.

7.3 Uses prohibited in the Recreational Institutional District. No commercial, business, residential, or other uses are permitted in the Recreational Institutional district unless they are directly and tangibly related to the educational, charitable, and/or scientific purposes for which the organization exists. Any such prohibited uses proposed for the Recreational Institutional District will constitute an application for a rezoning of property and will be handled according to the procedures and criteria set forth in Chapter 19.

7.4 Application to the Planning Commission. Development plans of all proposed facilities and land improvements shall be submitted along with maps, surveys, landscaping plans and other required information to the Planning Commission as an application for a zoning certificate for review, report, and action. General criteria for reviewing a development plan for such facility or use shall be:

- A. The proposed facility or use shall be in conformance with the provisions of this chapter, and other applicable sections of the ordinance and any other planning documents of the Village; and
- B. The proposed facility or use is properly located in such a way as to emphasize the open land characteristic of this district; and
- C. The proposed facility or use is directly related to the educational, charitable, recreational, and/or scientific purposes for which the organization exists; and
- D. The proposed facility or use is tangibly related to the educational, charitable, recreational, and/or scientific purposes for which the organization exists; and
- E. The proposed facility or use will not result in damage, inconvenience, or harm to adjacent residential property owners.

## CHAPTER 8--HISTORIC INSTITUTIONAL DISTRICT "I-3"

8.0 Purpose. The purpose of the Historic Institutional district is to recognize that institutions such as colleges have special developmental needs and land use requirements. Kenyon College forms an integral part of the community; the development of the campus in this district has included reverent acknowledgment of the college's special history, historic buildings, and the impact of these special qualities on the remainder of the Village. Kenyon College intends to safeguard those characteristics as viewed from the public ways and it is, therefore, the intent of this district to provide for the protection and, where necessary, the continued growth of the college, and to allow for future development consistent with the existing areas.

### 8.1 Permitted Uses in the Historic Institutional District.

- A. College buildings, meaning administrative and faculty offices, classrooms, auditoriums, commons, dormitories, laboratories, assembly and dining facilities, and all facilities and areas normally associated with these uses.
- B. Sorority and fraternity houses.
- C. Passive recreational uses including parks and nature preserves.

8.2 Conditional Uses in the Historic Institutional district.

- A. Active recreational uses such as gymnasiums, auditoriums or stadiums with a possible capacity of 700 or more persons.
- B. Parking lots in excess of three (3) spaces.
- C. Any use related to permitted uses involving commercial enterprise directed at the general public in addition to students or faculty.

8.3 Prohibited Uses in the Historic Institutional district. All uses not specifically addressed in sections 8.1 and 8.2 are deemed prohibited uses.

8.4 Development Standards for the Historic Institutional district.

- A. Lot requirements. There are no minimum or maximum setbacks, lot sizes, or frontages, excepting that any development within 200 feet of a public right-of-way shall be built according to any additional design standards adopted by the Planning Commission. In addition, all structures shall be set back from all public right-of-ways and adjacent property lines a minimum of 50 feet, unless the Planning Commission specifically finds that the proposed development more truly conforms to the design standards if a smaller setback is used.
- B. Building requirements. Maximum height for structures located in the Historic Institutional District shall be fifty (50) feet.
- C. General design standards exemption. The general design standards of §13.1 shall not apply to development within the Historic Institutional District. All other provisions of Chapter 13 related to elements such as parking, screening, and lighting shall apply.

8.5 Application to the Planning Commission. Final development plans of all proposed facilities and land improvements shall be submitted along with all required maps, surveys, landscaping plans and other information to the Planning Commission as an application for a zoning certificate. General criteria for reviewing a development plan and application in this district shall be:

- A. The proposed facility or use is in conformance with the provisions of this chapter and other sections of the zoning code and any other planning documents of the Village; and
- B. The proposed building or use is properly located in such a way as to enhance, not detract, from the surrounding area and emphasizes the pedestrian nature of the Village; and
- C. The location, design, and operation of such building or use will not adversely affect the surrounding residential neighborhoods or the Village's architectural design and character; and
- D. Adequate sewers, drainage and other utilities are provided by the institution.

CHAPTER 9--MIXED-USE DISTRICT "M"

9.0 Purpose. The purpose of the Mixed-use district is to provide for retail facilities, residences, and services of such a nature as to be fully compatible with each other, given the close proximity of buildings in the district, and with the surrounding neighborhood, given its pedestrian nature. This district is intended to serve as a community focal point, especially as a business and service center. The Mixed-use district in Gambier is established in order to:

- A. Provide appropriate areas for local business activities and local shopping facilities providing goods and services which bear a proximate relationship to the requirements of the community as a whole, and which are compatible with the residential and pedestrian character of the community and with each other;
- B. Protect adjacent residential, institutional, and business developments and the general public by restricting the types of uses, particularly at the common boundaries, which could create hazard, noise, glare, high intensity traffic, odor or other objectionable influences; and
- C. Promote the most desirable land uses within a retail business district so as to protect and promote the development of the community primarily for single-family residence and institutional purposes.
- D. Provide uses that meet the retail and service needs of a traditional village center and its vicinity, and continuing other compatible uses such as civic and institutional uses of community-wide importance, including second-floor residential or office uses, when possible.

9.1 Uses permitted in the Mixed-use district.

- A. Any use permitted in the Residential district.
- B. General retail establishments, conducted entirely within enclosed buildings, for the sale and/or rental of merchandise or services such as: household furniture, clothing, shoes, household hardware, appliances, paint, variety stores, groceries, baked goods, flowers, periodicals, tobacco, meat markets, drugs, restaurants, tea/coffee rooms, taverns, barber/beauty shops, tailors, and bicycle shops.
- C. Business and professional offices such as: medical and dental clinics, law offices, insurance and real estate offices; governmental offices; financial institutions; institutional offices and support facilities; and utility company offices.
- D. Similar permitted main uses in Mixed-use districts include any other office, retail establishment or personal service not listed in subsection B. above and determined by the Planning Commission to be similar to those listed as to the following characteristics: amount of traffic generated, number of employees, number of off-street parking and loading facilities required, hours of operation, and municipal services required.
- E. Accessory uses or buildings to those uses. Any question of whether a particular use is permitted as an accessory use by the provisions of this ordinance shall be determined by the Planning Commission pursuant to its authority to interpret the provisions of this ordinance.

9.2 Conditional uses in the Mixed-use district.

- A. Two-Family Dwellings:

1. Conversion: Any structure in the residential and Mixed-Use District, built primarily as a single-family residence that is converted for use as a duplex or multi-family dwelling may not be divided into more than three (3) residential units, with each unit meeting at least the minimum requirement of six hundred (600) square feet of living space. Such converted single-family residences must continue to have a single entrance and must offer at least one (1) and no more than two (2) enclosed garage stalls per unit. In addition, provision must be made for screened storage of two (2) thirty (30) gallon trash cans per unit. Owner must make every effort to ensure the building and its grounds remain compatible with those of single-family residences in the neighborhood, especially those closest to it.
- B. Bed and Breakfast of six (6) or more units.
- C. Multi-Family Dwellings:
  1. Conversion: Any structure in the residential and Mixed-Use District, built primarily as a single-family residence that is converted for use as a duplex or multi-family dwelling may not be divided into more than three (3) residential units, with each unit meeting at least the minimum requirement of six hundred (600) square feet of living space. Such converted single-family residences must continue to have a single entrance and must offer at least one (1) and no more than two (2) enclosed garage stalls per unit. In addition, provision must be made for screened storage of two (2) thirty (30) gallon trash cans per unit. Owner must make every effort to ensure the building and its grounds remain compatible with those of single-family residences in the neighborhood, especially those closest to it.
  2. New Building: Any new building constructed in the residential district as a duplex or multi-family dwelling may not include any unit with fewer than six hundred (600) square feet of living space. Such buildings must offer at least one (1) and no more than two (2) enclosed garage stalls per living unit. In addition, provision must be made for screened storage of two (2) thirty (30) gallon trash cans per unit. Owner must make every effort to insure the building and its grounds remain compatible with those of single-family residences in the neighborhood, especially those closest to it.
- D. Certain Home Occupations, as permitted in Section 5.7.
- E. Public and/or Government Buildings.
- F. Funeral homes, laundromats, dry cleaners, and automobile service stations.
- G. Parking lots in excess of three (3) spaces.
- H. Cellular phone, radio, and other transmission towers.
- I. Utility sub-stations and pump houses providing that such structures will not detract from the area or adversely affect the comfort, safety, welfare, or quality of life of the property owners of the area.

9.3 Prohibited Uses. No agricultural uses are permitted within the Mixed-use district. Specifically prohibited are drive-through service windows, indoor/outdoor amusement businesses, automobile sales, car washes, betting parlors, and mini-storage facilities. All other uses not specifically addressed in sections 9.1-9.3 shall be deemed prohibited uses in the Mixed-use districts.

9.4 Required lot area, lot width, and yards in Mixed-use district.

- A. Minimum lot area for commercial uses: two-thousand (2,000) square feet.

B. Minimum lot width for commercial uses: fifty (50) feet.

C. Other required yards: Any residential use in the Mixed-use district shall comply with all of the minimum lot and yard requirements of the Residential district. The minimum front or side yards required for all uses in this district shall be not less than that established for the street on which the development is to be located, or five (5) feet, except for commercial and business uses which adjoin a residential district; those uses shall provide a side yard on that adjoining side equal to that required in the adjoining residential district. A rear yard of 20 feet shall be maintained. Where a lot line abuts an alley, one-half of the width of such alley may be considered in meeting the rear yard requirements.

9.5 Building height regulation in the Mixed-use district. No building shall exceed two and one-half (2 ½) stories or thirty (30) feet in height.

9.6 Massing Regulations in Mixed-use district. Maximum above-ground area of any building shall be two thousand five hundred (2500) square feet on single-story buildings, or six thousand (6000) square feet on two-story buildings. Basement square footage shall not be counted towards the maximum permitted in order to encourage efficient use of land within the village center.

9.7 Landscaping and Screening Provisions. Open storage areas, loading areas, exposed machinery, and outdoor areas used for the storage and collection of rubbish must be screened from the roads and surrounding properties. Suitable types of screening include a living fence, privacy or screening fence, and dense hedges; no such screening shall be required to exceed ten (10) feet in height.

9.8 Secondary Dwelling Units in the Mixed-Use district. Secondary Dwelling Units shall follow those design standards found for residential districts except that they shall not be limited to 1 unit per lot. Mixed-use SDUs shall be a minimum of 450 square feet and without maximum square footage requirements providing that the SDU use is secondary to the primary business use.

9.9 Application to the Planning Commission. Development plans of all proposed uses, facilities and land improvements in the Mixed-use district shall be submitted along with maps, surveys, landscaping plans and other required information to the Planning Commission as an application for a zoning certificate for review, report, and action. General criteria for reviewing a development plan for such facility or use shall be:

- A. The proposed building or use shall be in conformance with the provisions of this chapter, and other applicable sections of the ordinance and any other planning documents of the Village; and
- B. The proposed building or use is properly located in such a way as to emphasize pedestrian traffic over vehicular traffic within the Village; and
- C. The location, design, and occupancy of such a building or use will complement or enhance the surrounding business developments and the Village's architectural design and character; and
- D. The location, design, and occupancy of such a building or use will not cause harm of any sort to any neighboring residential districts or the Village's architectural design and character.

## CHAPTER 10--CONSERVATION DISTRICT "C"

10.0 Purpose. The primary purpose of the Conservation district is to protect the public health and to

reduce the financial burdens imposed on the community, its governmental units, and its individual citizens which may result from improper use of lands having excessively higher water tables, steep slopes, or are subject to frequent and periodic floods and overflow. The Village of Gambier is located at the crest of a significant hill (which rises approximately 100 feet above the surrounding countryside) with exceptionally steep slopes at its periphery. To the south of the Village lies the Kokosing River and river valley. The northern half of the Village is comprised of sharply undulating hillsides and valleys. The combination of these natural features pose the significant risks of flood, erosion, and structural unsoundness for developments in the district. The intention of delineating a Conservation District is to permit reasonable investment into land without unnecessarily subjecting human health and life to natural destructive events, to conserve Village and other government resources in the wake of such events, and to preserve the natural beauty and value of the geographic features which give the Village of Gambier a distinctive location identity.

#### 10.1 Uses permitted in the Conservation District.

- A. Any agricultural use, including forestry.
- B. Public or private, non-commercial lakes, parks, athletic fields, water conservation works, water supply works, flood control and watershed protection, and fish and game preserves.
- C. Accessory uses (which may include buildings and structures) related to the above uses.

#### 10.2 Conditional uses in the Conservation District.

- A. Cellular phone, radio, and other transmission towers.
- B. Utility sub-stations and pump houses providing that such structures will not detract from the area nor adversely affect the comfort, safety, welfare, or quality of life of the property owners of the area.

10.3 Prohibited uses in the Conservation District. Residential dwellings of any kind or configuration and commercial or business establishments not provided for in section 10.1 are prohibited uses in the Conservation district.

#### 10.4 General provisions.

- A. Minimum lot size: seven thousand (7,000) square feet.
- B. Minimum frontage: fifty (50) feet
- C. Minimum front, rear, and side yards: No structure shall be located closer than 35 feet to any existing or proposed public right-of-way, and not closer than 15 feet to any side or rear lot lines.
- D. No structure shall exceed fifteen (15) feet in height.
- E. Buildings or structures authorized within the Conservation District shall not obstruct natural drainage courses and floodways.
- F. Reclamation of lands subject to flooding are authorized, provided that no filling (other than replacement of lost land), draining, construction of levees or other improvements intended to reduce the danger of flood or erosion shall be used in the reclamation process. All reclamation activities shall require supervision by a competent civil engineer, or else must be reviewed by the Planning Commission.
- G. All steep slopes, in excess of thirty percent (30%) slope, which are located in any Conservation district shall be considered and treated as erosion hazard areas.
- H. In any contiguous stand of trees, harvesting shall not remove more than twenty percent

(20%) of the volume of trees in any consecutive ten (10) year period. Harvesting operations shall be conducted in such a manner that a well-distributed stand of trees is retained and shall not create single openings greater than five hundred (500) square feet in size.

## CHAPTER 11—NONCONFORMING USES, SIGNS, OR BUILDINGS

11.0 Existing nonconforming uses--continuation. Except as hereinafter specified, the lawful use of building or premises existing at the time of the adoption or amendment of this ordinance may be continued, although such use, building, or structure does not conform with the provisions of the ordinance for the district in which it is located.

11.1 Nonconforming uses or buildings--enlargement, substitution etc. No existing building or premises devoted to a use not permitted by this ordinance in the district in which such building or premises is located, shall be enlarged, extended, or reconstructed unless the use thereof is changed to a use permitted in the district in which such building or premises is located, and except as follows:

A. Nonconforming use made to conform. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

B. Unsafe buildings. When the safety to the occupants of said structure or structures is in danger, and then repair shall be limited to the correction only of existing threats.

11.2 Discontinuance of a use. No building, structure or premises where a nonconforming use has been discontinued for a period of 6 months or more shall again be put to a nonconforming use.

11.3 Repairs and alterations. Repairs and maintenance work as required to keep a building in sound condition may be made to a nonconforming use, provided that the total structural repairs and alterations shall not, during its life subsequent to the passage of this ordinance, exceed 51% of the assessed value of the building or structure as determined by an insurance adjuster, fire department official or estimated, or other appraisal, unless such building or use is permanently brought into conformance with this code.

11.4 Non-conforming lot of record. When a lot which is an official lot of record at the time of adoption of this ordinance does not comply with the area, yard, or other requirements of this ordinance, such lot may be used as a building site provided, however, that the yard and other requirements of the ordinance are complied with as closely as possible as determined by the Planning Commission.

