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**ZONING ORDINANCE  
OF 1995  
Third Revision  
EFFECTIVE OCTOBER 24, 2001**  
Replaces All Earlier Editions

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Prepared by  
The Zoning and Planning Commission  
Village of Galena  
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**ZONING ORDINANCE  
OF 1995  
Third Revision  
Effective October 24, 2001**

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Kenneth J. Molnar, Solicitor

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# TABLE OF CONTENTS

		<b>Page</b>
<b>ARTICLE I</b>	<b>Title</b>	
	Section 1.01	10
<b>ARTICLE II</b>	<b>Purpose</b>	
	Section 2.01	10
<b>ARTICLE III</b>	<b>Interpretations of Standards</b>	
	Section 3.01	10
<b>ARTICLE IV</b>	<b>Definitions</b>	
	Section 4.01 - General Definitions	10
	Section 4.02 - Definitions by Letter (A-Z)	10
<b>ARTICLE V</b>	<b>Districts and Boundaries</b>	
	Section 5.01 - Zoning Districts	28
	Section 5.02 - District Boundaries	28
	Section 5.03 - New Territory	28
	Section 5.04 - Rules for Interpretation of District Boundaries	28
	Section 5.05 - Zoning Map	29
<b>ARTICLE VI</b>	<b>Application of Ordinance</b>	
	Section 6.01 - Conformance Required	30
	Section 6.02 – Agriculture	30
	Section 6.03 - Public Utilities and Railroads	30
	Section 6.04 - Buildings Under Construction and New Construction	30
	Section 6.05 - Issued Zoning Certificates	30
<b>ARTICLE VII</b>	<b>Farm Residence District ( FR-1 )</b>	
	Section 7.01 – Purpose	31
	Section 7.02 – Application	31
	Section 7.03 - Permitted Uses	31
	Section 7.04 - Conditional Uses	32
	Section 7.05 - Prohibited Uses	36
	Section 7.06 - Development Standards	36

**ARTICLE VIII Low Density Residence District ( R-2 )**

Section 8.01 – Purpose	38
Section 8.02 – Application	38
Section 8.03 - Permitted Uses	38
Section 8.04 - Conditional Uses	39
Section 8.05 - Prohibited Uses	42
Section 8.06 - Development Standards	42

**ARTICLE IX Medium Density Residence District ( R-3 )**

Section 9.01 – Purpose	44
Section 9.02 – Application	44
Section 9.03 - Permitted Uses	44
Section 9.04 - Conditional Uses	45
Section 9.05 - Prohibited Uses	47
Section 9.06 - Development Standards	47

**ARTICLE X Planned Residence District ( PRD )**

Section 10.01 – Purpose	50
Section 10.02 – Application	50
Section 10.03 - Permitted Uses	50
Section 10.04 - Conditional Uses	51
Section 10.05 - Prohibited Uses	53
Section 10.06 - Application Procedure Involving Rezoning	53
Section 10.07 - Application Procedure Within Existing District	54
Section 10.08 - Application Procedure For Changes Within Existing District	55
Section 10.09 - Development Plan	55
Section 10.10 – Approval	57
Section 10.11 - Development Standards	59

**ARTICLE XI Reserved** 62

**ARTICLE XII Neighborhood Office District ( C-1 )**

Section 12.01 – Purpose	63
-------------------------	----

	<b>Page</b>
Section 12.02 – Application	63
Section 12.03 - Permitted Uses	63
Section 12.04 - Conditional Uses	64
Section 12.05 - Prohibited Uses	64
Section 12.06 - Development Standards	65
<hr/>	
<b>ARTICLE XIII</b>	<b>Neighborhood Commercial District ( C-2 )</b>
Section 13.01 – Purpose	67
Section 13.02 – Application	67
Section 13.03 - Permitted Uses	67
Section 13.04 - Conditional Uses	68
Section 13.05 - Prohibited Uses	69
Section 13.06 - Development Standards	69
<hr/>	
<b>ARTICLE XIV</b>	<b>Planned Commercial and Office District ( PC )</b>
Section 14.01 – Purpose	71
Section 14.02 – Application	71
Section 14.03 - Permitted Uses	71
Section 14.04 - Conditional Uses	72
Section 14.05 - Prohibited Uses	72
Section 14.06 - Application Procedure Involving Rezoning	73
Section 14.07 - Application Procedure Within Existing District	74
Section 14.08 - Application Procedure For Changes Within Existing District	74
Section 14.09 - Development Plan	75
Section 14.10 – Approval	77
Section 14.11 - Development Standards	79
<hr/>	
<b>ARTICLE XV</b>	<b>Reserved</b>
	81
<hr/>	
<b>ARTICLE XVI</b>	<b>Industrial District ( I )</b>
Section 16.01 – Purpose	82
Section 16.02 – Application	82
Section 16.03 - Permitted Uses	82
Section 16.04 - Conditional Uses	82
Section 16.05 - Prohibited Uses	83
Section 16.06 - Development Standards	84

<b>ARTICLE XVII</b>	<b>Planned Industrial District ( PI )</b>	
	Section 17.01 – Purpose	87
	Section 17.02 – Application	87
	Section 17.03 - Permitted Uses	87
	Section 17.04 - Conditional Uses	88
	Section 17.05 - Prohibited Uses	88
	Section 17.06 - Application Procedure Involving Rezoning	88
	Section 17.07 - Application Procedure Within Existing District	89
	Section 17.08 - Application Procedure For Changes Within Existing District	90
	Section 17.09 - Development Plan	90
	Section 17.10 – Approval	92
	Section 17.11 - Development Standards	94
<b>ARTICLE XVIII</b>	<b>Reserved</b>	96
<b>ARTICLE XIX</b>	<b>Outdoor Lighting Standards</b>	97
	Section 19.00 – Statement of Need and Purpose	97
	Section 19.01 – Definitions	97
	Section 19.02 – Regulations	98
	Section 19.03 – Control of Glare–Luminaire Design Factors	98
	Section 19.04 – Exceptions to Control of Glare	98
	Section 19.05 – Outdoor Advertising Signs	99
	Section 19.06 – Recreational Facilities	99
	Section 19.07 – Prohibitions	99
	Section 19.08 – Temporary Outdoor Lighting	99
	Section 19.09 – Effective Date and Grandfathering of Nonconforming Luminaires	100
	Section 19.10 – New Subdivision Construction	100
	Section 19.11 – Notification Requirements	101
	Section 19.12 – Violations, Legal Actions, and Penalties	101
<b>ARTICLE</b>	<b>Telecommunications Tower Regulations</b>	102

	<b>Page</b>
<b>XX</b>	
Section 20.00 – Purpose	102
Section 20.01 – Definition	102
Section 20.02 – Exceptions	102
Section 20.03 – General Guidelines	102
Section 20.04 – Siting and Height Requirements	103
Section 20.05 – Design Requirements	103
Section 20.06 – Application Process	104
Section 20.07 – Standards for Review	106
Section 20.08 – Conditions of Use	106
Section 20.09 – District Regulation	107
<b>ARTICLE XXI</b>	
<b>General Development Standards</b>	
Section 21.00 – General	108
Section 21.01 – Parking	108
Section 21.02 - Height Limitations	110
Section 21.03 - Structure Separation	110
Section 21.04 - Sanitary Sewer Requirements and Pollution Control	110
Section 21.05 - Water Impoundments	110
Section 21.06 – Landscaping and Streetscaping	110
Section 21.07 – Fencing	111
Section 21.08 – Screening	111
Section 21.09 – Drainage	111
Section 21.10 - Flood Plain Regulations	112
Section 21.11 - Set Back Regulations	112
Section 21.12 - Zoning District Allowable Density Summary	114
<b>ARTICLE XXII</b>	
<b>Sign and Billboard Regulation</b>	
Section 22.01 – Purpose	115
Section 22.02 - Permitted Signs - No Permit Required	115
Section 22.03 - Permitted Signs - Permit Required	116
Section 22.04 - Conditionally Permitted Signs - Permit Required	119
Section 22.05 - Prohibited Signs	121
Section 22.06 - General Regulations	121
Section 22.07 - Abandoned Signs	122
Section 22.08 - Non-Conforming Signs or Billboards	123
Section 22.09 – Permit	124
<b>ARTICLE</b>	
<b>Reserved</b>	125

		<b>Page</b>
<b>XXIII</b>		
<b>ARTICLE XXIV</b>	<b>Non-Conforming Uses</b>	
	Section 24.01 – Continuance	126
	Section 24.02 – Restoration	126
	Section 24.03 – Enlargement	126
	Section 24.04 - Non-Conforming Lots	127
<b>ARTICLE XXV</b>	<b>Zoning Inspector - Zoning Certificates and Applications</b>	
	Section 25.01 - Galena Zoning Inspector	128
	Section 25.02 - Zoning Certificate Required	128
	Section 25.03 - Procedures for Obtaining Zoning Certificate	128
	Section 25.04 - Conditions of Certificate	128
	Section 25.05 - Certificate of Compliance	129
	Section 25.06 - Temporary Certificate of Compliance	129
	Section 25.07 - Zoning Certificate (Change of Use)	129
	Section 25.08 - Non-Conforming Uses	129
	Section 25.09 - Records	129
	Section 25.10 – Complaints	129
<b>ARTICLE XXVI</b>	<b>Galena Zoning and Planning Commission</b>	
	Section 26.01 - Zoning and Planning Commission	130
	Section 26.02 - Duties of the Galena Zoning and Planning Commission	130
	Section 26.03 - Clerk of the Galena Zoning and Planning Commission	131
	Section 26.04 - Meetings and Agenda of the Galena Zoning and Planning Commission	131
	Section 26.05 – Minutes	131
<b>ARTICLE XXVII</b>	<b>Amendments</b>	
	Section 27.01 - Procedures for Amendments or District Changes	132



	<b>Page</b>
Section 27.02 - Forms of Application	133
Section 27.03 – Fees	133
<b>ARTICLE XXVIII Appeals, Variances and Conditional Uses</b>	
Section 28.01 – General	134
Section 28.02 - Procedures on Hearing Appeals	134
Section 28.03 - Procedures on Application for Variance	135
Section 28.04 - Procedures on Application for Conditional Use Permit	136
Section 28.05 - Fees to Accompany Notice of Appeal or Application for Variance or Conditional Use	137
<b>ARTICLE XXIX Enforcement</b>	
Section 29.01 – Violations	138
Section 29.02 - Remedies	138
Section 29.03 – Penalty	138
<b>ARTICLE XXX Severability and Repeal</b>	
Section 30.01 – Severability	139
Section 30.02 – Repeal	139
Section 30.03 - Repeal of Conflicting Ordinance	139
<b>MAP</b>	140

## **ARTICLE I - Title**

**Section 1.01** - This Ordinance shall be known and may be cited and referred to as The Village of Galena, Ohio, Zoning Ordinance of 1995. There is also adopted herewith, a zoning map which shall be known as the Official Zoning map of the Village of Galena.

## **ARTICLE II - Purpose**

**Section 2.01** - This ordinance is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect the natural resources and scenic areas; to secure the most appropriate use of land, to facilitate adequate but economical provision for public improvements, all in consideration with existing county or township plans or plans which may be later adopted and as permitted by the provisions of Chapter 713, Ohio Revised Code.

## **ARTICLE III - Interpretation of Standards**

**Section 3.01** - In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules, regulations, resolutions or restrictions, the provisions of this Ordinance shall control; however, where the provisions of this Ordinance are less restrictive, the more restrictive provision of other laws, rules, regulations, restrictions or resolutions shall control. The Zoning and Planning Commission and the Village Council will, when appropriate, refer to all plans, master plans, studies and treatises affecting the county area and may require inclusion of recommendations in plans or proposals as submitted or approved.

## **ARTICLE IV - Definitions**

**Section 4.01 - GENERAL DEFINITIONS** - All words used in this Zoning Ordinance shall, unless otherwise defined herein, be given the precise meaning or significance as that which is normally attributed to such word or as the same is defined in Webster's New Universal Unabridged Dictionary.

### **Section 4.02 - DEFINITIONS BY LETTER (A-Z) -**

Accessory Use or Structure: Any purpose for which a building, structure, or a tract of land may be designed, arranged, intended, maintained, or occupied which:

- a) Is customarily incidental and subordinate in area extent or purpose to the principal building, structure or use which it serves; and
- b) Is located on the same zoning lot as the principal building, structure or use.

Adult Entertainment: Any material or performance where any of the following apply:

- a) Its dominant appeal is to prurient interest;

- b) Its dominant tendency is to arouse lust by displaying or depicting “Specified Sexual Activities”, “Specified Anatomical Areas”, sexual excitement, or nudity in a way that tends to represent human beings as mere objects of sexual appetite;
- c) Its dominant tendency is to arouse lust by displaying or depicting bestiality or extreme or bizarre violence, cruelty, or brutality;
- d) Its dominant tendency is to appeal to scatological interest by displaying or depicting human bodily functions of elimination in a way that inspires disgust or revulsion in persons with ordinary sensibilities, without serving any genuine scientific, educational, sociological, moral, or artistic purpose;
- e) It contains a series of displays or descriptions of “Specified Sexual Activities”, “Specified Anatomical Areas”, sexual excitement, nudity, bestiality, extreme or bizarre violence, cruelty, brutality, or human bodily functions or elimination, the cumulative effect of which is a dominant tendency to appeal to prurient or scatological interest, when the appeal to such an interest is primarily for its own sake or for commercial exploitation, rather than primarily for a genuine scientific, educational, sociological, moral, or artistic purpose.

Adult Entertainment Facility: A facility having a significant portion of its function as adult entertainment. Such facilities include but are not limited to:

- a) Adult Bookstore and/or Adult Video Store. An establishment having as a substantial or significant portion of its stock in trade, books, magazines, other periodicals and/or video rentals or sales which are distinguished or characterized by their emphasis on matter depicting or relating to “Specified Sexual Activities” or “Specified Anatomical Areas” as herein defined or an establishment with a segment or section devoted to the sale, display, or rental of such material.
- b) Adult Mini Motion Picture Theater. A facility with a capacity for less than fifty (50) persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing or relating to “Specified Sexual Activities” or “Specified Anatomical Areas”, for observation by patrons therein.
- c) Adult Motion Picture Theater. A facility with a capacity of fifty (50) or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to “Specified Sexual Activities” or “Specified Anatomical Areas,” for observation by patrons therein.
- d) Adult Entertainment Business. Any establishment involved in the sale of services or products characterized by the exposure or presentation of “Specified Anatomical Areas” or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, escort/dating services and similar functions which utilize activities as specified above.

e) **Massage Establishments.** Any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, or physical therapist duly licensed by the State of Ohio, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder.

**Agriculture:** The use of a tract of land five (5) acres or larger for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, animal and poultry husbandry, and the necessary accessory uses for packing, treating, or storing the produce, provided however, that:

The operation of any such accessory use shall be secondary to that of normal agricultural activities;

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

The above uses shall not include the operation or maintenance of a feed lot or a commercial stockyard.

**Alteration:** Any change in the supporting members (such as bearing walls, beams, columns, roof structure, or girders) of a building or structure or any addition to the exterior of a structure or any movement of a building or structure from one location to another.

**Antenna, Aerial:** An arrangement of wires or metal rods used in sending or receiving electromagnetic waves. Antennas may be freestanding or affixed to buildings. They are supported in the air by a telecommunications tower or structure used primarily for the purpose of supporting one or more antennas including foundation, guys, and other components thereof. For the purpose of this resolution, telecommunication towers shall be considered part of the antenna.

**Attached:** Any structure or part of a structure immediately adjacent to another structure or part of a structure, and fastened securely to same.

**Barn:** An accessory structure upon a lot customarily used for the housing of livestock and/or for the storage of crops and/or machinery used in bona-fide agricultural activities as previously defined in this Article.

**Basement:** Floor space in a building partially or wholly underground, but having more than one-half (1/2) of its clear floor-to-ceiling height below the average grade of the adjoining ground. A basement shall be counted as a story if it does not meet the definition above.

**Bedroom:** A dwelling room used or intended to be used by human beings for sleeping purposes.

**Billboard:** A constructed unit upon which a verbal and/or pictorial sign or advertisement is fastened for the purpose of disseminating information to the general public, but not including

bulletin boards on government property used to display official or public notices and information.

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

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

Building Line: A line parallel to the front lot line representing the distance which all or any part of the building is to be set back from said front lot line as may be provided by this Zoning Ordinance.

Building, Principal: A building in which is conducted the main or principal use of the property on which such building is situated.

Bulletin Board: A structure containing a surface upon which is displayed the name of a religious institution, school or library, auditorium, stadium, athletic field or area of use for the announcement of services or activities to be held therein.

Camping and Recreational Equipment: For the purpose of this Resolution, camping and recreational equipment shall include the following:

- a) Boat and Boat Trailer. Boat and boat trailer shall include boats, floats and rafts Plus the normal equipment to transport the same on the highway.
- b) Folding Tent Trailer. A folding structure mounted on wheels and designed for travel and vacation uses.
- c) Motorized Home. A portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- d) Pickup Camper. A structure designed primarily to be mounted on a pickup or truck chassis and with sufficient equipment to render it suitable for use also as a temporary dwelling for travel, recreational, or vacation uses.
- e) Travel Trailer. A vehicular, portable structure built on a chassis, designed to be used as a temporary dwelling for travel, recreational and vacation uses.
- f) Horse Trailer. A structure mounted on wheels used to transport animals and designed to be drawn by a motor vehicle.

Cemetery: Land used or intended to be used for the burial of human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

Change of Use: Any change within a planned district that alters (adds/deletes/changes) the services rendered, products manufactured or distributed, manufacturing process and/or utilization or configuration of facilities or residences as approved in the previously adopted development plan and amendments thereto. These changes include but are not limited to:

- a) Type/classification of product(s) produced (e.g.: metal, plastic, ceramic, etc.)
- b) Manufacturing process utilized (e.g.: chemicals used, by-products, etc.)
- c) Type/classification of services rendered (e.g.: medical, sales, child care, auto repair, etc.)
- d) Type/classification of merchandise sold/distributed (e.g.: food, video, lawn equipment, etc.)
- e) No on site clients or walk-in customer service or sales versus on site clients or walk-in customer service or sales.
- f) Type, classification, or density of residential development proposed in a Planned Residence District.
- g) Alterations to an approved subdivision or development plan including but not limited to lot sizes, lot arrangement, landscape plans, street layouts, etc..

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

Cluster Housing: Single-family detached residential units constructed in close proximity to each other within a residential district. The overall permitted density in areas devoted to cluster housing shall be determined by the permitted residential density within the district.

Common Wall Single Family Attached Dwelling Unit: Single-family residential dwelling units constructed within a residential district and joined by one or more shared walls. The overall permitted density in areas devoted to common wall housing shall be by the permitted restricted density within the district.

Commission: The Zoning and Planning Commission of the Village of Galena, Ohio.

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

Comprehensive Master Plan: The Comprehensive Master Plan of the Village of Galena, Ohio, or portion thereof with all amendments thereto subsequently adopted.

Conditional Use: A use permitted within a district requiring a Conditional Use Permit and approved by the Zoning and Planning Commission.

Conditional Use Permit: A permit issued by the Zoning and Planning Commission to allow certain specific developments that would not otherwise be allowed in a particular zoning district. Development under a Conditional Use Permit differs from a zoning change in that it is much more specific. The applicant submits plans and follows conditions exactly and must reapply for a permit before deviating from that plan.

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

- a) Gross Density: The number of dwelling units per acre of the total land to be developed.
- b) Net Density: The number of dwelling units per acre of land when the average involved includes only the land devoted to residential uses and excludes such areas as street right of way, parks, common open space and other similar uses.

Development Plan - A plan for a proposed zoning district that is to be a complete description of the development concept to be used for the district which includes, but is not limited to, the size, location, and general development character of the tract.

Development Standards: Standards controlling the size of structures and the relationships of structures and uses to each other and to open areas and lot lines. Development standards include regulations controlling maximum height, minimum lot area, minimum lot frontage, minimum size of yards and setbacks, maximum lot coverage and maximum floor area ratio.

District: A portion of the incorporated area of the Village within which certain regulations and requirements, or various combinations thereof, apply uniformly under the provisions of this Ordinance.

Dwelling: Any building or portion thereof occupied or intended to be occupied exclusively for residential purposes, but not including a mobile home, tent, cabin, trailer or trailer coach or other temporary or transient structure or facility.



Dwelling Unit: One or more rooms designed for or used as a unit to provide complete housekeeping facilities for one (1) individual family with sleeping facilities, permanently installed cooking facilities, and lawfully required sanitary facilities.

Erection: The acts of building, constructing, altering, reconstructing, moving a structure upon, or any physical operations on the premises which are required for construction. Excavation, fill, drainage, material storage, hauling, and the like shall be considered a part of erection.

Essential Services: The erection, construction, alteration, or maintenance by public utilities or other governmental agencies of underground, surface, or overhead gas, electrical, steam, or water transmission or distribution systems; collection, communication, supply or disposal systems including mains, drains, sewers, pipes, conduits, wires, cables, fire alarm boxes, traffic signals, hydrants, towers, poles, and other similar equipment, and applicable accessories reasonably necessary for the furnishing of adequate service by such public or private utility or government agency or for the public health, safety and morals, but not including buildings.

Excavation: The act of digging, hollowing out, or any other breaking of ground resulting in a total quantity of more than one hundred (100) cubic yards of material or a vertical depth of more than four (4) feet. Common household gardening and ground care, or plowing of ground for agricultural purposes, shall be excepted from this definition.

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over three (3) persons. Licensed Residential Care Facilities shall be excluded from this definition.

Farm: A tract of land five (5) acres or larger on which bonafide agricultural activities are conducted as the primary use, operated as a single unit by the owner, farm manager, tenant or renter.

Farm Buildings: Any building or structure, other than a dwelling unit built, or placed upon land within a bona-fide farm and considered essential and standard to the carrying on of farm operations.

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

Fence: Any free-standing structure, other than part of a building, which encloses or partially encloses any premises and is of sufficient strength and dimensions to prevent straying from within or intrusion from without. Live vegetation shall not be included in this definition.

Fill: Soil, clay, sand, gravel and other such materials (excluding sludge) which may be deposited onto or placed into the ground.

Flood, 100 Year: The temporary inundation of normally dry land areas by a flood that is likely to occur once every one hundred (100) years (i.e. that has a one percent (1%) chance of occurring each year, although the flood may occur in any year).

Flood Plain, Regulatory: The land area of the Village of Galena which is subject to inundation by the one hundred (100) year flood as identified by the most current Federal Emergency Management Agency Flood Boundary and Floodway Maps.

Floor Area: The sum of the gross horizontal area of all the floors of a building measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. In calculating floor area, the following shall not be included:

- a) Attic space providing structural head room of less than seven (7) feet, six (6) inches.
- b) Uncovered steps.
- c) Terraces, breezeways and porches.
- d) Automobile parking space in a basement or garage.
- e) Basements.

Frontage: The distance between the side lot lines measured along the required front setback line; in the case of a corner lot, frontage shall be measured along the shortest front lot line.

Galena: The Village of Galena, Ohio.

Galena Council: The Council of the Village of Galena, Ohio.

Garage, Private: A detached accessory building or a portion of a main building, intended for the parking or storage of automobiles, motorized recreational vehicles or boats owned by the occupants of the premises.

Garage Sale: A sale of personal property to the general public conducted in or on any property within any zoning district, to include, without limitation, garage sales, patio sales, yard sales, porch sales, driveway sales, attic and basement sales and the like.

Grade, Average: The average elevation of the finished surface of the ground at the exterior walls of a building or structure.

Greenhouse - Hothouse - Nursery: A sun or artificially heated structure in which to grow out of season plants, flowers or vegetables or a form of agriculture whose chief function is the field growing of plants, shrubs, and trees.

Home Occupation: An occupation conducted by an owner on the same premises as his principal place of residence.

Identification Sign: A sign which displays only the same address and/or use of the premises upon which the sign is located or to which it is affixed or the product or service offered therein.

Junk: For the purposes of this Ordinance, junk refers to any machinery, appliances, products or merchandise with parts missing, materials that are damaged, or deteriorated or scrap including copper, brass, rope, rags, batteries, paper, rubber, iron, steel and other old or scrap ferrous or nonferrous materials which are not held for sale or remelting purposes by an establishment having facilities for processing such materials.

Junk Vehicle or Inoperable Vehicle: A vehicle shall be deemed junk or an inoperable vehicle whenever any two or more of the following occur for a period of two weeks prior to the filing of a cease and desist order:

- a) The vehicle is without a valid, current registration and/or license plate.
- b) The vehicle is apparently inoperable.
- c) The vehicle is without fully inflated tires and/or has any type of support under it.
- d) The vehicle has a missing or shattered window or windshield.
- e) The vehicle has an extensively damaged or missing door, motor, transmission or other similar major mechanical or body part (such as a fender).

Kennel or Cattery: A lot or premises on which four (4) or more domesticated animals or pets more than four (4) months of age are housed, groomed, bred, boarded, trained or sold.

Landscaping: The improvement of open areas by the planting and maintenance of trees, bushes, flower gardens, grass, and other vegetation.

Life Care Retirement Center: Nursing homes, rest homes, and convalescent houses which include individual dwelling units for the elderly as an integral part of the facility where the total floor area devoted to individual dwelling units does not exceed seventy (70%) percent of the total floor area of the entire facility.

