Zoning Ordinance
Village of Galena, Ohio

Resolution 2021-12

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Article 1 – Title, Purpose, & Nature

1.01 – Title

This ordinance shall be known and may be cited and referred to as the 2021 Zoning Ordinance of the Village of Galena, Ohio. There is also adopted herewith, a Zoning District Map which shall be known as the Official Zoning District Map of the Village of Galena.

1.02 – Purpose

This ordinance is enacted for the purpose of:

A. Promoting and upholding the public health, safety, and general welfare of the Village through the regulation of the use of land and of the type, size, and use of structures.

B. Ensure and encourage the most appropriate use of land to:

   1. Stabilize and preserve property values;

   2. protect against congested and unsafe traffic conditions;

   3. provide safety from hazards such as fire, flood, and water and air contamination; and,

   4. guarantee adequate light, air, and open space to all residents of the Village.

C. Facilitate development of land uses according to a comprehensive design that ensures the availability of and provision for adequate traffic capacity, water and sewer service, schools, public parklands, and other such public facilities.

D. 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.

E. To conserve, preserve, and protect natural resources, scenic areas, and historical features of structures and land within the Village.

1.03 – Nature

The nature of this Zoning Ordinance is to:

   A. Carry out the stated purposes of this Zoning Ordinance by the arrangement of zoning districts that shall include all land within the boundaries of the Village.

   B. Specify and regulate uses of land and the type, size, and use of structures within each separate zoning district.

   C. Delineate zoning district boundaries in a manner that is comprehensive and includes all land and structures similar in nature and circumstance to the extent feasible.

   D. Detail the specific zoning procedures required to administer this ordinance.

Article 2 – Interpretation, Conformance, & Relief

2.01 – Interpretation of Standards

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 Planning and Zoning 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.

2.02 – Conformance Required

Except as otherwise provided herein, no structure (temporary or permanent) or part thereof shall be placed upon or moved onto land, erected, constructed, reconstructed, converted, enlarged, or structurally altered, nor shall any structure or land be used or occupied other than in strict conformance with all the use and development regulations established by this Zoning Ordinance for the district in which the building, structure, or land is located. All structures shall conform to state and local building codes in effect on the date that construction of the structure or any alteration thereto is commenced.

2.03 – 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.

2.04 – Public Utilities

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, whether publicly or privately owned, or the use of land by any public utility 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.

2.05 – Structures Under Construction and New Construction

Nothing contained in this ordinance shall require any change in the plans, construction, size, or designated use of a structure 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 structure 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.

2.06 – 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 structure 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 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 that 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.

2.07 – Relief from Application of the Zoning Ordinance or Zoning District Map

Relief from application of the district regulations established by this Zoning Ordinance and the Zoning District Map shall be sought in the manner provided by this Article.

A. Material changes to permitted use or changes from one use permitted in a zoning district to another use permitted in that same zoning district shall be by approval of the Planning and Zoning Commission.

B. Change from a use permitted in a zoning district to another use not permitted in that zoning district, shall be by a conditional use permit. The new use shall be subject to conditions imposed by the Planning and Zoning Commission.

C. Deviation from zoning district development standards shall be by a variance.

D. Permanent change in zoning district uses or development standards applicable to an area shall be by an amendment to this Zoning Ordinance and/or Zoning District Map.

Article 3 – Administration & Enforcement

3.01 – Zoning Inspector

The Mayor shall appoint and Galena Council shall approve a qualified person to serve as Zoning Inspector who shall administer and enforce this ordinance. The Zoning Inspector, before entering upon the duties of his/her office, shall be capable of being bonded by a bonding or surety company authorized to do business in Ohio in the amount specified by the Galena Council. Galena will provide such bond and the bond shall be conditioned upon the faithful performance of such Zoning Inspector's official duties. 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:

A. Administer and enforce the Zoning Ordinance;

B. Maintain and update the Zoning District Map;

C. Compare each zoning certificate application with the existing Zoning District Map;

D. Inspect structures and land to determine compliance with this Zoning Ordinance and the Zoning District Map;

E. Issue zoning certificates;

F. Notify violators of this Zoning Ordinance in writing, stating the nature of violations. Notification shall be complete upon mailing the notice to the owner of the property at his/her last known address, or where no address is known by posting the notice in a conspicuous place on the property. Failure of the Zoning Inspector to notify the owner of the property of a violation is not grounds for dismissal or of prosecution based on such a violation.