11.5 Non-conforming signs.

A. The provisions of this Chapter shall apply to all existing exterior signs rendered nonconforming by the provisions of Chapter 14 (Sign regulations), provided, however, that no exterior sign may be enlarged, reconstructed, altered to identify a different business, owner, tenant, operator, agent, or use, or structurally altered unless conforming to the provisions of Chapter 14. The Planning Commission shall not permit the replacement, installation, enlargement, reconstruction, or alteration of any exterior sign unless it is brought into conformity with the provisions of Chapter 14. Minor repair, cleaning, or change of copy for the same business or use, however, shall be permitted regardless of the conforming or nonconforming status of the exterior sign.

B. Whenever a tenant or use vacates a premises, the owner of such premises shall, within 10 days after such vacation, remove all signs that pertained to or related to the former tenant or use. If a new tenant or use occupies the premises within the 10-day period, the signs may remain. When the use or maintenance of any sign is discontinued the owner of such sign shall immediately remove the same including the pole, sign box, electrical connections, sign facing,

frame, brackets, and other components, or the Zoning Inspector shall be empowered to take such action as may be necessary to abate such nuisance.

## CHAPTER 12--SPECIAL PROVISIONS

12.0 General and specific prohibitions. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition. Specifically:

- A. Any activity involving the use of flammable or explosive materials shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
- B. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- C. Noise which is objectionable as determined by the Commission due to volume, frequency or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- D. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- E. No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.

12.1 Exceptions to height limits. The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; also, the limitation does not apply to monuments, water towers, chimneys, smoke stacks and flagpoles. For regulations relating to transmission towers, radio towers, cellular phone towers, and aerials see section 13.8.

12.2 Allowable projections of business structures over sidewalks. Awnings, canopies, and similar devices are permitted to overhang the sidewalk in the Mixed-use district only, providing that all structures are a minimum of 6 feet 8 inches above the sidewalk at any point. This section does not apply to signs which are governed by Chapter 14 of this ordinance.

12.3 Demolition of structures and/or buildings.

- A. Purposes. The principal purpose of this section is to preserve the architectural character of the Village of Gambier and to protect the health and safety of its citizens by regulating the demolition of structures and/or buildings. This section is intended to accomplish these purposes without discouraging new development.
- B. Scope and Application. The provisions of this section shall apply whenever buildings or other structures are demolished, moved or removed in whole or in part. All work of demolition or moving or removing of buildings or other structures or parts thereof shall be in conformity with the provisions of this section and in conformity with accepted safe practice.
- C. Permit required.
  - 1. No person, firm or corporation shall raze or demolish or remove a building or other structures, or part thereof, without applying for and obtaining a permit therefor from the Zoning Inspector. This permit is separate from those required for construction or other work regulated by any building code. The application shall be accompanied by detailed plans, with specifications, of the proposed final condition (including any and all new

construction) of the lot after demolition. Within seven (7) days of receipt of an application, the Zoning Inspector shall forward the application to the Mayor and the Planning Commission.

2. For applications proposing the demolition or moving of a building, the Planning Commission shall determine whether the proposed action will significantly detract from the Village's architectural and design character. The Planning Commission shall consider both the intrinsic significance of the building and its significance to adjoining properties and the Village overall. "Intrinsic significance" is the overall value of the building or structure in consideration of its age, history, condition, cultural affiliation, human safety, and contribution now or in the future to the economic vitality of the Village.

3. If it is determined that the demolition proposal will not significantly detract from the Village's architectural and design character, the Planning Commission shall make written recommendation of approval of the application. If the Planning Commission determines otherwise, it shall make a finding of "delayed approval," not to become effective for a period of one hundred twenty (120) days. This time period is provided to permit the Village, public agencies, civic groups and other interested parties a reasonable opportunity to seek alternatives to the proposed action. Alternatives might include acquisition or moving of a property to be demolished. If "delayed approval" is granted but no alternative is deemed prudent or advisable at the conclusion of one hundred twenty (120) days, the demolition permit shall be considered approved and the Zoning Inspector shall so indicate through his endorsement upon the plans and specifications submitted.

4. A demolition permit issued shall be construed to be a license to proceed with the work. It shall not be construed as authority to violate, cancel, alter or set aside any of the provisions of any building code or other applicable laws, ordinances, rules or regulations, nor shall such issuance of a permit prevent the Zoning Inspector from thereafter requiring a correction of errors in plans or in construction or of violations of any building code or of other applicable laws, ordinances, rules or regulations. When the demolition permit is issued, the Zoning Inspector shall endorse in writing or stamp on all application pages or plans "approved" with the date, signature, and reference to the Planning Commission's date of final decision. Such approved plans and specifications shall not be changed, modified or altered in any manner without authorization from the Commission, and all work shall be done in accordance with the approved plans and specifications. The Zoning Inspector shall retain a copy of the approved plans for the Village's records.

D. Time limitation and completion. The approval of specifications for demolition is invalid if demolition and construction or other work upon the property has not commenced within six (6) months of the date of approval of the permit. If in the course of demolition, work is delayed or suspended for more than six (6) months, the approval of the plans and specifications will expire and before any work may resume, the owner of the building shall resubmit the plans or specifications for approval pursuant to this section.

E. Protection of party walls and adjoining buildings.

1. Whenever a building or other structure on one side of a party wall is removed,

existing party walls shall be maintained in a safe, weatherproof condition by and at the expense of the person causing the building or other structure to be removed. Temporary or permanent bracing shall be provided, as necessary for maintaining the stability of such party wall or adjoining building, whenever such stability is endangered by the removal of a building or other structure, or part thereof. Open beam holes in party walls exposed by removal of a building or other structure, or part thereof, shall be closed with approved masonry by and at the expense of the person causing them to be exposed.

2. Whenever any building or other structure is to be carried above the roof of an adjoining building, protection for skylights, roofs, and roof outlets of such adjoining building shall be provided by and at the expense of the person constructing or causing such building or other structure to be carried above the roof of the adjoining building, provided he is granted written permission to enter the adjoining premises for that purpose.

3. No accumulation of water which may undermine foundations or enter the basement or cellar of adjoining property, or result in other injury to adjoining property, shall be permitted in any excavation.

F. Cleaning of debris, deposit and fee. Prior to the commencement of any demolition of any structure or building on any private property by any person firm or corporation other than the owner of the property himself, the owner or lessee of the property or the contractor engaged in such work shall obtain an endorsement upon its demolition permit from and make a deposit of \$200.00 cash or certified check with the Zoning Inspector. Such endorsement and deposit shall be in addition to any other requirement. During the period of demolition, the street pavement, tree lawns and sidewalks shall be kept clean of all dirt and other debris caused by or arising from such work. In default thereof, and after reasonable notice to the permittee, the Village shall perform such cleaning and charge the cost thereof to the deposit herein before provided. After completion of such work and upon a determination by the Zoning Inspector that such areas are free of dirt and other debris, such deposit, less the cost of cleaning work performed by the Village and less a \$10.00 endorsement fee, shall be returned to the depositor thereof.

G. Work started without permit. Where work for which a demolition permit is required is started prior to obtaining such permit, all of the fees normally required shall be doubled, but the payment of such double fees shall not relieve any person from fully complying with the requirements of this section or any other ordinance, statute, or regulation.

12.4 Wetlands; permanent open space. All such areas shall remain as permanent open space. Wetlands may not be dredged, filled or drained, except as permitted by federal law..

12.5 Steep slopes. In areas of steep slopes, the following standards shall apply:

A. 12 to less than 15% slope: no more than 40% of such areas shall be developed and/or re-graded or stripped of vegetation.

B. 15 to 30% slope: no more than 30% of such areas shall be developed and/or re-graded or stripped of vegetation.

C. More than 30% slope: no more than 15% of such areas shall be developed and/or re-graded

or stripped of vegetation.

12.6 Erosion hazard areas.

- A. All such areas shall remain as permanent open space to every extent possible.
- B. Erosion hazard areas may be used to provide access to non-hazard areas, provided that no alternate means or routes above access are feasible.

12.7 Mature woodlands; woodlands; young woodlands.

A. No more than 15% of any mature woodland may be cleared or developed. The remaining 85% shall be maintained as permanent open space. No more than 30% of any woodlands may be cleared or developed. The remaining 70% shall be maintained as permanent open space. No more than 60% of any young woodland shall be cleared. The remaining 40% shall be maintained as permanent open space.

B. Replacement of woodlands credit. In the case of mature woodlands and/or woodlands, the developer may clear or develop more than the area otherwise permitted to be disturbed by this section, provided that the total mature woodland or woodland area disturbed shall not be increased by more than 50% of the area otherwise permitted to be disturbed (or 22.5% total of mature woodlands and 45% total of woodlands). In addition:

- 1. The developer shall designate a new woodland area on a part of the site not presently forested.
- 2. The new woodland area shall consist of 1.2 times the acreage of the woodland area disturbed pursuant to this subsection.

C. Establishment of woodlands. The establishment of a woodland for the purposes listed above shall conform to the following standards:

- 1. The minimum area shall be 1.5 acres.
- 2. No area of woodland shall be less than 50 feet wide.
- 3. Only native specie trees and woodland shrubs shall be used.
- 4. The following plant material shall be provided per acre of woodland to be established. Fractional requirements (resulting from fraction of acres to be established) shall be rounded up.

PLANT MATERIALS REQUIRED PER ACRE	MINIMUM SIZE
5 slower-growth canopy trees	4 inch caliper
10 canopy trees	2 ½ inch caliper
20 faster-growing canopy trees	1 inch caliper
30 slower growing canopy trees	5 feet (height)
10 understory trees	1 inch caliper
100 shrubs	2 feet (height)

- 4. All existing healthy trees shall be preserved to the maximum extent possible; all development plans shall include and identify the location of existing healthy trees.
- 5. All areas of newly established woodland shall be seeded as lawn or prairie unless ground cover has already been established.
- 6. All plantings shall occur during the season appropriate for the specific plant material within the calendar year following the improvement of any site or parcel or lot.

D. Maintenance of newly established woodland areas. Additional plants established by natural succession shall be retained. Dead trees shall be removed where they abut roads or buildings. Debris and litter shall be cleaned on an annual basis. Damage to 15% or more of the stand due to disease, wind, or fire shall require replacement of all such damaged plant material.

12.8 Plant materials. This section specifies the plant standards which must be met in order to satisfy the requirements for buffer yards, woodlands, open space, landscaping, and off-street parking landscaping. This section regulates the size of plant materials and the establishment and maintenance of woodlands and pre-existing plant materials. Although this section does not generally specify the location or spacing of plant material required, all plant materials shall be installed to maximize achieving the purpose (s) for which that planting is required. In the case of buffer yard planting, then, this means that plant materials shall be located so as to achieve the maximum level of protection to the less intense use.

A. Plant material specifications. Unless otherwise specifically indicated elsewhere in this ordinance, all plant materials shall meet the following minimum size standards:

PLANT TYPE	BUFFERYARD MINIMUM	ALL OTHER MINIMUM
Canopy tree		
Single stem	1 ½ inch caliper	2 ½ inch caliper
Multi-stem clump	6 feet (height)	10 feet (height)
Understory tree	4 feet (height)	1 ½ inch caliper
Evergreen tree	3 feet (height)	5 feet (height)
Shrub		
Deciduous	15 inches (height)	24 inches (height)
Evergreen	12 inches (height)	18 inches (height)

B. Existing plant material. Existing, healthy plant material may be counted as contributing to the total plant material required by this ordinance except in the case of establishment of new woodlands. Whenever an existing area meets the definition of woodland, it shall satisfy any planting required by this ordinance regardless of the mix of plant materials otherwise required. If an existing area does not meet the definition of woodland as required, additional plant material shall be installed in order to meet the requirements.

12.9 Soil erosion and sedimentation control.

A. Definitions. For the purposes of this section:

Soil erosion shall mean any removal and/or loss of soil by the action of water, ice, gravity, or wind. Erosion includes both the detachment and movement of soil particles.

Sedimentation shall mean the settling out of the soil particles which are transported by water or wind. Sedimentation occurrence when the velocity of water or wind in



which soil particles are suspended is slowed to a sufficient degree and for a sufficient period of time to allow the particles to settle out of suspension or when the degree of slope is lessened to achieve the same result.

Erodible slope shall mean all slopes with inclines in excess of 4%.

Large flat surface area (unpaved) shall mean an area which is flat or whose slope is less than 4% and which consists of more than 1000 square feet of exposed soil.

B. In order to prevent both soil erosion and sedimentation, a soil erosion and sedimentation control plan shall be required as a part of an application for a zoning certificate whenever a development in any district will involve any clearing, grading, transporting, or other form of disturbing land by the movement of earth, provided that any one of the following descriptions applies to the said movement of land:

1. Excavation, fill or any combination thereof will exceed 500 cubic yards.
2. Fill will exceed 3 feet in vertical depth at its deepest point as measured from the natural ground surface.
3. Excavation will exceed 4 feet in vertical depth at its deepest point as measured from the natural ground surface.
4. Excavation, fill or any combination thereof will exceed an area of 5,000 square feet.
5. Plant and/or tree cover is to be removed from an area exceeding 5,000 square feet on any parcel of land.

Specifically exempted from the requirement of a soil erosion and sedimentation control plan are farming or other agricultural uses which Gambier may not be empowered to regulate.

Whenever any land located in a stream, stream channel, or body of water is disturbed, a soil erosion and sedimentation control plan shall be provided with the application for a zoning certificate.

C. All measures necessary to minimize soil erosion and to control sedimentation in the disturbed land area shall be provided. Specifically, the following protection shall be provided for all disturbed areas: minimize velocities of water runoff, maximize protection of disturbed areas from stormwater runoff, and retain sedimentation within the development sites as early as possible following disturbances.

## CHAPTER 13--SITE DESIGN STANDARDS

13.0 Purposes. The purpose of design guidelines is to give a sense of the physical aspects and aspirations of a village environment to those persons contemplating any new development in the Village of Gambier. Related to the physical appearance is the design of the site, buildings, and structures, landscaping, signs, and other objects, which are observed by the public. These standards are intended to assist in the focusing on design principles which produce creative solutions that will develop a satisfactory visual appearance within the Village of Gambier, preserve land values, and promote the general welfare of the citizens. These general standards shall be applied by the Planning Commission to all districts within the Village of Gambier boundaries and any lands subsequently annexed to the Village. These standards are in addition to any criteria provided for the specific district in which the project is located. While each of these items is not mandatory, all of them must be considered, balanced with and against each other, and the findings of fact and the decision of the Planning Commission should reflect which principles guided the resulting action on the application.

### 13.1 General design standards.

A. The landscape shall be preserved in its natural state insofar as practicable, by minimizing tree and soil removal and grading. Any grade changes shall maintain a continuity in the general appearance of neighboring developed areas or shall maintain continuity with the natural features immediately adjacent to the site. The orientation of individual buildings shall maintain maximum natural topography and ground cover patterns. Topography, tree growth, and natural drainage shall be treated as fixed determinants for the location of roads, driveways, yards, structures, and lots rather than being treated as elements which can be changed to accommodate a preferred or desired development scheme. The presence or absence of plant material determines whether a building project is popular, well used, and perceived as a quality development. Landscaping should unify and organize different site elements, creating visual continuity.

B. Streets shall be designed and located in such a manner as to maintain and preserve natural topography, ground cover, significant landmarks, and trees; to minimize the need to cut and fill; and to preserve and enhance views on or off of the subject parcel.

1. Streets shall conform to the existing terrain and shall follow land contours as closely as possible. Although some streets may therefore be laid out in a curvi-linear manner, they shall be interconnected as much as practicable. In flatter areas, a more historic, rectilinear grid pattern is preferred. Access from a primary road to the site should be adequate, and should have the capacity to handle the traffic generated by the proposed project. Cul-de-sacs should be avoided.

2. Streets should be designed parallel to existing fence lines, tree lines, hedge-rows, and walls and should strive to minimize the land area devoted to motor vehicle traffic. Single-loaded parkway streets along natural features such as ridges or drainages are encouraged.

3. Streets should strive to secure the views of natural vistas from the primary elevation of the Village.

4. Street and traffic (as well as sidewalk) patterns should promote pedestrian traffic movement so that it is more convenient and pleasant to walk the short distances within Gambier than to drive. Drive-through windows or facilities do not promote pedestrian traffic in any way and shall not be permitted within the Village.

C. Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. Proposed buildings shall relate to their surroundings in an appropriate fashion.

1. New construction throughout the village should be compatible with surrounding properties, in terms of formal characteristics such as height, massing, roof shapes, and window proportions and locations. When new construction is surrounded by existing historic buildings, building characteristics, including building materials, shall be harmonious with those of adjacent properties. “Compatible” does not imply “identical,” but instead suggests that the element is not so different as to cause a visual disruption to the streetscape. A “historic building” is any building over 50 years old. “Harmonious” suggests a higher degree of “compatible” without being “identical.”

2. Height and massing. These elements are governed primarily by the height and setback requirements found within individual districts. However, attention should be paid to the individual mass of a particular building on the street where it will be or is located. The size and configuration of a building should be harmonious with that of other buildings within the immediate vicinity. New buildings should generally follow contemporary design approaches but should respect and reflect the traditional scale, proportions, rhythms, and mood of traditional existing structures. These values should be interpreted strongly into contemporary building design, but without resorting to the use of imitation historic building details. Building design must be consistent within the unit, and the “patch-working” of historically unrelated style elements is generally prohibited. Buildings should be oriented fronting the street and/or the location of the frontage of the lot unless another design principle necessitates otherwise in the opinion of the Planning Commission. The minimum building spacing requirement is intended to provide privacy, light, and air within dwelling units; where window locations along a wall are such to provide adequate privacy, light, and air within the building, the spacing between buildings may be reduced. Lot widths are intended to prevent the construction of long, narrow buildings with inadequate privacy, light, and air; where a building design is such that adequate privacy, light, and air will be provided, narrower lots may be permitted.

3. Roofs. Traditional buildings generally have pitched roofs, the degree of pitch typically reflecting the time of construction. Acceptable pitches in Gambier range from 8/12 to 12/12. Mansard roofs are inappropriate and are prohibited. Flat roofs are prohibited except on buildings over 6000 square feet in size which are located in any of the Institutional districts (I-1, I-2, or I-3); on such buildings a flat roof will be permitted only if it is camouflaged by a parapet or gable. The type, color, and texture of roof materials should be in keeping with roofs in the immediate vicinity of the new project. White, tan, or brightly colored roof materials are generally prohibited, although verdigris finishes are appropriate and permitted. Roof eaves should project outward over all exterior walls to the extent that is typical of local construction in the early years of this century.

4. Windows. Vertical height of windows should relate comfortably to those on older buildings in the vicinity. The height to width ratio of windows, generally, should not be

less than 1.8 to 1. Double-hung and casement windows are favored over sliding, fixed, or “awning” windows. Windows should be framed on the exterior with casing boards and should be rationally ordered both vertically and horizontally so that the building facades will be visually well balanced. In most cases, windows should be located singly rather than in groups, depending upon the traditional patterns established by buildings in the vicinity.

5. Building Materials. Wooden clapboard or artificial (vinyl/aluminum) clapboard siding is allowed, provided that such siding has a non-reflective, matte finish. “T-111” or other artificial board-and-batten style siding, asphalt siding of any style, and plywood siding should be prohibited. Shake shingle siding is permissible if it is straight cut, not randomly cut. Brick should be of a color, size, and texture that is typical of older buildings; masonry joints should be as thin as possible. Artificial brick siding should be discouraged as well as artificial stone siding, unless the appearance of either is highly realistic. While smooth-faced cement blocks are prohibited for exterior walls, split-face block is permitted.

D. All open space shall be designed to complement the visual amenities of the area by maximizing its visibility for persons passing through or by the site or overlooking it from nearby properties.

E. The color, size, height, lighting, and landscaping of signs and structures on the site shall be evaluated for compatibility with the local architecture and maintenance of views of natural landscaping, historic buildings, and parks. The evaluation shall review proposed developments in view of their compliance with design guidelines included in this ordinance.

F. The removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.

G. Compliance with these standards should be ordered in a reasonable manner by the Planning Commission. Where compliance with one or more elements is claimed to be difficult, cost-prohibitive, or otherwise impossible, the burden of proving such with credible evidence lies with the applicant. If such evidence exists, the Commission should consider whether the element which is being avoided is substantial to the fulfillment of the purposes of this Code; whether the essential character of the surrounding neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the elimination or partial compliance with the element; and whether the applicant purchased the property with knowledge of the restrictions and considerations contained in this Code. In balancing these considerations, the Planning Commission may decide to lessen some requirements of these design standards, including height, lot, and area regulations, in exchange for enhanced compliance with other design standards. Under certain extreme circumstances, which will rarely if ever present themselves to the Commission, the Commission may waive compliance with some design standards in their entirety.

### 13.2 Parking and Loading Regulations.

A. Off-street automobile parking areas in excess of three (3) spaces (or as otherwise provided in other sections of this ordinance) are permitted only with a conditional use permit. To determine whether a conditional use permit for a parking area should be granted, the Planning

Commission will consider:

1. Whether the overall imperviousness associated with parking lots has been reduced by providing compact car spaces, minimizing stall dimensions, incorporating efficient parking lanes, and/or using pervious materials in spill-over parking areas, if any.
2. The efforts to utilize shared parking with other uses/properties.
3. Whether stormwater treatment is provided for parking lot runoff using bioretention areas, filter strips, and/or other practices that are integrated into required landscaping areas and traffic islands.
4. Whether pedestrian walk areas and sidewalks are included in the design, providing common walkways between pedestrian areas.
5. Whether the dominance of the parking area has been reduced by locating the parking lot in the rear of the building.
6. Whether lighting plans conform to the requirements of this ordinance.

Upon due consideration of evidence showing compliance with these criteria as embodied in the following regulations, the Planning Commission may grant a conditional use permit for parking areas.

B. Maximum number of spaces determined by use. When off-street parking is allowed, it shall be provided on a given lot on which any of the following uses are established. When off-street parking is allowed, it shall be provided with vehicular access to a street or alley. The maximum permitted spaces shall be as follows:

1. Churches and auditoriums -- one parking space for each 10 seats.
2. Elementary schools -- one parking space per classroom.
3. Residential dwelling units – two (2) spaces for each single-family, four (4) spaces for each two-family dwelling unit, or two (2) spaces for each unit of multi-family dwelling unit.
4. Hotels, motels and bed & breakfasts (not including dormitories or other student residences) -- .75 parking spaces for each living or sleeping unit.
5. Restaurants, bars and taverns over 1,000 square feet -- 1 space for each 250 square feet of customer seating area.
6. Retail stores over 1,000 square feet -- one parking space for each 500 square feet of floor area.
7. Professional, medical or dental offices -- 3 spaces per professional, doctor and/or dentist.
8. Kenyon College, determined on a case-by-case basis.

C. Development and maintenance of parking areas. Every parcel of land used as a public or private parking area, including commercial parking lots, shall be developed and maintained in accordance with the following requirements. These requirements shall apply to existing parking areas which are modified as well as new parking areas which are created.

1. Screening and landscaping. All off-street parking areas in all districts other than for single-family dwellings (or as otherwise provided by this ordinance) shall be effectively screened on 3 sides. The screening shall consist of a bufferyard which must include landscaping at a height of between 3 and 8 feet at the time of planting, planted on a strip of land not less than 10 feet in width, planted with a suitable combination of evergreen hedge, dense planting of evergreen shrubs, mixed with deciduous trees and shrubs such that at least 50% of the view of the parked automobiles is screened from any public way. All trees shall be a minimum of 2 inches caliper (trunk diameter at chest-height) when planted. Native trees and shrubs shall be used. Parking lots larger than 20 spaces and/or 6,000 square feet in area shall have internal landscaping in addition to bufferyard landscaping. Internal landscaping shall consist of at least 1 tree of 2 inch caliper per 8 spaces, planted in a pervious island; in general, the ground which is left uncovered around the base of a tree shall be no smaller than 10 feet in diameter. Internal landscaping shall not be counted in the calculation of parking lot area. In instances where healthy plant material exists on a site prior to its development, the Planning Commission may adjust the above requirements to allow credit for retention of such plant material, if, after due consideration, it finds that such an adjustment will preserve the intents and purposes of this ordinance.
2. Surfacing and area. All off-street parking areas shall be graded for proper drainage and surfaced so as to provide a durable surface. For purposes of computing the parking area required, a ratio of between 157 to 176 square feet per parking space, in addition to circulation aisles, shall be used. This ratio permits perpendicular parking stalls between 8.5 and 9.5 feet in width by 18.5 feet in depth. The owner/developer of any parking area is completely responsible for assuring and furnishing adequate drainage for the areas constructed or under his control. In Residential, I-2, and Conservation districts, gravel surfacing shall be considered a “durable surface” for purposes of this section.
3. Lighting. Lighting used to illuminate off-street parking areas shall be so arranged as to reflect and direct the light away from adjoining parcels and away from street view.
4. Location of parking spaces. In all districts except Residential, whenever practicable, when a new off-street parking area is planned, it shall be located at the rear of the building. In Residential districts, new off-street parking areas shall be located to the side or the rear of the principle building.
5. Joint use of parking areas. In all districts except Residential, a property owner/occupant may coordinate with others to provide joint use of parking areas on a lot which he does not own or use otherwise. Notice of an intention to share parking spaces must be filed with the Village Zoning Inspector; such shared use may continue after the filing of notice unless or until the Planning Commission determines that shared parking areas of those uses fails to meet the needs of the community. Upon such a determination the Commission shall hold a hearing on the issue and resolve the failure to the satisfaction of the community’s needs.
6. Parking area modifications. The Commission may place less emphasis on the importance of some or all of the foregoing requirements, if it should find that, in the particular case that peculiar nature of the intended use, or in the exceptional shape or

size of the property or other exceptional situation or condition, would justify such action.

In such a situation, the Commission shall clearly identify the exceptional elements prior to its decision and shall identify, in its decision, the benefits to the public of a flexible application of these requirements to the situation.

7. Automobile service stations, parking garages and parking areas. No automobile service or filling station, parking area for 12 or more motor vehicles, trucks, or buses, or parking garages or auto repair shop, shall have an entrance or exit for vehicles within 200 feet of any entrance to school playgrounds, public parks, cemeteries or institutions for dependents or children, except where such entrance is in another block or on another street which the lot in question does not abut.

8. Exterior storage of vehicles in Residential districts. All motor vehicles over 23 feet in length and boats, recreational vehicles, trailers, campers, motorcycles, snowmobiles, semis/tractor-trailers, and other motorized and non-motorized equipment, shall be parked or stored in conforming residential parking areas (including garages) on the side or rear of residences and shall be screened from view from public streets and adjacent properties by plantings or other acceptable shields. If a vehicle is stored on the property for an average of less than 25 out of 30 days at any time, then the screening provisions are not required. Any person who fails to provide screening for a vehicle stored for an average of more than 25 of 30 days on the property may be cited for a violation of this ordinance.

9. Emergency parking. Emergency or temporary stopping or parking of a trailer, camper, or recreational vehicle shall be permitted on any street, alley or highway for not longer than three days, subject to any other prohibitions, regulations, or limitations imposed by traffic and parking regulations or ordinances for such street, alley, or highway.

C. Loading facilities requirements. In any district, in connection with every building or part thereof with a gross floor area of 5,000 square feet or more dedicated to uses which require the distribution or delivery by vehicles of material or merchandise into the building, there shall be provided and maintained, one off-street loading space. The loading space shall be limited only to the absolute smallest size necessary for the location of the delivery vehicle during the delivery process in such a manner as to keep traffic (pedestrian and vehicular) from being blocked or disrupted. The loading space may occupy part of any required side or rear yards. Whenever possible, loading areas shall be located as far away from adjoining Residential districts as possible. The Commission may permit additional loading spaces in circumstances so justifying, such as increased frequency of deliveries or larger areas of building floor space.

### 13.3 Transportation impact report.

A. Purpose. The transportation impact report is designed to identify the transportation (traffic) impacts and problems which are likely to be generated by a proposed use and to identify all improvements required to insure safe ingress to and egress from a proposed development and maintenance of adequate street capacity and elimination of hazardous conditions. The maintenance of a safe transportation network is important to the public safety and welfare. The need to identify all hazards or problems created by a proposed development or the location for which it is proposed is a first essential step for the protection of the public. The transportation impact report allows the identification of roadway and traffic problems which may result from a

particular development.

B. Applicability. A transportation impact report shall be required to be submitted with an application for a zoning certificate in the following cases:

1. Any non-residential development which proposes to take direct access to any major street. The “major streets” in the Village of Gambier are: Chase Ave. (Rt. 308), Gaskin Ave., Brooklyn St., and Wiggin St.
2. Any residential development which proposes to have more than 5 dwelling units.
3. Any use which, according to a qualified traffic engineer, will generate in excess of 100 vehicle trips per day.

C. Contents of transportation impact report. The transportation impact report shall contain the following information:

1. General site description. A detailed description of the road network within a half mile of the site, a description of the proposed land uses, the anticipated stages of construction, and the anticipated completion date of the proposed land development shall be provided. This description, which may be in the form of a map, shall include the following items: (a) all major intersections, (b) all proposed and existing ingress and egress locations, (c) all existing roadway widths and right-of-ways, (d) all existing traffic signals and traffic control devices. In addition, any changes to the roadway network within 1/4 mile of the site, proposed by any governmental agency, shall be described. This description shall include the above items as well as any proposed construction project that would alter the width and/or alignment of the present highway.
2. Description of existing traffic conditions. A report based on the following shall be provided. A 24-hour traffic count shall be conducted for a period of 5 weekdays (Monday-Friday) on all roadways which have direct access to the proposed development site. The existing average daily traffic volume and the highest average peak hour volume of vehicular and pedestrian traffic for any weekday hour between 3 PM and 6 PM shall be recorded. These traffic volumes shall be averaged to determine the average hourly peak traffic volume for the 5 days between Monday and Friday.<sup>3</sup>
3. Transportation of the development. The average weekday trip generation rates and the highest average hourly weekday trip generation rate between 3 p.m. and 6 p.m. for the proposed use shall be determined from figures for vehicular and pedestrian traffic provided by a qualified traffic engineer. A report shall be made detailing the nature and extent of the trip generation expected to result from the proposed development.
4. Analysis of transportation impact. The projected total future peak hour traffic demand shall be calculated for all roads fronting on a proposed site and all intersections within 1/4 mile of the site. This demand shall consist of an assumed normal increase of 1% per year (unless traffic studies indicate a different rate of increase) and the anticipated traffic that will be generated by the proposed development. An analysis shall be undertaken to determine if roadway and intersections will operate at the appropriate level of service following completion of the development given the future peak hour traffic that will be generated by the proposed development. This analysis consists of the comparison of the total future peak-hour intersection and roadway traffic demand with current service volumes. All roadway and intersections that would

operate below the required level of service following completion of the development shall be considered deficient and should be rejected.

D. Traffic control devices. Whenever, as the result of additional traffic generated by a proposed development, a need for a traffic signal or regulatory sign is created, the developer shall be responsible for installing all said devices and signs.

#### 13.4 Bufferyards.

A. Purpose. Bufferyards may be required to ameliorate the impact two uses in the same district may have on one another. Bufferyards may be required to separate different land uses from each other in order to eliminate or minimize potential nuisances such as dirt, litter, noise, glare of lights, signs, and unsightly buildings or parking areas, or to provide spacing to reduce adverse impacts of noise, odor, or danger from fires. This regulation benefits both the developer/owner and the adjoining landowner because it allows the developer/owner several options in developing the property, while insuring each neighbor adequate protection regardless of the developer's choice. The bufferyard is a unit of yard together with the planting required thereon. Both the amount of land and the type and amount of planting specified for each bufferyard requirement of this ordinance are designed to ameliorate nuisances between adjacent land uses or between a land use and a public road. The planting units required of bufferyards have been calculated to insure that they do, in fact, function as "buffers."

B. Location of bufferyards. Bufferyards shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. Bufferyards shall not be located on any portion of an existing or dedicated public or private street or right-of-way.