Lot: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and its accessory building and uses, including such open spaces as are required under the provision of this Ordinance. Every lot shall have the minimum required frontage upon a public street.

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

Lot Coverage: That percentage of the lot area which, when viewed directly from above, would be covered by the principal and accessory structure or structures or any part thereof, excluding projecting roof eaves of less than twenty-four (24) inches.

Lot Lines: Lines bounding the lot as shown in the accepted plat or survey record.

a) Front Lot Line: A lot line which either falls along a street right of way line or falls approximately along the centerline of the right of way. On a corner, lot lines along both streets shall be considered front lot lines.

b) Side Lot Line: A lot line which is neither a front lot line nor a rear lot line.

c) Rear Lot Line: The lot line that is most distant from and most nearly parallel to the front lot line. If a rear lot line is less than fifteen (15) feet long, or if the lot comes to a point, the rear lot line shall be a line at least fifteen (15) feet long, lying wholly within the lot, parallel to, and a maximum distance from the front lot line. In the case of a corner lot, the rear lot line shall be the lot line opposite the shortest front lot line.

Lot Width: See Frontage

Massage: A method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching or vibrating with the hand or any instruments for pay.

Minerals: Sand, gravel, clay, shale, gypsum, halite, limestone, dolomite, sandstone, other stone, metalliferous or nonmetalliferous ore, or other material or substance of commercial value excavated in a solid state from natural deposits on or in the earth, but not including coal, peat or top soil.

Mobile Homes (House Trailer): A manufactured, relocatable residential unit providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating, cooking and sanitation, and the design and construction of which meets the standards and specification of the United States Department of Housing and Urban Development. The removal of running gear shall not exempt a mobile home from this definition.

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

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

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

Nursery, Day Care, or Child Care Center: A building used for the care of three (3) or more children, not members or wards of the family.

Nuisance: An offensive, annoying, unpleasant, or obnoxious thing, act or practice; a cause or source of annoyance, especially a continual or repeated invasion of a use or activity which invades the property line of another so as to cause harm or discomfort to the owner or resident of that property. Excessive or noisy vehicular traffic, dust, glare, and smoke are examples of nuisances.

Off-Road Motorized Vehicles: For the purposes of this Ordinance off-road motorized vehicles shall include the following: all terrain vehicles, snowmobiles, motor bikes or what is commonly referred to as dirt bikes.

Off-Street Parking Lot: A facility providing means of temporarily storing a motor vehicle in a defined space, and including adequate aisles and drives for maneuvering such motor vehicle, including access for entrance and exit so as to accommodate two (2) or more vehicles.

Open Space: An area open and unobstructed to the sky; such area may be on the same lot with a building. The area may include natural environmental features, water area, swimming pools, tennis courts, and other recreational facilities that the Zoning and Planning Commission deems permissible. Streets, parking areas, structures for habitation, and the like shall not be included.

Outdoor Storage: Storing or keeping of chattels not enclosed in a building.

Parking Space, Off-Street: A space located totally outside of any street or alley right of way for the parking of an automobile or other vehicle either in a parking structure or on a lot and where each parking space conforms to the standards specified in Article XXI.

Planned Development: Planned Development is:

- a) land under unified control, planned and developed as a whole;
- b) a single development or a definitely programmed series of development operations including all lands and buildings;
- c) accomplished according to comprehensive and detailed plans which include not only streets, utilities, lots, or building sites and the like, but also site plans and design principles for all buildings as intended to be located, constructed, used, and related to each other; and detailed plans for other uses and improvements on the land as related to buildings; and
- d) a program for the provision, operation, and maintenance of a land area including improvements and facilities necessary for common use by some or all of the occupants of the development, but which will not be provided, operated, or maintained at general public expense.

Porch: A covered space located on any side of a building with a roof supported by columns and attached to the main structure but not considered an integral part of the main structure.

Principal Use: The land use designation given to a legally defined parcel of land and based upon the primary activity occurring on such parcel.

Public Service Facility: The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail or passenger bus transport, communication, public water and sewerage services.

Public Use Facility: Government owned facilities to which the public has access such as public parks, schools, school administrative buildings, recreational, cultural and service buildings, but not including public land or buildings devoted solely to the storage and maintenance of equipment and material or the disposal of refuse.

Recreational Facilities, Governmental: Facilities operated by the Village of Galena or other governmental entities that are open to the public with or without charge.

Recreational Facilities, Private: Facilities which are not operated for commercial gain.

Residential Care Facility: Facilities providing resident services for the care and/or rehabilitation of groups of individuals who require protective supervision within a residential environment, including but not limited to the following listed categories:

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

c) Group Care Home: A residential facility which is operated by private citizens or a social service agency to provide room and board, personal care, habilitation services, and supervision in a family setting for more than eight (8) but not more than sixteen (16) persons with developmental disabilities. A developmental disability shall be defined as a disability that

originated before the attainment of eighteen (18) years of age and can be expected to continue indefinitely, constitutes a substantial handicap to the person's ability to function normally in society, and is attributable to mental retardation, cerebral palsy, epilepsy, autism, or any other condition found to be closely related to mental retardation because such condition results in similar impairment of general intellectual functioning or adaptive behavior or requires similar treatment and services. All group care homes shall possess a license from the appropriate state or local agencies having authority under law to license the operation.

d) Home for Adjustment: A residential facility operated by a court, a social service agency, or private citizens which provides therapy, counseling, and a residential environment for eight (8) or fewer adolescents or adults for the following purposes: 1) to assist them in recuperating from the effects of drugs or alcohol; 2) to assist them in adjusting to living with handicaps or emotional or mental disorder in lieu of or subsequent to confinement within an institution; or 3) to provide housing and a supervised living arrangement in lieu of or subsequent to placement within a correctional institution.

e) Institution: Any residential facility designed or used for more than sixteen (16) persons functioning under the purposes of a family care home or a group care home, or any residential facility designed or used for more than eight (8) persons under the purposes of a home for adjustment.

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

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

Satellite Dish Antenna: Satellite dishes shall mean one or more of the following:

a) A signal-receiving device (antenna, dish antenna, or dish-type antenna), the purpose of which is to receive communication or other signals from satellites in earth orbit and other extraterrestrial sources.

b) A low-noise amplifier (LNA) which is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.

Setback: An imaginary line, parallel to a lot line extending the full dimension of the lot, representing the distance which all or any part of any structure or building is to be set back from the lot line.



- a) Front Setback Line: An imaginary line, parallel to the front lot line, extending the full width of the lot, representing the distance which all or any part of any structure or building is to be set from the front lot line.
- b) Side Setback Line: An imaginary line parallel to any side lot line representing the distance which all or any part of any structure or building is to be set back from the side lot line.
- c) Rear Setback Line: An imaginary line parallel to any rear lot line representing the distance which all or any part of any structure or building is to be set back from the rear lot line.

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

Sewage Disposal System, On-site: A septic tank or similar installation on an individual lot which utilizes an aerobic or anaerobic bacteriological process or equally satisfactory process approved by the Delaware County, Ohio, Board of Health or the Ohio Environmental Protection Agency, for the treatment of sewage, and provides for the proper and safe disposal of the effluent.

Sign: A name, identification, description, display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land, or affixed to the glass on the outside or inside of a window so as to be seen from the outside of a building and which directs attention to an object, product, place, activity, person, institution, organization, or business.

- a) Advertising sign. One which directs attention to a use, commodity or service.
- b) Freestanding sign. One which is supported or suspended by one (1) or more uprights or braces in or upon the ground surface.
- c) Identification sign. One which displays only the same address and/or use of the premises upon which the sign is located or to which it is affixed or the product or service offered therein.
- d) Projecting sign. One which is attached perpendicular to any building or structure.
- e) Wall sign. One that is affixed to, painted on, or attached to a building wall or extension of a building which faces a street, parking lot or service drive. Such signs may not extend beyond any building set back lines. Wall signs shall be attached parallel to the building face and shall not extend outward more than ten (10) inches except that such signs may be painted on an awning area or attached canopy or marquee which projects beyond the building provided that no part of such sign may extend above the roof line, canopy or marquee.

f) Window sign. One which is physically affixed or attached to the glass or other structural component of the ground or first floor window of the building.

Sign Area ( Sign Face ): The entire area within a single continuous perimeter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed.

The area of a sign having more than one display surface shall be computed as the total of the exposed exterior display surface area.

Sign Height: The vertical distance from the uppermost point used in measuring the area of the sign to the crown of the road on which property fronts.

Sign Structure: The supports, uprights, bracing or framework for signs.

Specified Anatomical Areas:

- a) Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola;
- b) Human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities:

- a) Human genitals in a state of sexual stimulation or arousal;
- b) Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio;
- c ) Fondling or other erotic touching of human genitals, pubic region, buttock, or female breasts.

Story: The part of a building, except a mezzanine, included between the surface of one floor and the surface of the next floor above, or if there is no floor above, then the ceiling next above. The floor of a story may have split levels provided that there not be more than four feet difference in elevation between the different levels of the floor. A basement shall not be counted as a story.

Street, Road, Thoroughfare: The principal public means of access to abutting property, including the following types:

- a) Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volumes of traffic, usually on a continuous route.
- b) Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial

streets, including the principal entrance and circulation routes within residential subdivisions.

- c) Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end permanently terminating in a vehicular turn around.
- d) Dead-End-Street: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- e) Local Street: A street primarily for providing access to residential, commercial, or other abutting property.
- f) Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street and are not normally more than six hundred (600) feet from each other.
- g) Marginal Access Street: A local or collector street, parallel to and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.

Structure: An existing building or anything constructed or erected, the use of which requires location on the ground or attachment to the ground or a building. Among other things structure includes buildings, walls, fences, porches, swimming pools, tennis courts, antennas and signs.

Swimming Pool: Any artificially constructed receptacle or natural body of water which contains a depth of water of at least 1 1/2 feet at any point used or intended to be used for swimming or bathing and maintained by an owner or manager, including any accessory recreational structure.

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

Ultralight Vehicles: For the purposes of this Ordinance an unpowered or powered ultralight vehicle is one that is used or intended to be used for manned operation in the air by occupant(s) for sport or recreation. Ultralight aircraft do not have any United States or foreign airworthiness certificate. They weigh less than two hundred fifty four (254) pounds empty weight and have a fuel capacity not exceeding five (5) US gallons. If powered such vehicles are capable of not more than fifty-five (55) knots calibrated airspeed at full power in level flight.

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

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

Village Building Code: The current Building Code of the Village of Galena or the most current version of such Code by others which has been adopted by the Galena Council to act as the Village Building Code.

Village Council: The Council of the Village of Galena, Ohio.

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

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

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

- a) Front Yard: An open space extending the full width of the lot between a building or structure and the front lot line of a street unoccupied and unobstructed from the ground upward except as hereinafter specified. Minimum depth shall be measured from the front lot line, existing right of way line, or proposed right of way line established on the Official Thoroughfare Plan or by any other method specified elsewhere in this Ordinance, as appropriate.
- b) Side Yard: An open space extending from the front yard to the rear yard between a building or structure and the nearest side lot line unoccupied and unobstructed from the ground upward except as herein specified.
- c) Rear Yard: An open space extending the full width of the lot between a building or structure and the rear lot line, unoccupied and unobstructed from the ground upward except as herein specified.

Zoning and Planning Commission: The Zoning and Planning Commission of the Village of Galena, Ohio.

Zoning Clerk: The Zoning Clerk of The Zoning and Planning Commission as appointed by the Village of Galena, Ohio.

Zoning Inspector: The Zoning Inspector of The Zoning and Planning Commission, or his authorized representative, as appointed by the Village of Galena, Ohio.

Zoning Map: The official Zoning Map of the Village of Galena, Ohio or portion thereof with all amendments thereto subsequently adopted.

Zoning Ordinance or Code: The current Zoning Code of the Village of Galena, Ohio. or portion thereof with all amendments thereto subsequently adopted.

## **ARTICLE V - Districts and Boundaries**

**Section 5.01 - ZONING DISTRICTS:** For the purpose of this Ordinance, the following districts are hereby created in order that the areas under Galena Zoning, may be divided into one or more such districts:

FR-1	Farm Residence District
R-2	Low Density Residence District
R-3	Medium Density Residence District
PRD	Planned Residence District
C-1	Neighborhood Office District
C-2	Neighborhood Commercial District
PC	Planned Commercial and Office District
I	Industrial District
PI	Planned Industrial District

The regulations shall be uniform for each class or kind of building or other structure or use throughout each district or zone, but the regulations in one district or zone shall differ from those in other districts or zones, as hereinafter set forth.

**Section 5.02 - DISTRICT BOUNDARIES:** The boundaries of each district into which the village is divided are indicated upon the zoning maps of the Village of Galena, Ohio, which are hereby made a part of this Ordinance. The said maps of the Village of Galena, plans submitted with rezoning petitions, and all notations, references, and other matters shown thereon, excepting property ownership names, shall be as much a part of this Ordinance as if the notations, references, and other matters set forth by said maps were fully described herein. Each of those village maps entitled “Zoning Map, Village of Galena, Ohio”, is properly attested and is on file in the offices of the Municipal Building.

**Section 5.03 - NEW TERRITORY:** All territory, of a single family residential or agricultural character, or that is vacant, unused or absent of structures, which may hereafter become part of the Village of Galena, by any method, shall automatically be classified a Farm Residence District (FR-1). All territory of a commercial, industrial, high density residential or other than above character shall be classified, at the discretion of The Zoning and Planning Commission, according to its use at time of annexation.

**Section 5.04 - RULES FOR INTERPRETATION OF DISTRICT BOUNDARIES:** Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the zoning map, the following rules shall apply:

- a) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries.



- b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
  
- c) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on said zoning map.
  
- d) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.
  
- e) Where the boundary of a district follows a stream, or other body of water, the center line of the body of water shall be deemed to be the boundary of the zoning district unless otherwise indicated.
  
- f) Where the boundary of a district follows a metes and bounds description approved as a part of a rezoning of any territory, said metes and bounds description shall control over all of the foregoing.
  
- g) Questions concerning the exact location of district boundary lines shall be determined by the Zoning Inspector, subject to the owners' right of appeal to the Zoning and Planning Commission as provided herein.

**Section 5.05 - ZONING MAP:** The official zoning map shall be maintained by the Village Zoning Inspector, or an other individual as designated by The Zoning and Planning Commission, and the same shall be accessible to the public at all reasonable times in the offices of the Galena Municipal Building.

## **ARTICLE VI - Application of Ordinance**

**Section 6.01 - CONFORMANCE REQUIRED:** Except as otherwise provided herein, no building (temporary or permanent) or part thereof shall be moved on the site, erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used or occupied, other than in strict conformance with all the use and development regulations established by this

Ordinance for the district in which the structure or land is located. All buildings shall conform to state and local building codes in effect on the date that construction of the structure or any alteration thereto is commenced.

**Section 6.02 - AGRICULTURE:** Nothing contained in this Ordinance shall prohibit the use of any land for agricultural purposes or the construction or use of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures are located, and no zoning certificate shall be required for any such use, building or structure. For purposes of this Ordinance no tract of land less than five (5) acres shall be considered agricultural in nature nor shall the same be subject to this exemption.

**Section 6.03 - PUBLIC UTILITIES AND RAILROADS:** Nothing contained in this Ordinance shall prevent the location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business. The term "operation of its business" shall not be deemed to include general offices or other uses not related directly to provision of utility services.

**Section 6.04 - BUILDINGS UNDER CONSTRUCTION AND NEW CONSTRUCTION:** Nothing contained in this Ordinance shall require any change in the plans, construction, size or designated use of a building upon which construction was begun before the effective date of this Ordinance or applicable amendments hereof. The Zoning Inspector may require proof in the form of an affidavit or other similar documents that the original intended use of the building has not been changed. The ground story framework, including structural parts of the second floor shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of this Ordinance or applicable amendments hereto or new zoning and building permits will be required.

**Section 6.05 - ISSUED ZONING CERTIFICATES:** Any new proposed construction for which a zoning certificate is issued shall have been started and the ground story framework, including structural parts of a second floor shall have been completed within one (1) year after the issuance of the zoning certificate; provided, however, that any project or building originally contemplated to be constructed in phases or for a period longer than one (1) year may be completed in phases or during such extended time if in accordance with a timetable placed on file with the Village Zoning Inspector with the original request for the certificate. In the case of old construction, if the above schedule is not met, any prior right as a non-conforming use is lost and zoning certificates for new construction invalidated.

All construction shall be subject to the provisions of the current Village Building Code or the most current version of such Code by others which has been adopted by the Galena Council to

act as the Village Building Code. Valid Building Permits, when required, must be obtained from the proper issuing authority or individual as designated by the Galena Council.

## **ARTICLE VII - Farm Residence District (FR-I)**

**Section 7.01 - PURPOSE:** There is created in Galena a Farm Residence District to provide for the use of appropriate lands for continued agricultural purposes and to permit construction of low density single family residences so that the basically rural character of these areas may be preserved and maintained within the corporate limits.

**Section 7.02 - APPLICATION:** All lands under Galena Zoning not otherwise zoned shall be controlled by the provisions of this Article of the Zoning Ordinance.

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

**Section 7.03 - PERMITTED USES:** Within the Farm Residence District the following uses, developed in accordance with all other provisions of this ordinance, shall be permitted:

- a) Single family dwellings.
- b) Accessory buildings and accessory uses including private garages and permanent dwellings.
- c) Projects specifically designed for watershed protection, conservation of soil or water or for flood control.
- d) Agricultural purposes, beekeeping, dairying, floriculture, grazing and raising of livestock, orchards, plant nurseries, poultry raising, raising of grains, sod farming, truck farming, equestrian trails, forest and game management, greenhouses, nature trails and walks and stables, subject to the following restrictions:
  - 1) No animal, except household pets, shall be kept on any parcel of less than 5 acres unless the area confining said animals is at least 50 ft. from any lot line. Swine and goats may be kept on such tract only if the area confining such swine or goats is located at least 200 ft. from any lot line. This subsection shall apply only to those parcels where the total land holdings of the using party is 5 acres or less and shall not be construed to apply to individual pens, pastures or fields of less than five acres if part of a larger tract of land devoted to agricultural uses.
  - 2) Roadside sales of agricultural products shall be permitted in this district provided however, that at least fifty (50%) percent of the gross income from the market is derived from sale of products which are produced on lands in this district or adjacent townships farmed by the proprietor of said sales stand and further that said stand is in operation for not more than one hundred fifty (150) days in any year and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Zoning and Planning Commission and issuance of a conditional use permit.

3) Facilities for the storage, sorting, preliminary processing or sale of agricultural products shall be permitted if such products are used in the production of other farm products and if said storage, processing, sorting or sales is carried on incident to other farming operations by the owner/proprietor.

e) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Galena Village Council. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.

f) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.

**Section 7.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Zoning and Planning Commission pursuant to the provisions of Article XXVIII of this ordinance. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted, such conditional use permit shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Zoning and Planning Commission. A designation by the Zoning and Planning Commission that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:

1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.

2) Only one sign, not larger than six (6) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or

lighted.

- 3) The home occupation shall occupy not more than twenty (20%) percent of the total floor area of the dwelling unit or fifty (50%) percent of the combined floor space in any garage or accessory building.
  - 4) No more than one (1) non-resident employee shall work on said premises.
  - 5) Services may be rendered on the premises or elsewhere.
  - 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces. See Article XXI )
  - 7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
  - 8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.
  - 9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- b) Conversion of existing residential structures to permit occupancy by more than one family.
- c) Private landing fields for aircraft for use by the owner of the property and his guests provided that no commercial activities take place on said premises and the site is in compliance with the Federal Aviation Administration Standards.

d) Public or Private Schools and Colleges provided that said institution occupies not less than 20 acres. Instructional areas, whether improved with buildings or not, shall provide adequate parking areas for faculty, staff and students. Such parking may not exist within the right of way of any road or highway. A site plan shall be prepared and submitted for consideration by the Zoning and Planning Commission and shall provide screening adjacent to residential areas.

e) Kindergarten or Child Care Facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc.. or adjacent yards.

f) Churches or other places of worship provided it occupies a lot of not less than five (5) acres plus one acre for each 100 permanent seats over 300 in the main assembly area.

g) Convalescent Homes, Rest Homes or Homes for Children or Aged provided that the area of the tract is adequate to provide set backs, parking and recreational areas prescribed by the Zoning and Planning Commission.

h) Playgrounds, Playfields, Picnic Areas and Summer Camps with adequate off street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions and any other improvement necessary to protect users from harm or danger.

i) Public or Private Golf Courses, Country Clubs, hunt clubs, sportsmen's clubs, fishing lakes, or similar recreational uses with all buildings and club houses incident thereto including restaurants to serve members and/or users of the facility.

j) Cemeteries providing the same occupies a tract of not less than one hundred (100) acres. No building shall be placed closer to the right-of-way line of any approved road than the set back prescribed by Sec. 21.11 of this ordinance. No interment may be made nearer than fifty (50) feet to the right-of-way of the approved public road adjacent thereto. No burial shall be permitted nearer than twenty-five (25) feet to any other property line unless a mature natural screen has been established along said property line at least six (6) feet in height in which case burials may be permitted not closer than ten (10) feet to said property line. No mausoleum, crematory, office facility, maintenance building, or storage area shall be constructed except as approved by the Zoning and Planning Commission. Parking areas, public accesses, screening and other improvements shall be furnished as required. Existing cemeteries may expand and use existing cemetery land that they own as part of the one hundred (100) acre requirement even if said new land does not directly adjoin the existing site.



k) Borrow Pits provided the excavation is completed within one (1) year and the contractor posts such bond as required by the Galena Zoning and Planning Commission to insure compliance with the restrictions and conditions imposed to insure regrading, reseeding and general restoration of the area including haul roads. All applications or plans submitted incident thereto shall be reviewed by the Village of Galena's Consulting Engineer and his comments shall be included in the record regarding the matter and where applicable said work shall be carried out in compliance with County Urban Sediment Pollution and Water Runoff Control Regulations.

l) Dog kennels or catteries provided that no commercial activity is conducted and the building or structure dedicated to the use is located at least two hundred (200) feet from the lot line in any Residential District.

m) Sanitary Land Fills or Solid Waste Transfer Stations provided that all required licenses and approvals are issued by appropriate state agencies. In addition to requirements imposed by state agencies the Zoning and Planning Commission may require such screening as is necessary to protect adjacent neighborhoods. This section not applicable to facilities qualifying as a Public Utility and exempt from zoning.

n) Group homes or residential care facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary the following conditions shall be imposed by the Zoning and Planning Commission.

1) No exterior alterations of the structure shall be made which depart from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.

2) All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.

3) No Group Home should be located within a one (1) mile radius of another such facility in a given neighborhood.

o) Zero lot line housing provided that the minimum lot area per unit is maintained.

p) Permanent structures or improvements used for roadside sale of agricultural products produced on the premises.

q) Parking lots or storage yards for boats and recreational vehicles provided such area is owned or controlled by neighborhood or community associations and use is limited to residents of the subdivision served.

**Section 7.05 - PROHIBITED USES**

- a) No use not specifically authorized by the express terms of this chapter of the Zoning Ordinance shall be permitted.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than fourteen (14) days.
- d) Except as specifically permitted in Section 7.03 herein no mobile home shall be placed or occupied in this district.

**Section 7.06 - DEVELOPMENT STANDARDS:** All lands and uses within the Farm Residence District shall be developed in strict compliance with the standards hereinafter established:

- a) Lot Area - No parcel of land in this district shall be used for residential purposes which has an area of less than one (1) acre (43,560 square feet). All other uses in this district shall have such lot area prescribed by the article permitting the use or as prescribed by the Zoning and Planning Commission as a condition of said use.
- b) Lot Frontage - Except as hereinafter set forth all lots or parcels within this zoning district shall have the following minimum lot frontage on a public road.

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

Lots or parcels having less than the above listed minimum frontages on the right of way line of the adjoining approved road or street must have a lot width fifty (50) feet forward of the building line which is equal to that minimum lot frontage requirement. In no case shall the parcel or lot frontage at the right-of-way line be less than sixty (60) feet and width of sixty (60) feet shall not be decreased at any point forward of the building line of the principal residence located on the premises. If an irregularly shaped lot (i.e. pishaped) located on a curve or cul-de-sac widens to the minimum lot width within 75 feet of the right of way line of the adjoining roadway, the requirement for extra setback is required to conform with setback lines for principal structures on adjoining lots.

- c) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, material handling conveyors, church spires, domes, flag poles and elevator shafts are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.
  
- d) Building Dimensions (Floor Space Requirements) - Each single family dwelling hereafter erected in this district shall have a living area of not less than one thousand four hundred fifty (1450) square feet. All such living areas shall be exclusive of basements, porches or garages.
  
- e) Building Set Back - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Sec. 21.11 herein.
  
- f) Side Yard Set Back - Except as modified by the Zoning and Planning Commission in approving zero lot lines or common wall housing under Sec. 7.04(o) herein, no building or structure shall be located closer than twenty-five (25) feet to any side lot line.
  
- g) Rear Yard Requirement - No principal dwelling shall be located closer than eighty (80) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.
  
- h) Maximum Lot Coverage - On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five (25%) percent of the lot area.
  