G. Thoroughly evaluate applications for zoning amendments, conditional uses, and variances and make recommendations to the Planning and Zoning Commission;

H. Maintain accurate records of all amendments made to this Zoning Ordinance or the Zoning District Map, all conditional use permits and variances granted, and all zoning certificates and notices of violation issued;

I. Issue conditional use permits and variances after compliance with this ordinance and approval by the Planning and Zoning Commission.

J. Recommend to the Planning and Zoning Commission revocation of conditional use permits where he/she believes terms of permits have been violated;

K. Issue Zoning Certificates in accordance with the provision of this ordinance or when applicable, the requirements and conditions of a conditional use or variance granted by the Planning and Zoning Commission.

L. Maintain the Comprehensive Land Use Plan, Zoning Ordinance, Subdivision Regulations, Comprehensive Storm Water Ordinance, and related fees in an up-to-date fashion and recommend changes as needed to the Planning and Zoning Commission;

M. Relay requirements of the Comprehensive Land Use Plan, Zoning Ordinance, Subdivision Regulations, and Comprehensive Storm Water Ordinance to the public and work closely with property owners and developers to ensure adherence to these requirements; and,

N. Work closely with the Village engineer and any other consultants to review applications for zoning amendments and Final Engineering Plans and to inspect construction projects for compliance with approved plans.

O. Investigate all complaints alleging illegal activity and shall report findings to the Galena Planning and Zoning Commission.

P. Issue a Stop Work Order if a notice of violation has been issued and disregarded or if the work constitutes an immediate threat to safety of life or property.

3.02 – Zoning Staff

The Zoning Inspector may be provided with the assistance of such persons as the Mayor may appoint and Galena Council may approve. The Deputy Zoning Inspector and any other zoning staff shall also be appointed by the Mayor and approved by Council. Such staff shall be capable of being bonded by a bonding or surety company authorized to do business in Ohio in the amount specified by the Galena Council. Zoning staff will be supervised by the Zoning Inspector.

3.03 – Clerk of the Galena Planning and Zoning Commission

To assist in the administration of this ordinance, a Clerk shall be appointed by the Commission upon the approval by the Galena Council. The Commission Clerk shall maintain Planning and Zoning records; receipt in applications and fees and transmit same to the Zoning Inspector; confirm information in applications; process all notices required under this ordinance and the Ohio Revised Code; record the minutes of the Commission; assist the Mayor, Zoning Inspector, Deputy Inspector, Commission members, and other zoning staff; and, perform such other duties relating to this Zoning Ordinance as the Commission may from time to time direct.

Salary and/or other compensation to be established by Council. The Clerk shall be capable of being bonded by a bonding or surety company authorized to do business in Ohio in the amount specified by the Galena Council.

3.04 – Planning & Zoning Commission

The Galena Planning and Zoning 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) of those members will expire each year. These three (3) members shall not hold any other office or employment with the Village.

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.

Removal of Commission members shall be recommended by the Mayor and approved by Village Council for non-performance of duty, misconduct in office, or other cause 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/her usual place of residence. The member shall be given an opportunity to be heard and answer such charges (ORC 733.34-733.36). Vacancies shall be filled by appointed by the Mayor and confirmed by the Galena Council for the unexpired term of the member.

3.04.01 – Duties of the Galena Planning and Zoning Commission

The Planning and Zoning 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 the majority 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 affect any variation in the application of this ordinance. For the purpose of this ordinance the Commission has the following specific responsibilities, powers, and duties:

A. Review all proposed amendments to the Comprehensive Land Use Plan, Zoning Ordinance, Zoning District Map, Subdivision Regulations, Comprehensive Storm Water Ordinance, and related fees and make recommendations to the Galena Council.