C. Determination of bufferyard requirements; responsibility.

1. When a bufferyard is required between two parcels, the landowner of the new use shall bear 100% of the responsibility of planting and maintenance of the bufferyard and it shall utilize a bufferyard as prescribed in the table found in the Appendix to this ordinance. When a bufferyard is required between two parcels containing existing uses, the owner of the more intense use (meaning, the one creating the greater amount of traffic, light, noise, or building size) shall bear 75% of the responsibility of planting and maintenance of the bufferyard using the table found in the Appendix for the appropriate plantings; the adjoining owner shall bear 25% of the responsibility therefor. When any bufferyard is required between a parcel and a street, the owner shall bear 100% responsibility for its installation and maintenance and shall utilize a bufferyard as prescribed in the table.

2. When a use is the first to develop on one of two (2) adjacent vacant parcels, this first use shall provide the buffers required by the table next to vacant lands. The second use to develop shall, at the time it develops, provide all additional plant material and/or land necessary to provide the total bufferyard required between those two uses according to the table.

3. Existing plant material and/or land located on the pre-existing (first developed) land use which meets the requirements of this ordinance may be counted as contributing to the total bufferyard required between it and the second (adjacent) land use to develop.

4. Bufferyard requirements are stated in terms of the width of the bufferyard and the number of plant units required per 100 linear feet of bufferyard. The requirements of a

bufferyard may be satisfied by any of the options thereof illustrated. The type and quantity of plant materials required by each bufferyard, and each bufferyard option, are specified in the Appendix table. Each category represents the total bufferyard located between two uses. All required structures (such as a wall or fence) shall be the responsibility of the higher intensity use. Whenever a wall or fence is required in addition to a yard, it shall be located closer to the higher intensity use, in order to provide maximum sound absorption. Any existing plant materials which otherwise satisfy the requirements of this section may be counted toward all such planting requirements. The exact placement of required plants and structures shall be the decision of each user in keeping with the requirements of this ordinance.

5. All adjacent neighbors to a required bufferyard planting are entitled to notice for any application of a approval for such a bufferyard.

D. Use of bufferyards. A bufferyard may be used for passive recreation; it may contain pedestrian, or bike traffic, provided that:

1. No plant material is eliminated,
2. The total width of the bufferyard is maintained, and
3. All other regulations of the ordinance are met.

E. Ownership of bufferyards; duty to maintain required bufferyards. Bufferyards may remain in the ownership of the original developer (and assigns) of a land use, or they may be subjected to deed restrictions and subsequently be freely conveyed, or they may be transferred to any consenting grantees, such as adjoining landowners, a park or forest preserve district, the Village of Gambier, or an open-space or conservation group, provided that any such conveyance adequately guarantees the protection of the bufferyards for the purposes of this ordinance. Otherwise, the requirement of providing, planting, and maintaining a bufferyard is considered to be a continuing condition of any zoning or occupancy permit and destruction, demolition, or other loss of the bufferyard without replacement shall constitute a violation of this ordinance.

13.5 Residential, mobile homes, and manufactured housing. No mobile homes shall be located in the Village of Gambier in any district for any purpose. However, the Planning Commission may permit a manufactured home of two or more sections to be located in a Residential district if the Commission finds that:

- A. The manufactured home will be landscaped and lawfully situated on the lot; and
- B. The location of a manufactured home on the proposed lot will not cause harm or injury to the surrounding property owners or detract from the village's character.

13.6 Private swimming pools. A private swimming pool is any pool, open tank, or man-made body of water not located within a completely enclosed building, and containing, or normally capable of containing, water to a depth at any point greater than one and one-half (1½) feet. If the water surface of a pool is equal to or less than 64 square feet, the pool is exempted from the fence enclosure requirement, however, this size of a pool shall be screened adequately from adjacent neighbors and from street view and shall be covered when not in use. No such swimming pool shall be allowed in any Residential district except as an accessory use to a residence. To be permitted within a Residential district, the proposed pool must comply with the following conditions and requirements:

- A. The pool is intended and is to be used solely for the enjoyment of the occupants of the principal building of the property on which it is located.

B. The pool shall be located in the rear yard of the premises, provided it shall not be located closer than 10 feet to any property line of the property on which it is located; provided further, that pump and filter installations shall be located not closer than 20 feet to any property line.

C. The swimming pool, or the entire property on which it is located, shall be so walled or fenced or surrounded by a railing at a minimum of four (4) feet in height, with no gaps or openings (other than gates) exceeding four (4) inches in any dimensions, as to prevent uncontrolled access by children and others from the street or from adjacent properties. Gates in fences or railing must be equipped with self-closing and/or self-latching devices. The fencing requirements of section 13.7 of this ordinance shall apply to these fencing requirements.

D. Prior to obtaining a contract for the installation of a pool, the owner shall demonstrate to the Zoning Inspector that the project affords adequate provision for drainage.

E. Any lighting used to illuminate the pool area shall be so arranged as to deflect the light away from the adjoining properties and away from street view.

F. All swimming pools shall be maintained in a fashion that would permit their use during appropriate seasons; alternatively, the pool shall be covered with a tarpaulin and maintained free of accumulation of leaves and other debris during any season when it is not in use for swimming. Any pool which is not used for swimming purposes for a period of 5 years shall be filled, removed, or otherwise permanently closed and its fencing removed.

G. No person, firm or corporation shall construct or install a swimming pool or related screening fence or make any alteration therein or in the appurtenances thereof without having first submitted an application and two (2) copies of plans to the Zoning Inspector who shall endorse both copies and return one to the owner which shall constitute the Village's knowledge and authorization for construction of the pool.

### 13.7 Fencing regulations.

#### A. Definitions:

1. Privacy or screening fence--a fence constructed so as to prevent public view from public spaces and to provide seclusion therein and which shall be less than 7 feet tall from grade.
2. Open or ornamental fence--a split-rail or board or iron, or vinyl fence which, as viewed at a position of 90° from the fence line shall be at least 40% open and unobstructed space and shall be less than 5 feet tall from grade, excluding ornamental post finials.
3. Chain-link fence--a fence consisting of loops of wire interconnected in a series of joined links. It is not an open or ornamental fence. No permanent inserts or weavings, such as plastic colored strips, are permitted in chain-link fencing.
4. Living fence--a fence consisting of the natural growth or placement of hedges, trees, bushes, plants or a combination thereof into a vision-obstructing fence.
5. Masonry fence--a fence constructed of concrete, cinder block, brick, stone, or other masonry materials and which shall be less than 3 feet tall from grade, excluding ornamental post finials.

6. Wire fence--a fence constructed of wire woven in an open square pattern, sometimes referred to as “farm fence”. It is not a chain-link, barbed wire, or single electrified wire line fence.

B. Properties shall be open and unfenced or, if fenced, have an open or ornamental fence or a living fence at the property periphery; such fence shall be sufficiently set back from the property line so that all of the fence structure is contained on the subject property. However, unless provided otherwise in another section of this ordinance, up to 15% of any property perimeter may be fenced by privacy or screening fence. Masonry fencing shall be used sparingly and should not be used as periphery fencing to enclose an entire parcel; instead, masonry fencing should be used primarily in areas where retaining walls are necessary.

C. Chain-link fencing may be permitted around tennis courts or to contain domestic pets, provided that it is, in all circumstances, not located in front yards and is set back from the property line by 5 feet and is screened by a living fence on all sides which face adjacent property or a public way. In any Institutional (I-1), Special Institutional (I-2), or Planned Institutional (I-3) district chain-link fencing other than for softball/baseball backstops is a conditional use requiring a conditional use permit from the Planning Commission.

D. All fences, with the exception of living fences, (a fence consisting of natural growth or placement of hedges, trees, bushes, plants, or a combination thereof into a vision-obstructing fence) will be considered a conditional use.

13.8 Location and screening of towers. Cellular phone, radio, transmission, and other towers pose a special risk to villages of unique rural and scenic location such as the Village of Gambier. Within the Village limits, any such tower planned to be constructed must be located in a place where it will not interfere with or compromise in any way the views into the valleys surrounding the Village, regardless of where the view is taken from (indoors or outdoors). Alternatively, such a tower may be erected if it minimally interferes with or compromises some views from some locations into the valleys surrounding the Village. Because of the existence of multiple spires and steeple towers in the area, antenna may be attached to these parts of structures if they are mounted and camouflaged sufficiently to minimize their obvious existence. Free-standing towers, under no circumstances, should be visible in any season from the Middle Path, Pierce Hall, or from Bexley Hall. Any application for such a permit shall be filed by a public utility (for commercial use) or an individual (for non-commercial, personal use) only. If a firm, corporation, or individual who has erected any such tower applies for another permit to erect an additional tower, the application must provide for, in detail, the removal of the first tower and/or consolidation of the towers' functions. All towers in every district must be screened on all sides. The screening must include landscaping at a minimum height of 15 feet at the time of planting and at a buffer depth of 10 feet. All trees shall be a minimum of 2 inches caliper when planted. Native trees and shrubs shall be used. The use of any property in any district for the purpose of erecting any tower is always a conditional use and requires an application for a permit for such construction which may be denied on reasonable grounds after due consideration. The Planning Commission, however, shall give special deference to such facilities which integrate transmission equipment into/on buildings or which are sufficiently camouflaged to blend in with the natural surrounding landscape.

13.9 Stormwater study and report. Stormwater drainage design shall meet any requirements listed elsewhere in this ordinance, as well as complying with the criteria set forth in the “Mid-Ohio Regional Planning Commission Storm Water Design Manual.” A report indicating stormwater facilities and

designs for all non-residential developments is required as part of the application for a zoning certificate; residential developments to which Chapter 17 applies shall follow the requirements found therein.

## CHAPTER 14--SIGN REGULATIONS

14.0 Purpose. The purpose of this section is to establish minimum regulations for the display of signs in the Village. There is a significant relationship between the manner in which signs are displayed, and public safety and the value and economic stability of adjoining property. The reasonable display of signs is necessary as a public service and to the conduct of competitive commerce and industry. This section is designed to maintain the attractive landscape and appearance of the Village to the benefit of the public welfare and health by restricting the type, size, number and design of signs and outdoor advertisements.

### 14.1. Definitions.

- A. Projecting sign. A sign which is attached to and projects from a structure or building face. The sign area of double-faced projecting signs is calculated by measuring 1 face of the sign only. A projecting sign may not extend more than 4 feet from the face of the building.
- B. Back-lit sign lighting. The sign is lit by some mechanism internal to the sign face or area. Back-lit signs or internally lit signs are not permitted.
- C. General sign lighting. The sign itself neither is lit internally nor has an external source of light specifically directed at it. Rather, the sign depends upon the general illumination of the area for its illumination. This method of illumination is permitted in Gambier.
- D. Spot lighting. The sign is lit by spotlights specifically directed at it. This method of illumination is permitted in Gambier.
- E. Temporary sign. A sign or advertising display constructed of cloth, canvas, fabric, paper, plywood, or other light material, including inflatable signs and intended to be displayed for a short period of time (30 consecutive days or less) and which is no larger than 40 square feet. Included in this category are retailer's signs temporarily displayed for the purpose of informing the public of a sale or "special" offer. A temporary sign, once displayed for 30 consecutive days or less, shall not be reused or redisplayed in the Village on the same property for 90 days thereafter. Any such reuse or redisplay will serve to reclassify the sign as one other than "temporary" and will require a sign permit application to be filed and granted for its continued display. Portable such as those that are designed to be moved with regularity from one location to another shall not be considered temporary signs but shall be considered as signs as defined in Chapter 3 for purposes of this section and chapter.

### 14.2 Permitted signs, by district or type.

- A. Residential districts. Real estate signs, home occupation signs, and public building or church signs or bulletin boards pertaining to the property on which they are placed and not having over 6 square feet of sign area and being unlighted, except for general (natural) lighting.
- B. Mixed-use districts. Business and auxiliary signs pertaining to the business on the property on which the sign is located are permitted, whether free-standing, projecting, or attached flatly to the building wall, provided that:
  - 1. Illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent residential districts or into the public way. Awnings may not be illuminated from the inside. Only signs with opaque fields and

translucent lettering may be internally illuminated; and

2. Each business on a property is entitled to a total of 30 square feet of sign area advertising its existence, name, and/or nature, unless the building in which the business is located is on a corner of two (2) streets, in which case the business is entitled to 45 total square feet of sign area (so long as no other business occupies the same premises and so long as the sign is split onto 2 sides of the building with a maximum of 30 square feet on one side of the building); and
3. If more than two businesses occupy the same premises, said businesses must combine signs so that no more than two (2) main signs with a total of 45 square feet of sign area appear on the premises, whether located on a corner lot or not; and
4. All signs, except temporary signs, shall have no more than a 1-to-3 height-to-width or width-to-height ratio.
5. Free standing signs shall not exceed 12 feet in height.

C. Institutional districts.

1. Illumination of all signs shall be diffused or indirect and shall be arranged so as not to reflect direct rays of light into adjacent residential districts or into the public way, and
2. Each institutional entity is entitled as a matter of right to erect one (1) sign advertising its existence, name, and/or nature which shall not exceed 30 square feet of sign area, unless the building in which the institution is located is on a corner of two (2) streets, in which case the institution is entitled to 45 total square feet of sign area (so long as no other institution occupies the same premises and so long as the sign is split onto 2 sides of the building with a maximum of 30 square feet on one side of the building); and
3. Each building belonging to an institutional entity within the Institutional district which is dedicated to institutional uses is entitled as a matter of right to be marked by no more than two (2) signs, each of which shall not exceed six (6) square feet in area; and
4. The Planning Commission may, upon application for additional or larger signs, issue a permit for such, if it determines that the additional signage will not have a negative impact on public health or safety, will not unduly distract traffic, will assist the institutional entity without detriment to the interests of the general public, and that the sign is in keeping with the general purposes of this ordinance; and
5. All signs, except temporary signs and except for the names of buildings which honor donors, employees, or contributors, shall have no more than a 1-to-3 height-to-width or width-to-height ratio.

D. Billboards. Billboards shall not be permitted within the jurisdiction of the Village.

E. Bulletin boards. Bulletin boards and signs for a church, school, community, or other public or semi-public institutional building shall be permitted provided that the sign area of such bulletin board or sign shall not exceed twelve (12) square feet.

F. Political signs. Temporary signs advertising political parties or candidates or issues for election may be erected or displayed and maintained until five (5) days after the date of the election to which such signs relate. If such signs are not removed at the end of the 5-day period, the Village of Gambier shall have them removed.

G. Wall signs. A building wall may be used for display of general commercial advertising, provided that the area of such sign does not exceed 30 square feet.

H. Historical Plaques. Historical plaques are exempt from signage regulations.

14.3. Additional regulations. Notwithstanding any other provisions of this section to the contrary:

A. Any sign located in any district shall not have flashing illumination or flickering, flashing, neon, or running lights of any kind. Businesses displaying internally lighted signs shall only light their signs if said business is open for business; otherwise, such signs shall not be lit during hours when the business is closed. Indirectly lighted signs may be displayed through the night, providing that the lighting complies with section 14.5.

B. An auxiliary sign may be free-standing, attached to free-standing structures or equipment, or may be attached to the building or windows.

C. No free-standing sign shall be located within any bufferyards required by the use of the site on which it is located.

D. All signs shall be set back from the established right-of-way line of any street or highway so that they will not interfere with the visibility of traffic, especially at corners and intersections; in residential districts, all signs shall be set back at least 10 feet from the right of way line. No roof signs shall be permitted. No sign shall extend beyond the top or ends of the building walls to which it is attached. Signs may not obscure architectural features (arches, transom panels, sills, moldings, cornices, windows, etc.). Wall signs shall be located no higher than the window sill line of the second story.

E. Temporary signs must conform to all regulations of this section but shall not be required to obtain a sign permit as long as it continues to qualify as a temporary sign. Signs displayed during business hours only, such as those which are removed every evening and displayed again the following morning, constitute an on-going advertising format and shall be considered permanent signs if such display continues for more than 30 calendar days.