- i) Parking - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Ordinance.

Trailer of any type, boats, motor homes and equipment of any type shall be parked at least fifty (50) feet from the road right-of-way on any parcel within this district.

- j) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this ordinance and except as permitted by the Zoning and Planning Commission incident to Conditional Uses, no signs shall be permitted in this district except for “For Sale” or “For Rent or Lease” signs advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Zoning and Planning Commission, erect one sign not exceeding 48 square feet in area per side advertising said subdivision, development or tract for sale.

## **ARTICLE VIII - Low Density Residence District (R-2)**

**Section 8.01 - PURPOSE:** There is created in Galena a Low Density Residence District intended to provide areas for single family suburban type residential development at low density on land which is generally vacant at the time of development. These areas are intended to provide space for new residential development of a suburban character on lands which are served with central water and sewer. In the event that central sewer is not available, then the Lot Standards of the Farm Residence District (FR-1) shall be in effect until such utilities become available to the site. (See Section 7.06.)

**Section 8.02 - APPLICATION:** All lands under Galena Zoning which are to be used for single family lots of less than one acre (43,560 SF) but at least 20,000 square feet in area shall be controlled by the provisions of this article of the Zoning Ordinance unless the owner thereof elects to apply the provisions of Article X of this ordinance.

All lots or town lots which are located within the limits of Galena Zoning and which were duly recorded upon the plat thereof in the plat records of the Recorder's Office, Delaware, Ohio, at the effective date of this amendment to the Zoning Ordinance shall be considered legal residential lots and nothing in this ordinance shall be construed to prohibit the use thereof for residential purposes.

**Section 8.03 - PERMITTED USES:** Within any Low Density Residence District (R-2) the following uses, developed in accordance with all other provisions of this ordinance, shall be permitted:

- a) Single family dwellings.
- b) Accessory buildings and accessory uses including private garages.
- c) Projects specifically designed for watershed protection, conservation of soil or water or for flood control.
- d) Agricultural purposes, subject to the following restrictions:
  - 1) No animals, except household pets, shall be kept on any parcel of less than five (5) acres unless the area confining said animals is at least 50 ft. from any lot line. Swine and goats may be kept on such tract only if the area confining such swine or goats is located at least 200 ft. from any lot line. This subsection shall apply only to those parcels where the total land holdings of the using party is five (5) acres or less and shall not be construed to apply to individual pens, pastures or fields of less than five (5) acres if part of a larger tract of land devoted to agricultural uses.

- e) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during periods while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply as he deems necessary. The fees for such permit and renewals thereof shall be established by the Galena Village Council. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.
- f) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.
- g) Roadside sales of agricultural products shall be permitted in this district provided however that at least fifty (50%) percent of the gross income from the market is derived from sale of products which are produced on lands in this district or adjacent townships farmed by the proprietor of said sales stand and further that said stand is in operation for not more than one hundred fifty (150) days in any year and adequate area exists adjacent thereto for parking so as not to interfere with traffic on adjacent thoroughfares. No permanent buildings or structures shall be placed without permission of the Zoning and Planning Commission and issuance of a conditional use permit.

**Section 8.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Zoning and Planning Commission pursuant to the provisions of Article XXVIII of this ordinance. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted, such conditional use permit shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Zoning and Planning Commission. A designation by the Zoning and Planning Commission that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:
- 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.

- 2) Only one sign, not larger than six (6) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
  - 3) The home occupation shall occupy not more than twenty (20%) percent of the total floor area of the dwelling unit or fifty or (50%) percent of the combined floor space in any garage or accessory building.
  - 4) No more than one (1) non-resident employee shall work on said premises .
  - 5) Services may be rendered on the premises or elsewhere.
  - 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the similar commercial use shall be used in order to calculate the required minimum number of spaces. See Article XXI )
  - 7) No equipment process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.
  - 8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.
  - 9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- b) Conversion of existing residential structures to permit occupancy by more than one family.

c) Child Care Facilities provided that the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.

d) Churches or other places of worship provided it occupies a lot of not less than five (5) acres plus one acre for each 100 permanent seats over 300 in the main assembly area.

e) Playgrounds, Playfields, Picnic Areas and Summer Camps with adequate off street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions and any other improvement necessary to protect users from harm or danger.

f) Group homes or residential care facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary the following conditions shall be imposed by the Zoning and Planning Commission.

1) No exterior alterations of the structure shall be made which depart from the residential character of building. All new structures shall be compatible in residential design with the surrounding neighborhood.

2) All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.

3) No Group Home should be located within a one (1) mile radius of another such facility in a given neighborhood.

g) Common wall or zero lot line housing provided that the minimum lot area per unit is maintained.

h) Permanent structures or improvements used for roadside sale of agricultural products produced on the premises.

i) Parking lots or storage yards for boats and recreational vehicles provided such area is owned or controlled by neighborhood or community associations and use is limited to residents of the subdivision served.

j) Dog kennels or catteries provided that no commercial activity is conducted and the building or structure dedicated to the use is located at least two hundred (200) feet from the lot line in any Residential District.

**Section 8.05 - PROHIBITED USES:**

- a) No use not specifically authorized by the express terms of this chapter of the Zoning Ordinance shall be permitted.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district for a period exceeding twenty-four (24) hours. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- d) No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than fourteen (14) days.
- e) Except as specifically permitted in Sec. 8.03(e) herein no mobile home shall be placed or occupied in this district.

**Section 8.06 - DEVELOPMENT STANDARDS:** All lands and uses within the Low Density Residence District (R-2) shall be developed in strict compliance with the standards hereinafter established:

- a) Lot Area - Residential lots which are served with an approved central water and sewer systems serving all lots may be developed for such use if they have a lot area of not less than 20,000 square feet. All other parcels, not so serviced, shall contain the lot areas prescribed by the provisions of Article VII of this Zoning Ordinance.
- b) Lot Frontage - All lots or parcels developed within this district having an area of less than one (1) acre shall have a minimum lot frontage of one hundred (100) feet on an adjoining approved street or road. All other lots or parcels shall have the minimum lot width prescribed in Section 7.06 of this ordinance and all measurements of such width shall be in conformity with that section.
- c) Building Height Limits - No building or structure in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, material handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.



d) Building Dimensions (Floor Space Requirements) - Each single family dwelling hereafter erected in this district shall have a living area of not less than one thousand four hundred fifty (1450) square feet. All such living areas shall be exclusive of basements, porches or garages.

e) Building Set Back - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Sec. 21.11 herein.

f) Side Yard Set Back - Except as modified by the Zoning and Planning Commission in approving zero lot lines or common wall housing under Sec. 8.04(g) herein, no building or structure shall be located closer than twenty (20) feet to any side lot line.

g) Rear Yard Requirement - No principal dwelling shall be located closer than sixty-five (65) feet to the rear line of any lot and no accessory building shall be located closer than fifteen (15) feet to said rear lot line.

h) Maximum Lot Coverage - On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five (25%) percent of the lot area.

i) Parking - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Ordinance.

j) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this ordinance and except as permitted by the Zoning and Planning Commission incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Zoning and Planning Commission, erect one sign not exceeding 48 square feet in area per side advertising said subdivision, development or tract for sale.

## **ARTICLE IX - Medium Density Residence District (R-3)**

**Section 9.01 - PURPOSE:** There is hereby created in Galena a Medium Density Residence District to permit a diversity of residential plans including single and/or multi-family units carved out of small tracts served by central sewer and water systems. Use of this district should be limited to those circumstances where large numbers of units are not involved and provisions for recreation, etc. are not a prerequisite to the preservation of the quality of life.

**Section 9.02 - APPLICATION:** All lands under Village Zoning which are to be used for multi-family or apartment development shall be controlled and governed by the provisions of this Article of the Zoning Ordinance unless the owner thereof elects to apply the provisions of Article X of this Ordinance or unless the size of the tract or density is so large that, in the opinion of the Zoning and Planning Commission, provisions for recreation areas or other amenities are required, in which case the Commission may require that the application be filed under Article X.

**Section 9.03 - PERMITTED USES:** Within any Medium Density Residence District (R-3) the following uses, developed in accordance with all other provisions of this ordinance, shall be permitted.

- a) Single family dwellings.
- b) Accessory buildings and accessory uses including private garages.
- c) Multi-family, cluster housing structures, patio cluster housing or common wall structures designed to accommodate more than one family in a single structure, provided however, that no more than four (4) dwelling units shall be constructed in any single structure or other modification on the same theme within this district.
- d) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Galena Village Council. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit.
- e) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.

**Section 9.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Zoning and Planning Commission pursuant to the provisions of Article XXVIII of this ordinance. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted, such conditional use permit shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such uses(s) to the Zoning and Planning Commission. A designation by the Zoning and Planning Commission that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:
  - 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
  - 2) Only one sign, not larger than six (6) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The sign shall be of a design compatible with the residential character and shall not be animated or lighted.
  - 3) The home occupation shall occupy not more than twenty (20%) percent of the total floor area of the dwelling unit or fifty (50%) percent of the combined floor space in any garage or accessory building.
  - 4) No more than one (1) non-resident employee shall work on said premises.
  - 5) Services may be rendered on the premises or elsewhere.
  - 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces. See Article XXI )
  - 7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building.

In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.

8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.

9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

b) Kindergarten or Child Care Facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.

c) Churches or other places of worship provided it occupies a lot not less than five (5) acres plus one acre for each 100 permanent seats over 300 in the main assembly area.

d) Playgrounds, Playfields, Picnic Areas and Summer Camps with adequate off street parking areas, water supply, sanitation facilities, fencing to control accessibility of children to hazardous conditions and any other improvement necessary to protect users from harm or danger.

e) Group homes or residential care facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary the following conditions shall be imposed by the Zoning and Planning Commission.

1) No exterior alterations of the structure shall be made which depart from the residential character of building. All new structures shall be compatible in residential design with the surrounding neighborhood.

2) All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.

3) No Group Home should be located within a one (1) mile radius of another such facility in a given neighborhood

- f) Parking lots or storage yards for boats and recreational vehicles provided such area is owned or controlled by neighborhood or community associations and use is limited to residents of the subdivision served.
- g) Dog kennels or catteries provided that no commercial activity is conducted and the building or structure dedicated to the use is located at least two hundred (200) feet from the lot line in any Residential District

**Section 9.05 - PROHIBITED USES:**

- a) No use not specifically authorized by the express terms of this chapter of the Zoning Ordinance shall be permitted.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district for more than twenty-four (24) hours. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- d) No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than fourteen (14) days.
- e) Except as specifically permitted in Sec. 9.03(d) herein no mobile home shall be placed or occupied in this district.

**Section 9.06 - DEVELOPMENT STANDARDS:** All lands and uses within the Medium Density Residence District (R-3) shall be developed in strict compliance with the standards hereinafter established:

- a) Lot Area - Residential lots which are served with approved central water and sewer systems serving all lots may be developed for such use if they have a lot area of not less than 10,000 square feet per single family unit or 6,000 square feet per unit in multi-family development. All other parcels, not so serviced, shall contain the lot areas prescribed by the provisions of Article VII of this Zoning Ordinance. Not more than one structure may be constructed on any parcel herein.

b) Lot Frontage - All lots or parcels developed within this district shall have a minimum lot width of eighty (80) feet on an adjoining approved street or road.

Lots or parcels having less than the above listed minimum frontages on the right of way line of the adjoining approved road or street must have a lot width at the building line which is equal to that minimum lot frontage requirement. In no case shall the parcel or lot frontage at the right-of-way line be less than sixty (60) feet and width of sixty (60) feet shall not be decreased at any point forward of the building line of the principal residence located on the premises.

c) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, material handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

d) Building Dimensions - Each single family dwelling hereafter erected in this district shall have a living area of not less than one thousand four hundred fifty (1450) square feet. All such living areas shall be exclusive of basements, porches or garages. All apartments or other multi-family structures constructed within this district shall contain the following minimum floor space, to wit:

One (1) bedroom unit	-	850 sq. ft
Two (2) bedroom unit	-	950 sq. ft.
Additional required for each bedroom beyond two (2)	-	120 sq. ft. per bedroom

e) Building Set Back - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Sec. 21.11 herein.

f) Side Yard Set Back - Except as modified by the Zoning and Planning Commission in approving zero lot lines or common wall housing under Sec. 7.04(o) herein, no building or structure shall be located closer than twelve and one half (12.5) feet to any side lot line.

g) Rear Yard Requirement - No principal dwelling shall be located closer than thirty-five (35) feet to the rear line of any lot and no accessory building shall be located closer than five (5) feet to said rear lot line.

h) Coverage Maximum Lot - On no lot or parcel in this zoning district shall buildings be constructed which cover more than twenty-five (25%) percent of the lot area.

i) Parking - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the standards set forth in Article XXI of this Ordinance.

j) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this ordinance and except as permitted by the Zoning and Planning Commission incident to Conditional Uses, no signs shall be permitted in this district except for “For Sale” or “For Rent or Lease” sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Zoning and Planning Commission, erect one sign not exceeding 48 square feet in area per side advertising said subdivision, development or tract for sale.

k) Streetlights - Streetlights will be required in an alternating pattern on both sides of new streets. Said streetlights will be of a type, style and placement as approved by the Zoning and Planning Commission and the Village Engineer.

## **ARTICLE X - Planned Residence District (PRD)**

**Section 10.01 - PURPOSE:** Galena, recognizing that with increased urbanization and population growth comes increased demands for well organized residential areas which take into account unique natural features, contemporary land use concepts, and a balanced residential environment, hereby provides for the Planned Residence District intending hereby to promote the variety and flexibility of land development for residential purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of the Village.

**Section 10.02 - APPLICATION:** The provisions of this chapter of the Zoning Ordinance shall apply to all lands under Village Zoning, regardless of the size and the owner of any parcel may elect to submit the application for change in the zoning under the provisions of this article despite the fact that the planned densities or size of the tract do not exceed the permitted densities or acreages set forth in Articles VII, VIII, and IX of this ordinance. The Galena Council or the Zoning and Planning Commission may, in their discretion, require that an application be filed under this Article if approval under this Article serves the best interest of the community in assuring quality development.

**Section 10.03 - PERMITTED USES:** Within the Planned Residence District (PRD) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- a) Residential structures of any type, either single family or multi-family, including but not limited to detached, semi-detached, attached, modular, mobile, cluster, patio, common wall or any reasonable variation on the same theme.
- b) Non-residential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Planned Residence District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.
- c) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent dwelling is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Galena Council. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Zoning and Planning Commission as granted in compliance with the provisions of Article XXVIII of this ordinance.



d) Conducting of casual sales of goods in what are commonly referred to as garage sales or yard sales provided that such sales shall not be conducted on more than six (6) days in any calendar year or more than three (3) consecutive days.

**Section 10.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Zoning and Planning Commission pursuant to the provisions of Article XXVIII of this ordinance Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted, such conditional use permit shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Zoning and Planning Commission. A designation by the Zoning and Planning Commission that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) Home occupations conducted by the resident of a permitted dwelling subject to the following restrictions:

- 1) The home occupation shall be carried on solely within the confines of the residential structures and architecturally compatible accessory buildings which are customarily associated with the residential use and character of the neighborhood.
- 2) Only one sign, not larger than six (6) square feet and four (4) feet in height above grade of the surrounding yard, may be erected advertising the home occupation. The sign may be located at eye level if mounted flat against a building. The Sign shall be of a design compatible with the residential character and shall not be animated or lighted.
- 3) The home occupation shall occupy not more than twenty (20%) percent of the total floor area of the dwelling unit or fifty (50%) percent of the combined floor space in any garage or accessory building.
- 4) No more than one (1) non-resident employee shall work on said premises.
- 5) Services may be rendered on the premises or elsewhere.
- 6) All parking demands created by the conduct of a home occupation shall be met off the street and other than in a front yard. Off-street parking may be permitted in a side or rear yard, but shall not be located any closer to the street than the required setback line. The required number of off-street parking spaces shall equal the spaces required for the residential use plus those required for the commercial use which constitutes the home occupation (if no parking requirement is given for a particular home occupation, the parking requirements for the most similar commercial use shall be used in order to calculate the required minimum number of spaces. See Article XXI )

7) No equipment, process, or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisance detectable to normal senses off the lot. All activities, materials and equipment associated with the business shall be totally maintained within a building. In the case of electrical interference, no equipment or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises, or cause fluctuation in line voltage off the premises. No equipment, process, or storage associated with a home occupation shall create any fire or explosion hazard, or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling containing no home occupation.

8) Waste materials, solid or liquid, shall not be created on the premises at a level greater than normal to the residential use, unless provisions for the disposition of said wastes are acceptable to the Delaware County Department of Health and do not create a burden on adjoining property.

9) No activity shall be conducted or permitted which creates a nuisance to neighboring properties.

b) Kindergarten or Child Care Facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.

c) Group homes or residential care facilities in which not more than eight (8) persons are provided with room, board, specialized care, rehabilitative services and supervision in a family environment. All such facilities shall possess all approvals and/or licenses as required by state or local agencies. In addition to all other conditions deemed necessary the following conditions shall be imposed by the Zoning and Planning Commission.

1) No exterior alterations of the structure shall be made which depart from the residential character of building. All new structures shall be compatible in residential design with the surrounding neighborhood.

2) All exterior lighting fixtures will be shaded wherever necessary to avoid casting direct light upon any adjoining property located in a Residential District.

3) No Group Home should be located within a one (1) mile radius of another such facility in a given neighborhood.

d) Parking lots or storage yards for boats and recreational vehicles provided such area is owned or controlled by neighborhood or community associations and use is limited to residents of the subdivision served.

e) Dog kennels or catteries provided that no commercial activity is conducted and the building or structure dedicated to the use is located at least two hundred (200) feet from the lot line in any Residential District.

**Section 10.05 - PROHIBITED USES**

- a) No use not specifically authorized by the express terms of this chapter of the Zoning Ordinance shall be permitted.
  
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
  
- c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district for more than twenty-four (24) hours in any ten (10) day period. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
  
- d) No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than fourteen (14) days.
  
- e) Except as specifically permitted in Section 10.03(c) or approved in the approved development plan no mobile home shall be placed or occupied in this district.

**Section 10.06 - APPLICATION PROCEDURE INVOLVING REZONING:** In addition to any other procedures set out in this ordinance, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

The owner or owners of land under Galena Zoning may request that the zoning map be amended to include such tracts in the Planned Residence District (PRD) in accordance with the provisions of this ordinance.

- 1) The applicant is encouraged to engage in informal consultations with the Galena Zoning and Planning Commission prior to formal submission of a development plan and request for an amendment of the zoning map, it being understood that no statement by Officials of the Village shall be binding upon either.
  
- 2) All applications for Planned Residence District (PRD) zoning will be considered only in combination with, and after proper submission of, a development plan (see Section 10.09) and a subdivision plan (see current Village Subdivision Code) if applicable. Approval of such application is contingent upon approval of satisfactory development and subdivision plans. Failure to fully adhere to the approved development and subdivision

plans will result in revocation of the approved zoning change. The required development and subdivision plans may be submitted in the form of one combined plan fulfilling the reporting requirements of both.

3) In addition to a completed application, development plan and subdivision plan, or combined development/subdivision plan (as described in Section 10.09 and the current Village Subdivision Code) the applicant will be required to supply additional information, as requested, by a village appointed consulting engineer and/or other technical advisors. A fee to be paid by the applicant in order to recover village costs related to said complete engineering review will be determined on a case by case basis.

4) No application or development/subdivision plan will be considered for approval until payment in full of all application fees, development plan fees, subdivision plan fees, and engineering review fees are paid in full. Such fees are non-refundable.

**Section 10.07 - APPLICATION PROCEDURE WITHIN EXISTING DISTRICT:** In addition to any other procedures set out in this ordinance, all applications for approval of any use within this district shall follow the procedures hereinafter set forth:

1) The applicant is encouraged to engage in informal consultations with the Galena Zoning and Planning Commission prior to formal submission of a development plan, it being understood that no statement by Officials of the Village shall be binding upon either.

2) All applications for approval of a use under Planned Residence District (PRD) zoning will be considered only in combination with, and after proper submission of, a development plan (see Section 10.09) and a subdivision plan (see current Village Subdivision Code) if applicable. Approval of such application is contingent upon approval of satisfactory development and subdivision plans. Failure to fully adhere to the approved development and subdivision plans will result in revocation of the approved use. The required development and subdivision plans may be submitted in the form of one combined plan fulfilling the reporting requirements of both.

3) In addition to a completed application, development plan and subdivision plan, or combined development/subdivision plan (as described in Section 10.09 and the current Village Subdivision Code) the applicant will be required to supply additional information, as requested, by a village appointed consulting engineer and/or other technical advisors. A fee to be paid by the applicant in order to recover village costs related to said complete engineering review will be determined on a case by case basis.

4) No application or development/subdivision plan will be considered for approval until payment in full of all application fees, development plan fees, subdivision plan fees, and engineering review fees are paid in full. Such fees are non-refundable.

**Section 10.08 - APPLICATION PROCEDURE FOR CHANGES WITHIN EXISTING DISTRICT:**

In addition to any other procedures set out in this ordinance, all applications for approval of a change in use from that previously approved for a given tract within this district shall follow the procedures hereinafter set forth:

- 1) The applicant is encouraged to engage in informal consultations with the Galena Zoning and Planning Commission prior to formal submission of an amended development plan, it being understood that no statement by Officials of the Village shall be binding upon either.
- 2) All applications for approval of a change in use under Planned Residence District (PRD) zoning will be considered only in combination with, and after proper submission of, an amended development plan (see Section 10.09) and a subdivision plan (see current Village Subdivision Code) if applicable. Approval of such application is contingent upon approval of satisfactory development and subdivision plans. Failure to fully adhere to the approved development and subdivision plans will result in revocation of the approved change. The required development and subdivision plans may be submitted in the form of one combined plan fulfilling the reporting requirements of both.
- 3) In addition to a complete amended development plan and subdivision plan, or combined development/subdivision plan (as described in Section 10.09 and the current Village Subdivision Code) the applicant will be required to supply additional information, as requested, by a village appointed consulting engineer and/or other technical advisors. A fee to be paid by the applicant in order to recover village costs related to said complete engineering review will be determined on a case by case basis.
- 4) No application or development/subdivision plan will be considered for approval until payment in full of all amended development plan fees, subdivision plan fees, and engineering review fees are paid in full. Such fees are non-refundable.

**Section 10.09 - DEVELOPMENT PLAN:**

a) Plan Definition and Requirements - The plan is to be a complete description of the development concept to be used for the property which includes, but is not limited to, the size, location, and general development character of the tract. The development plan may be combined with the subdivision plan when such plan is also required inasmuch as all requirements for both submissions are met (see current Village Subdivision Code). Ten (10) copies of the development plan shall be submitted with the application, which plan shall include in the text and map form:

- 1) The proposed size and location of the Planned Residence District.
- 2) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum set back requirements, and other development features including landscaping.

- 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
- 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
- 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- 7) Location of parks and other public facility sites, if any.
- 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in text form in a manner calculated to give Galena officials definitive guidelines for approval of future phases.
- 10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
- 11) Specific statements of divergence from the development standards in Articles XII, XIII, XXI and/or XXII or existing Galena Village regulations or standards and the justification therefore. Unless a variation from these development standards is specifically approved the same shall be complied with.
- 12) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.

b) Public Notice Requirements - Written application for approval of a Development Plan or Amended Development Plan and associated supporting documents and fees shall be made to the Zoning Inspector or Zoning Clerk who shall transmit said application to the Galena Zoning and Planning Commission. The Commission shall give written notice by first class mail at least ten (10) days prior to the hearing on said Development Plan or Amended Development Plan to all owners of property within, contiguous to and directly across the street and within 200 feet from such area for which said Development Plan or Amended Development Plan is proposed to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Galena Council. An application for approval of a Development Plan or

Amended Development Plan shall be advertised in one or more newspapers of general

circulation within Galena at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing and the nature of the proposed Development Plan or Amended Development Plan.

c) Hearing and Decision - At such hearing the applicant shall present a statement and adequate evidence, in such form as the Zoning and Planning Commission may require. Within thirty (30) days after such hearing, the Zoning and Planning Commission shall either approve, approve with supplementary conditions or disapprove the Development Plan or Amended Development Plan. If the request for a Development Plan or Amended Development Plan is denied, the applicant may seek relief through the Court of Record.

In granting such approval of a Development Plan or Amended Development Plan the Commission shall determine that said Development Plan or Amended Development Plan meets the criteria for approval as listed in Section 10.10 below.

In granting an approval of any Development Plan or Amended Development Plan under the provisions of this section, the Zoning and Planning Commission shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the Development Plan or Amended Development Plan approval is granted.

d) Form of Application - All applications for approval of Development Plans or Amended Development Plans under this section shall be submitted in such format as designated and approved by the Zoning and Planning Commission. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application and a current list of parties to be notified as described in Section 10.09b above.