B. Review, approve, or disapprove subdivision plats, development plans for Planned District applications, and Final Engineering Site Plans with reference to the provisions of this Zoning Ordinance and the Subdivision Regulations of the Village. Actions of the Planning and Zoning Commission approving or disapproving Subdivision Plats may be the subject of appeal to Council per ORC 713.12.

C. Adopt and/or recommend planning studies and reports.

D. 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.

E. Grant or deny applications for conditional use zoning permits as specified in this ordinance.

F. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector.

G. Revoke previously issued conditional use permits upon finding a violation of the terms of such permits.

3.05 – Meetings & Public Hearings

The Planning and Zoning Commission shall meet upon a schedule determined by the Commission. Special meetings may be at the call of the chairperson or a majority of the members. All meetings are public meetings and records of all proceedings shall be kept including the vote of each member on each issue, members present or absent, the facts of each matter considered, and other minutes of the meeting. All records of proceedings shall be made available for public inspection, and copies shall be provided by the Planning and Zoning Commission clerk to each member of the Commission.

The Planning and Zoning Commission shall meet as necessary in the Galena Village Hall or other public building within the municipality. If a larger venue is needed, meetings may be held outside the Village.

Four members shall constitute a quorum of the Commission and the concurrence of four members is required for approving a variance or reversing a decision of the Zoning Inspector. All other matters may be decided by a majority of those present.

Public Hearings shall be advertised, noticed, and held according to the Ohio Revised Code.

3.06 – Meeting Agenda

Agendas will be prepared and posted as required by applicable state and village ordinances by the Zoning Clerk.

3.07 – Meeting Minutes

The minutes of each meeting or public hearing of the Planning and Zoning Commission shall be kept by the Clerk on file in the Village offices with the other zoning records. Said minutes shall be open for public inspection during normal business hours. Said minutes will be prepared and posted as required by applicable state and village ordinances by the Zoning Clerk. Draft minutes will be presented to the Commission for review, revision, and approval at the subsequent regular meeting.

3.08 – Role of Council in Zoning Matters

Council shall:

A. Act upon recommendations of the Commission to amend the Comprehensive Land Use Plan, Zoning Ordinance, Zoning District Map, Subdivision Regulations, Comprehensive Storm Water Ordinance, and related fees.

B. When it deems appropriate, initiate amendments to the Comprehensive Land Use Plan, Zoning Ordinance, Zoning District Map, Subdivision Regulations, Comprehensive Storm Water Ordinance, and related fees and submit its recommendations for amendments to the Commission.

C. Consider or decide appeals of decisions of the Commission (see Article 3.04.01(B) and Article 6). If, during consideration of such an appeal, Council finds that the facts presented by the appealing party differ materially from the written findings of fact issued by the Commission, it may return the matter before it on appeal to the Commission from which it was appealed for further consideration.

3.09 – Enforcement of Violations

No person shall violate, cause, or knowingly permit to be violated, or fail to comply with any of the provisions of these regulations or with any lawful requirements of any public authority made pursuant to these regulations, or knowingly use or cause or permit the use of any lands in violation of these regulations or in violation of any permit granted under these regulations. No structure 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 Ohio Revised Code Chapter 713. Any condition caused or permitted to exist in violation of these regulations is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action may be taken to abate, enjoin, or otherwise compel the cessation of such nuisance.

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.

A. **Notice of Violation -** Whenever the Village finds that a person has violated or failed to meet a requirement of these regulations, the Zoning Inspector may order compliance by written notice of violation to the property owner. Such notice may require without limitation:

1. The immediate removal of the violating structure;

2. That violating practices shall cease and desist;

3. The abatement, remediation, and the restoration of any affected property;

4. In addition to any other monetary penalties set forth in these regulations, the owner and/or occupant shall reimburse the Village for the time expended by its staff or representatives and the Village shall further be reimbursed any remediation costs.