F. No sign, temporary or otherwise, shall be affixed to a tree or utility pole.

G. All signs, of any type, shall be maintained in a sightly and safe condition which means that they shall not be capable of blowing down or away, they are sufficiently weather-resistant to maintain their appearance and message, and that they do not unnecessarily distract vehicular traffic.

14.4 Sign Permits. A separate permit shall be required for the erection of signs regulated in this ordinance, except that no permit shall be required for a qualifying temporary sign. Each application for a sign permit shall be accompanied by scale drawings, showing the design proposed, the size, character and color of the letters, lines and symbols, method of illumination, the exact location of the sign in relation to the building and property, and details and specifications for construction. The application for a sign permit shall be submitted to the Zoning Inspector who shall forward it within ten (10) days to the Planning Commission for review at its next regularly scheduled meeting. The Planning Commission shall review sign permit applications on the following criteria:

A. Whether the proposed sign complies with all relevant sections of this ordinance.

B. Whether the proposed design and materials present a cohesive and well-considered

example of commercial art.

C. Whether the proposed sign will serve as an unnecessary distraction to vehicular traffic or poses other risks to vehicular or pedestrian traffic.

D. Whether the proposed sign will enhance the village character and architecture therein.

14.5 Exterior lighting standards.

A. Purpose. The purpose of this section detailing exterior lighting standards is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the proximity of the light source. With respect to motor vehicles in particular, safety considerations form the basis of the regulations contained herein. In other cases, both the nuisance and hazard aspects of glare are regulated. This section is not intended to apply to public street lighting.

B. Definitions.

1. Candle power: the amount of light that will illuminate a surface 1 foot distant from a light source to an intensity of 1 foot candle. Maximum (peak) candle power is the largest amount of candle power emitted by any lamp or light source.

2. Cutoff: the point at which all light rays emitted by a lamp or light source are completely eliminated (cutoff) at a specific angle above the ground.

3. Foot candle: a unit of illumination produced on a surface, all points of which are 1 foot from a uniform point source of 1 candle.

4. Glare: the brightness of a light source which causes eye discomfort.

5. Maximum permitted illumination: the maximum illumination measured in foot candles at the interior yard line at ground level in accordance with the standards provided below.

C. Lighting regulations. The maximum height light post permitted is dependent on the amount of cutoff provided. This is designed as a protection against excessive glare and light spilling over to neighboring properties. The exceptions which are permitted provide adequate protection for neighboring residential property. All new exterior lighting shall meet one of the following standards:

1. When the light source has no cutoff:

<u>Maximum permitted illumination</u>	<u>Maximum permitted height of light source</u>
0.20	10 feet
0.25	15 feet
0.30	20 feet

2. When the light source has a total cutoff of an angle greater than ninety degrees:

<u>Maximum permitted illumination</u>	<u>Maximum permitted height of light source</u>
0.30	15 feet
0.50	20 feet

0.75	25 feet
1.0+	30 feet

D. Light sources or lamps shall not be located within bufferyard areas except on pedestrian walkways. Because of their unique requirements for night time visibility, ball diamonds, playing fields, and tennis courts are exempted from the exterior lighting standards of this section as long as their hours of operation are limited to 7:00 Am. through 11:00 p.m. Otherwise, these outdoor recreational uses must meet all requirements of this section and of this ordinance. The outdoor recreational uses specified above shall not exceed a maximum permitted lamp post height of 60 feet.

E. Exterior lighting plan. At the time any exterior lighting is installed or substantially modified, and whenever a zoning certificate is sought, an exterior lighting plan shall be submitted in order to determine whether the requirements of this section have been met.

## CHAPTER 15—PLANNING AND ZONING COMMISSION

15.0 Re-establishment and appointment of the Planning Commission. The Planning Commission as it is presently formulated and functioning is hereby authorized and/or re-authorized by the Village Council. The Planning Commission shall consist of the Mayor, a Council member, and three (3) citizens of the Village of Gambier, appointed by the Mayor and approved by Council, to serve six (6) year terms. Vacancies shall be filled in the same manner for the un-expired terms. Members of the Commission shall serve until their successors are appointed. Members of the Commission shall be removable from their positions for cause upon the filing of a written complaint with the Chairperson of the Commission and after public hearing thereon.

15.1 Officers. The Commission shall select a Chairperson, Vice-Chairperson and a secretary at its first meeting after January 1 of each year. The Chairperson is to conduct the meetings of the Commission according to the established rules of procedure; determine order of meeting agendas; administer oaths to each person offering testimony for the consideration of the Commission; and, be responsible for the recording of each public meeting. The secretary is to keep all minutes of the meetings; keep the calendar of meetings and events pertaining to the Commission; keep each member apprised of meeting times, dates, and agendas; distribute a copy of documents, drawings, and other papers for each item of business which comes before the Commission to each member; maintain records of and communicate all correspondence to and on behalf of the Commission; and provide for appropriate notice to public and others of meetings. The Commission may elect to impose or eliminate other duties upon the officers and the Zoning Inspector as necessary.

15.2 Powers and duties. The Planning Commission fulfills the purposes of this ordinance through the execution of the following duties and powers:

- A. It shall hear and decide on the authorization, after due consideration, of all applications for a zoning certificate in accordance with the provisions of this ordinance.
- B. It shall hear and decide on the authorization, after due consideration and in accordance with the provisions of this Ordinance, of applications filed for conditional uses, or for interpretation of the Zoning Map, or for decision upon other special questions upon which the Commission is authorized to pass by this ordinance. In considering an application for a conditional use, or interpretation of the Zoning Map, the Commission shall give due regard to the nature and condition of all adjacent uses and strictures; and

in authorizing a conditional use the Commission may impose such requirements and conditions with respect to location, construction, maintenance and operation--in addition to those expressly stipulated in this ordinance for the particular conditional use--as the Commission may deem necessary for the protection of adjacent properties and the public interest and the purposes of this ordinance.

C. It shall hear and decide on the authorization, after due consideration, of applications for the temporary use of a structure or premises in any district for a purpose or use that does not conform to the regulations prescribed elsewhere in this ordinance for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a structure and is not a preliminary action to the application for a conditional use permit or zoning change. A zoning certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than two (2) months, subject to such conditions as will safeguard the public health, safety, convenience, and general welfare.

D. It shall hear and decide after due consideration complaints regarding violations of this ordinance; further, it shall have the power to levy and collect any fees or fines in connection with the administration of this ordinance.

E. It shall hear and make recommendations to Council upon amendments or changes to the zoning ordinance, including the detailed requirements of particular sections or the districts as reflected upon the Zoning Map of the Village of Gambier.

F. It may maintain a continuing survey of cultural or historical resources in the community, including all buildings, structures, sites, objects and areas of architectural, historical, or aesthetic significance, according to survey guidelines established by the Ohio Historic Preservation Office.

G. It may keep a current register of all properties which are cited as historic districts or sites and provide the Zoning Inspector with a current copy thereof. This register shall be kept available for public inspection at the Zoning Inspector's Office.

H. It may make recommendations to the Council concerning the acquisition of development rights, easements, or property through eminent domain proceedings as necessary to further the purposes of this ordinance.

I. It may make recommendations to the Council concerning the utilization of grants from federal and state agencies, private groups and individuals and the utilization of budgetary appropriations to promote the graceful development and maintenance of the natural and historic resources within the Village of Gambier.

J. It may evaluate and comment upon decisions by other municipal agencies which affect the physical development and land use patterns in the Village of Gambier. If the property subject to Commission jurisdiction is governmentally owned, the government stands in the position of any other citizen and is subject to the provisions of this ordinance.

K. It may consult technical experts or other persons as may be required to assist in the performance of the enumerated duties and powers or for such other tasks as Council may require. In the event that the Council makes appropriations available for such purpose, the experts or persons may be hired or paid for their services.

L. It may accept grants, gifts, and bequests on behalf of the Village and may make application

for, receive and administer such from governmental or private entities consistent with the purposes of this ordinance.

M. It may provide for its members to attend educational sessions, seminars, or conferences pertaining to environmental, planning, or preservation issues at least once a year; or may obtain educational materials; and produce publications; and join professional organizations related to planning and related fields.

N. It may request and receive any appropriate information, cooperation, assistance, or studies from any Village department, board, committee, agency, or commission and any county or township department, board, agency or commission.

15.3 Procedures and meetings. The Commission may set a regular meeting time to discuss its business as necessary, provided that the Commission meets not less than once every three (3) months. Meeting times, dates, and locations shall be publicized as required by Village Charter. Notice of meeting times, dates and locations shall be sent two (2) weeks in advance to any landowner whose property is a matter before the Commission. In the event that notice cannot be provided to an owner by mail, notice may be made by publication in a newspaper of general circulation per the Village charter. Meetings shall be conducted according to Robert's Rules of Order, or any other method formally adopted as procedural policy by the Commission that addresses: order of business, length of speech/presentation, number of speakers, length of meetings, continuations of meetings, and the effect of attendance by the landowner with business before the Commission. All meetings of the Commission shall be open to the public. All meetings of the Commission shall be either video- or audio-taped; these records shall be kept in the office of the Commission for no less than 45 days after the meeting. In the event an appeal of the Commission's decision is filed, the taped record shall be maintained indefinitely, until the appeal is fully resolved through the appellate process. Unless the Commission passes a rule to the contrary, owners and developers are required to attend any meeting or hearing upon their applications. Failure to attend may result in the rejection of the application without further proceedings, at the discretion of the Commission.

15.4 Format of applications. Applications for authorization of any type from the Commission shall be submitted with the original and six (6) copies. The application shall be on any forms provided and prescribed by the Commission and/or the Zoning Inspector or, if none is so prescribed, shall contain the following information on 8 ½ x 11 white paper:

A. Name and address and phone number(s) of owner, developer, applicant, or complainant.

B. Address of subject property with a scale map of the surrounding area as called for in this ordinance.

C. Nature of the application: zoning certificate, demolition permit, construction permit, conditional use permit, or other.

D. Detailed written description of the project (including traffic reports, lighting plans, and other reports called for by this ordinance). Specifically, the application shall state, at minimum, the existing and intended use of each building or structure or part thereof, and the number of families or dwelling units the building is designed to accommodate.

E. Drawings, plans, maps, photographs, or other illustrative documentation of the project. Plans shall be drawn to scale in black line or blue print, showing the actual shape and

dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; in the case of a proposed new building or structure or proposed alteration of an existing building or structure, scale drawings showing the front, side, and rear elevations of the proposed building or structure, or of the structure as it will appear after the work for which a permit is sought shall have been completed; and, when no buildings are involved, the location of the present use and proposed use to be made of the lot; and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this ordinance.

F. Material samples, plant lists, and contractor names, if available.

The application shall be submitted with any required fee to the Zoning Inspector who shall determine if the application is complete within fifteen (15) days. If the application is complete, he shall forward it immediately to the Planning Commission for the scheduling of a meeting or other review. If the application is incomplete, he shall notify the applicant in writing immediately and the applicant shall have fifteen (15) days to complete the application in full. Alternatively, the applicant may elect to withdraw the application for time to make the completions and without penalty to himself. If the application is not withdrawn and is not completed within the fifteen (15) day period, the Zoning Inspector shall return the application and all but one (1) copy and the deposited fee to the applicant and no further action shall be required by the Inspector or Commission.

15.5 Review of applications. Once the Zoning Inspector has forwarded an application to the Planning Commission, it shall take the following actions:

- A. Schedule the notice of and the meeting on the application and shall ensure that proper notice is given to the parties called for under this ordinance.
- B. Conduct its meeting on the application according to its established procedural rules.
- C. Not less than 24 hours nor more than thirty (30) days from the conclusion of the hearing or meeting upon the application, it shall publish its findings of fact and its decision based thereon.
- D. Grant, deny, or conditionally grant the application according to the compliance of the application with this ordinance and the standards and criteria which appear in it. Conditions attached to the granting of an application are binding upon the applicant.

15.6 Public Notice. Notice of an application for a conditional use or variance shall be forwarded by ordinary mail to all property owners of record adjoining the lot or property, which is the subject of the application. Such notice shall be postmarked a minimum of ten (10) days prior to any hearing or action on such application by any Village body. Further, such notice shall be posted at the Village Post Office at least seven (7) days prior to any hearing or action on any application by any Village body. In order to facilitate the foregoing notice provisions and adequate community input, applications for conditional use permits must be submitted to the commission at least twenty-one (21) days prior to any regular meeting at which they are to be discussed.

## CHAPTER 16--BOARD OF ZONING APPEALS

16.0 Appointment. The Board of Zoning Appeals as constituted at the time of enactment of this Ordinance shall continue in power. The Board shall consist of five residents of Gambier, appointed by the Mayor, with the approval of the Village Council, for terms of six years. Vacancies shall be filled in the same manner for the un-expired terms. Members of the Board shall serve until their successors are appointed. Members of the Board shall be removable from their positions for cause upon the filing of a

written complaint with the Chairperson of the Board and after public hearing thereon.

16.1 Powers and Duties. The Board of Zoning Appeals is the municipal body charged with the duty to hear all appeals from the decisions of the Zoning Inspector and/or the Planning Commission. The Board has the duty to conduct all appellate proceedings before it in a fair and unbiased fashion so that justice may be served to all appearing there. The Board has the power to uphold, reverse, or modify the decision appealed, or it may remand the decision to the agency from whence it came for further proceedings. Also, where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board, after notice to the owners of the subject property(ies) and after public hearing, shall be empowered to interpret the Map in such a way as to carry out the intent and purpose of this ordinance. In case of any question as to the location of any boundary line between zoning districts or where there is uncertainty as to the meaning or intent of a textual provision of the ordinance, a request for interpretation of the Zoning Map or of the textual provision in question may be made to the Board and a determination shall be made thereafter.

16.2 Procedures.

A. The Board shall elect a Chairperson, Vice-Chairperson, and Secretary from its membership at its first meeting after January 1<sup>st</sup> of each year. The Chairperson is to conduct the meetings of the Board according to the established rules of procedure; determine order of meeting agendas; and, be responsible for the recording of each public meeting. The Board may adopt rules for its own government in accordance with this ordinance; if no such rules are adopted, the Board shall conduct its meetings and hearings according to Robert's Rules of Order, the Ohio Appellate Procedure Act (O.R.C. 2505), and the Ohio Administrative Appeal Act (O.R.C. 2506).

B. Meetings shall be held no less than once every four months or at the call of the Chairperson when business has been forwarded to the Board through an appeal or otherwise. The Chairperson, or in his absence the Vice-Chairperson or Secretary, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public.

C. All meetings of the Board shall be either video- or audio-taped; these records shall be kept in the office of the Board for no less than 45 days after the meeting. In the event an appeal of the Board's decision is filed, the taped record shall be maintained indefinitely, until the appeal is fully resolved through the judicial system.

D. The Board shall conduct its proceedings as appellate, adversarial proceedings, relying only on the information contained in the agency's record, unless that record is so incomplete or so unreliable that the Board is unable to determine what issue should have been addressed by the lower agency and/or it is unable to determine the critical facts upon which the lower agency's decision was based. In such a situation, it is permitted to take non-duplicative sworn testimony to supplement the record. In all cases, the Board shall permit both sides to offer persuasive arguments as to the appropriate interpretation or result or decision; the Board may offer the same opportunity to members of the general public who are present at the hearing and placed under oath.

E. The Secretary shall keep minutes of the proceedings, indicating the vote of each member on each question, or if absent or failing to vote, so note. Also, the Secretary shall keep records of the Board's hearings (including originals or copies of all documents serving as exhibits) and other official actions, all of which are to be filed as soon as possible in the office of the Board

and become public record. The secretary shall also keep the calendar of meetings and events pertaining to the Board; keep each member apprised of meeting times, dates, and agendas; distribute a copy of documents, drawings, and other papers for each item of business which comes before the Board to each member; maintain records of and communicate all correspondence to and on behalf of the Board; provide for appropriate notice to public and others of meetings. The vice-Chairperson is to perform the duties of the Chairperson and/or the secretary in the event of his absence. The Board may elect to impose or eliminate other duties upon the officers and the Zoning Inspector and Planning Commission as necessary, consistent with the terms of this zoning code.