**Section 10.10 - APPROVAL:**

a) Criteria for Approval - In approving an application for a Planned Residence District the reviewing authorities shall determine:

- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Ordinance.
- 2) If the proposed development is in conformity with the current Village Comprehensive Master Plan or portion thereof as it may apply.
- 3) If the proposed development is in conformity with the current Village Subdivision Code or portion thereof as it may apply.
- 4) If the proposed development advances the general welfare of the Village and the immediate vicinity.



b) Effect of Approval - The Development Plan as approved by the Village of Galena shall constitute an amendment to the Zoning Ordinance as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Village Subdivision Code. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commences within the three (3) year period, the approval shall be voided and the land shall automatically revert to (FR-1) Farm Residence District unless the application for time extension is timely submitted and approved.

c) Extension of Time or Modification - An extension of the time limit as a modification of the approved development plan may be approved by the Galena Council. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Galena Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 10.06(d) as hereinbefore set forth.

d) Plat Required - In the Planned Residence District (PRD), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with the Village Subdivision Code and this ordinance. The subdivision plat shall be in accord with the approved development plan and shall include:

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

2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.

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

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

**Section 10.11 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this ordinance the following standards for arrangement and development of lands and buildings are required in the Planned Residence District.

a) Intensity of Use - The maximum density shall be six (6) dwelling units per gross acre of area within the area to be developed, unless the physical boundaries of land or existing developments adjacent thereto on adjoining lands establish an atmosphere inconsistent with the above maximum density of six (6) dwelling units per gross acre. Increased densities may be recommended by Galena Zoning and Planning Commission and approved by the Galena Council if it is determined that any of the following conditions exist:

- 1) If the property is directly adjacent and easily accessible to major thoroughfares.
- 2) If the property is directly adjacent and easily accessible to publicly controlled and maintained community recreational facilities or service facilities.

The Galena Council may grant zoning incentives of up to one (1) unit per gross acre for each of the above standards of quality found to exist, however, the total density for the entire area of the development shall not exceed eight (8) units per gross acre.

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

<b>Type Dwelling</b>	<b>Maximum Units on any single acre</b>
Single Family	6 (plus credits)
Two Family and Townhouses	8
Two Story Apartments	12

b) Open Space - A minimum of fifteen thousandths (.015) of an acre per dwelling unit shall be provided as designated open space, arranged and restricted by easement, covenant, deed or dedication. This organized open space shall not include minimum yard space as required or required off-street parking areas, however, it may include recreation or education facilities, fire protection areas, additional street right-of-way in excess of required right-of-way, or other public improvements necessary to the health, safety and welfare of the people. If it is demonstrated to the Galena Zoning and Planning Commission that the type of development, adjoining development or adjoining publicly controlled open space is sufficient to provide for the health and welfare of the area, the density as hereinbefore set forth may be reduced by not less than ten (10%) percent in lieu of the provisions of organized open space as hereinbefore described.

c) Arrangement of Structures : Perimeter requirements shall call for comparable type and value of land use with neighboring districts where feasible.

- 1) Setbacks - The physical relationships of dwelling units, non-dwelling structures and their minimum yard spaces shall be developed in strict compliance with the approved plan or the provisions of Article XXI unless variance there from is approved.

Except as modified by the Zoning and Planning Commission in approving zero lot lines or common wall housing under Sec. 7.04(o) herein, no building or structure shall be located closer than twelve and one half (12.5) feet to any side lot line.

- 2) Building Height Limits - No building in this district shall exceed thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, material handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

d) Building Dimensions - Each single family dwelling hereafter erected in this district shall have a living area of not less than one thousand four hundred fifty (1450) square feet. All such living areas shall be exclusive of basements, porches or garages. All apartments or other multi-family structures constructed within this district shall contain the following minimum floor space, to-wit:

One (1) bedroom unit	-	850 sq. ft.
Two (2) bedroom unit	-	950 sq. ft.
Additional required for each Bedroom beyond two (2)	-	120 sq. ft. per bedroom

e) Landscaping - All yards, front, side and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.

f) Site Development - To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six percent (6%) shall be maintained.

g) Parking - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article XXI of this ordinance shall, when appropriate, be incorporated.

h) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this ordinance and except as permitted by the Zoning and Planning Commission incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Zoning and Planning Commission, erect one sign not exceeding 48 square feet in area per side advertising said subdivision, development or tract for sale.

i) Mobile Home Development Standards - In the event mobile homes are included as a type of residence within this district construction of pads, etc. shall be in conformity with industry standards currently established by the Mobile Home Park Associations, any State or Federal standards established on said subject or any requirement approved or imposed in the plan of development.

j) The Galena Zoning and Planning Commission and/or the Galena Council may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, drainage, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

k) Lot Area - Residential lots approved for use in this district shall have a minimum lot area of not less than 10,000 square feet per single family unit or 6,000 square feet per unit in multi-family development behind the right-of-way line. Not more than one structure may be constructed on any parcel herein.

l) Lot Frontage - All lots or parcels developed within this district shall have a minimum lot width of eighty (80) feet on an adjoining approved street or road. Lots or parcels having less than the above listed minimum frontages on the right of way line of the adjoining approved road or street must have a lot width at the building line which is equal to that minimum lot frontage requirement. In no case shall the parcel or lot frontage at the right-of-way line be less than sixty (60) feet and width of sixty (60) feet shall not be decreased at any point forward of the building line of the principal residence located on the premises.

m) Streetlights - Streetlights will be required in an alternating pattern on both sides of new streets. Said streetlights will be of a type, style and placement as approved by the Zoning and Planning Commission and the Village Engineer.

**ARTICLE XI -**

**RESERVED**

## **ARTICLE XII - Neighborhood Office District (C-1)**

**Section 12.01 - PURPOSE:** It is the intention of this Ordinance to create a district which will regulate future commercial development and foster expansion and rehabilitation of existing facilities to provide the atmosphere and opportunity to develop neighborhood oriented office facilities which are small, pleasant, safe and convenient to the neighborhood.

**Section 12.02 - APPLICATION:** The provisions of this article of the Zoning Ordinance shall apply to all proposed uses which are designed to serve the limited neighborhood area as oppose to the community at large.

**Section 12.03 - PERMITTED USES:** Within the Neighborhood Office District (C-1) the following uses, developed in accordance with other provisions of this ordinance, shall be permitted.

- a) Office facilities for the providing of personal service such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, dentists, osteopaths, chiropractors, podiatrists or other allied medical, dental or optical fields, accountants, architects and engineers.
- b) Offices of credit agencies, personal credit institutions or loan offices provided that no drive-in windows are provided.
- c) Offices of Veterinarians provided that the practice of said veterinarian is limited to small domestic animals, that no animals are boarded on the premises and that no outside runs or exercise areas are provided.
- d) Other offices, similar in nature or character, as determined by the Zoning and Planning Commission.
- e) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Galena Council. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Zoning and Planning Commission as granted in compliance with the provisions of Article XXVIII of this ordinance.

**Section 12.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Zoning and Planning Commission pursuant to the provisions of Article XXVIII of this ordinance. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced

within one (1) year or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted, such conditional use permit shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Zoning and Planning Commission. A designation by the Zoning and Planning Commission that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Single Family Residences provided the same contains at least one thousand four hundred and fifty (1450) square feet of living area exclusive of porches, garages and basements.
- b) Apartments in areas over or adjacent to the office facility provided that apartments constructed within this district shall contain the following minimum floor space, exclusive of porches, basements or garages to-wit:

One (1) bedroom unit	-	850 sq. ft.
Two (2) bedroom unit	-	950 sq. ft.
Additional required for each Bedroom beyond two (2)	-	120 sq. ft. per bedroom

- c) Kindergarten or Child Care Facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.

**Section 12.05 - PROHIBITED USES:**

- a) No use not specifically authorized by the express terms of this article of the Zoning Ordinance shall be permitted.
- b) The outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicle, if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions on the plat or deed.

- d) Except as specifically permitted in Sec. 12.03(e) herein no mobile home or mobile office structure shall be placed or occupied in this district.
- e) Dog kennels or catteries.

**Section 12.06 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this ordinance, all lands and uses within the Neighborhood Office District shall be developed in strict compliance with the standards hereinafter established:

- a) Building Size - No structure in this district shall contain more than three thousand (3000) square feet of floor space per floor devoted to any permitted or conditional use.
- b) Lot Size - No minimum lot size shall be required, however, the lot size shall be adequate to provide the yard spaces and off street parking as herein required.
- c) Lot Width - No minimum lot width shall be required, however, all commercial tracts shall have access to approved streets and shall be of such width as to provide required yard spaces and off street parking.
- d) Building Height Limits - No building shall exceed two (2) stories or thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, material handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.
- e) Building Setback - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Sec. 21.11 herein.
- f) Side Yard - Side yards shall be required adjacent to residential districts not less than one-fourth (1/4) of the sum of the height and depth of the building but in no case less than twenty-five (25) feet from the adjacent residential district.
- g) Rear Yard - Rear yards of not less than thirty (30) feet shall be required when commercial areas are adjacent to residential areas.
- h) Screening - In strict compliance with the provisions of Article XXI of this Ordinance, all commercial and office areas shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service areas from view. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.
- i) Parking - Off street parking shall be provided, within this district in strict compliance with the provisions of Article XXI of this Ordinance.



- j) Signs - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Ordinance.
- k) Lighting - Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.
- l) Freight Loading Area - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.
- m) Landscape Plan - When any use abuts on a Class A or Class B road as defined in Sec. 21.11 herein a landscape plan shall be developed which is compatible, in the discretion of the Zoning and Planning Commission, with the adjoining areas and the owner or occupant of the premises shall at all times maintain all grassed and landscaped areas.

## **ARTICLE XIII - Neighborhood Commercial District (C-2)**

**Section 13.01 - PURPOSE:** It is the intent of the Village to create a commercial district which together with the regulation of future areas and rehabilitation of existing facilities will provide the atmosphere and opportunities to develop small neighborhood shopping areas which are pleasant, safe, convenient to the neighborhood yet not designed to serve the public at large.

**Section 13.02 - APPLICATION:** The provisions of this article shall apply to all areas zoned neighborhood commercial as of the date of adoption of this amendment and all existing legal neighborhood commercial uses on lands now zoned neighborhood commercial within the areas under Galena Zoning shall be considered, for purposes of this zoning district, permitted uses.

The provisions of this article of the Zoning Ordinance shall apply to all proposed uses which are designed to serve the limited neighborhood area as opposed to the community at large.

**Section 13.03 - PERMITTED USES:** Within the Neighborhood Commercial District (C-2) the following uses, developed in accordance with other provisions of this ordinance, shall be permitted provided that all activities and transactions, except off street parking and loading/unloading shall be conducted within a closed building.

- a) Retail Stores primarily engaged in selling of merchandise for personal or household consumption and rendering services incidental to the sale of goods including hardware stores, grocery stores, meat and seafood markets, fruit stores and vegetable markets, candy stores, nut and confectionery stores, dairy product stores, retail bakeries, drug and proprietary stores, liquor stores, carryouts, florists, eating and drinking places where service is provided totally within the building, self-service laundromats, laundry and dry-cleaning shops, beauty shops, health spas, barber shops, shoe repair or shining shops or any other like retail establishment consistent with the above listed uses. Businesses providing drive-thru facilities or facilities which do not require the occupant to leave his or her car are not considered permitted uses.
- b) Office facilities for the providing of personal service such as insurance agencies, insurance brokers, real estate offices, law offices, offices of physicians, dentists, osteopaths, chiropractors, podiatrists or other allied medical, dental or optical fields, accountants, architects and engineers.
- c) Offices of credit agencies, personal credit institutions or loan offices provided that no drive-in windows are provided.
- d) Offices of Veterinarians provided that the practice of said veterinarian is limited to small domestic animals, that no animals are boarded on the premises and that no outside runs or exercise areas are provided.
- e) Other business, similar in nature or character or determined by the Galena Zoning and Planning Commission.

f) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Galena Council. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Zoning and Planning Commission as granted in compliance with the provisions of Article XXVIII of this ordinance.

**Section 13.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Zoning and Planning Commission pursuant to the provisions of Article XXVIII of this ordinance. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted, such conditional use permit shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Zoning and Planning Commission. A designation by the Zoning and Planning Commission that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

a) Single Family Residences provided the same contain at least one thousand four hundred fifty (1450) square feet of living area exclusive of porches, garages and basements.

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

One (1) bedroom unit	-	850 sq. ft.
Two (2) bedroom unit	-	950 sq. ft.
Additional required for each Bedroom beyond two (2)	-	120 sq. ft. per bedroom

c) Outside display of products for sale.

d) Kindergarten or Child Care Facilities provided the building occupied by the use is architecturally compatible with the neighborhood and provisions are made for vehicular

access, parking and fences to control accessibility of the children to adjoining hazardous conditions such as roads, streets, lakes, ponds, etc. or adjacent yards.

- e) Drive-thru or drive-in facilities for financial institutions, restaurants or other businesses.
- f) Outdoor storage.
- g) Dog kennels or catteries provided that no commercial activity involving the animals is conducted within (50) feet from the lot line of any Residential District and any buildings or structures dedicated to the use is located at least one hundred (100) feet from the lot line of any Residential District.

**Section 13.05 - PROHIBITED USES:**

- a) No use not specifically authorized by the express terms of this article of the Zoning Ordinance shall be permitted.
- b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c) No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.
- d) Except as specifically permitted in Sec. 13.03(f) herein no mobile home or mobile structure shall be placed or occupied in this district.

**Section 13.06 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this ordinance, all lands and uses within the Neighborhood Commercial District shall be developed in strict compliance with the standards hereinafter established.

- a) Building Size - No structure in this district shall contain more than three thousand (3000) square feet of floor space per floor devoted to any permitted or conditional use.
- b) Lot Size - No minimum lot size shall be required, however, the lot size shall be adequate to provide the yard spaces and off street parking as herein required.
- c) Lot Width - No minimum lot width shall be required, however, all commercial tracts shall have access to approved streets and shall be of such width as to provide required yard spaces and off street parking.

d) Building Height Limits - No building shall exceed two (2) stories or thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, material handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

e) Building Setback - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Sec. 21.11 herein.

f) Side Yards - Side yards shall be required adjacent to residential districts not less than one-fourth (1/4) of the sum of the height and depth of the buildings but in no case less than twenty-five (25) feet from the adjacent residential district.

g) Rear Yards - Rear yards of not less than thirty (30) feet shall be required when commercial areas are adjacent to residential areas.

h) Screening - In strict compliance with the provisions of Article XXI of this Ordinance, all commercial and office areas shall provide a screening of shrubbery or artificial fencing so as to hide trash collection areas and service areas from view. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.

i) Parking - Off street parking shall be provided, within this district in strict compliance with the provisions of Article XXI of this Ordinance.

j) Signs - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this Ordinance.

k) Lighting - Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

l) Freight Loading Area - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.

m) Landscape Plan - When any use abuts on a Class A or Class B road as defined in Sec. 21.11 herein a landscape plan shall be developed which is compatible, in the discretion of the Zoning and Planning Commission, with the adjoining areas and the owner or occupant of the premises shall at all times maintain all grassed and landscaped areas.

## **ARTICLE XIV - Planned Commercial and Office District (PC)**

**Section 14.01 - PURPOSE:** Galena recognizing that with increased urbanization and population growth comes increased demands for well organized commercial areas to provide employment, goods and services to area residents as well as to provide a balanced economy within the Village hereby provides for the Planned Commercial and Office District, intending hereby to promote the variety and flexibility of land development for commercial purposes that are necessary to meet these demands while still preserving and enhancing the health, safety and general welfare of the inhabitants of Galena, Ohio.

**Section 14.02 - APPLICATION:** This provision of the zoning ordinance shall apply to all lands within the areas under Galena Zoning which are to be used for commercial or office purposes and which are not regulated by the Neighborhood Commercial District or Neighborhood Office District as hereinbefore set forth in Article XII and XIII of this ordinance. No new use, or change in use, is to be commenced within an approved Planned Commercial and Office District without prior approval of a development plan (as described in Sec. 14.09 ) or an amendment to a previously approved development plan by the Zoning and Planning Commission.

**Section 14.03 - PERMITTED USES:** Within the Planned Commercial and Office District (PC) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted. The precise use or type of use of the tract shall be specified in the plan as submitted and approved.

- a) Commercial and Office Establishments of all types developed and maintained within an organized development of associated commercial activities in accordance with the approved development plan.
- b) Community Facilities such as libraries, offices or educational facilities operated by a public agency or government.
- c) Commercial Establishments normally associated with and intended to service the traveling public with motels, service stations, restaurants, travel trailer parks for overnight parking or any other allied activity.
- d) Hospitals, medical facilities, nursing homes and convalescence homes.
- e) Medical, dental and optical laboratories.
- f) Kindergarten or child care facilities.
- g) Other Commercial ventures not provided by this or other sections of this ordinance if approved as part of the plan.
- h) Wholesale Business, storage and warehouse.

i) Dog kennels or catteries provided that no commercial activity involving the animals is conducted within (50) feet from the lot line of any Residential District and any buildings or structures dedicated to the use is located at least one hundred (100) feet from the lot line of any Residential District.

j) Single Family Residences provided the same contain at least one thousand four hundred fifty (1450) square feet of living area exclusive of porches, garages and basements.

k) Apartments or residences in areas over or adjacent to a commercial storeroom or office facility when the same are specifically designed as part of the architecture of the structure in a village setting. All living units constructed within this district shall contain the following minimum floor space, exclusive of porches, basements or garages, to-wit:

One (1) bedroom unit	-	850 sq. ft.
Two (2) bedroom unit	-	950 sq. ft.
Additional required for each Bedroom beyond two (2)	-	120 sq. ft. per bedroom

No commercial or business activity shall be conducted in a unit designed for residential use without consent of the Zoning and Planning Commission.

l) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Galena Council. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Zoning and Planning Commission as granted in compliance with the provisions of Article XXVIII of this Ordinance.

**Section 14.04 - CONDITIONAL USES:** Provisions for conditional uses are unnecessary under this article because, in effect, each application for plan approval is a conditional use granted by the Galena Zoning and Planning Commission.

**Section 14.05 - PROHIBITED USES:**

a) No use not specifically authorized by the express terms of this article of the Zoning Ordinance shall be permitted.



b) Outdoor storage of inoperable, unlicensed or unused motor vehicles for a period exceeding seven (7) days is prohibited. Said vehicles, if stored on the premises, shall be enclosed within a building so as not to be visible from any adjoining property or public road. This prohibition shall not apply to new or used motor vehicles stored or displayed pursuant to a legal sales or repair activity if such activities are carried out in compliance with the approved plan.

c) Except as provided in the plan of development no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed or the development plan.

d) Except as specifically permitted in Sec. 14.03( k ) or in the approved development plan no mobile home or mobile office structure shall be placed or occupied in this district.

**Section 14.06 - APPLICATION PROCEDURE INVOLVING REZONING:** In addition to any other procedures set out in this ordinance, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

The owner or owners of land under Galena Zoning may request that the zoning map be amended to include such tracts in the Planned Commercial and Office District (PC) in accordance with the provisions of this ordinance.

1) The applicant is encouraged to engage in informal consultations with the Galena Zoning and Planning Commission prior to formal submission of a development plan and request for an amendment of the zoning map, it being understood that no statement by Officials of the Village shall be binding upon either.

2) All applications for Planned Commercial and Office District (PC) zoning will be considered only in combination with, and after proper submission of, a development plan (see Section 14.09) and a subdivision plan (see current Village Subdivision Code) if applicable. Approval of such application is contingent upon approval of satisfactory development and subdivision plans. Failure to fully adhere to the approved development and subdivision plans will result in revocation of the approved zoning change. The required development and subdivision plans may be submitted in the form of one combined plan fulfilling the reporting requirements of both.

3) In addition to a completed application, development plan and subdivision plan, or combined development/subdivision plan (as described in Section 14.09 and the current Village Subdivision Code) the applicant will be required to supply additional information, as requested, by a village appointed consulting engineer and/or other technical advisors. A fee to be paid by the applicant in order to recover village costs related to said complete engineering review will be determined on a case by case basis.

4) No application or development/subdivision plan will be considered for approval until payment in full of all application fees, development plan fees, subdivision plan fees, and engineering review fees are paid in full. Such fees are non-refundable.

**Section 14.07 - APPLICATION PROCEDURE WITHIN EXISTING DISTRICT:** In addition to any other procedures set out in this ordinance, all applications for approval of any use within this district shall follow the procedures hereinafter set forth:

- 1) The applicant is encouraged to engage in informal consultations with the Galena Zoning and Planning Commission prior to formal submission of a development plan, it being understood that no statement by Officials of the Village shall be binding upon either.
- 2) All applications for approval of a use under Planned Commercial and Office District (PC) zoning will be considered only in combination with, and after proper submission of, a development plan (see Section 14.09) and a subdivision plan (see current Village Subdivision Code) if applicable. Approval of such application is contingent upon approval of satisfactory development and subdivision plans. Failure to fully adhere to the approved development and subdivision plans will result in revocation of the approved use. The required development and subdivision plans may be submitted in the form of one combined plan fulfilling the reporting requirements of both.
- 3) In addition to a completed application, development plan and subdivision plan, or combined development/subdivision plan (as described in Section 14.09 and the current Village Subdivision Code) the applicant will be required to supply additional information, as requested, by a village appointed consulting engineer and/or other technical advisors. A fee to be paid by the applicant in order to recover village costs related to said complete engineering review will be determined on a case by case basis.
- 4) No application or development/subdivision plan will be considered for approval until payment in full of all application fees, development plan fees, subdivision plan fees, and engineering review fees are paid in full. Such fees are non-refundable.

**Section 14.08 - APPLICATION PROCEDURE FOR CHANGES WITHIN EXISTING DISTRICT:** In addition to any other procedures set out in this ordinance, all applications for approval of a change in use from that previously approved for a given tract within this district shall follow the procedures hereinafter set forth:

- 1) The applicant is encouraged to engage in informal consultations with the Galena Zoning and Planning Commission prior to formal submission of an amended development plan, it being understood that no statement by Officials of the Village shall be binding upon either.

2) All applications for approval of a change in use under Planned Commercial and Office District (PC) zoning will be considered only in combination with, and after proper submission of, an amended development plan (see Section 14.09) and a subdivision plan (see current Village Subdivision Code) if applicable. Approval of such application is contingent upon approval of satisfactory development and subdivision plans. Failure to fully adhere to the approved development and subdivision plans will result in revocation of the approved change. The required development and subdivision plans may be submitted in the form of one combined plan fulfilling the reporting requirements of both.

3) In addition to a complete amended development plan and subdivision plan, or combined development/subdivision plan (as described in Section 14.09 and the current Village Subdivision Code) the applicant will be required to supply additional information, as requested, by a village appointed consulting engineer and/or other technical advisors. A fee to be paid by the applicant in order to recover village costs related to said complete engineering review will be determined on a case by case basis.

4) No application or development/subdivision plan will be considered for approval until payment in full of all amended development plan fees, subdivision plan fees, and engineering review fees are paid in full. Such fees are non-refundable.

#### **Section 14.09 - DEVELOPMENT PLAN:**

a) Plan Definition and Requirements - The plan is to be a complete description of the development concept to be used for the property which includes, but is not limited to, the size, location, and general development character of the tract. The development plan may be combined with the subdivision plan when such plan is also required inasmuch as all requirements for both submissions are met (see current Village Subdivision Code). Ten (10) copies of the development plan shall be submitted with the application, which plan shall include in the text and map form:

- 1) The proposed size and location of the Planned Commercial and Office District.
- 2) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum set back requirements, and other development features including landscaping.
- 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
- 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
- 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.

- 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
- 7) Location of parks and other public facility sites, if any.
- 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
- 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in text form in a manner calculated to give Galena officials definitive guidelines for approval of future phases.
- 10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
- 11) Specific statements of divergence from the development standards in Articles XII, XIII, XXI and/or XXII or existing Galena Village regulations or standards and the justification therefore. Unless a variation from these development standards is specifically approved the same shall be complied with.
- 12) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.

b) Public Notice Requirements - Written application for approval of a Development Plan or Amended Development Plan and associated supporting documents and fees shall be made to the Zoning Inspector or Zoning Clerk who shall transmit said application to the Galena Zoning and Planning Commission. The Commission shall give written notice by first class mail at least ten (10) days prior to the hearing on said Development Plan or Amended Development Plan to all owners of property within, contiguous to and directly across the street and within 200 feet from such area for which said Development Plan or Amended Development Plan is proposed to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Galena Council. An application for approval of a Development Plan or Amended Development Plan shall be advertised in one or more newspapers of general circulation within Galena at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing and the nature of the proposed Development Plan or Amended Development Plan.

c) Hearing and Decision - At such hearing the applicant shall present a statement and adequate evidence, in such form as the Zoning and Planning Commission may require. Within thirty (30) days after such hearing, the Zoning and Planning Commission shall either approve, approve with supplementary conditions or disapprove the Development Plan or

Amended Development Plan. If the request for a Development Plan or Amended Development Plan is denied, the applicant may seek relief through the Court of Record.

In granting such approval of a Development Plan or Amended Development Plan the Commission shall determine that said Development Plan or Amended Development Plan meets the criteria for approval as listed in Section 14.10 below.

In granting an approval of any Development Plan or Amended Development Plan under the provisions of this section, the Zoning and Planning Commission shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the Development Plan or Amended Development Plan approval is granted.

d) Form of Application - All applications for approval of Development Plans or Amended Development Plans under this section shall be submitted in such format as designated and approved by the Zoning and Planning Commission. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application and a current list of parties to be notified as described in Section 14.09b above.