B. **Penalties & Criminal Prosecution** – Whoever violates the provisions of this Zoning Ordinance and amendments hereto or Ohio Revised Code Chapter 713 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. Any person, firm, corporation, or entity including, but not limited to, the owners of the property, the owners' agents and assigns, occupants of the property, the property manager, and any contractor or subcontractor who violates or fails to comply with any provisions of these regulations is guilty of a misdemeanor as set forth below. A separate offense shall be deemed committed for each day during or on which a violation or noncompliance occurs or continues. Upon conviction thereof, the violator shall be subject to the following:

1. For conviction of a first offense, the violator shall be found guilty of a minor misdemeanor and fined not more than one hundred dollars ($100.00).

2. For conviction of a second offense, the violator shall be found guilty of a misdemeanor of the fourth degree and fined not more than three hundred dollars ($300.00) and incarcerated for not more than thirty (30) days.

3. For conviction of a third and subsequent offense, the violator shall be found guilty of a misdemeanor of the third degree and fined not more than five hundred dollars ($500.00) and incarcerated for not more than sixty (60) days.

4. Complying with a Restoration Plan developed by the violator and approved by the Planning and Zoning Commission;

5. Abating the damage caused to any property by the violation in accordance with the Restoration Plan; and,

6. The violator shall pay the attorney's fees incurred by the Village, court costs, and any and all costs including Village staff, contractors, and engineer's time with enforcement of these regulations.

C. **Injunctive Relief** – It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this ordinance. If a person has violated or continues to violate the provisions of this ordinance, the Village may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation. The imposition of any other penalties provided herein shall not preclude the Village of Galena from instituting an appropriate action or proceeding in Delaware County Common Pleas Court to prevent an unlawful development, or to restrain, correct, or abate a violation, or to require compliance with the provisions of these regulations or other applicable laws, ordinances, rules, or regulations, or the orders of the Village of Galena.

D. **Remedies** – In case any structure 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 Planning and Zoning 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.

E. **Abatement** – If abatement of a violation and/or restoration of affected property is required, the notice shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be completed by a designated governmental agency or a contractor of the Village's choosing and the expenses thereof including actual Village staff, contractors, and engineer's time shall be charged to the violator.

F. **Cost of Abatement of a Violation** – Within 30 calendar days after abatement of a violation, the owner of the property will be notified of the cost of abatement, including contractors and actual Village staff and engineer's time. The property owner may file a written protest objecting to the amount of the assessment within 10 business days. If the amount due is not paid within a timely manner as determined by the decision of the Village administrator or by the expiration of the time

in which to file an appeal, the charges shall become a special assessment against the property and shall constitute a lien on the property for the amount of the assessment as well as late penalties, interest, and administrative fees.

G. Any person violating any of the provisions of this article shall become liable to the Village by reason of such violation. The liability shall be paid in not more than 12 equal payments within one year. Interest per annum, established at the prime rate as published in *The Wall Street Journal,* shall be assessed on the balance beginning on the first day following discovery of the violation. These costs may include Village attorney fees, court costs, and other expenses associated with enforcement of these regulations, including sampling and monitoring expenses.
B.

Article 4 – Zoning Certificates & Permits

4.01 – 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 structure 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 structure incidental to the agricultural use of the land on which said structures are proposed for use of land or building or construction of any structure used for public utility or railroad purposes. Fees for zoning certificates shall be established by the Galena Council.

4.02 – Procedures for Obtaining a 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 Zoning District 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 development plan of the area upon which the applicant's use or structure is proposed. Said development plan 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.

4.03 – Conditions of Zoning 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.

No change of use shall be made in any structure 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 ordinance, or unless a variance or special permit has been granted by the Planning and Zoning Commission.

4.04 – Certificate of Compliance

It shall be unlawful to use or occupy or permit the use or occupancy of any structure 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 has been issued by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of the issued Zoning Certificate.