F. Three members of the Board shall constitute a quorum. The Board shall act by resolution and the concurring vote of three members of the Board shall be necessary to reverse any order, requirements, decision or determination of the agency from which there has been an appeal, except that in the event that only three members of the Board are present at the meeting, their unanimous vote shall be necessary for action.

16.3 Appeals. An appeal to the Board may be taken by any aggrieved or affected person, or by any officer, department, board, or bureau of the Village which is aggrieved or affected by any decision of the Zoning Inspector or the Planning Commission. Such appeal shall be filed within 20 days after the decision, by filing with the Zoning Inspector or Planning Commission (whichever is the appropriate entity being appealed) and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Inspector or Planning Commission shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The appealing party shall also deposit the appropriate fee for such an appeal (Chapter 21).

16.4 Hearings and decisions. The Board shall fix a reasonable time for the hearing of the appeal and shall give written notice of said hearing to the parties in interest, including all property owners within 500 feet of the property in question no less than 14 days in advance of the hearing. At the hearing, any party may appear in person or be represented by agent or attorney. The Board shall issue a decision upon the appeal after stating its findings of fact, based upon the record, and voting on the action to be taken on the appeal; such decision shall be made no less than five (5) and no more than 45 days after the appeals hearing. A written copy of the Board's decision shall be mailed to all parties in interest within 48 hours of the announcement of its decision. Such decision shall be binding on the Zoning Inspector and/or the Planning Commission, and he shall incorporate the terms and conditions of the same in any further action authorized by the Board.

16.5 Appeals from decisions of the Board. Any person or persons, including officers, departments or bureaus of the Village, who are jointly or severally aggrieved or affected by any decision of the Board of Zoning Appeals may file a notice of appeal with the Court of Common Pleas of Knox County. Such notice of appeal shall be filed with the court and the Board within thirty (30) days after the filing of the final decision of the Board. An appeal shall stay all action in furtherance of the issue appealed from unless the Zoning Inspector certifies to the Board after the notice of appeal has been filed that by reasons stated in writing by him that a stay would cause imminent peril to life or property. In such case, actions shall not be stayed otherwise than by an order which may be granted by the Court of Common Pleas of Knox County on application by the appellant.

## CHAPTER 17--LAND SUBDIVIDING AND DEVELOPMENT PROCEDURES

17.0 Purposes. Procedures are herein established for achieving effective, efficient and uniform administration of the subdivision of lands for the purposes of development, including:

- A. Procedures by which a developer may obtain information, plan land developments, applications for review, record plat and construct land improvements;
- B. Procedures by which the Planning Commission and Council may review, study, make recommendations, approve or modify or reject the plans and plats and otherwise administer these regulations; and
- C. Procedures by which the construction of improvements are reviewed by the Planning Commission to assure that natural site assets such as existing trees and topsoil are preserved and necessary drainage is provided; that on- and off-site extensions of pavements and utilities are constructed; that the Village is assured that all required improvements are constructed for the entire project; and providing an enforcement procedure therefor.

#### 17.1 Definitions.

- A. Final plan. A preliminary plan which has been approved by the Village Council. A final plan must show the full amount of development for entire parcel, whether contemplated to be completed in phases or not.
- B. Original plat/tract. The map or site plan of the parcel or contiguous parcels as of the last preceding tax roll which is intended to be subdivided.
- C. Preliminary plan. A site plan of the original plat, showing all lot lines, buildings, structures, uses and improvements intended by the developer and including a narrative explanation of how the intended development complies with or should be permitted to partially comply with this Code. The preliminary plan may also include any other documentation required by this ordinance.

17.2 Subdivision design elements and considerations. The Planning Commission, in addition to all other applicable considerations and design standards shall use the following criteria when ruling upon the application for a subdivision of property: New development should be an extension of the overall village development pattern rather than stand in contrast to it. New developments should reflect the historical growth pattern of the village and avoid “cookie-cutter” sameness as is found in many subdivisions. Multi-family dwelling developments shall be in small clusters designed as neighborhood units. A cluster shall not include more than 30 units. Preference to “conservation” or “performance” development plans shall be given by the Planning Commission; such development plans emphasize the concentration of structures in parts of the subdivision for the purpose of creating open green space in others with the overall goal of reducing the impact of the development. Developers utilizing “conservation” or “performance” development plans will be credited with a 25% reduction in application fees upon approval of the final plan by the Planning Commission.

#### 17.3 Minor subdivision; classification, application, review.

- A. Classification. A division of land into two and not more than four parcels is hereby classified as a minor subdivision if it also comprises a division of a parcel along an existing public street not involving the opening, widening, or extension of any street or road. The size, shape and orientation of lots shall be appropriate for and consistent with the location and the area of the subdivision. No lot shall be created totally or partially in front of or behind an existing lot nor shall any dwelling be constructed in front of or behind another dwelling presently abutting, contiguous and/or adjacent to a nearby street. No lots will be created or dwelling constructed that would allow lots or structures to be “stacked” one in front of or behind another, on the same street. No flag lots or panhandle lots are permitted.

B. Application. An application for approval for each minor subdivision including a scale plan of the land to be divided shall be filed by the developer with the Zoning Inspector. The Commission shall review the application at its next regularly scheduled meeting after receipt of all required information.

C. Review. The Commission shall review all information submitted with the application and shall determine if the following conditions are met:

1. Not more than four lots will be created and all the land in the original tract and all the continuous land owned by the developer would be completely subdivided; and
2. The scale plan is properly coordinated with adjoining developments and adjoining unplatted land; and
3. The scale plan complies with the planning criteria and other provisions of these regulations; and
4. The division is along an existing street and will not involve the opening, widening, or extension of any street or road.

If all of the above conditions are met, then the Commission shall approve the proposed subdivision as a minor subdivision. A notation of the action taken shall be made on the scale plan and deed by the Zoning Inspector and the developer shall be informed if a metes and bounds deed description of a plat will be required. If the Commission determines that the proposal does not qualify as a minor subdivision, the Commission may review the proposal at its next meeting as a major subdivision or the Commission may suggest revisions to the plan which would qualify it as a minor subdivision. If the developer expresses unwillingness to accept these revisions, the Commission may reject the subdivision application.

17.4 Minor subdivision: recording. After approval of the plan of a minor subdivision, the developer shall submit a conveyance with either a metes and bounds description or plat, as required by the Commission, to the Zoning Inspector for review. If he finds it complies with the approved scale plan and is otherwise satisfactory, he shall certify the approval thereon within 7 working days after receiving it. The approval shall expire 90 days thereafter unless the deed description or plat has been filed and recorded in the office of the County recorder and the Commission is so notified by the developer in writing.

17.5 Major subdivision: preliminary plan.

A. Classification. A division of land into more than four lots is hereby classified as a major subdivision; a major subdivision of land also includes any subdivision involving the opening, widening, or extension of any street or road, the outlays of land for open space for common use, or the granting of easements for the extension and maintenance of water supply, sewage disposal, or other public facilities in connection with the improvement of one or more parcels of land for residential or business development. The size, shape and orientation of lots shall be appropriate for and consistent with the location and the area of the subdivision. No lot shall be created totally or partially in front of or behind an existing lot nor shall any dwelling be constructed in front of or behind another dwelling presently abutting, contiguous and/or adjacent to a nearby street. No lots will be created or dwelling constructed that would allow lots or structures to be “stacked” one in front of or behind another, on the same street. No flag lots or panhandle lots are permitted.

B. Application. An application for approval along with the appropriate number of copies of the preliminary plan, or alternate plans, complying with the planning criteria set forth in this Zoning Code shall be submitted to the Zoning Inspector for any proposed major subdivision. The purposes of the preliminary plan are to explore the best subdivision design and its relationship to adjoining developments or vacant land, to outline a program of land improvements and conservation and to obtain the suggestions and recommendations of the Commission before a final plan is prepared.

C. Planning Commission action. Whenever the Commission has received an application and all of the maps, drawings, data and plans as required have been received, the Zoning Inspector shall forward the application to the Planning Commission for placement on the agenda of its next regular meeting for a preliminary discussion, provided it is received in sufficient time to be accommodated on the agenda. At this meeting, the Commission shall set a date for a public hearing.

The Zoning Inspector shall refer one copy of the application to the Commission's planning consultants if there are any, who shall report as to compliance with all relevant regulations, standards, and criteria, as to coordination of the design with the natural features of the site and surrounding developments and as to conformance with the components of this ordinance. They shall also make recommendations for improvements to the design. These reports shall be furnished to the Commission within three weeks from the date received.

After the public hearing, the Commission shall consider the application at its next regular meeting, or within a mutually agreed upon time. If the Commission, after evaluation of the preliminary plan and report of consultants, approves the preliminary plan, the Chairperson shall affix his signature to each copy of the plan with a notation of all conditions as the Commission may have deemed appropriate, and shall recommend the plan to Council for action. Council shall approve or disapprove the recommendation within 90 days. Upon approval, the Clerk of Council shall retain one copy, return one copy to the Commission, and return all other copies to the developer. If the Commission or Council disapprove the preliminary plan, it shall state in its records the reason or reasons for such disapproval. Property which is the subject of a major subdivision application which has been disapproved shall not be the subject of another subdivision application of any kind for a period of one year after the original filing of the application.

A preliminary plan which has been approved, with or without modification, by Council is a final plan for purposes of this chapter. The developer is bound to the terms of development contained within the final plan and is limited to development of a subdivided parcel as shown on the final plan. No additional development requests for that subdivided parcel will be considered by the Planning Commission or Council. See Section 17.4.

D. Authorization to Proceed. The approval of the preliminary plan by Council authorizes the developer to proceed with the preparation of the final plat and assures him that for a 6 month period from the date of such approval, that:

1. The layout of streets, lots, and other features of the plan may serve as the basis for the preparation of the final plat; and
2. Any conditions under which the approval of the plan was granted shall not be changed and that deviation from those conditions shall require a completely new application; and

3. The developer may submit a final plat and drawings and specifications for improvements for the whole or part of the subdivision.

#### 17.6 Major subdivision: final plat.

A. Application. An application for approval of a final plat shall be filed with the Zoning Inspector within 6 months after authorization to proceed unless the Commission extends the time. The application shall include the original tracing of the final plat, the original tracing of the drawings for the required improvements, specifications, and other maps, data and any preliminary certificates required by this Code or otherwise.

The developer may apply for approval of the final plat and drawings and specifications of required and furnish a performance guarantee bond, a surety bonds or security in such form as may be approved by Council, in the amount of 100% of the estimate of all the improvements guaranteeing that he will install all of the improvements thereafter within 2 years of the approval of the final plat unless an extension of time is granted by Council. If the improvements are not installed according to the schedule set out above or approved by Council, Council may authorize the work to be completed and may proceed against the developer and its surety for reimbursement. Alternatively, the Council may elected to rescind the approval of the remaining plat, authorize the minimum work necessary to complete the improvements begun, and may proceed against the developer and its surety for reimbursement. Upon completion of the improvements, the developer may apply for final plat approval which shall be granted by Council if all terms and conditions have been met in full. If all of the terms and conditions have not been met, Council may extend the time for the developer to bring the improvements into compliance with the preliminary plan. Failure to meet the terms and conditions will result in the denial of approval for the final plat and the Village may take all actions necessary against the developer and its surety to correct the failure to meet the terms and conditions.

B. Approval or disapproval. The approval of the final plat shall be indicated by a certification to that effect on the original tracing of the plat with the signature of the mayor. A copy of the final plat shall be returned to the Commission. The approval of the drawings and specifications for the required improvements shall be indicated by a certification to that effect on the original drawings and specifications with the signature of the Village Engineer, or if none, the County Engineer. If the final plat is disapproved, Council shall state the reason for disapproval in its records.

C. Recording. The developer shall file the approved final plat in the office of the County recorder. The approval of the Council of the final plat shall expire within 30 days unless within that period the plat has been duly filed and recorded and the Council so notified by the developer in writing. No modifications of the final plat are permitted after final approval is given by Council.

D. Approval and recording. If drawings and specifications for improvements are approved and construction guaranteed, the final plat may be approved and recorded, construction of improvements started, building permits issued, and lots may be sold, leased or transferred.

#### 17.7 Land for public and common use.

A. Dedication and acceptance for public use. The plat shall be submitted to Council for acceptance of dedication of any land for public use and acceptance of any easement before it is recorded. The acceptance of any street or utility for public use and maintenance, and

assignment of street names, shall be by separate action of Council. Six months after the completion of the permit paving, but not sooner than June 1 of the year following the completion of the pavement, an inspection of all improvements installed by the developer shall be made by a committee of Council and the Village engineer. Any defects disclosed by this inspection shall be corrected by the developer at his expense. When the improvements installed by the developer are approved by Council, the developer shall file with the Village Solicitor an abstract, certificate of title, guarantee of title or title insurance in the amount of at least \$1000 showing the title to the street or streets in the subdivision of the Village to be good for street purposes and to be free and clear from all encumbrances whatsoever. Council shall then approve the plat for the dedication of such street areas, shall accept the streets as Village streets and release all related bonds.

B. Land reserves for public use. In addition to land for local streets which principally serve the subdivision, the Village may request by resolution that land for other streets, for parks, playgrounds, or other public uses as necessary, be set aside and preserved for a period of 120 days after the application for approval of a preliminary plan of a subdivision is submitted, or for a longer period as may be mutually agreed, to allow the Village time to start proceedings to acquire such land by gift, purchase, exchange, devise, or appropriation. During such period, no structure shall be erected, no trees or topsoil shall be removed or destroyed, no grading shall be done, nor shall any land so reserved be put to any use whatsoever except on written approval of the Planning Commission. If no open land for a recreational or open and passive use is shown within a proposed subdivision, the developer shall be required to contribute a fee to a Village land acquisition fund. Required yards do not count towards the calculation of recreational or open and passive use dedications. Any required fees shall be in accordance with the following schedule:

TOTAL ACREAGE SUBDIVIDED	FEE PER ACRE (pro rata)
Less than 5 acres	\$300
5.01 to 20 acres	\$750
20.01 to 35 acres	\$1200
35.01 to 50 acres	\$1600
Greater than 50.01 acres	\$2000

The funds accumulated in the land acquisition fund shall be used for the purpose of purchasing, whether outright or through eminent domain, nearby or adjacent vacant properties for the purpose of creating recreational or open and passive use lands.

C. Common land. Whenever a developer submits a plan showing common land either for recreation, streets, pedestrian circulation or other purposes, the covenants and restrictions of such land shall be submitted with the plans of the subdivision to the Planning Commission. The Commission shall not approve any common land unless such covenants and restrictions set forth that the common land shall be:

1. Used only for the uses set forth in the restrictions and covenants; and
2. Improved by the developer; and

3. Owned by a home association, condominium ownership, or similar private or non-profit organizations with owners of each dwelling unit having a share in the common land; and
4. Maintained at no cost to the Village with the owner of each dwelling unit and/or lot, or alternatively the organization, being responsible for his share of the maintenance cost, which share when not paid shall be a lien against the property. The Village Solicitor shall give his written approval of such covenants and restrictions as a precondition to acceptance by the Village or the Planning Commission.

17.8 Resubdivision and vacation. An application for resubdividing, replatting or vacation of any undeveloped, original subdivision or a part thereof, shall be made by the owner or owners to the Planning Commission in the same form as for an original subdivision proposal along with all required maps and other information. The original lots shall be shown and lot numbers and other references made to previously recorded subdivisions. After a replatting or vacation is approved by the Commission, it shall be submitted to the clerk of common pleas court if required by Ohio Revised Code §711.17 et seq.

17.9 Developer responsible for required improvements. The developer of any subdivision shall provide and install at his expense the improvements required herein; or he shall provide financial guarantees in lieu of actual installation as precedents to the recording and sales of lots in the issuance of building permits and zoning certificate.