**Section 14.10 - APPROVAL:**

a) Criteria for Approval - In approving an application for a Planned Commercial and Office District the reviewing authorities shall determine:

- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Ordinance.
- 2) If the proposed development is in conformity with the current Village Comprehensive Master Plan or portion thereof as it may apply.
- 3) If the proposed development is in conformity with the current Village Subdivision Code or portion thereof as it may apply.
- 4) If the proposed development advances the general welfare of the village and the immediate vicinity.

b) Effect of Approval - The Development Plan as approved by the Village of Galena shall constitute an amendment to the zoning ordinance as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Galena, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commences within the three (3) year period, the approval shall be voided and the land shall automatically revert to (FR-1) Farm Residence District unless the application for time extension is timely submitted and approved.

c) Extension of Time or Modification - An extension of the time limit as a modification of the approved development plan may be approved by the Galena Zoning and Planning Commission. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Galena Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 14.10(b) as hereinbefore set forth.

d) Plat Required - In the Planned Commercial and Office (PC) District, no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations for Galena, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:

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

2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.

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

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

**Section 14.11 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this ordinance the following standards are required in this district.

- a) Fire and Explosion Hazards - All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
  
- b) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.
  
- c) Glare, Heat and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.
  
- d) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.
  
- e) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
  
- f) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
  
- g) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.
  
- h) Setbacks - The physical relationships of the structures or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan or the provisions of Article XXI unless Development Plan or Amended Development Plan therefrom is approved.



i) Building Height Limits - No building shall exceed two (2) stories or thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, materials handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.

j) Building Dimensions - Buildings may contain such area of floor space as is approved in the development plan.

k) Landscaping - All yards, front, side and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.

l) Site Development - To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six percent (6%) shall be maintained.

m) Parking - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article XXI of this ordinance shall, when appropriate, be incorporated.

n) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this ordinance and except as permitted by the Zoning and Planning Commission incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may, upon the conditions and for the time period established by the Zoning and Planning Commission, erect one sign not exceeding 48 square feet in area per side advertising said subdivision, development or tract for sale.

o) Special Additional Conditions - The Galena Zoning and Planning Commission and/or the Galena Council may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

**ARTICLE XV -**

**RESERVED**

## **ARTICLE XVI - Industrial District (I)**

**Section 16.01 - PURPOSE:** Galena recognizes that a well planned and balanced community must have jobs for its residents and a tax base to support the best possible educational opportunities for the young. It is the intention of this Commission to provide those reasonable conditions under which desirable industry of all types may operate so that the health, safety and general welfare of the residents of Galena may be preserved.

**Section 16.02 - APPLICATION:** The provisions of this article shall apply to all areas zoned Industrial (I) as of the date of adoption of this amendment. All existing legal industrial uses on lands now zoned Industrial within areas under Galena Zoning shall be considered, for purposes of this ordinance and this zoning district, permitted uses.

**Section 16.03 - PERMITTED USES:** Within the Industrial District (I) the following uses, developed in accordance with other provisions of this ordinance, shall be permitted.

- a) Wholesale business when all products are stored within the building.
- b) Enclosed warehouse or storage activities.
- c) Enclosed manufacturing industries.
- d) Enclosed service or repair activities.
- e) Business offices.
- f) Enclosed research facilities.
- g) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Galena Council. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Zoning and Planning Commission as granted in compliance with the provisions of Article XXVIII of this ordinance.

**Section 16.04 - CONDITIONAL USES:** Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Zoning and Planning Commission pursuant to the provisions of Article XXVIII of this ordinance. Conditionally permitted uses shall be considered and declared abandoned if said use or uses are not commenced within one (1) year or are discontinued for a period in excess of two years.

Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure wherein the same is located or upon which the same is granted, such conditional use permit shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Zoning and Planning Commission. A designation by the Zoning and Planning Commission that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Any use of an industrial or commercial nature not already provided for by this ordinance.
- b) Any manufacturing process not already provided for or prohibited by this ordinance.
- c) Circuses carnivals or similar transient enterprises provided such uses can be operated in a safe and sanitary manner pursuant to previously obtained health permits.
- d) Petroleum product storage areas.
- e) Quarries and other activities providing for the removal, processing and sale of natural resources.
- f) Exploration and drilling for oil or gas and production of said products.
- g) Sanitary Landfills and Solid Waste Transfer Stations provided that all required licenses and approvals are issued by appropriate state agencies. In addition to requirements imposed by state agencies the Zoning and Planning Commission may require such screening as is necessary to protect adjacent neighborhoods. This section not applicable to facilities qualifying as a Public Utility and exempt from zoning.
- h) Freight or trucking terminals.
- i) The outdoor storage, display processing, repair or sale of raw materials, supplies equipment or products.

**Section 16.05 - PROHIBITED USES:**

- a) No use not specifically authorized by the express terms of this article of the Zoning Ordinance or by the Zoning and Planning Commission shall be permitted.
- b) Unless specifically permitted by the Zoning and Planning Commission as incident and necessary to a permitted or conditional use in this district, the storage of any inoperable unlicensed or unused motor vehicles shall be prohibited unless said vehicles are stored behind properly maintained hedges or fences so as not to be visible from any adjoining property or public road.

- c) Unless specifically permitted by the Zoning and Planning Commission as incident and necessary to a permitted or conditional use in this district, no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code or the restrictions in the plat or deed.
- d) Residential use of any kind. In the case of parcels or areas which are residential in character but exist within an Industrial District at the time of adoption of this code, or inclusion of said parcels or areas into an Industrial District; continuation, enlargement, modification and/or replacement of residential structures will be allowed.
- e) Except as specifically permitted in Sec. 16.03(g) no mobile home or mobile office structure shall be placed or occupied in this district.
- f) Dog kennels or catteries.

**Section 16.06 - DEVELOPMENT STANDARDS:** In addition to any other provisions of this ordinance, all lands and uses within the Industrial District shall be developed in strict compliance with the standards hereinafter established:

- a) Lot Size - No minimum lot size shall be required, however, the lot size shall be adequate to provide the required yard spaces and off street parking as herein required.
- b) Lot Width - No minimum lot width shall be required, however, the industrial tract shall have access to approved streets and shall be of sufficient width to provide required yard spaces and off street parking.
- c) Building Height Limits - No building shall exceed two (2) stories or thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, material handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.
- d) Building Setback - No building or use shall be located closer to the right-of-way line or center line of the adjacent public or private road than permitted in Sec. 21.11 herein.
- e) Side Yards - There shall be a side yard on each side of the main building constructed in this district of not less than fifty (50) feet on each side. No accessory building, outdoor storage area or required off street parking shall encroach in said side yard except with consent of the Zoning and Planning Commission.

f) Rear Yards - No building shall be located closer than thirty (30) feet to the rear line of any lot. No outdoor storage area or required off street parking area may encroach in the prescribed rear yard except with permission of the Zoning and Planning Commission.

g) Screening - In strict compliance with the provisions of Article XXI of this Ordinance, all industrial areas shall provide a screening of shrubbery or artificial fencing so as to hide all trash collection areas, outside storage areas, manufacturing areas, loading docks and service areas from view. All such shrubbery shall be properly trimmed and all screening shall be maintained in a neat and tidy manner.

h) Parking - Off street parking shall be provided within this district in strict compliance with the provisions of Article XXI of this ordinance.

i) Signs - Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article XXII of this ordinance.

j) Lighting - Exterior lighting fixtures shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

k) Freight Loading Areas - When any use within this district requires the pickup or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways.

l) Performance Standards - No use shall be conducted within this district which fails to maintain the following standards:

1) Fire and Explosion Hazards - All activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

2) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

3) Glare, Heat and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

4) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.

5) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

6) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.

7) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.

## **ARTICLE XVII - Planned Industrial District (PI)**

**Section 17.01 - PURPOSE:** In the creation of the Planned Industrial District it is the intention and desire of Galena to provide those reasonable conditions under which well planned industrial areas can develop for the greatest benefit of Galena and so that the health, safety and general welfare of all inhabitants of Galena may be preserved.

**Section 17.02 - APPLICATION:** The provisions of this chapter shall apply to all lands under Galena Zoning regardless of the size of the tract and the owner may elect to submit his application for change in the zoning under the provisions of this article or the provisions of Article XVI. The Galena council or the Zoning and Planning Commission may, in their discretion, require that an application be filed under this article if approval under this article serves the best interest of the community and assures quality development.

No new use, or change in use, is to be commenced within an approved Planned Industrial District without prior approval of a development plan (as described in Sec. 17.09 ) or an amendment to a previously approved development plan by the Zoning and Planning Commission.

**Section 17.03 - PERMITTED USES:** Within the Planned Industrial District (PI) the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:

- a) Manufacturing, processing, warehousing and industrial service activities located and maintained within the limits of the development standards of these Planned Industrial District Regulations.
- b) Commercial Establishments normally associated with and designed to serve the Industrial establishments or their employees and approved as part of the development plan such as financial institutions, restaurants, gasoline service stations, automobile repair establishments, recreation or other personal enrichment facilities provided such establishments or facilities are established primarily for employees of industrial establishments or in conjunction with commercially operated recreation establishments developed as part of the approved plan for the Planned Industrial District.
- c) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Inspector on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Inspector may require provisions for sanitary waste disposal, solid waste disposal and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Galena Council. Said temporary



structure shall be removed not later than ten (10) days after expiration of said permit. No unit shall be occupied as a residence without approval of the Zoning and Planning Commission as granted in compliance with the provisions of Article XXVIII of this ordinance.

**Section 17.04 - CONDITIONAL USES:** Provisions for conditional uses are unnecessary under this article because, in effect, each application for plan approval is a conditional use granted by the Galena Zoning and Planning Commission.

**Section 17.05 - PROHIBITED USES:**

- a) No use not specifically authorized by the express terms of this article of the Zoning Ordinance shall be permitted.
  
- b) Except as approved in the development plan the outdoor storage of any inoperable, unlicensed or unused motor vehicle for a period exceeding seven (7) days is prohibited.
  
- c) Except as provided in the plan of development no trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any lot within this district. If a structure is located on the tract of land or lot the building line shall be considered to be the front wall of the structure, even if said structure is located behind the minimum building line established by this code, the restrictions in the plat or deed or the development plan.
  
- d) Residential use of any kind. In the case of parcels or areas which are residential in character but exist within an Industrial District at the time of adoption of this code, or inclusion of said parcels or areas into an Industrial District; continuation, enlargement, modification and/or replacement of residential structures will be allowed.
  
- e) Except as specifically permitted in Sec. 17.03(c) or in the approved development plan no mobile home or mobile office structure shall be placed or occupied in this district.
  
- f) Dog kennels or catteries.

**Section 17.06 - APPLICATION PROCEDURE INVOLVING REZONING:** In addition to any other procedures set out in this ordinance, all applications for amendments to the zoning map to rezone lands to this district shall follow the procedures hereinafter set forth:

The owner or owners of land under Galena Zoning may request that the zoning map be amended to include such tracts in the Planned Industrial District (PI) in accordance with the provisions of this ordinance.

- 1) The applicant is encouraged to engage in informal consultations with the Galena Zoning and Planning Commission prior to formal submission of a development plan and request for an amendment of the zoning map, it being understood that no statement by Officials of the Village shall be binding upon either.

2) All applications for Planned Industrial District (PI) zoning will be considered only in combination with, and after proper submission of, a development plan (see Section 17.09) and a subdivision plan (see current Village Subdivision Code) if applicable. Approval of such application is contingent upon approval of satisfactory development and subdivision plans. Failure to fully adhere to the approved development and subdivision plans will result in revocation of the approved zoning change. The required development and subdivision plans may be submitted in the form of one combined plan fulfilling the reporting requirements of both.

3) In addition to a completed application, development plan and subdivision plan, or combined development/subdivision plan (as described in Section 17.09 and the current Village Subdivision Code) the applicant will be required to supply additional information, as requested, by a village appointed consulting engineer and/or other technical advisors. A fee to be paid by the applicant in order to recover village costs related to said complete engineering review will be determined on a case by case basis.

4) No application or development/subdivision plan will be considered for approval until payment in full of all application fees, development plan fees, subdivision plan fees, and engineering review fees are paid in full. Such fees are non-refundable.

**Section 17.07 - APPLICATION PROCEDURE WITHIN EXISTING DISTRICT:** In addition to any other procedures set out in this ordinance, all applications for approval of any use within this district shall follow the procedures hereinafter set forth:

1) The applicant is encouraged to engage in informal consultations with the Galena Zoning and Planning Commission prior to formal submission of a development plan, it being understood that no statement by Officials of the Village shall be binding upon either.

2) All applications for approval of a use under Planned Industrial District (PI) zoning will be considered only in combination with, and after proper submission of, a development plan (see Section 17.09) and a subdivision plan (see current Village Subdivision Code) if applicable. Approval of such application is contingent upon approval of satisfactory development and subdivision plans. Failure to fully adhere to the approved development and subdivision plans will result in revocation of the approved use. The required development and subdivision plans may be submitted in the form of one combined plan fulfilling the reporting requirements of both.

3) In addition to a completed application, development plan and subdivision plan, or combined development/subdivision plan (as described in Section 17.09 and the current Village Subdivision Code) the applicant will be required to supply additional information, as requested, by a village appointed consulting engineer and/or other technical advisors. A fee to be paid by the applicant in order to recover village costs related to said complete engineering review will be determined on a case by case basis.

4) No application or development/subdivision plan will be considered for approval until payment in full of all application fees, development plan fees, subdivision plan fees, and engineering review fees are paid in full. Such fees are non-refundable.

**Section 17.08 - APPLICATION PROCEDURE FOR CHANGES WITHIN EXISTING**

**DISTRICT**: In addition to any other procedures set out in this ordinance, all applications for approval of a change in use from that previously approved for a given tract within this district shall follow the procedures hereinafter set forth:

- 1) The applicant is encouraged to engage in informal consultations with the Galena Zoning and Planning Commission prior to formal submission of an amended development plan, it being understood that no statement by Officials of the Village shall be binding upon either.
- 2) All applications for approval of a change in use under Planned Industrial District (PI) zoning will be considered only in combination with, and after proper submission of, an amended development plan (see Section 17.09) and a subdivision plan (see current Village Subdivision Code) if applicable. Approval of such application is contingent upon approval of satisfactory development and subdivision plans. Failure to fully adhere to the approved development and subdivision plans will result in revocation of the approved change. The required development and subdivision plans may be submitted in the form of one combined plan fulfilling the reporting requirements of both.
- 3) In addition to a complete amended development plan and subdivision plan, or combined development/subdivision plan (as described in Section 17.09 and the current Village Subdivision Code) the applicant will be required to supply additional information, as requested, by a village appointed consulting engineer and/or other technical advisors. A fee to be paid by the applicant in order to recover village costs related to said complete engineering review will be determined on a case by case basis.
- 4) No application or development/subdivision plan will be considered for approval until payment in full of all amended development plan fees, subdivision plan fees, and engineering review fees are paid in full. Such fees are non-refundable.

**Section 17.09 - DEVELOPMENT PLAN:**

a) Plan Definition and Requirements - The plan is to be a complete description of the development concept to be used for the property which includes, but is not limited to, the size, location, and general development character of the tract. The development plan may be combined with the subdivision plan when such plan is also required inasmuch as all requirements for both submissions are met (see current Village Subdivision Code). Ten (10) copies of the development plan shall be submitted with the application, which plan shall include in the text and map form:

- 1) The proposed size and location of the Planned Industrial District.

- 2) The general development character of the tract including the limitations or controls to be placed on all uses, with probable lot sizes, minimum set back requirements, and other development features including landscaping.
  - 3) Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
  - 4) The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
  - 5) The proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.
  - 6) The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.
  - 7) Location of parks and other public facility sites, if any.
  - 8) The proposed time schedule for development of the site including streets, buildings, utilities and other facilities.
  - 9) If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in text form in a manner calculated to give Galena officials definitive guidelines for approval of future phases.
  - 10) The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.
  - 11) Specific statements of divergence from the development standards in Articles XII, XIII, XXI and/or XXII or existing Galena Village regulations or standards and the justification therefore. Unless a variation from these development standards is specifically approved the same shall be complied with.
  - 12) Evidence of the applicant's ability to post a bond if the plan is approved assuring completion of public service facilities to be constructed within the project by the developer.
- b) Public Notice Requirements - Written application for approval of a Development Plan or Amended Development Plan and associated supporting documents and fees shall be made to the Zoning Inspector or Zoning Clerk who shall transmit said application to the Galena Zoning and Planning Commission. The Commission shall give written notice by first class mail at least ten (10) days prior to the hearing on said Development Plan or Amended Development Plan to all owners of property within, contiguous to and directly across the

street and within 200 feet from such area for which said Development Plan or Amended Development Plan is proposed to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Galena Council. An application for approval of a Development Plan or Amended Development Plan shall be advertised in one or more newspapers of general circulation within Galena at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing and the nature of the proposed Development Plan or Amended Development Plan.

c) Hearing and Decision - At such hearing the applicant shall present a statement and evidence, in such form as the Zoning and Planning Commission may require. Within thirty (30) days after such hearing, the Zoning and Planning Commission shall either approve, approve with supplementary conditions or disapprove the Development Plan or Amended Development Plan. If the request for approval of a Development Plan or Amended Development Plan is denied, the applicant may seek relief through the Court of Record.

In granting such approval of a Development Plan or Amended Development Plan the Commission shall determine that said Development Plan or Amended Development Plan meets the criteria for approval as listed in Section 17.10 below.

In granting an approval of any Development Plan or Amended Development Plan under the provisions of this section, the Zoning and Planning Commission shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the Development Plan or Amended Development Plan approval is granted.

d) Form of Application - All applications for approval of Development Plans or Amended Development Plans under this section shall be submitted in such format as designated and approved by the Zoning and Planning Commission. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application and a current list of parties to be notified as described in Section 17.09b above.

### **Section 17.10 - APPROVAL:**

a) Criteria for Approval - In approving an application for a Planned Industrial District the reviewing authorities shall determine:

- 1) If the proposed development is consistent in all respects with the purpose, intent and general standards of this Zoning Ordinance.
- 2) If the proposed development is in conformity with the current Village Comprehensive Master Plan or portion thereof as it may apply.
- 3) If the proposed development is in conformity with the current Village Subdivision Code or portion thereof as it may apply.

4) If the proposed development advances the general welfare of the Village and the immediate vicinity.

Effect of Approval - The Development Plan as approved by the Village of Galena shall constitute an amendment to the Zoning Ordinance as it applies to the lands included in the approved amendment. The approval shall be for a period of three (3) years to allow the preparation of plats required by the Subdivision Regulations of Galena, Ohio. Where the land is to be developed in phases, plans for phases subsequent to the first phase shall be submitted in accordance with the timetable in the approved development plan. Unless the required plats are properly recorded and work on said development commences within the three (3) year period, the approval shall be voided and the land shall automatically revert to (FR-1) Farm Residence District unless the application for time extension is timely submitted and approved.

c) Extension of Time or Modification - An extension of the time limit as a modification of the approved development plan may be approved by the Galena Zoning and Planning Commission. Such approval shall be given only upon a finding of the purpose and necessity for such change or extension and evidence of reasonable effort toward the accomplishment of the original development plan, and that such extension or modification is not in conflict with the general health, welfare and safety of the public or development standards of the district. No extension of time shall be granted except on application filed with the Galena Zoning Inspector not later than ninety (90) days before the expiration of the three (3) year period prescribed in Section 17.10(b) as hereinbefore set forth.

d) Plat Required - In the Planned Industrial District (PI), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations for Galena, Ohio, and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:

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

2) Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon and the activities of occupants.

3) In the event that any public service facilities not to be otherwise guaranteed by a public utility have not been constructed prior to recordation of the plat, the owner of the project shall post a performance bond in favor of the appropriate public officer in a satisfactory amount assuring expeditious completion of said facilities within one year after the recording of said plat. In no event, however, shall any zoning certificate be

issued for any building until such time as the public service facilities for the phase in which the building is located are completed.

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

**Section 17.11 - DEVELOPMENT STANDARDS:** In addition to any development standards imposed or approved as part of the plan of development, the following standards shall apply.

a) Fire and Explosion Hazards - All activities, including storage, involving flammable, explosive or hazardous materials shall include the provision of adequate safety devices against the hazard of spill, fire and/or explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.

b) Air Pollution - No emission of air pollutants shall be permitted which violate the Clean Air Act Amendments of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

c) Glare, Heat and Exterior Light - Any operation producing intense light or heat, such as high temperature processing, combustion, welding, or other, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted.

d) Dust and Erosion - Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot in objectionable quantities.

e) Liquid or Solid Wastes - No discharge at any point into any public sewer, private sewage disposal system, or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply or interfere with bacterial processes in sewage treatment, shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.

f) Vibrations and Noise - No uses shall be located and no equipment shall be installed in such a way as to produce intense, earth shaking vibrations which are discernible without instruments at or beyond the property line of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.

g) Odors - No use shall be operated so as to produce the continuous, frequent, or repetitive emission of odors or odor causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.



- h) Setbacks - The physical relationships of the structures or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan or the provisions of Article XXI unless variance therefrom is approved.
- i) Building Height Limits - No building shall exceed two (2) stories or thirty-five (35) feet in height measured from the finished grade established not closer than fifteen (15) feet to the exterior wall of the structure. Barns, silos, material handling conveyors, church spires, domes, flag poles and elevator shafts, are exempted from any height regulation and may be erected to any safe height. No windmills, aerial, antenna or tower shall be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.
- j) Building Dimensions - Buildings may contain such area of floor space as is approved in the development plan.
- k) Landscaping - All yards, front, side and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.
- l) Site Development - To the maximum extent possible, all natural drainage courses, vegetation, and contours in excess of six percent (6%) shall be maintained.
- m) Parking - Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article XXI of this ordinance shall, when appropriate, be incorporated.
- n) Signs - Except as provided under the provisions of this article for home occupations or as controlled by Article XXII of this ordinance and except as permitted by the Zoning and Planning Commission incident to Conditional Uses, no signs shall be permitted in this district except a "For Sale" or "For Rent or Lease" sign advertising the tract on which the said sign is located. Such sign shall not exceed six (6) square feet in area on each side.

The owner or developer of a subdivision or similar area may upon conditions and for the time period established by the Zoning and Planning Commission, erect one sign not exceeding 48 square feet in area per side advertising said subdivision, development or tract for sale.

- o) The Galena Zoning and Planning Commission and/or the Galena Council may impose special additional conditions relating to the development with regard to type and extent of public improvements to be installed; landscaping, development, improvement, and maintenance of common open space; and any other pertinent development characteristics.

**ARTICLE XVIII -**

**RESERVED**

## ARTICLE XIX - Outdoor Lighting Standards (Ordinance 2001-06)

**Section 19.00-STATEMENT OF NEED AND PURPOSE:** Good outdoor lighting at night benefits everyone. It increases safety, enhances the Village's nighttime character, and helps provide security. New lighting technologies have produced lights that are extremely powerful, and these types of lights may be improperly installed so that they create problems of excessive glare, light trespass, and higher energy use. Excessive glare can be annoying and may cause safety problems. Light trespass reduces everyone's privacy, and higher energy use results in increased costs for everyone. There is a need for a lighting ordinance that recognizes the benefits of outdoor lighting and provides clear guidelines for its installation so as to help maintain and compliment the Village character. Appropriately regulated, and properly installed, outdoor or exterior lighting will contribute to the safety and welfare of the residents of the Village.

This ordinance is intended to reduce the problems created by improperly designed and installed outdoor lighting. It is intended to eliminate problems of glare, minimize light trespass, and help reduce the energy and financial costs of outdoor lighting by establishing regulations which limit the area that certain kinds of outdoor-lighting fixtures can illuminate and by limiting the total allowable illumination of lots located in the Village of Galena. All business, residential, and community driveway, sidewalk, and property luminaires should be installed with the idea of being a "good neighbor", with attempts to keep unnecessary direct light from shining onto abutting properties or streets.

**Section 19.01- DEFINITIONS:** For the purposes of this Ordinance, terms used shall be defined as follows:

- Direct Light: Light emitted directly from the lamp, off of the reflector or reflector diffuser, or through the refractor or diffuser lens, of a luminaire.
- Fixture: The assembly that houses the lamp or lamps and can include all or some of the following parts: a housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and/or a refractor or lens.
- Flood or Spotlight: Any light fixture or lamp that incorporates a reflector or a refractor to concentrate the light output into a directed beam in a particular direction.
- Fully-shielded lights: outdoor light fixtures shielded or constructed so that no light rays are emitted by the installed fixture at angles above the horizontal plane as certified by a photometric test report.
- Glare: Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see, and in extreme cases causing momentary blindness.
- Grandfathered luminaires: Luminaires not conforming to this Ordinance that were in place at the time this code was voted into effect. When an ordinance "grandfathers" a luminaire, it means that such already-existing outdoor lighting does not need to be changed unless a specified period is specified for adherence to the code.
- Height of Luminaire: The height of a luminaire shall be the vertical distance from the ground directly below the centerline of the luminaire to the lowest direct-light-emitting part of the luminaire.
- Indirect Light: Direct light that has been reflected or has scattered off of other surfaces.

- Lamp: The component of a luminaire that produces the actual light.
- Light Trespass: The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.
- Lumen: A unit of luminous flux. One foot-candle is one lumen per square foot. For the purposes of this Ordinance, the lumen-output values shall be the INITIAL lumen output ratings of a lamp.
- Luminaire: This is a complete lighting system, and includes a lamp or lamps and a fixture.
- Outdoor Lighting: The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.
- Temporary outdoor lighting: The specific illumination of an outside area or object by any man-made device located outdoors that produces light by any means for a period of less than 7 days, with at least 180 days passing before being used again.

**Section 19.02-REGULATIONS:** All public and private outdoor lighting installed in the Village of Galena shall be in conformance with the requirements established by this Ordinance. All previous language in Galena’s ordinances regarding outdoor lighting is replaced with this ordinance.

**Section 19.03- CONTROL OF GLARE - LUMINAIRE DESIGN FACTORS:**

A. Any luminaire with a lamp or lamps rated at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire.

B. Any luminaire with a lamp or lamps rate at a total of MORE than 1800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of MORE than 900 lumens, shall be mounted at a height equal to or less than the value  $3 + (D/3)$ , where D is the distance in feet to the nearest property boundary. The maximum height of the luminaire may not exceed 25 feet.

**Section 19.04- EXCEPTIONS TO CONTROL OF GLARE:**

A. Any luminaire with a lamp or lamps rated at a total of 1800 lumens or LESS, and all flood or spot luminaires with a lamp or lamps rated at 900 lumens or LESS, may be used without restriction to light distribution or mounting height, except that if any spot of flood luminaire rated 900 lumens or LESS is aimed, directed, or focused such as to cause direct light from the luminaire to be directed toward residential buildings on adjacent or nearby land, or to create glare perceptible to persons operating motor vehicles on public ways, the luminaire shall be redirected or its light output controlled as necessary to eliminate such conditions.

B. Luminaires used for public-roadway illumination may be installed at a maximum height of 25 feet and may be positioned at that height up to the edge of any bordering property.

C. All temporary emergency lighting need by the Police or Fire Departments or other emergency services, as well as all vehicular luminaires, shall be exempt from the requirements of this article.

D. All hazard warning luminaires required by Federal regulatory agencies are exempt from the requirements of this article, except that all luminaires used must be red and must be shown to be as close as possible to the Federally required minimum lumen output requirement for the specific task.

E. Luminaires used primarily for sign illumination may be mounted at any height to a maximum of 25 feet, regardless of lumen rating.

F. Law Governing Conflicts. Where any provision of federal, state, county, or Village statutes, codes, or laws conflicts with any provision of this code, the most restrictive shall govern unless otherwise regulated by law.

**Section 19.05-OUTDOOR ADVERTISING SIGNS:**

A. Top Mounted Fixtures Required. Lighting fixtures used to illuminate an outdoor advertising sign shall be mounted on the top of the sign structure. All such fixtures shall comply with the shielding requirements of Section 19.03. Bottom-mounted outdoor advertising-sign lighting shall not be used.

B. Outdoor advertising signs of the type constructed of translucent materials and wholly illuminated from within do not require shielding. Dark backgrounds with light lettering or symbols are preferred, to minimize detrimental effects. Unless conforming to the above dark background preference, total lamp wattage per property shall be less than 41 watts.

C. Compliance Limit. Existing outdoor advertising structures shall be brought into conformance with this Ordinance within ten years from the date of adoption of this provision.

D. Prohibitions. Electrical illumination of outdoor advertising off-site signs between the hours of 11:00 p.m. and sunrise is prohibited.

**Section 19.06- RECREATIONAL FACILITIES:**

A. Any light source permitted by this Ordinance may be used for lighting of outdoor recreational facilities (public or private), such as, but not limited to, football fields, soccer fields, baseball fields, softball fields, tennis courts, or show areas, provided all of the following conditions are met:

1. All fixtures used for event lighting shall be fully shielded as defined in Section 19.03 of this Code, or be designed or provided with sharp cut-off capability, so as to minimize up-light, spill-light, and glare.
2. All events shall be scheduled so as to complete all activity before or as near to 10:30 p.m. as practical, but under no circumstances shall any illumination of the playing field, court, or track be permitted after 11:00 p.m. except to conclude a scheduled event that was in progress before 11:00 p.m. and circumstances prevented concluding before 11:00 p.m.

**Section 19.07- PROHIBITIONS:**

- A. Laser Source Light. The use of laser source light or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal is prohibited.
- B. Searchlights. The operation of searchlights for advertising purposes is prohibited.
- C. Outdoor Advertising Off-Site Signs. Electrical illumination of outdoor advertising off-site signs is prohibited between the hours of 11:00 p.m. and sunrise.

**Section 19.08- TEMPORARY OUTDOOR LIGHTING:**

A. Any temporary outdoor lighting that conforms to the requirements of this Ordinance shall be allowed. Nonconforming temporary outdoor lighting may be permitted by the Planning and Zoning Commission after considering: (1) the public and/or private benefits that will result from the temporary lighting; (2) any annoyance or safety problems that may result from the use of the temporary lighting; and (3) the duration of the temporary nonconforming lighting. The applicant shall submit a detailed description of the proposed temporary nonconforming lighting to the Planning and Zoning Commission, who shall consider the request at a duly called meeting of the Commission. Prior notice of the meeting of the Planning and Zoning Commission shall be given to the applicant. The Commission shall render its decision on the temporary lighting request within two weeks of the date of the meeting. A failure by the Commission to act on a request within the time allowed shall constitute a denial of the request.

**Section 19.09-EFFECTIVE DATE AND GRANDFATHERING OF NONCONFORMING LUMINAIRES:**

A. This ordinance shall take effect immediately upon approval by the Council of the Village of Galena, Ohio and shall supersede and replace all previous ordinances pertaining to outdoor lighting.

B. All luminaires lawfully in place prior to the date of the Ordinance 2001-06 shall be grandfathered. However, any luminaire that replaces a grandfathered luminaire, or any grandfathered luminaire that is moved, must meet the standards of this Ordinance. Advertising signs are grandfathered only for a period of ten years, as specified in Section 19.05 C.

C. Grandfathered luminaires that direct light toward streets or parking lots that cause disability glare to motorists or cyclists should be either shielded or re-directed within 90 days of notification, so that the luminaires do not cause a potential hazard to motorists or cyclists.

**Section 19.10-NEW SUB-DIVISION CONSTRUCTION:**

A. Submission Contents. The applicant for any permit required by any provision of the laws of this jurisdiction in connection with proposed work involving outdoor lighting fixtures shall submit (as part of the application for permit) evidence that the proposed work will comply with this Ordinance. The submission shall contain but shall not necessarily be limited to the following, all or part of which may be part or in addition to the information required elsewhere in the laws of the Village upon application for the required permit: plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices; description of the illuminating devices, fixtures, lamps, supports, reflectors, and other devices and the description may include, but is not limited to, catalog cuts by

manufacturers and drawings (including sections where required); photometric data, such as that furnished by manufacturers, or similar showing the angle of cut off or light emissions.

B. Additional Submission. The above required plans; descriptions and data shall be sufficiently complete to enable the plans examiner to readily determine whether compliance with the requirements of this Code will be secured. If such plans, descriptions and data cannot enable this ready determination, by reason of the nature or configuration of the devices, fixtures, or lamps proposed, the applicant shall additionally submit as evidence of compliance to enable such determination such certified reports of tests as will do so provided that these tests shall have been performed and certified by a recognized testing laboratory.

C. Subdivision Plat Certification. If any subdivision proposes to have installed street or other common or public area outdoor lighting, the final plat shall contain a statement certifying that the applicable provisions of the Village of Galena Outdoor Lighting Standards Code will be adhered to.

D. Lamp or Fixture Substitution. Should any outdoor light fixture, or the type of light source therein, be changed after the permit has been issued, a change request must be submitted to the Village Zoning Official for his approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

**Section 19.11- NOTIFICATION REQUIREMENTS:**

A. The Village of Galena Zoning Permit shall include a statement asking whether the planned project will include any outdoor lighting.

B. Within 30 days of the enactment of this ordinance, the Code Enforcement Officer shall send a copy of the Outdoor Lighting Ordinance, with cover letter to all local electricians and local electric utility (including at least those in the Villages of Galena, Village of Sunbury, and the Delaware County Building Department as listed in the Yellow Pages).

**Section 19.12- VIOLATIONS, LEGAL ACTIONS, AND PENALTIES:**

A. Violation. It shall be a civil infraction for any person to violate any of the provisions of this Ordinance. Each and every day during which the violation continues shall constitute a separate offense.

B. Violations and Legal Actions: If, after investigation, the Code Enforcement Officer finds that any provision of the Ordinance is being violated, he shall give notice by hand delivery or by certified mail, return-receipt requested, of such violation to the owner and/or to the occupant of such premises, demanding that violation be abated within thirty (30) days of the date of hand delivery or of the date of mailing of the notice. If the violation is not abated within the thirty-day period, the Code Enforcement Officer may institute actions and proceedings, either legal or equitable, to enjoin, restrain, or abate any violations of this Ordinance and to collect the penalties for such violations.

C. Penalties: A violation of this Ordinance, or any provision thereof, shall be punishable by a civil penalty of not less than fifty dollars nor more than one thousand dollars for any individual (and not more than ten thousand dollars for any corporation, association, or other legal entity) for each violation. The imposition of a fine under this Code shall not be suspended. Each day of violation after the expiration of the thirty-day

period provided in paragraph B shall constitute a separate offense for the purpose of calculating the civil penalty.



## **ARTICLE XX- Telecommunication Tower Regulations**

(Ordinance 2000-07)

### **Section 20.00 - PURPOSE**

The purpose of this zoning regulation is to outline the special permitting process to site a wireless communication facility in the non-residentially zoned districts, while minimizing potential damage and adverse visual impacts of wireless communication facilities on adjacent properties, residential neighborhoods, and areas of historic or high scenic value; to allow the provision of necessary wireless communication services in an orderly way; and to promote shared use of existing facilities to reduce the need for new facilities.

### **Section 20.01 - DEFINITIONS**

- DISTANCE shall be measured on a horizontal plane.
- FAA shall mean the Federal Aviation Administration.
- FCC shall mean the Federal Communications Commission.
- HEIGHT shall be the distance measured from ground level to the highest point on the structure.
- NON-RESIDENTIAL STRUCTURE shall mean such structures as, but not limited to, buildings, grain silos, and water towers, but does not include houses, or apartments.
- WIRELESS COMMUNICATION BUILDING shall mean any building or shelter used to house equipment primarily for the installation and operation of equipment for generating and detecting electromagnetic radiation, and is an accessory to a wireless communication structure.
- WIRELESS COMMUNICATION DEVICE shall mean any antenna, appurtenance, wiring or equipment used in connection with the reception or transmission of electromagnetic radiation which is attached to a structure.
- WIRELESS COMMUNICATION FACILITY shall be used as a general term to include wireless communication building, wireless communication device, and wireless communication structure.
- WIRELESS COMMUNICATION STRUCTURE shall mean any structure or tower intended to support equipment used for the transmission and reception of electromagnetic radiation, including the antennas, wiring or other devices attached to or mounted on a structure.

### **Section 20.02 - EXCEPTIONS**

The following shall be exempt from this regulation:

- A. Wireless communication facilities used for Village or other governmental emergency services.
- B. Amateur radio towers used in compliance with the terms of any amateur radio service licensed by the Federal Communication Commission and used solely for that purpose and as otherwise regulated by the terms of the zoning ordinance.
- C. Wireless communication structures and devices used expressly for home television reception and as otherwise regulated by the terms of the zoning ordinance.

### **Section 20.03 – GENERAL GUIDELINES**

- A. No wireless communication facility shall be erected, constructed, or installed without a conditional use permit from the Village Zoning and Planning Commission.
- B. Whenever feasible, wireless communication devices shall be located on existing towers or other non-residential structures, minimizing proliferation of new towers.
- C. Wireless communication structures shall be built so that the structural integrity of the facility is able to accommodate devices operated by another carrier with little or no modification.
- D. Wireless communication buildings shall be no larger than 500 square feet and not more than 12 feet high, shall be designed to match other accessory buildings on the site, and shall be used only for the housing of equipment related to this particular site.

### **Section 20.04 – SITING AND HEIGHT REQUIREMENTS**

- A. Setbacks
  - 1. The minimum distance from the base of the wireless communication structure to the any property line or road right-of-way shall be at least 1.25 times the height of the structure, to insure adequate fall zone.
  - 2. The minimum distance from any guy wire, anchor or brace to any property line or road right-of-way shall be equal to the length of the guy wire.
  - 3. The setbacks for the wireless communication building shall comply with the setback requirements for the zoning district.
  - 4. The wireless communication structure shall be a minimum distance of three times the height from school buildings, playgrounds, athletics fields and abutting residences to prevent the structure from appearing to “tower” over said land uses causing adverse affect on property values, and public safety
- B. The height shall be the minimum height necessary to accommodate anticipated and future use.
- C. No new wireless communication structures shall be permitted unless the Applicant demonstrates to the reasonable satisfaction of the Zoning and Planning Commission that no existing wireless communication structure can accommodate the Applicant’s proposed wireless communication device. Evidence submitted to demonstrate that no existing structure can accommodate the applicant’s proposed device may consist of any of the following:
  - 1. No existing wireless communication structures or non-residential structures are located within the geographic area required to meet the applicant’s engineering requirements.
  - 2. Existing wireless communication structures or non-residential structures do not have sufficient height to meet the applicant’s requirements.
  - 3. Existing wireless communication structures or non-residential structures do not have sufficient structural strength or cannot be brought up to appropriate strength to support the proposed wireless communication device.
  - 4. The proposed wireless communication device would cause electromagnetic interference with the existing devices on the site, or the existing devices would cause interference with the proposed wireless communication device.

5. The fee, costs or contractual provisions required by the owner in order to share an existing wireless communication structure or to adapt an existing structure for use are unreasonable.
6. The applicant demonstrates that there are other limiting factors that render existing structures unreasonable.

### **Section 20.05 – DESIGN REQUIREMENTS**

- A. Wireless communication structures shall be designed to accommodate the maximum number of users as technologically possible.
- B. There shall be no signs or advertisements, except for no trespassing signs and a required sign giving a phone number where the responsible party can be reached on a 24-hour basis.
- C. All wireless communication devices shall be colored, molded, and/or installed to blend into the structure and/or the landscape.
- D. The facility shall be fenced to control access (not necessarily the entire property).
- E. Night lighting of the facility shall be prohibited unless required by the FAA. If required by the FAA, a copy of the FAA permit requiring lighting should be submitted with the application for a Conditional Use Permit.
- F. There shall be a maximum of one parking space for each facility to be used in connection with maintenance of the site and not to be used for the storage of vehicles or other equipment.
- G. Existing on-site vegetation shall be preserved to the maximum extent possible.
- H. Vegetative screening shall be used to screen abutting residential properties and roadways. Plants that fit in with the surrounding natural vegetation shall be used.

### **Section 20.06 – APPLICATION PROCESS**

Application for a Conditional Use Permit for siting wireless communication facilities shall be filed in accordance with Section 28.04 of the zoning ordinance.

A. TO SITE AN NEW WIRELESS COMMUNICATION STRUCTURE, the Applicant shall submit:

1. Site plans and engineering plans, prepared by a professional engineer licensed to practice in Ohio on 24" by 36" sheets at a scale of 1"=50', or 1"=200' where appropriate, on as many sheets as necessary which shows the following:
  - a. North arrow, date scale, seal(s) of the licensed professional(s) who prepared plans and space for reviewing licensed engineer's seal.
  - b. Name and address of landowner and name and address of abutters as required in Section 28.04.
  - c. Property lines and location of permanent structures or buildings, within 500-foot radius of the proposed wireless communication structure.
  - d. Existing and proposed contour lines at a maximum of 2-foot intervals and spot elevations at base of all the proposed and existing structures
  - e. Vegetation to be removed or altered.
  - f. Plans for drainage of surface water and plans to control erosion and sedimentation both during construction and as a permanent measure.

- g. Delineation of wetlands, if any.
  - h. Location of wireless communication structure, including supports or guy wires, if any.
  - i. Plans for anchoring and supporting the structure, including specifications of hardware and all other building material.
  - j. Plans for accessory buildings.
  - k. Layout and details of surfacing for access road and parking.
  - l. Amenities such as lighting, fencing, and landscaping.
2. A map showing the areas covered/served by the proposed wireless communication structure and devices of different signal strengths, and the interface with adjacent service areas.
  3. A locus map at a scale of 1"=1000 feet which shall show streets and landscape features.
  4. A description of the soil and surficial geology at the proposed site.
  5. A narrative report written by the carrier and licensed professional engineer which shall:
    - m. Describe the justification of the proposed site.
    - n. Describe the structure and the technical, economic, and other reasons for the facility design.
    - o. Describe the capacity of the structure, including the number and type of additional facilities it can accommodate.
    - p. Describe actions to be taken if electromagnetic radiation from the facility should exceed levels designated by the FCC.
    - q. Describe the projected future needs of the carrier, and how the proposed wireless communications facilities fit with future projections to serve the Village and adjacent areas.
    - r. Describe leasing agreement should another carrier desire to co-locate.
    - s. Describe special design features to minimize the visual impact of the proposed wireless communication facility.
  6. Provide proof of approval of all other necessary permits needed for construction and operation.

**B. SITING A WIRELESS COMMUNICATION DEVICE ON EXISTING WIRELESS COMMUNICATION STRUCTURES OR NON-RESIDENTIAL STRUCTURES**, such as buildings, grain silos, steeples, water towers or other non-residential structures, including co-location with another carrier, provided that the new use does not add to the height of the structure, the Applicant shall submit:

1. Site plans and engineering plans, prepared by a professional engineer licensed to practice in Ohio on 24" by 36" sheets at a scale of 1"=50', or 1"=200' where appropriate, on as many sheets as necessary which shows the following:
  - a. North arrow, date scale, seal(s) of the licensed professional(s) who prepared plans and space for reviewing licensed engineer's seal.
  - b. Plans for supporting and attaching the device including specifications of hardware and all other building material.
  - c. Building Plans for accessory buildings, if any.

- d. Layout and details of surfacing for access road and parking, if it is to be altered from existing conditions
  - e. Name and address of landowner and name and address of abutters as required in Section 28.04.
  - f. Property lines and location of permanent structures or buildings, within 500-foot radius of the proposed wireless communication structure.
2. A map showing the areas covered/served by the proposed wireless communication structure and devices of different signal strengths, and the interface with adjacent service areas.
  3. A narrative report written by the carrier and licensed professional engineer which shall:
    - a. Included a draft of the contract between the structure/building owner(as appropriate) and the Applicant.
    - b. Demonstrate that the wireless communication structure or non-residential structure to which the device will be mounted has the structural integrity to support such device.
    - c. Describe actions to be taken if electromagnetic radiation from the facility should exceed levels designated by the FCC.
    - d. Describe the projected future needs of the carrier, and how the proposed facility fits with future projections.
  4. Proof of approval of all other necessary permits needed for construction and operation.
- C. The above information shall be submitted in duplicate along with the regular form to the Clerk of the Village Zoning and Planning Commission.

**Section 20.07 – STANDARD FOR REVIEW**

- A. The Zoning and Planning Commission shall consider the following standards in reviewing a Conditional Use Permit for a Wireless Communication Facility:
1. That the Applicant has demonstrated to the satisfaction of the Zoning and Planning Commission that the requirements of the Village Wireless Communication Facility regulations have been met.
  2. That the size and height of the structure is the minimum necessary.
  3. That the proposed wireless communication facility will not adversely impact historic structures or scenic views.
  4. That there are no feasible alternatives to the location of the proposed wireless communication facilities, including co-location, that would minimize their impact, and the applicant has exercised faith in permitting future co-location of facilities at the site.
- B. When considering an application for a wireless communication facility, the Zoning and Planning Commission shall place great emphasis on the proximity of the facility to residential dwellings, its impact on these residences, and will encourage the use of existing structure(s).
- C. Any extension or construction of new or replacement towers or transmitters shall be subject to an amendment to the Conditional Use Permit, following the same procedure as siting a new device.

**Section 20.08 – CONDITIONS OF USE**

- A. The Applicant shall post an initial bond to cover construction costs and an annual maintenance bond to cover maintenance for the access road, site, and structure(s) and to cover the removal of facility in the event of non-operation in an amount approved by the Zoning and Planning Commission. An access road may include existing Village streets not designated for heavy traffic.
- B. Regulatory Compliance
  - 1. Annual certification demonstrating structural integrity and continuing compliance with current standards of the FCC, FAA and the American National Standards Institute shall be filed with the Clerk of the Zoning and Planning Commission by the Conditional Use Permit holder and shall be reviewed by a licensed professional engineer hired by the Village and paid for by the Conditional Use Permit holder.
  - 2. If the FCC or the FAA regulations are changed, the owner or operator shall bring the facilities into compliance within six months or earlier if a more stringent compliance schedule is included in the regulation.
  - 3. Failure to comply with any regulations shall be grounds for removal of non-complying structure, building, device(s) at the owner's expense.
  - 4. If the device is moved lower on the structure and the top of the structure is no longer needed, then the non-operational part of the structure shall be removed within 120 days.
- C. Removal and Repair
  - 1. An Applicant must execute and agreement/covenant with the Village Zoning and Planning Commission agreeing to remove within 180 days of notice from the Village the wireless communication facility not operation for a period of twelve months, unless the reason for no-operation is the result to major damage.
  - 2. If the facility is not removed within 180 days, the village will remove said facility at the owner's expense.
  - 3. In the event of major damage, repair must begin within six months of damage. Major damage shall mean damage to the facility focused by no fault of the owner or operator.

**Section 20.09 – DISTRICT REGULATION**

A. Subject to the procedures set forth in the Ohio Revised Code, no wireless telecommunications tower facility, aerial, antenna or tower shall be permitted in the following districts:

- Farm Residential District FR-1
- Low Density Residence District, R-2
- Medium Density Residence District, R-3
- Planned Residence District, PRD

**Exception: an aerial or antenna for the sole purpose of residential use, considering the maximum height of the structure does not exceed 75 feet and shall not be constructed to a height greater than the distance from the center of the base thereof to the nearest property line of said tract.**

B. Subject to the procedures set forth in the Ohio Revised Code, wireless telecommunications tower facility, aerial, antenna or tower shall be conditionally permitted in the following districts:

- Neighborhood Office District, C-1
- Neighborhood Commercial District, C-2
- Planned Commercial and Office District, PC
- Industrial District, I

## Planned Industrial District, PI

## **ARTICLE XXI - General Development Standards**

**Section 21.00 - GENERAL:** It is the purpose of these development standards to set forth certain general rules to be adhered to regardless of the type or classification of development. They are designed to insure that the general welfare of citizens of Galena are protected and enhanced. These development standards apply throughout the Village. If a conflict exists between these standards and more specific standards prescribed in any individual zoning district the specific provisions of the zoning district in question shall prevail. The standards set forth herein are to be considered minimum standards to be augmented by standards set forth elsewhere in this ordinance or prescribed or agreed to by the land owner in any rezoning or variance.

**Section 21.01 - PARKING:** Wherever parking areas are to be provided as required by the provisions of this zoning ordinance the following conditions shall apply:

- a) **Dimensions** - All parking spaces shall be not less than nine (9) feet wide and twenty (20) feet long. Such spaces shall be measured rectangularly and shall be served by aiseways of sufficient width to permit easy and smooth access to all parking spaces.
  
- b) **Paving** - Except in the Farm Residence (FR-1), and Low Density Residence (R-2) Zoning Districts all new common parking areas and adjacent aisles or driveways shall be paved with concrete, asphaltic material, brick, concrete pavers or other solid material as approved by the Zoning and Planning Commission.
  
- c) **Driveways** - All driveways serving parking lots for five (5) or more vehicles shall be served by a driveway not less than twenty (20) feet in width but adequate in width to permit easy access to parking spaces. No driveway shall be located so that it enters a public road within one hundred (100) feet of the intersection of any two (2) public roads unless there are two driveways serving the lot, one of which is more than one hundred (100) feet and the other not less than forty (40) feet from said intersection. All driveways shall be located and the adjoining lots graded so that vehicular traffic entering a public road has an unobstructed sight distance of at least three hundred (300) feet. All new driveways shall be paved in accordance with the requirements of Section 21.01 (b).
  
- d) **Parking Area Location** - Except in the single family districts (FR-1) and (R-2), no parking lot or parking area shall be located nearer than six (6) feet to the side or rear line of the tract on which the structure is located and parking in front of the main structure may be permitted only if not more than forty (40%) percent of the front set back area outside of the right-of-way is occupied by parking. All parking spaces required herein shall be located on the same lot with the building or use served.
  
- e) **Required Off-Street Parking Spaces** - The user of any tract shall provide off-street parking for all employees, customers, visitors and invitees. The following table shall specify the minimum parking areas to be provided.