A. Improvements within the subdivision. Land for rights-of-way for all streets within the subdivision shall be dedicated by the developer, and all necessarily related easements shall be provided. Utilities and pavements shall be furnished and installed as hereinafter required and they shall be of such sizes and capacities as are required for the development of the proposed subdivision, and as may be necessary to serve adjacent undeveloped land which is an integral part of the service area. The developer shall be required to extend improvements to the boundary of the proposed subdivision to serve adjoining unsubdivided land. However, where the Planning Commission determines that a connecting street is necessary for the future subdividing of adjoining land, but the present construction of pavement and/or utilities therein are not warranted, the Commission may require the dedication of land for such connecting street and the pavement for the intersections constructed and connections to the utilities made available for future extension.

B. Off-site extensions. The construction of off-site improvements to serve a proposed subdivision may be required of a developer as a precedent to approval if adequate utilities or streets are not available at the boundary of the proposed subdivision, provided the Commission finds the extension of the improvements across undeveloped or unserved areas would not be warranted as a special assessment to the intervening properties or a municipal expense until some future date.

C. Grading. The developer shall prepare a grading plan for each subdivision in order to establish street grades, floor elevation of buildings and a system of drainage for private lots, all in proper relation to each other and to existing topography, as follows:

1. Grading of block. The grading plan shall be established with the intention of meeting the following purposes: to divert water away from buildings; to prevent standing water and soil saturation detrimental to buildings and the use of the lot; to provide for disposal of water from the lot except that which should be retained for irrigation; to preserve

desirable and valuable site features; and to provide grades for safe and convenient access to and around buildings and the lot for their use and maintenance.

2. The finished grading shall be designed in accordance with all relevant state provisions, if any. The grading of the roadway shall extend the full width of the right-of-way except in rolling topography. Tree lawns should be graded at a gradient of not less than 2% or more than 4% upward between the curb and the sidewalk or property line.
3. The floor elevation of each building shall be established in proper relation to the surrounding grades, to the driveway and the street. There should be a minimum grade of 2% around each building so that water drains to lower areas or drainage swales which shall have a minimum grade of .5%. The lot drainage system shall be designed so that surface water will drain onto the drive- way, a drainage structure on the lot, a street gutter and storm sewer, or a natural drainageway. The minimum grades of impervious surface driveways shall be .5%; the maximum shall be 12%. Grading should be adjusted so there will be no abrupt grades in the front yards and along side lot lines. The grades of earth terraces shall not exceed a 2½ to 1 slope. If a masonry retaining wall exceeds 3 feet in height, a hedge, fence, or railing shall be provided on its top.
4. The topsoil shall be stripped from the roadway and construction areas, piled separately and not removed from the site or used as spoil. The Planning Commission may require that as many trees as can be reasonably utilized in the final development plan be retained, and that grading be adjusted to the existing grade around the trees.

D. Drainage facilities. A drainage system shall be designed and constructed by the developer, in any district in which the proposed subdivision is located, for the proper drainage of the surface water of the subdivision and each lot as follows:

1. Enclosed storm sewer. An enclosed storm sewer system shall be provided and connected to an existing storm sewer system, drainage ditch or other waterway, as determined by the Village Engineer. The system shall have a capacity to serve the subdivision and drainage area of which it is a part. The system shall include pipes, culverts, manholes, catch basins, drain inlets and a connection for each lot.
2. Open drainage system. Subject to the approval of the Planning Commission, the developer may rechannel drainage to any water course through his property in order to contain the storm drain flow. The developer may be required to deed in fee, dedicate or grant an easement to the Village for a drainage channel not less in width than required by a plan or standards adopted by the Village or as directed by the Village Engineer. The developer shall be responsible for clearing the drainage way of all debris as a condition of acceptance of this method of drainage. The Village Engineer shall determine the proper cross-section, grade, width of channel and alignment of the open drainage system.
3. Design standards. The drainage system shall be designed in accordance with the standards of the Knox County Sanitary Engineering Department. The design of storm frequency shall be for 5 years (for single- and two-family uses) or 10 years (for all other uses). During any 2-year storm, post-development stormwater discharge shall not exceed pre-development stormwater discharge.

4. Acceptance of storm and sanitary sewers. Prior to final approval of any newly installed sewer system and/or reconstructed sewer, the contractor constructing such sewer or the developer of the subdivision in which the system was installed shall cause to be made at his expense one set of photographs of the entire sewer system installed, both sanitary and drainage, at the completion of all mains, showing thereby that the sewer system was constructed upon sound engineering standards and that the system is free of any and all accumulations of foreign substances and debris and that the passage and flow of sewage and storm water will be free and clear. Upon inspection of such photographs, and if satisfied that such sewer is free and clear of all foreign substances and debris and is of sound workmanship and complies with sound engineering standards, the Village Engineer is thereupon authorized to approve the same as a final inspection, placing in safe keeping for future reference all photographs which shall remain the property of the Village.

E. Sanitary Sewers. Sanitary sewers shall be designed in accordance with the master sewer plan of the Village and shall be constructed by the developer of each proposed subdivision or development; a house connection shall be provided for each lot. The sanitary system shall be designed and constructed in accordance with such regulations and standards as may be established by the Village Engineer and/or the Knox County Sanitary Engineering Department. Final approval shall be made according to the process found in paragraph D, above.

F. Water Service. A public water distribution system shall be designed and constructed by the developer of each subdivision or development and a supply shall be provided for each lot. The water distribution system shall be designed and constructed in accordance with the rules and standards which may be established by the Village Engineer and/or the Knox County Water Department.

G. Utility service. All utilities, including gas, electric, cable, and telephone services shall be located underground. The electrical contractor for the subdivision developer shall install code approved galvanized conduit of rigid type at a minimum burial depth of 24 inches below the finished grade. The initial backfill shall be a minimum depth of 12 inches of sand. The conduit shall run from the grade level connection chamber to the meter socket and shall conform to any specifications of the servicing electric company. Galvanized conduits of a rigid type shall be used for all bends and connections. The electrical contractor shall also install in a like manner conduit to service telephone lines from the telephone company roadway ground connection to the telephone entrance ell. The installation shall conform to the specifications of the telephone company.

H. Gas fuel service. The developer shall submit plans for a gas fuel distribution system for the proposed subdivision or development and a supply line shall be provided for each lot. The gas system shall be designed and constructed in accordance with the rules and standards of the federal Department of Transportation.

I. Pavement, curbs, and sidewalks. The pavement, curbs and sidewalks shall be designed and constructed by the developer according to the following standards:

1. Pavement. For all pavement constructed in accordance with this section, the width of the pavement shall be measured between the vertical faces of straight curbs and the outside edges of rolled curbs. The materials and the construction shall be in

accordance with the “Material Specifications” of the State Department of Transportation. The pavement requirements may be modified if found necessary by the Engineer and if approved by the Planning Commission in advance of installation, because of extraordinary traffic loads or unusual soil conditions in specific locations. After the underground utilities and house connections are installed and backfilled, and rough grading completed, the roadway subgrade shall be shaped, rolled and compacted. In subdivisions already under construction and approved for concrete streets and those planned which are continuations or extensions of existing concrete streets, the developer shall construct the final pavement of reinforced concrete with integral curbs, or the developer may request to construct a temporary pavement of slag or stone for use during the building construction period and furnish a cash bond of at least 25% of the amount of the performance bond or in other amounts mutual agreed to, guaranteeing that all pavements shall be maintained in a passable and reasonable condition and rebuilt as necessary to comply with the standards of the Village at the completion of the construction of the buildings and without expense to the Village, until final acceptance of final pavement for maintenance and use. Otherwise, in all other developments, the developer shall construct asphalt pavement for roadways. In subdivisions where the topography is undulating such that lot grades shall create difficulties in construction, then the developer may elect to construct an asphalt pavement with flush curbs and no gutters, provided that the Engineer has approved such installation in advance.

2. Curbs and gutters. Where required by this section, concrete roll curbs integral with the pavement shall be constructed. Straight curbs may be provided at intersections where rolled curbs are used elsewhere.
3. Driveways and curb cuts. Driveways and curb cuts should be located along the lowest side of the lot, not less than three feet from the side lot line or another driveway, unless two driveways are to be combined into a shared driveway. Shared driveways or service drives are encouraged; recorded easements for such elements are required. Developments using shared driveways or service drives may reduce the required sideyards by one-half (1/2). Driveways shall be not less than 8 feet and not more than 16 feet wide. Curb cuts or straight curbs and the flare for rolled curbs of driveways shall be 3 to 5 feet wider than the driveway on each side; the driveway grade of the apron shall not exceed 3% from the edge of the pavement to the property line and the maximum grade of the on-site driveway shall not exceed 10%.
4. Parking areas. The design of off-street parking areas and their service driveways shall be in accordance with the standards set forth in section 13.2.
5. Public sidewalks. In all subdivision developments, sidewalks shall be constructed contemporaneously with street construction. The developer shall grade the tree awns on both sides of the street between the curb and the sidewalk. A developer may seek a waiver of the requirement to construct sidewalks contemporaneously from the Planning Commission; such a waiver shall require the installation of sidewalks upon the sale of 51% of the lots or units in the subdivision or within 2 years from the time when the development was first opened for sale, whichever occurs first. Sidewalks shall be located in the public right-of-way so that the inner line is approximately 6 inches from

the property line. On corner lots, each sidewalk shall be extended to the curb. Sidewalks shall be not less than 3.5 feet wide and no more than 5.5 feet wide. Sidewalks shall be constructed of concrete 4 inches thick or gravel and shall link directly with the nearest existing Village sidewalk.

J. Street trees. The developer shall select and install deciduous trees to be planted along the tree lawn of all developments. Trees shall be planted on the tree lawn at an interval of no less than 50 feet. Tree species should be selected with such habit of growth that they shall fill the space desired within a reasonable time, producing a pleasing effect in scale with the adjacent developments. Miniature tree species should not be used in tree lawn planting. Trees of untried species, or unknown endurance or those requiring frequent spraying should not be used. Trees generally recommended along streets are Red Maple, Norway Maple, Sugar Maple, Red Oak, White Oak, Thornless Honey Locust, London Plane, Amur Cork and Sweet Gum. Trees which have undesirable characteristics such as excessively thick foliage, low branches, unpleasant odors, susceptibility to disease or attack by insects or which have large root systems shall not be planted in any tree lawn; some of these include, but are not limited to, Poplar, Willow, Cottonwood, American Elm, nut or fruit trees, Ailanthus, Mountain Ash and Oregon Maple.

K. Design Standards for required improvements. The design of the water system, storm and sanitary sewage systems and roadways, the grading of the subdivision and each lot shall be in accord with the various aforesaid standards and requirements. Drawings and specifications for the improvements shall be reviewed and approved by the Village Engineer and the installation shall be subject to his continuous inspection. At the completion of construction, and before acceptance, the developer shall furnish the Village with a set of records or "as-built" tracings showing the locations, size, and elevations of all underground utilities.

17.10 Performance guarantee in lieu of installation of improvements. Concurrently with the application for approval of the final plat, the developer may execute and file with the Village a performance bond, secured as hereinafter required, in lieu of actual installation or completion of required improvements.

A. Form of bond. The performance bond shall be conditioned upon proper installation of all improvements required by the codified ordinances of the Village, according to the approved plans and specifications, within two years after approval by the Planning Commission or Council of the final plat of the subdivision, and shall provide that the Village shall have the right, in the event of default, to install the required improvements after first giving 10 days written notice to the developer, to proceed against the developer and against any surety on the bond for the cost thereof and to apply to the cost of such improvements any funds deposited with the Village in escrow as security for performance of the conditions of the bond. The bond shall further provide that the developer shall hold harmless the Village, its agencies, officers and employees from all claim, demands, and causes of action of every nature and description arising out of the installation of improvements within the developer's subdivision, conditions existing during the construction of installation of such improvements and all damages to neighboring property owners resulting from approval of the developer's subdivision by the Village and the installation of improvements therein, including, without limitation, damages resulting from increase in surface water flowing from the subdivision and all claims arising out of changes to natural ditches or

drainage courses. The terms “claim, demands, and causes of action,” shall include all expenses of defending against such claims, demands and causes of action, including fees payable to attorneys and expert witnesses, wages paid to Village employees while occupied in defense of such claims, demands and causes of actions and wages or salaries reimbursed by the Village to Village officers to compensate them for wages and salaries lost while engaged in such defense. The form of each performance bond shall be approved in writing by the Village Solicitor.

B. Security for bond. Performance bonds shall be secured by 1) the written guarantee of one or more surety companies authorized to conduct business within the State of Ohio. The form of guarantee shall be approved in writing by the Village Solicitor. The Solicitor may reject a performance bond in the event that he reasonably determines that the assets of the surety company or companies, subject to attachment within the State of Ohio, are insufficient to secure performance of the developer’s obligations, taking into account other outstanding liabilities and contingent liabilities of the surety company or companies; or 2) by deposit of cash in the full face value of the bond, with the Village or with an escrow agent or trustee. In the event funds are deposited with an escrow agent or trustee, all documents or instruments governing the terms of such deposit shall be approved in writing by the Solicitor.

C. Amount of bond. The amount of performance bonds shall be determined by the Village engineer and shall be in an amount equal to the estimated total cost of materials and labor required to install or construct all improvements required by this ordinance, including the estimated cost of repairing or reconstructing public improvements outside the subdivision which may be damaged by construction activity. The amount of a performance bond shall also include estimated damages, if any, to neighboring properties which are the subject of the hold harmless provision contained in subsection A. above, and the estimated costs of defending against claims for any such damages.

D. Reduction of bond and return of security. When the engineer shall have certified in writing that all subdivision improvements have been satisfactorily completed in accordance with approved plans and specifications, the performance bond submitted by the developer shall be canceled and all funds deposited as security therefor shall be returned. Upon written certification by the engineer that any portion of the improvements has, upon inspection, been found satisfactorily completed, a reduction in the amount of bond or partial withdrawal of funds deposited as security therefor, equal to the cost of such completed improvements, as estimated by the engineer, may be authorized by the engineer if, in the opinion of the engineer the remaining bond or security shall be fully sufficient, under all circumstances, to guarantee performance of the conditions of the bond. In the event that the developer shall have been required to post a maintenance bond for the same subdivision, pursuant to the requirements of this Chapter, the Village may retain so much of the funds posted as security for the developer’s performance bond as may, in the judgment of the engineer, be necessary to provide adequate security for the performance of the conditions of the developer’s maintenance bond.

17.11 Certification of completion; maintenance bond.

A. Certification of completion. With respect to all improvements which have been installed by the developer prior to the granting of final approval of the subdivision, the engineer shall furnish to the Planning Commission, at the time that the request is made for final approval, a certification

that all such improvements have been constructed and installed according to the approved plans therefor, and are ready for use and that they have been approved by the various agencies whose approval is required.

B. Maintenance bond. The developer shall furnish to the Village a maintenance bond in the amount of the total cost of all improvements which have been installed. This bond shall be conditioned on the proper operation of these improvements for a period of 3 years from the date of the granting of the final approval. The bond shall provide that the Village shall be held harmless and free of tort and contract claims of third persons, with the right given to the Village to effect any necessary repair or correction of these improvements during such 3 year period and hold the principal and surety jointly and severally liable on the bond. Before the Village exercises its right to effect any necessary repairs or correction to the required improvements during such 3 year period it shall first give a 10 day written notice to the developer of its intention to do so. The developer may elect to make the necessary repairs or corrections during that time and give notice to the Village of completion thereto

17.12 Insurance. The developer agrees to indemnify and hold harmless the Village against and from any and all loss, cost, damage, liability, and expense on account of damages to property of, or injury to or death of, the Village and any of its employees, agents or representatives or any third person, caused by, growing out of or in any way whatsoever attributable to the construction of the improvements and the use of the street delineated on the subdivision plat during construction. The developer further agrees, but without limiting its liability, to indemnify the Village to carry liability insurance contracts with any insurance company or companies acceptable to the Clerk of Council during the period of construction in the sum of between \$100,000 and \$200,000 for injury to or death of persons, and in the sum of \$5000 for damage to or destruction of property, which insurance contracts shall include the Village as a named insured. The developer agrees to maintain on file with the Village during the period of the construction, certificates or memorandum of insurance evidencing that the insurance contracts are in force. As a precondition to installation of the required improvements, the developer shall place his agreement to these conditions in writing which shall be filed with the insurance records with the Village.