Use	Required Parking Spaces
1) Single family residential (FR-1)	4 per dwelling unit
2) All other residential	3 per dwelling unit
3) Hotels, motels, lodges (without public meeting facilities)	1 per rental unit plus 1 per employee on the largest shift plus 1 for each four seats in the dining room or restaurant area.
4) Hotels, motels, lodges, exhibition halls and public assembly areas (except churches)	1 per rental unit plus 1 per employee on the largest shift plus 1 per 75 sq. ft. of floor area used for exhibition or assembly purposes plus 1 per 4 seats in any restaurant therein.
5) Churches or places of public assembly	1 for each three (3) seats or one (1) for each forty-five (45) sq. ft. of assembly area, whichever is greater.
6) Hospitals	1-1/2 for each bed plus 1 for each employee on the largest shift
7) Nursing Homes	1 for each 2 beds plus 1 for each employee on the largest shift
8) Museums, libraries, etc.	1 for each 400 sq. ft. of area open to the public plus 1 for each employee on largest shift
9) Primary or elementary schools	4 for each classroom
10) Secondary schools, colleges, trade schools, etc.	4 for each classroom plus 1 for each four (4) students
11) Restaurants	1 for each two (2) seats plus 1 for each employee on the largest shift. Not less than 25 parking spaces shall be provided.
12) Offices	1 for each 400 sq. ft. of floor area plus 1 for each employee
13) Funeral Homes	1 for each 25 sq. ft. of public area
14) Retail Stores	5 plus 1 for every four hundred (400) sq. ft. of floor space
15) All industrial, warehousing	20 plus 1 for each two (2) employees plus 1 for each vehicle maintained on the premises

Any application for initial construction or use or for the expansion of any structure or use shall include plans for adequate off-street parking as required herein.

f) Garages - All new single family residences shall require a minimum two (2) car garage. Minimum dimensions of said structure are to be twenty (20) feet by twenty (20) feet. All new multi-family residences shall require a minimum one and one half (1.5) car attached garage per unit. Minimum dimensions of said structure are to be sixteen (16) feet by twenty (20) feet. All garage shall be constructed so as to be architecturally compatible to the residence.

**Section 21.02 - HEIGHT LIMITATIONS:** The building height limitations set forth in this ordinance shall not apply to church spires, domes, chimneys, cooling towers, elevator shafts, fire towers, belfries, monuments, stacks, derricks, conveyors, stage towers, tanks, water towers or necessary mechanical appurtenances which may be erected to any safe and lawful height. Windmills, aerials, antenna or towers if otherwise permitted may be constructed to a height not greater than the distance from the center of the base thereof to the nearest property line of said tract.

**Section 21.03 - STRUCTURE SEPARATION:** No principal structure shall be located closer than twenty-five (25) ft. to another principal structure unless the adjacent walls of both structures are masonry in which event said principal structures shall be no closer than fifteen (15) feet. No principal structure shall be located closer than fifteen (15) feet to another principal structure unless one of said structures has, as its exterior facing wall, a fire wall, free of any opening and capable of stopping the spread of any fire.

**Section 21.04 - SANITARY SEWER REQUIREMENTS AND POLLUTION CONTROL:** All uses shall be conducted in conformance with regulations promulgated by the Environmental Protection Agency and the Delaware County Department of Health. Prior to the issuance of any zoning certificate, evidence of compliance with said regulations shall be presented to the Zoning Inspector.

**Section 21.05 - WATER IMPOUNDMENTS:** All water impoundments such as ponds, lakes or swimming pools shall be constructed and developed in compliance with the following standards:

- a) Adjacent to all class "A" roadways no impoundment shall be located closer than twenty-five (25) feet to the right-of-way or fifty-five (55) feet of the center line of any adjacent approved road.
- b) No impoundment shall be located in the front yard in any district except the FR-1 district except upon issuance of a conditional use permit pursuant to Article XXVIII of this ordinance or as approved in plans of development or approved subdivision plats.
- c) All installed swimming pools, or the entire property upon which it is located, shall be walled or fenced to prevent uncontrolled access by individuals from the street or from adjacent properties. Said fence or wall shall be not less than five (5) feet in height and shall be maintained in good condition with a gate and lock.

**Section 21.06 - LANDSCAPING AND STREETSCAPING:** It is strongly recommended that all existing trees be retained and new trees be planted on each lot with a minimum of one (1) tree of a two (2) inch minimum trunk size being required per lot. The Commission will cooperate in giving advice on species of trees which are acceptable for plantings.

a) Landscaping - All uses and improvements in Galena should pay close attention to maintenance of proper landscaping as soon as possible after completion of construction of the principle structures or improvements. Maintenance of ground cover at all times is encouraged to prevent erosion. Replacement of trees, removed during the land clearing, should be accomplished as soon as possible. Tree plantings shall be located outside of the street right-of-way or any sewer or water easements. They must be planted in such manner as to not impair visibility at any corner or corners.

b) Streetscaping - A minimum six (6) foot wide street lawn will be required between the curb and sidewalk for all new residential uses. As part of an approved plan by the Zoning and Planning Commission the street lawn shall be planted in grass or other suitable ground cover.

**Section 21.07 - FENCING:** All fencing shall be placed or installed in such a manner that the “front side” of the fence is facing out and/or toward adjoining properties, buildings, lots, parcels or tracts along all property lines of the parcel upon which the fence is being placed or installed. The “front side” of a fence being defined as the side not having visible structural supports or the side having the least visibility of the structural supports depending on the type of fencing material used. The use of “barbed” or other types of fencing material designed to discourage entry or passage by causing potential injury or inflicting pain by means of piercing, cutting or otherwise damaging skin is prohibited in the Farm Residence (FR-1), Low Density Residence (R-2), Medium Density Residence (R-3) and Planned Residence (PRD) districts.

**Section 21.08 - SCREENING:** When used for industrial, commercial, office, institutional, multi-family, group entertainment or commercial recreational uses all trash containers, dumpsters or receptacles shall be screened or enclosed. Trash containers designed to service more than one residential unit, group homes, schools, more than ten (10) persons not in one family, or to service a non-residential structure shall be screened on all sides by walls, fences, or natural vegetation or an acceptable combination of these elements as determined by the Zoning and Planning Commission. Trash containers shall not be located in the front yard building setback and shall otherwise conform to the side and rear yard setbacks of the applicable zoning district.

The height of such screening shall be at least six (6) feet. The maximum height of walls and fences shall not exceed twelve (12) feet. Natural vegetation shall have a minimum opaqueness of seventy five (75%) percent at all times. The use of year-round vegetation, such as pine trees or other evergreens is encouraged. Natural vegetation shall be a variety which will attain six (6) feet in height within five (5) years of planting.

**Section 21.09 - DRAINAGE:** All construction within this municipality shall be accomplished in a manner consistent with maintenance of good surface drainage. In all improvements or uses where submittal of drainage plans is not specifically required every reasonable effort shall be made to insure that proper drainage on the subject property and adjacent or servient properties is maintained or improved. Where applicable the Delaware County Urban Sediment Pollution and Water Run Off Control Regulations shall be complied with. In no event shall any person interdict or interfere with any existing tile or surface drain channel unless it is determined that

such tile or channel can be removed or relocated without interfering with the drainage on adjacent properties.

**Section 21.10 - FLOOD PLAIN REGULATIONS:** Certain limited areas of Galena lie within the flood plain of the Big Walnut Creek. Inundation of those areas during periods of high water can impose great loss of property value unless controls are imposed to insure that land uses within those areas consider such risks and minimize the impact of such flooding. In an effort to control such uses, in the best interest of the municipality, the following regulations shall be imposed.

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

**Section 21.11 - SET BACK REGULATIONS:** No building or use (except parking areas) shall be located closer to the centerline of adjoining streets, roads, highways or approved private roadways than the distances set forth in the table or chart set forth below. For purposes of this chart or table and for all other purposes of the zoning ordinance streets, roads, highways and approved private roadways shall be classified in one of the three following classes:

- a) CLASS A - Harrison Street and Walnut Street, or any other streets or roads as may later be designated by the Council of the Village of Galena.
- b) CLASS B - Any other through street or road or any private roadway as may be approved by the Village Consulting Engineer which connect two or more public roads.
- c) CLASS C - Dead end streets or roads ending at a cul-de-sac or approved turn around when the lot configuration or approved plan precludes future extension of said street or road or any branch therefrom to create a connecting street or road between two or more existing or future streets or roads.

**MINIMUM SET BACK DISTANCES**

All distances are to be measured from the centerline of the existing or proposed street or roadway to the nearest use or improvement, except parking areas or signs which may be located within the set back area as regulated by Article XXI of this ordinance.

<u>ZONING DISTRICT - USE CLASSIFICATION</u>	<u>ROAD CLASSIFICATION</u>		
	<u>Class A</u>	<u>Class B</u>	<u>Class C</u>
FR-1 - Farm Residence District	130	90	90
R-2 - Low Density Residence District - Existing developed areas	No closer than any other residence within 200 ft. of the proposed residence	No closer than any other residence within 200 ft. of the proposed residence	No closer than any other residence within 200 ft. of the proposed residence
R-2 - Low Density Residence District - New areas	130	75	60
R-3 - Medium Density Residence District	130	60	60
PRD - Planned Residence District	As approved in Development Plan	As approved in Development Plan	As approved in Development Plan
C-1 - Neighborhood Office District	130	80	80
C-2 - Neighborhood Commercial District	130	80	80
PC - Planned Commercial and Office District	As approved in Development Plan	As approved in Development Plan	As approved in Development Plan
I - Industrial District	130	130	100
PI - Planned Industrial District	As approved in Development Plan	As approved in Development Plan	As approved in Development Plan

**Section 21.12 - ZONING DISTRICT ALLOWABLE DENSITY SUMMARY:** The following table summarizes maximum allowable densities of structures in the various zoning districts. The applicable Article should be referenced for more complete information before proceeding based on information in this table.

<b>ZONING DISTRICT - USE CLASSIFICATION</b>	<b>MAXIMUM DENSITY</b>	
FR-1 - Farm Residence District	1 per acre - gross	see Article <u>VII</u>
R-2 - Low Density Residence District	1 per 20,000 SF - gross	see Article <u>VIII</u>
R-3 - Medium Density Residence District	1 per 10,000 SF Single Family - gross 1 per 6,000 SF Multi-Family - gross	see Article <u>IX</u>
PRD - Planned Residence District	6 plus credits per acre Single Family 8 per acre Two Family & Townhouses 12 per acre Two Story Apartments	see Article <u>X</u>
C-1 - Neighborhood Office District	Not Applicable	see Article <u>XII</u>
C-2 - Neighborhood Commercial District	Not Applicable	see Article <u>XIII</u>
PC - Planned Commercial and Office District	As approved in Development Plan	see Article <u>XIV</u>
I - Industrial District	Not Applicable	see Article <u>XVI</u>
PI - Planned Industrial District	As approved in Development Plan	see Article <u>XVII</u>

## **ARTICLE XXII - Sign and Billboard Regulation**

**Section 22.01 - PURPOSE:** The purpose of this sign regulation is to promote and protect the public health by regulating existing and proposed outdoor signs of all types. It is intended to protect values, create a more attractive economic and business climate, enhance and protect the physical appearance and preserve the scenic and natural beauty of the communities and countryside, reduce sign distraction and obstructions that may contribute to traffic accidents, provide more open space and generally curb the deterioration of the natural environment.

**Section 22.02 - PERMITTED SIGNS - NO PERMIT REQUIRED:** The following signs shall be permitted in the municipality subject to the regulations set forth herein. No zoning permit shall be required for any sign constructed or erected under the terms of this article.

- a) Signs for Sale, Lease or Rent of the premises on which the sign is located. Not more than two signs shall be displayed on any lot or parcel. Such signs shall not be illuminated and shall not exceed six square feet of area per side with not more than two sides, or signs of the same size identifying the builder or contractor. All such signs shall be removed within thirty (30) days after occupancy by the purchaser.
- b) Signs for Home Occupations - One sign per residence shall be permitted in any residential district for the purpose of announcing a home occupation which has complied with all conditions imposed by the Galena Zoning and Planning Commission.
- c) Vehicular Signs - Directional or other incidental signs pertaining to vehicular or pedestrian control on private property shall be permitted provided the said signs are located outside the right-of-way of any public street or road, do not exceed two square feet of area per side and do not interfere or obstruct visibility when entering or leaving said property.
- d) Name and Address of Occupant of residential property provided that such sign is not more than six square feet in area per side and is located outside the easement or right-of-way of any road. Not more than one sign shall be permitted.
- e) Political Signs - The erection of political signs shall be permitted in any district of the municipality provided that said signs:
  - 1) are located outside the right-of-way limits of the road and do not interfere with visibility of vehicular traffic entering or leaving the highway.
  - 2) are erected or posted not more than ninety (90) days prior to the election and are removed within fifteen (15) days following primary elections by losing candidates and within fifteen (15) days following the general election by both winning and losing candidates.
  - 3) are capable of posting and removal without destruction of public or private property.



- 4) designate the name and address of the person charged with removal of the sign.
- f) Temporary Signs announcing special public or institutional events. Said signs shall not be placed within the easement or right-of-way of any road. Such signs shall not exceed 32 square feet in area per side and shall not be permitted more than thirty (30) days prior to the planned event nor more than seven (7) days after said event. Such sign shall designate the name and address of the person charged with the duty of removing said sign.
- g) Signs Approved in Planned District plan of development provided that the approved sign is constructed in strict compliance with the approved guidelines.
- h) Farm Signs denoting the name and address of the occupants, denoting produce or products for sale on the premises and denoting membership in organizations. No more than one sign of any type may be permitted and it shall be located outside the road right-of-way. Advertising signs may not exceed thirty-two (32) square feet of area per side and all other signs shall be limited to six (6) square feet per side.
- i) Signs Approved as Part of Conditional Use Permit in residential zoning districts provided such signs are constructed in strict compliance with the imposed conditions.
- j) Signs having not more than ten (10) square feet of display area on or over a show window or door of a store or business establishment, announcing without display or elaboration, only the name of the proprietor and the nature of his business.
- k) Signs Announcing Seasonal Services offered to the public by the owner of the premises which are not larger in size than two (2) feet by three (3) feet . Such signs shall be permitted for no more than three (3) months in any one (1) calendar year.

**Section 22.03 - PERMITTED SIGNS - PERMIT REQUIRED:** The following signs shall be permitted in areas clearly delineated herein and subject to the reasonable regulations set forth herein.

- a) Outdoor Advertising or Billboards for a product or service not located upon the premises on which the sign is located shall be classified as a business use and shall be permitted in all commercial and industrial districts and/or lands used for agricultural purposes subject to regulations set forth herein.
- 1) No billboard shall exceed three hundred (300) sq. ft. in area per side nor have more than two sides.
  - 2) No billboard shall exceed fifteen (15) feet in height nor have a length in excess of four times the height of the sign face.
  - 3) The use shall comply with the general regulations set forth in other provisions of this ordinance and article.

- 4) All billboards shall be located in compliance with all state and federal regulations controlling the same.
- 5) All billboards shall be located behind the building set back lines established for the district in which the sign is located and shall be at least one thousand (1000) feet from any residence.
- 6) No billboard or outdoor advertising sign shall be located nearer than twenty-five (25) feet to any side lot line.

b) Commercial or Industrial Display Signs - All display signs shall be mounted on the building which houses the business establishment advertised by such signs, except as otherwise specifically authorized by this ordinance. Such signs shall be located on or along a wall of such building which faces a street, parking lot or service drive, and shall not project above the roof line or the cap of parapets of such building, whichever is higher. Signs may be erected on a wall which is an extension of a building wall which faces a street, parking lot or service drive, provided that the design and construction of such extension are architecturally compatible with the building, that such wall does not extend beyond any required building setback line and does not exceed 12 feet in height or the height of the ceiling of the first floor of the building to which such extension wall is attached, whichever is less. The display area of the sign must be located either on the wall or extension; it may not be located on both.

All such signs shall be parallel to the wall on which they are installed, and shall not project more than 18 inches from such wall, it being hereby intended to prohibit signs projecting outward from the wall, at right angles or otherwise, except as follows:

- 1) Signs may be installed on an attached canopy, roof or marquee which projects beyond the building over a walk or yard, provided that no part of such signs may extend above such canopy, roof or marquee.
- 2) One sign, not more than 15 inches in height and five (5) square feet in area, projecting outward from the building wall not more than three (3) feet, may be erected at each entrance to such building, and the area of such signs shall not be included in determining the aggregate sign area of such building.

No part of any sign shall be less than eight (8) feet above the sidewalk or ground level, if such projects forward of the wall on which it is mounted to such an extent as to constitute a hazard or inconvenience to pedestrian or vehicular traffic. No part of any sign shall be closer to either end of the building face, (including any wall extension), on which it is erected than eighteen (18) inches. Where more than one sign is erected on the same face of a building, there shall be a distance of at least three (3) feet between signs. Letters, numerals or other graphics attached directly to the building wall shall be considered a wall sign. Unlighted letter numerals or other graphics carved into the face of the building shall generally not be considered wall signs, unless they are over nineteen

inches high, or one inch thick, or the color contrasts with that of the building. Super-graphics (large scale painted graphic devices) and architectural detailing which has a graphic or signage function, which are painted upon a building, shall be subject to regulation as a wall sign.

3) The display area of any one surface does not exceed twenty-five (25) square feet.

c) Free Standing Signs Identifying Commercial or Office Complexes - A sign supported by posts, pillars, columns or other structures identifying a commercial or office complex on the following conditions:

1) The maximum height of such sign does not exceed eight (8) feet above the average grade of the site when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional three (3) feet set back from the street right-of-way line, an additional one (1) foot in height will be permitted up to a maximum of fifteen (15) feet high.

2) The total display area of all surfaces does not exceed fifteen (15) square feet when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional one (1) foot set back from the street right-of-way line, an additional three (3) square feet of display area will be permitted up to a maximum of forty-five (45) square feet.

3) The display area of any one surface does not exceed twenty-five (25) square feet.

4) Not more than three (3) colors are used. For the purposes of this section, black and white shall be considered colors.

5) No part of such sign will be closer to any street right-of-way line than fifteen (15) feet, nor closer to any other property line than the applicable building set-back line, if the adjoining property is in a Residential District.

6) The function of such sign is in keeping with the uses in the surrounding area.

7) Such sign will be in harmony with the buildings on the site, and will not detract from the appearance of the general neighborhood in which it is located or adversely affect property values in such neighborhood.

8) Such sign will not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or by creating a visual distraction for such motorists.

**Section 22.04 - CONDITIONALLY PERMITTED SIGNS - PERMIT REQUIRED -**

Within any commercial or industrial district or within any non-residential portion of a residential district the following signs may be permitted, subject to the conditions and restrictions imposed by the Zoning and Planning Commission pursuant to the provisions of Article XXVIII of this ordinance. Conditionally permitted uses shall be considered and declared abandoned if said use(s) are not commenced within one (1) year or are discontinued for a period in excess of two years. Unless the conditional use permit specifically provides that the grant shall be permanent and shall run with the land, the sale or conveyance of the land or structure where the same is located or upon which the same is granted, such conditional use permit shall be void and the subsequent owner(s) or his agent shall be required to reapply for a continuation and/or modification of such use(s) to the Galena Zoning and Planning Commission. A designation by the Galena Zoning and Planning Commission that a permit is permanent and shall run with the land does not affect the right of authorities to revoke the permit for failure to comply with conditions imposed. No conditional use shall be implemented until a permit of compliance is issued by the Zoning Inspector.

- a) Free Standing Signs which are defined as signs supported by or supported from posts, pillars, columns or other structures, except signs attached to buildings as described in Section 18.03(b) of this ordinance. Free standing signs heretofore lawfully erected and maintained and now in place may be maintained until such sign is destroyed, dismantled or removed. No sign shall hereafter be relocated, rebuilt, enlarged, extended or otherwise altered in any material respect. If, in the opinion of the Zoning and Planning Commission, a change in product name is required which is beyond the control of the owner/occupant such substitution of signage may be approved. In the event of a violation of this provision, the continued maintenance of such sign shall be unlawful. Provided, however, that such sign may, prior to January 1, 1996, be relocated on the same lot or parcel of ground or reduced in size or height, but only upon the granting of a variance therefore by the Zoning and Planning Commission.

The Zoning and Planning Commission may grant a permit for the erection or maintenance of a free standing sign only upon compliance with the following requirements:

- 1) The filing of a written application for such sign, together with a scale drawing of the proposed sign showing its design, color and materials, and a site and the location of the proposed sign.
- 2) A determination by the Commission that a free standing sign is necessary to the conduct of the business, professional or commercial activity on the site and that an attached sign would not be in harmony with the building thereon.
- 3) A determination that the proposed sign meets all of the following requirements:
  - (a) The maximum height of such sign does not exceed eight (8) feet above the average grade of the site when the sign is located fifteen (15) feet from the primary

frontage street right-of-way line. For each additional three (3) feet set back from the street right-of-way, an additional one (1) foot in height will be permitted up to a maximum of fifteen (15) feet high.

(b) The total display area of all surfaces does not exceed fifteen (15) square feet when the sign is located fifteen (15) feet from the primary frontage street right-of-way line. For each additional one (1) foot set back from the street right-of-way line, an additional three (3) square feet of display area will be permitted up to a maximum of forty-five (45) square feet.

(c) The display area of any one surface does not exceed twenty-five (25) square feet.

(d) Not more than three (3) colors are used. For the purposes of this section, black and white shall be considered colors.

(e) No part of such sign will be closer to any street right-of-way line than fifteen (15) feet, nor closer to any other property line than the applicable building set-back line, if the adjoining property is in a Residential District.

(f) The function of such sign is in keeping with the uses in the surrounding area.

(g) Such sign will be in harmony with the buildings on the site, and will not detract from the appearance of the general neighborhood in which it is located or adversely affect property values in such neighborhood.

(h) Such sign will not constitute a traffic hazard or contribute to traffic problems through confusion with traffic control devices, interference with the field of vision of motorists using streets or driveways in the area, or by creating a visual distraction for such motorists.

4) In making its determination, the Commission shall take into consideration all pertinent factors relating to the compatibility of such sign with the surrounding neighborhood, including, but not limited to its size, shape, color, brightness, design and its general appearance.

5) Not more than one (1) free standing sign may be authorized for any one business establishment. Where more than one business establishment is located on a single tract of land, having an entrance or entrances or parking area or areas used in common by the customers of such establishments, only one (1) free standing sign may be authorized for the entire tract. The existence and boundaries of such tract shall be determined by community of use, rather than by the ownership thereof, it being intended by this provision to limit each shopping center or similar joint operation to one (1) free standing sign, except in the case of a shopping center which is contiguous to two streets which do not intersect each other at a point adjacent to such shopping center, in which case one (1) free standing sign, fronting on each street, may be authorized.

**Section 22.05 - PROHIBITED SIGNS:** The following signs shall be prohibited in Galena.

- a) Signs mounted upon the roof of any building or structure.
- b) Signs not otherwise specifically authorized by this ordinance.
- c) Portable signs and billboards, pennants, streamers, flashing lights, string of lights, “A” frame signs and billboards, or air-activated attraction devices.
- d) Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.
- e) Except for identification signs on agricultural buildings, no sign or billboard shall be painted directly upon the roof of any building or structure.
- f) No sign shall be attached to any fence within the right-of-way of any road and no sign shall be attached to any board or wooden fence regardless of location without the permission of the owner of the fence.
- g) Signs or advertising devices which attempt or appear to attempt, to direct the movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.

**Section 22.06 - GENERAL REGULATIONS:** The following restrictions shall apply to all signs located and erected within Galena regardless of type, style, location, design or other classification.

- a) Stability: Display signs shall be so constructed that they will withstand a wind pressure of at least thirty (30) pounds per square foot of surface, and will be otherwise fastened, suspended or supported so that they will not be a menace to persons or property.
- b) Location: No sign shall be located within the right-of-way of any public or private road within Galena. Said sign or signs shall be located in strict compliance with this ordinance, in strict compliance with the approved development plan or restrictions imposed by the Zoning and Planning Commission.
- c) Lighting:
  - 1) No sign shall be illuminated to a level which causes unnaturally high night levels on adjacent residential lots.
  - 2) No illuminating device for any sign shall be designed which permits the direct beaming of any light onto adjacent thoroughfares thereby creating a hazard to vehicular traffic.
  - 3) No flashing, rotating or moving light source shall be permitted on any sign within Galena.



- d) Lettering: There shall be not more than two types nor more than three sizes of lettering used for any sign including characters or trademarks used for identification.
- e) Colors: Not more than three colors, including black and white, shall be used on any sign.
- f) Sight Interference: No sign shall be permitted in Galena which interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares.
- g) Maintenance: All signs or billboards constructed or erected within areas under Galena Zoning shall be maintained as follows:
  - 1) All sign surfaces, supports, braces, guys and anchors shall be kept in repair and in a proper state of preservation by painting or otherwise.
- h) Traffic Safety - Colors, etc.: Display signs shall not closely resemble or approximate the shape, form and color of official traffic signs, signals and devices.
- i) Height: No sign shall be erected to a height greater than permitted by the specific provisions of Section 22.03 and 22.04. If no maximum height is otherwise set forth no sign shall be erected at a height greater than fifteen (15) feet.

j) Sign Area: The aggregate sign area or display surface of all exterior signs of every nature shall not exceed three (3) square feet for each lineal foot of the street frontage of such building, if a one-story building, or four (4) square feet per foot, if more than one-story in height, street frontage being defined as the total width of that side of the building which faces the street, excluding any extension of a building wall beyond the building itself. In the case of a corner lot or other situation where the building site abuts more than one public street, (not including alleys), the applicant shall specify which is the primary frontage, and signs may be permitted on the basis of the area authorized above for each lineal foot of primary street frontage and one-half thereof for each lineal foot of other street frontage. The total sign area on any one side of a building shall not exceed the allowable area for such side computed in accordance with the foregoing rules. In the case of a building which does not front on a public street, as in shopping centers, the drives and parking areas adjacent to such building shall be considered as public streets for the purpose of this ordinance, provided that where any such drive or parking area abuts a Residential District, the frontage of the building on such drive or parking area shall not be considered as frontage for such purpose if the distance from such building to the nearest private property in said Residential District is less than 150 feet.

**Section 22.07 - ABANDONED SIGNS**: If any sign or billboard shall become abandoned, in the manner defined herein, such a sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting influence on nearby properties. An abandoned sign or billboard is defined as any sign or billboard that meets any of the following criteria:



a) Any sign or billboard associated with an abandoned non-conforming use.

- b) Any sign or billboard that remains after the termination of a business. A business has ceased operations if it is closed to the public for at least one hundred and eighty (180) consecutive days. Seasonal businesses are exempted from this determination.
- c) Any sign or billboard that is not maintained in accordance with this ordinance.

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

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

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

**Section 22.08 - NON-CONFORMING SIGNS OR BILLBOARDS:** Any sign or billboard in existence within the municipality prior to the effective date of this Article, that does not conform with the provisions of this Article is considered to be non-conforming,

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

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

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

- a) The size and structural shape shall not be changed or altered.
- b) The copy may be changed provided that the change applies to the original non-conforming use associated with the sign or billboard and that the change is made by the owner of the sign or billboard at the time the sign or billboard became non-conforming; the copy area shall not be enlarged. Any subsequent owner or user shall bring the sign or billboard into compliance.

c) In the case where damage occurs to the sign or billboard to the extent of 50% or more of either the structure or the replacement value of the sign or billboard, the sign or billboard shall be brought into compliance. Where the damage to the sign or billboard is less than 50% of the structure or its replacement value, the sign or billboard shall be repaired within sixty (60) days.

**Section 22.09 - PERMIT**: No signs, except as provided for in Section 22.02 of this ordinance, shall be erected prior to the issuance of a permit therefore by the Galena Zoning Inspector.

a) Fees: The applicant for a permit herein shall pay such fee as is prescribed by the Galena Council. Such fees shall be prescribed by the Galena Council.

b) Term of Permit: The zoning permit issued pursuant hereto shall be valid so long as the owner complies with the terms and conditions of this zoning ordinance or any amendment thereto.

c) Inspection: All signs and billboards erected under Galena Zoning are subject to inspection, whether a permit is required or not prior to erection. The Galena Zoning Inspector or any other official of Galena, is hereby authorized to enter upon any property or premises to ascertain whether the provisions of this article are being complied with. Such inspection may be made at any reasonable time and the Galena Zoning Inspector may order the removal of any sign or billboard that is not maintained in accordance with the provisions of this ordinance.

d) Cancellation of Permit: In the event that the owner of any sign or property fails to comply with the terms of this zoning ordinance said permit may be revoked upon compliance with the following terms:

1) Notice: The Galena Zoning Inspector shall notify the owner of any deficiency or violation of this regulation. Notice shall be served personally or by ordinary mail at the last known address of the permit holder. The permit holder may seek a hearing on said notice by complying with the provisions of Article XXVIII of this ordinance dealing with revocation of the Conditional Use Permit. Failure to correct deficiencies or to appeal the decision of the Zoning Inspector within 30 days will result in cancellation of the permit for such sign and said sign shall then be removed as provided by this ordinance.

e) Removal of Signs: The Galena Zoning Inspector may effect removal of any sign illegally placed within the right-of-way of any road within areas under Galena Zoning. The Zoning Inspector shall maintain said sign and shall notify the owner thereof of its location, by ordinary mail. If the owner of any sign fails to claim the same within 180 days after mailing of notice by the Zoning Inspector said sign may be destroyed.

**ARTICLE XXIII -**

**RESERVED**

## **ARTICLE XXIV - Non Conforming Uses**

**Section 24.01 - CONTINUANCE:** The lawful use of any dwelling, building or structure and of any land or premises, as existing and lawful at the time of enactment of this Zoning Ordinance or any amendments hereto, may be continued, although such use does not conform with the provisions of this ordinance or amendments hereto, but if any such non-conforming use is voluntarily discontinued for two years or more, any future use shall be in conformity with the provisions of this ordinance and amendments hereto.

**Section 24.02 - RESTORATION:** When a structure, the use of which does not conform to the provisions of this Zoning Ordinance, is damaged by fire, explosion, flood, wind, earthquake, or other calamity outside the control of the owner or occupant, to the extent that the cost of restoration is more than sixty (60) percent of its value, it shall not be restored unless in conformity with the provisions set forth in this Zoning Ordinance, as amended, for the district in which it is located, or unless a conditional use permit is issued by the Galena Zoning and Planning Commission pursuant to Article XXVIII provided, however, such restoration shall be commenced within 90 days of such calamity and diligently continued until completed. For the purposes of this section “value” shall be defined as the reproduction cost of the structure prior to the calamity depreciated in accordance with applicable Internal Revenue Guidelines for the structure.

**Section 24.03 - ENLARGEMENT:** No non-conforming building or use may be completed, restored, reconstructed, extended or substituted except upon the granting of a conditional use permit issued by the Galena Zoning and Planning Commission pursuant to Article XXVIII and this section.

The Commission shall have the power to permit changes and extensions of non-conforming uses as follows:

- a) A non-conforming use of a less objectionable nature may be substituted for an existing non-conforming use.
- b) An existing, legal non-conforming use which occupied only a portion of an existing structure or premises may be extended to additional portions of such structure or premises.
- c) The alteration or reconstruction of a non-conforming use, structure, sign or building provided that such will make the non-conforming use substantially more in character with its surroundings.
- d) The extension of a non-conforming use when such extension will substantially make the non-conforming use more in character with its surroundings.
- e) Any extension shall not be more than 50% greater in size than the non-conforming use that existed at the time of passage of this Zoning Ordinance.

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

**Section 24.04 - NON-CONFORMING LOTS:** The construction of a conforming structure and/or the conduct of a permitted use shall be allowed on any lot of record (recorded prior to the effective date of the adoption of this ordinance) which has an area and/or lot width less than that required for such structure or permitted use in the Zoning District in which the lot is located. Variance of any development standard other than minimum lot area and/or minimum lot width shall be obtained only through action of the Galena Zoning and Planning Commission in accordance with the provisions of Article XXVIII. Such non-conforming lots must be in separate ownership and not have continuous frontage with other land in the same ownership on the effective date of the applicable amendment to the Zoning Ordinance. Otherwise, development shall be permitted only in accordance with the development standards of the Zoning District in which such ownership is located.

## **ARTICLE XXV - Zoning Inspector - Zoning Certificates and Applications**

**Section 25.01 - GALENA ZONING INSPECTOR:** A Zoning Inspector appointed by the Mayor and approved by the Galena Council shall administer and enforce this Ordinance. The Zoning Inspector may be provided with the assistance of such persons as the Galena Council may permit. The compensation for such Zoning Inspector shall be set and paid by the Galena Council. It shall be the duty of the Galena Zoning Inspector to compare each zoning certificate application with the then existing zoning map. The Zoning Inspector, before entering upon the duties of his office, shall give bond signed by a bonding or surety company authorized to do business in this state, or, at his option, signed by two (2) or more freeholders having real estate in the value of double the amount of the bond, in the amount specified by the Galena Council. Such surety company or real estate bond shall be approved by the Galena Council and the bond shall be conditioned upon the faithful performance of such Zoning Inspector's official duties. Such bond shall be deposited with the Municipal Clerk.

**Section 25.02 - ZONING CERTIFICATE REQUIRED:** No structure shall hereafter be located, constructed, reconstructed, enlarged or structurally altered nor shall any work be started upon same, nor shall any use of land be commenced until a zoning certificate for same has been issued by the Galena Zoning Inspector, which certificate shall state that the proposed building and use comply with all the provisions of this Zoning Ordinance or the approved Development Plan. No zoning certificate shall be required for any agricultural building to be erected on land presently used for agricultural purposes or for any building incidental to the agricultural use of the land on which said buildings are proposed for use of land or building or construction of any building used for public utility or railroad purposes. Fees for zoning certificates shall be established by the Galena Council.

**Section 25.03 - PROCEDURES FOR OBTAINING ZONING CERTIFICATE:** No zoning certificate shall be issued by the Galena Zoning Inspector until the zoning certificate application shows that the property is being or is to be used in complete conformity with this Zoning Ordinance and the Official Zoning Map. In every case where the lot is not served and is not proposed to be served with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Officer of Delaware County of the proposed method of water supply and/or disposal of sanitary wastes. No zoning certificate shall be issued by the Galena Zoning Inspector until the applicant for said zoning certificate has submitted a plat plan of the area upon which the applicant's use or structure is proposed. Said plat shall show the type of proposed use, structural dimensions at the ground, lot dimensions, side, front and rear yard setbacks, compliance with all applicable development standards and a signed statement that said applicant will conform with all zoning regulations then in force for said area.

**Section 25.04 - CONDITIONS OF CERTIFICATE:** No zoning certificate shall be effective for more than one (1) year unless the use specified in the permit is implemented in accordance with the approved plans within said period or timetable attached to said plans.

**Section 25.05 - CERTIFICATE OF COMPLIANCE:** It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this ordinance.

**Section 25.06 - TEMPORARY CERTIFICATE OF COMPLIANCE:** A temporary certificate of compliance may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

**Section 25.07 - ZONING CERTIFICATE (CHANGE OF USE):** No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged or structurally altered except for agricultural purposes, without a zoning certificate being issued to make a change in use unless the changes have been made in conformity with the provisions of this Zoning Ordinance, or unless a variance or special permit has been granted by the Planning and Zoning Commission.

**Section 25.08 - NON-CONFORMING USES:** Nothing in this Article shall prevent the continuance of a non-conforming use as hereinbefore authorized unless a discontinuance is necessary for the safety of life or property.

**Section 25.09 - RECORDS:** A record of all zoning certificates shall be kept on file in the offices of the Galena Municipal Building, and copies shall be furnished on request to any person having a proprietary or tenancy interest in the building affected and upon payment of a specified fee.

**Section 25.10 - COMPLAINTS:** The Zoning Inspector shall investigate all complaints received from residents alleging illegal activity and shall report findings to the Galena Planning and Zoning Commission. The Inspector may require that all such complaints be submitted in writing.



## **ARTICLE XXVI - Galena Zoning and Planning Commission**

**Section 26.01 - ZONING AND PLANNING COMMISSION:** The Galena Zoning and Planning Commission is hereby created and established. The Commission shall be composed of three (3) members who reside in the areas under Galena Zoning. Commission members are to be appointed by the Mayor and confirmed by the Galena Council, each for a term of three (3) years and arranged so that the term of one (1) member will expire each year. The Mayor and one member from the Galena Council shall also serve as voting members. The Mayor shall also serve as Chairman of the Commission. Each member shall serve until his successor is appointed and qualified. Members of the Commission shall be removable for non-performance of duty, misconduct in office, or other cause by the Commission, after a public hearing has been held regarding such charges, and after a copy of the charges has been served upon the member so charged at least ten (10) days prior to the hearing, either personally, by registered mail or by leaving such copy at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by resolution of the Galena Council upon recommendation of the Mayor for the unexpired term of the member.

**Section 26.02 - DUTIES OF THE GALENA ZONING AND PLANNING COMMISSION:** The Zoning and Planning Commission shall organize, adopt rules for the transaction of business, and keep a record of its actions and determinations. In exercising its duties, the Commission may, as long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly or modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of four (4) members of the Commission shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation in the application of this ordinance. For the purpose of this ordinance the Commission has the following specific responsibilities.

- a) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector.
- b) To authorize such variances from the terms of this ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this ordinance will result in unnecessary hardship and so that the spirit of this ordinance shall be observed and substantial justice done.
- c) To grant conditional use zoning permits as specified in this ordinance.
- d) Review all proposed amendments to this ordinance and make recommendations to the Galena Council.
- e) Review all planned residential, commercial and industrial district proposals and make recommendations to the Galena Council.

**Section 26.03 - CLERK OF THE GALENA ZONING AND PLANNING COMMISSION:**

To assist in the administration of this Zoning Ordinance, a Clerk shall be appointed by the Commission upon the approval by the Galena Council to maintain Zoning and Planning records, confirm information in applications, process all notices required under this Zoning Ordinance, record the minutes of the Commission, assist the Zoning Inspector, and perform such other duties relating to this Zoning Ordinance as the Commission may from time to time direct. Salary and/or other compensation shall be established by the Galena Council.

**Section 26.04 - MEETINGS AND AGENDA OF THE GALENA ZONING AND PLANNING COMMISSION:**

The Zoning and Planning Commission shall meet as necessary in the Galena Municipal Building or other public building within the municipality. Agendas will be prepared and posted as required by applicable state and village ordinances by the Zoning Clerk.

**Section 26.05 - MINUTES:** The minutes of each meeting of the Zoning and Planning Commission shall be kept by the Clerk on file in the offices of the Galena Municipal Building with the other zoning records. Said minutes shall be open for public inspection during commission meetings and normal business hours. Said minutes will be prepared and posted as required by applicable state and village ordinances by the Zoning Clerk.

## **ARTICLE XXVII - Amendments**

### **Section 27.01 - PROCEDURES FOR AMENDMENTS OR DISTRICT CHANGES:**

Amendments to this ordinance may be initiated by adoption of a motion by the Galena Zoning and Planning Commission, by adoption of a resolution by the Galena Council, or by filing of an application therefore by one or more of the owners or lessees of property within the area proposed to be changed or affected by said amendment with the Zoning and Planning Commission. The Zoning and Planning Commission may require that the owner or lessee of property filing an application to amend the Zoning Ordinance to pay a fee therefore to defray the cost of advertising, mailing and other expenses. If such a fee is required, it shall be required generally for each application.

Upon the adoption of such motion, or the transmittal of a resolution from the Galena Council, or the filing of an application by one or more of the owners or lessees of property the Zoning and Planning Commission shall set a date for a public hearing thereon, which date shall not be less than twenty (20) days from the date of the receipt of such motion, transmittal of such resolution or the filing of such application. Notice of such hearing shall be given by the Zoning and Planning Commission by at least one publication in one or more newspapers of general circulation in the Galena at least fifteen (15) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment and a statement that after the conclusion of such hearing the matter will be referred to the Galena Council for further determination.

If the proposed amendment intends to re-zone or re-district ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Zoning and Planning Commission by first class mail at least twenty (20) days before the date of the hearing to all owners of property within, contiguous to and directly across the street and within 200 feet from such area proposed to be re-zoned or re-districted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Galena Council. The notice shall contain the same information as required of notices published in newspapers.

Within fifteen (15) days after the public hearing, the Zoning and Planning Commission shall recommend to the Galena Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment not be granted.

Upon receipt of the recommendation from the Zoning and Planning Commission the Galena Council shall schedule a public hearing. Said hearing shall not be more than forty (40) days from the receipt of the recommendation from the Zoning and Planning Commission.

Notice of such public hearing shall be given by the Galena Council by at least one publication in one or more newspapers of general circulation in Galena at least thirty (30) days before the date of such hearing. The published notice shall set forth the time and place of the hearing and a summary of the proposed amendment.

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council by first class mail at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street and within 200 feet from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Galena Council. The failure to deliver the notification as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers.

Within thirty (30) days after the public hearing, the Galena Council shall either adopt or deny the recommendations of the Galena Zoning and Planning Commission or adopt some modification thereof. In the event the Galena Council denies or modifies the recommendation of the Galena Zoning and Planning Commission, it must do so by not less than three fourths of the full membership of the Council. No such ordinance shall be passed unless it has been fully and distinctly read on three different days before the Galena Council, except that such ordinance may become emergency legislation if three fourths of the members of the Galena Council vote to dispense with this rule.

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

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

**Section 27.02 - FORMS OF APPLICATION:** All applications to amend this ordinance and/or the zoning map shall be submitted on such forms as designated and approved by the Galena Zoning and Planning Commission. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application and a current list of parties to be notified as described in Section 27.01 above.

**Section 27.03 - FEES:** The owner or lessee of property filing an application to amend this zoning ordinance shall deposit with such application a fee, as prescribed by the Galena Council, to defray the cost of advertising, mailing and other expenses. This fee shall be required generally for each application and the amount of such fee shall be established by the Galena Council.

## **ARTICLE XXVIII - Appeals, Variances and Conditional Uses**

**Section 28.01 - GENERAL:** It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector and that such questions shall be presented to the Commission only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Commission shall be to the courts as provided by law. It is further the intent of this ordinance that the duties of the Galena Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this ordinance. Under this ordinance the Galena Council shall have only the duties of considering and adopting or rejecting proposed amendments, rezoning, or the repeal of this ordinance as provided by law, and of establishing a schedule of fees and charges.

**Section 28.02 - PROCEDURES ON HEARING APPEALS:** Appeals to the Galena Zoning and Planning Commission concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of Galena affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing with the Zoning Inspector and with the Zoning and Planning Commission a notice of appeal specifying the grounds upon which the appeal is taken. A current list of parties to be notified as described below must be included with such appeal. The Zoning Inspector shall transmit to the Zoning and Planning Commission all the papers constituting the record upon which the action appealed from was taken.

The Galena Zoning and Planning Commission shall fix a reasonable time for the hearing of the appeal, give notice of such public hearing in one or more newspapers of general circulation within Galena at least ten (10) days prior to the date of such hearing. The notice shall set forth the time and place of the hearing and the nature of the proposed appeal. Written notice of such hearing shall be mailed by first class mail at least ten (10) days before the hearing to all owners of property within, contiguous to and directly across the street and within 200 feet from such area which is to be the subject of said hearing to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Galena Council. The notice shall contain the same information as required of notices published in newspapers. Within thirty (30) days after the public hearing, the Zoning and Planning Commission shall either approve, approve with modifications or disapprove the request for appeal. If the request for appeal is denied the applicant may seek relief through the Court of Record.

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

**Section 28.03 - PROCEDURES ON APPLICATION FOR VARIANCE:** The Galena Zoning and Planning Commission, appointed by the Galena Council, may upon application, grant such variances from the provisions or requirements of this ordinance as will not be contrary to the public interest.

Where, by reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this ordinance, or by reason of exceptional topographic conditions, or other extraordinary situations or conditions of such parcel of property, or of the use or development of property immediately adjoining the property in question, the literal enforcement of the requirements of this ordinance would involve practical difficulty or would cause unnecessary hardship, the Commission shall have power to authorize a variance from the terms of this ordinance.

a) Public Notice - Written application for a variance shall be made to the Zoning Inspector who shall transmit said application to the Galena Zoning and Planning Commission. The Commission shall give written notice by first class mail at least ten (10) days prior to the hearing on said variance to all owners of property within, contiguous to and directly across the street and within 200 feet from such area for which said variance is proposed to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Galena Council. An application for a variance shall be advertised in one or more newspapers of general circulation within Galena at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing and the nature of the proposed variance.

b) Hearing and Decision - At such hearing the applicant shall present a statement and adequate evidence, in such form as the Zoning and Planning Commission may require. Within thirty (30) days after such hearing, the Zoning and Planning Commission shall either approve, approve with supplementary conditions or disapprove the request. If the request for a variance is denied, the applicant may seek relief through the Court of Record.

In granting such variance the Commission shall determine that said variance will not be contrary to the public interest, is justified due to special conditions, that the literal enforcement of the ordinance will result in unnecessary hardship and that the spirit of this ordinance will be observed and substantial justice done.

In granting any variance under the provisions of this section, the Zoning and Planning Commission shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application on which the variance is granted.

c) Form of Application - All applications for variances under this section shall be submitted on such forms as designated and approved by the Zoning and Planning Commission. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application and a current list of parties to be notified as described in Section 28.03a above.

**Section 28.04 - PROCEDURES ON APPLICATION FOR CONDITIONAL USE**

**PERMIT:**

The owner or lessee of any land or building within a Zoning district within the areas under Galena Zoning may apply to the Galena Zoning and Planning Commission for authority to carry out any use designated as a Conditional Use within that district.

- a) Application - An application for Conditional Use permit shall be submitted on such forms as designated and/or approved by the Zoning and Planning Commission. No application shall be considered unless the same is fully completed and accompanied by all required information on said application and a current list of parties to be notified as described in Section 28.04c below.
- b) Hearing - The Zoning and Planning Commission shall hold a public hearing at the next regularly scheduled meeting following receipt of the application which allows time to meet the requirements set forth in Sec. 28.04c below.
- c) Notice - Notice of the application for a Conditional Use permit and the hearing thereon shall be given in one or more newspapers of general circulation in Galena at least ten (10) days prior to the date of said hearing. The notice shall set forth the time and place of the hearing and the nature of the proposed conditional use. In addition thereto, written notice of such hearing shall be mailed by first class mail at least ten (10) days before the hearing on said conditional use to all owners of property within, contiguous to and directly across the street and within 200 feet from such area for which said conditional use is proposed to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Galena Council. The notice shall contain the same information as required of notices published in newspapers.
- d) Decision - The Commission shall make its decision within thirty (30) days after the hearing. The Commission shall either approve, approve with supplementary conditions, or disapprove the application as presented. If the application is approved or approved with modifications, the Commission shall direct the Zoning Inspector to issue a conditional zoning permit listing the specific conditions specified by the Commission for approval. If the application is disapproved by the Commission the applicant may seek relief through the Court of Record.
- e) Revocation - The Galena Zoning and Planning Commission may revoke a conditional use permit for failure to comply with the conditions of that permit. The Commission shall notify the holder of the permit by certified mail of its intent to revoke the permit and the holder's right to a hearing before the Commission, within thirty (30) days of the receipt of said notice, if he so requests. In lieu of said certified mail service, service may be made personally by the Zoning Inspector in which case the hearing shall be requested within thirty (30) days after such service. If the holder requests a hearing, the Commission shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person, by his attorney or other representative, or he may present his position in writing. He may present evidence and may examine witnesses appearing for or against him. If no hearing is requested the Commission may revoke the permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning enforcement

provided by law.



**Section 28.05 - FEES TO ACCOMPANY NOTICE OF APPEAL OR APPLICATION FOR VARIANCE OR CONDITIONAL USE:** For all actions of the Galena Zoning and Planning Commission the Galena Council shall establish fees to be deposited with each application. Such fees shall be required generally for each application to defray the costs of advertising, mailing and other expenses.

## **ARTICLE XXIX - Enforcement**

**Section 29.01 - VIOLATIONS:** No building shall be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used, and no land shall be used in violation of this Zoning Ordinance, or amendment or supplement to such ordinance, adopted by the Galena Council pursuant to Chapter 713, Ohio Revised Code. Each day's continuation of a violation of this section shall be deemed a separate offense irrespective of whether or not a separate notice of violation or affidavit charging a violation has been served upon the violator for each day the offense continues.

**Section 29.02 - REMEDIES:** In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained, or used or any land is or is proposed to be used in violation of Chapter 713, Ohio Revised Code, or of this Zoning Ordinance or amendments hereto adopted by the Galena Council under such ordinance, such Zoning and Planning Commission, the solicitor of the municipality, the Galena Zoning Inspector, or any adjacent or neighboring property owner who would be especially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action or proceeding to prevent, enjoin, abate, or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use. The Galena Council may employ special counsel to represent it in any proceeding or to prosecute any actions brought under this section.

**Section 29.03 - PENALTY:** Whoever violates the provisions of this Zoning Ordinance and amendments hereto or Chapter 713, Ohio Revised Code, shall be fined not more than one hundred dollars for each offense or the maximum fine or imprisonment as provided by law, whichever is greater.

## **ARTICLE XXX - Severability and Repeal**

**Section 30.01 - SEVERABILITY:** If for any reason any one or more articles, sections, sentences, clauses or parts of this Zoning Ordinance are held invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Zoning Ordinance but shall be confined in its operation to the specific sections, sentences, clauses or parts of this Zoning Ordinance held invalid and the invalidity of any section, sentence, clauses, or parts of this Zoning Ordinance in any one or more instances shall not attest or prejudice in any way the validity of this Zoning Ordinance in any other instance.

**Section 30.02 - REPEAL:** This Zoning Ordinance may be repealed only by complying with the requirements of Chapter 13 of the Ohio Revised Code as amended.

**Section 30.03 - REPEAL OF CONFLICTING ORDINANCE:** The Galena Zoning Ordinance or parts thereof previously in effect in areas under Galena Zoning, not otherwise adopted as part of this Zoning Ordinance, and in conflict with the Zoning Ordinance as it is established on or established hereafter are hereby repealed. However, all suits at law or in equity and/or all prosecutions resulting from violation of any Zoning Ordinance or part thereof heretofore in effect, which are now pending in any of the Courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of any amendment to this Zoning Ordinance but shall be prosecuted to their finality the same as if amendments to this Zoning Ordinance had not been adopted; and any and all violations of existing Zoning Ordinances, prosecutions for which have not yet been instituted, may be hereafter filed and prosecuted; and nothing in this Zoning Ordinance shall be so construed as to abandon, abate, or dismiss any litigation or prosecution now pending, and/or which may have heretofore been instituted or prosecuted.