#### CHAPTER 18--ENFORCEMENT AND ADMINISTRATION

18.0 Zoning certificates required. (Except as provided in Section (B) hereafter)

- A. It shall be unlawful for any owner, lessee or tenant to use or to permit the use of any structure, building, or land, or part thereof, hereafter created erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate, shall have been authorized by the Planning Commission and issued by the Zoning Inspector. No development permitted by this ordinance, including accessory and temporary uses, may be established or changed; no structure shall be erected, constructed, reconstructed, altered, razed, or removed, and no building used, occupied, or altered with respect to its use after the effective date of this ordinance until a Zoning Certificate has been secured. A Zoning Certificate shall show that such building or premises or a part thereof, and the proposed use of the premises, are in conformity with the provisions of this ordinance and shall be upon such form as the Planning Commission or Zoning Inspector shall provide or shall be endorsed upon the application submitted by the applicant. Nothing herein shall relieve any applicant of the additional responsibility of seeking any permit required by any applicable statute, ordinance, or regulation in compliance with all of the terms of this ordinance.
- B. Notwithstanding, the foregoing requirements, no zoning certificate shall be required for the following improvements:

1. Routine Maintenance and repair, not resulting in size increase or existing structures.
2. Replacement, repair or routine maintenance of roof, siding , windows or doors, gutters or down spouts with material of comparable size and color, and in a manner which is considered to be “like for like” repair or replacement in the judgment of the Zoning Inspector and/or the Planning and Zoning Commission.
3. New construction costing less than five hundred dollars (\$500.00) which does not increase the size or affect the basic nature and use of an existing structure or lot.
4. Repair or replacement of driveways or sidewalks.

C. Emergency construction, repair or replacement. Any construction, repair, or replacement for which a zoning permit is otherwise required which in the discretion of the Zoning Inspector constitutes an emergency situation requiring prompt or immediate action to protect the resident, the resident’s neighbors or the Village from imminent harm to persons or property in any significant degree may proceed without prior consideration or approval of an application for a Zoning Permit. In the event such an emergency is certified by the Zoning Inspector, the resident(s) making such repairs shall, at their earliest opportunity, and prior to the next regular meeting of the Planning and Zoning Commission, occurring after their emergency, file an application for a permit for the action taken on an emergency basis and such related repairs and improvement as are contemplated.

D. The fact that a Zoning Permit is not required for projects as set forth above herein, does not excuse the contractor performing such work from meeting all registration requirements for Village Income Tax purposes, as may be set forth elsewhere in the Ordinance of the Village of Gambier.

18.1 Duration of Zoning Certificate. For new construction or new uses, an issued Zoning Certificate shall lapse and be null and void twelve (12) months after the date of issuance unless the applicant requests an extension of time in advance of the lapse date. An initial request for an extension shall be made in writing to the Zoning Inspector who may, if he is satisfied that acceptable progress on the project has been made, extend the certificate’s validity by up to six (6) months. Thereafter, if further extension is necessary, application to the Planning Commission is required. The Planning Commission may grant an extension for the period of time found to be necessary for completion of the project, however, at the lapse of that period, the Zoning Certificate shall be null and void if the project has not been completed and an occupancy certificate issued. The Zoning Certificate may be revoked by the Planning Commission if, after complaint, notice, and a hearing thereon, it determines that a project is being executed in violation of the terms and conditions of the certificate or of this ordinance.

18.2 Certificate of occupancy required. It shall be unlawful for any owner, lessee or tenant to occupy any structure, building or land, or part thereof, hereafter erected, created, changed, converted or enlarged unless a certificate of occupancy shall have been authorized by the Planning Commission and issued by the Zoning Inspector. No structure shall be erected, constructed, reconstructed, extended, or moved, and no land or building shall be occupied or used in whole or in part for any use whatsoever after the effective date of this ordinance until the owner, tenants, contract purchaser, or authorized agent thereof has been issued a certificate of occupancy by the Zoning Inspector, indicating that the building or use complies with all zoning requirements of this ordinance. Such certificate of occupancy shall show and certify that such building, structure or premises has been constructed, altered, or improved in compliance with the provisions of this ordinance and all other applicable codes or ordinances and all conditions and requirements, if any, stipulated by the Planning Commission, Board of Appeals or other proper authority are met. Certificates of occupancy shall be issued upon such forms as may be

provided by the Village or shall be endorsed upon the application submitted by the applicant and shall indicate that an inspection of the property has occurred and that it meets all of the requirements of this ordinance which apply. New certificates of occupancy are not required for existing and continuing uses and buildings which exist on the date of the passage of this ordinance. The issuance of a certificate of occupancy in no way relieves any recipient thereof from compliance with all of the terms of this ordinance and all other applicable regulations.

18.3 Duration of certificate of occupancy. A certificate of occupancy shall remain valid indefinitely, until and unless the Planning Commission determines that a violation of the use, construction, or demolition sections of this ordinance has occurred. Violation of a sign provision shall not invalidate a properly issued certificate of occupancy. When the Planning Commission determines that a violation of this ordinance has occurred, the owner/occupant of the premises shall be required, in addition to any other penalty imposed, to reapply for a certificate of occupancy.

18.4 Building inspections. At any time when an inspection of a building is required under this Code to verify compliance with the Ohio Basic Building Code or other applicable building code, the applicant for a permit may elect to hire a qualified building inspector at his own cost or may permit the Village to provide the inspector at cost to be paid in advance of inspection.

18.5 Sign permits required. For the construction, alteration, or location of any sign, other than a temporary sign, a sign permit is required to be obtained according to the provisions of Section 14.4; such permit shall continue to be valid indefinitely, until or unless the Planning Commission determines that the condition of the sign has changed so substantially as to constitute a violation of the provisions of this ordinance related to signs.

18.6 Enforcement by Zoning Inspector. The office and position of the Zoning Inspector is continued by the passage of this ordinance. The Zoning Inspector shall be appointed by the Mayor of the Village of Gambier. The Zoning Inspector shall be chosen based upon his demonstrated interest, expertise, education, or experience in one or more of the following fields: architecture, planning, land use, engineering, law, utilities, art, business, or construction. It shall be the duty of the Zoning Inspector to enforce this ordinance in accordance with the administrative and other provisions of this ordinance. The Zoning Inspector shall process all applications which he is authorized to process within fifteen (15) days (unless specified otherwise in other sections) after they are filed in full compliance with and are complete in the terms of all of the applicable requirements contained in this ordinance. When a decision has been returned to him by the Planning Commission (or the Board of Zoning Appeals) authorizing a particular action or certificate, the Zoning Inspector shall issue or endorse such certificate or take the required action within fifteen (15) days.

18.7 Enforcement by others. Any resident of the Village, including Village employees and officials, may take appropriate legal action to compel enforcement or compliance with the terms of this ordinance by an owner, the Zoning Inspector, the Planning Commission, the Board of Zoning Appeals, or any other Village officer or authority. This remedy exists in addition to any other remedies provided by law to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance, or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; or to prevent any illegal act, conduct, business or use in or about such premises.

18.8 Compliance by other officials, agencies, or employees. All departments, officials, and public employees of the Village, vested with the duty or authority to issue permits, certificates, or licenses, shall conform to the provisions of this ordinance and shall issue no permit or license for any use, building or

purpose in conflict with the provisions of this ordinance. Any permit or license issued in conflict with the provisions of this ordinance shall be null and void upon the determination by the Board of Zoning Appeals that the permit conflicts with these terms. The willful issuance of a permit or certificate in violation of this ordinance by any employee or agency may subject such to removal or other action.

18.9 Violations. It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain, move, demolish, or use any building or land in violation of any of the provisions of this ordinance. Any person violating any of the provisions of this ordinance, or any amendment or supplement thereto, shall be guilty of a 3<sup>rd</sup> degree misdemeanor (if the value of the property is less than \$200,000) or guilty of a 1<sup>st</sup> degree misdemeanor (if the value of the property is greater than \$200,000). Third degree misdemeanors are punishable by up to 60 days in jail and/or a \$500 fine. First degree misdemeanors are punishable by up to six (6) months in jail and/or a \$1000 fine. Each and every day during which such illegal action or activity or failure to act occurs and continues shall be deemed to be a separate offense which may be cited and charged against the owner or property. In case any building or land is constructed, altered, changed, moved or demolished in violation of this Code, the offending owner may be required, in addition to the above penalties, to make a complete restitution of the original status of the land and/or building to the pre-violation condition.

#### CHAPTER 19—DISTRICT CHANGES AND REGULATION AMENDMENTS

19.0 Council may amend ordinance. Whenever the public necessity, convenience, general welfare or good zoning practices require, the Village Council may by ordinance, after recommendation thereon by the Village Planning Commission and subject to the procedure provided in this Chapter, amend, supplement, or change the regulations, district boundaries or classification of property, now or hereafter established by this ordinance or amendments thereof. It shall be the duty of the Planning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements. An amendment, supplement, reclassification or change may be initiated by the Commission on its own motion, or by an application of one or more of the owners or lessees of property within the area proposed to be changed or effected by this ordinance.

19.1 Procedure for change. Applications for any change of district boundaries or classification of property as shown on the Zoning map, and for amendments to regulations, shall be submitted to the Planning Commission, at its public office upon such forms as provided by that office, and shall be accompanied by such data and information so as to assure the fullest practicable presentation of facts for the permanent record. Such data shall include a map drawn to a scale of not less than 100 feet to the inch showing the land in question, its location, the length and location of each boundary thereof, the location of existing uses of all buildings and the principal use of all properties within 500 feet of such land. Each such application shall be signed by at least one of the owners or lessees of property within the area proposed to be reclassified. Applications for amendments or district changes initiated by the Commission shall be accompanied by its motion pertaining to the proposed amendment. Upon the filing of an application for any amendment with the Clerk of Council, the Clerk shall prepare a statement giving the names and addresses of the owners of all properties lying within 500 feet of any part of the exterior boundaries of the premises of the zoning classification which is proposed to be changed. This statement shall also include the names and addresses of all owners of the properties within the area which is the subject of the amendment.

19.2 Commission review, notice. The Planning Commission shall prepare a report and recommendation on the proposed amendment based upon the contents of this ordinance, other planning documents prepared by the Village, the characteristics of the area which is the subject of the amendment, and the contents of the application for the change. The Planning Commission may solicit opinions from the public in written form, but the Planning Commission is not required to hold a special public hearing on the change in reaching its conclusions for its recommendation to Council. The only notice required by the Planning Commission in making a recommendation on a proposed amendment is to provide notice of the item on its agenda for the meeting at which it will be considered.

19.3 Council hearing, notice. After receiving from the Commission its recommendation on the proposed amendment or supplement, and before consideration of such amendment, the Council shall hold a public hearing thereon, at least 30 days notice of the time and place of which shall be given to all persons listed in the statement prepared by the Village Clerk and by publication in a newspaper of general circulation in the Village. Following such hearing, and after reviewing the recommendations of the Commission thereon, the Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the ordinance and/or the zoning map at its next regularly scheduled meeting.

19.4 Amendment or map change pending: Zoning Certificate, building permit. Whenever the Council has accepted for review a change or amendment of the Zoning Code or Map as evidenced by resolution of record, no Zoning Certificate or building permit shall be issued within 60 days from the date of such resolution which would authorize the construction of a building or the establishment of a use which would become non-conforming under the contemplated amendment or change.

19.5 Reapplication for amendment or change once denied. An application for a change in zoning classification or for modification of the zoning ordinance which is substantially the same as one denied by Council shall not be processed or reviewed by Council within six (6) months of the date of denial. This provision in no way limits the citizens' right to address the substantially same issue through the initiative and/or referendum process as provided by statute.

## CHAPTER 20--MISCELLANEOUS PROVISIONS

20.0 Severability. If any provision of this ordinance or the application thereof is held invalid in a court of competent jurisdiction, such invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are hereby declared severable in all respects.

20.1 Conflicting ordinances. Nothing contained in this ordinance shall supersede the powers of other legislative or regulatory bodies or relieve any property owner of complying with the requirements of any other municipal ordinances or regulations, or of state or federal statutes. In the interpretation and application of this ordinance, the provisions contained herein shall be held to be the minimum requirements, adopted for the promotion of public health, morals, safety, and general welfare.

In case of any conflict between this ordinance, or any part thereof, and the whole or part of any existing or future ordinance of the Village of Gambier, or the whole or part of any existing or future private covenants or deeds, the most restrictive of the provisions shall, in all cases, apply. In the event there is conflict between the decision of the Board or Commission and any other administrative or legislative entity, the decision of the Board or Commission shall prevail, excepting decisions directly

related to an appeal or properly exercised legislative decisions by Council.

CHAPTER 21--SCHEDULE OF FEES

TYPE OF PERMIT/CERTIFICATE/SERVICE	FEE
Application fee for a zoning certificate for swimming pools, hot tubs, decks, fences, and accessory buildings	\$50.00
Application fee for all other zoning certificates (minimum fee \$15.00) of building cost	\$3.00 per \$1000
Maximum fee for any application	\$15,000
Application for Conditional Use Permit	\$50.00
Note: This is in addition to the cost of the required permit	
Application fee for an occupancy certificate	\$20.00
Application fee for a sign permit	\$35.00
Appeal to Board of Zoning Appeals	\$50.00
Demolition Permit for garage or accessory building less than 500 sq. ft.	\$25.00
Demolition Permit for all other buildings: per 1,000 sq. ft. on all stories	\$50.00
Petition to re-zone property	\$75.00
Improvement inspections provided by the Village	At cost

## **APPENDIX A**

### **TABLE OF REQUIRED BUFFER YARD PLANTS**

#### **Between similar uses in the same district:**

Minimum required plant units per 100 feet of a 10-foot buffer yard:

- 1 (one) canopy tree
- 2 (two) understory trees
- 3 (three) shrubs

If buffer yard is 15 (fifteen) feet wide, multiply requirements by .8 (eight tenths) (round).

If buffer yard is 20 (twenty) feet wide, multiply requirements by .6 (six tenths) (round).

If buffer yard is 25 (twenty-five) feet wide, multiply requirements by .4 (four tenths) (round).

#### **Between dissimilar uses in the same district:**

Minimum required plant units per 100 feet of a 10-foot buffer yard:

- 2 (two) canopy tree
- 4 (four) understory trees
- 6 (six) shrubs

If buffer yard is 15 (fifteen) feet wide, multiply requirements by .8 (eight tenths) (round).

If buffer yard is 20 (twenty) feet wide, multiply requirements by .6 (six tenths) (round).

If buffer yard is 25 (twenty-five) feet wide, multiply requirements by .4 (four tenths) (round).

#### **Between Business and any other district:**

Minimum required plant units per 100 feet of a 10-foot buffer yard:

- 5 (five) canopy tree
- 10 (ten) understory trees
- 15 (fifteen) shrubs

If buffer yard is 15 (fifteen) feet wide, multiply requirements by .9 (nine tenths) (round).

If buffer yard is 20 (twenty) feet wide, multiply requirements by .8 (eight tenths) (round).

If buffer yard is 25 (twenty-five) feet wide, multiply requirements by .6 (six tenths) (round).

#### **Between all other districts besides Business:**

Minimum required plant units per 100 feet of a 10-foot buffer yard:

- 3 (three) canopy tree
- 6 (six) understory trees
- 9 (nine) shrubs

If buffer yard is 15 (fifteen) feet wide, multiply requirements by .8 (eight tenths) (round).

If buffer yard is 20 (twenty) feet wide, multiply requirements by .6 (six tenths) (round).

If buffer yard is 25 (twenty-five) feet wide, multiply requirements by .4 (four tenths) (round).