4.05 – 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.

4.06 – Records

A record of all zoning certificates shall be kept on file in the Village offices and copies shall be furnished upon request to any person and upon payment of a specified fee. The Village requests, but does not require, a Public Records Form to be completed.

4.07 – Effective Dates of Decisions, Orders, and Permits

No zoning certificate, conditional use permit, variance, temporary use permit, subdivision plat approval, development plan approval, site plan approval, decision, or order of the Zoning Inspector or Planning and Zoning Commission, appealable under this ordinance, shall take effect until ten (10) days after its issuance or entry of such decision or order and during the pendency of an appeal regarding such entry, decision, or order.

4.08 – Remedies

In the event of violation of any regulation, provision, amendment of, or supplement to this ordinance, or in the event of the imminent threat thereof, the Village or the owner of any contiguous or neighboring property who is, or would be, damaged by such violation, in addition to any other remedy provided by law, may petition any court of competent jurisdiction to enjoin a threatened violation or to terminate a continuing violation.

The Zoning Inspector may issue a Stop Work Order to terminate a continuing violation or if the work constitutes an immediate threat to safety of life or property.

4.09 – Demolition Permits

A. Purpose and Intent – The purpose of this section is to establish a uniform set of standards and procedures for the demolition of residential, commercial, industrial, and other structures (regardless of property location & Zoning District classification) to ensure Zoning Code compliance, protect neighborhood character, and address public safety concerns.

B. Permit Requirement – No person shall demolish or cause to be demolished any structure, in whole or in part, without first obtaining a demolition permit from the Village of Galena Planning & Zoning Department in accordance with this section (this may require a public hearing before the Planning & Zoning Commission – see Section 4. Criteria for Approval).

C. Application Requirements & Process

(Applicants should feel free to print this page and use this section as a checklist.)

An application for a demolition permit shall be submitted to the Village of Galena Planning & Zoning Department and shall include:

- Completed Zoning Permit Application
    - Required selections: Demolition, Grading, and Stormwater

    - Optional selections (if applicable): Sewer (disconnect, modification, reconnection)
    - NOTE: If demolition is part of a new construction project, the demolition permit may be included in the Zoning Permit Application. A separate demolition application is not required.
- A site plan (or markup) indicating the structure(s) to be demolished.
- A statement of intent for post-demolition use, describing how the site will be used or restored after demolition (e.g. grading and seeding, new construction, etc.).
- Renderings of proposed replacement structures (if applicable).
    - Include visual representation of any planned structures
    - **NOTE: Approval of the demolition permit does not constitute approval of the statement of intent and the renderings of the proposed replacement structures. These two requirements exist to ensure that there is a plan in pace for the property, whether it be finish grading & seeding or construction of a new structure.**
- Copies of approved grading & stormwater permits or proof of application if obtained separately.
- A mailing list of property owners located within 200 feet of the proposed demolition project.
    - Required only if a public hearing is necessary.

The application process will consist of the following:

1. Submittal of application & supporting materials (ideally, at the same time as the Zoning Permit Application submittal – can be done on the same application).
2. Intake review by the Planning & Zoning Department – ensuring completion of application packet, and coordination of additional need materials.
3. If necessary, public hearing before the Planning & Zoning Commission.
4. Decision and Fees: The applicant will receive written notice of approval or denial. Applicable fees will be invoiced in accordance with the Village fee schedule.
    a. Performance Bond: If required by the Village Engineer, a performance bond will be requested when the invoice is issued.
5. Permit Issuance: For approved permits, issuance of the Demolition Permit (upon receipt of payment and bond, if applicable).

D. **Criteria for Approval** – a demolition permit may be granted if the following conditions are met:

1. The proposed demolition complies with all zoning and land use regulations.
2. The applicant provides a clear plan for site restoration, redevelopment, or mitigation of impacts.
    a. **NOTE: Approval of the demolition permit does not constitute approval of this plan. This requirement exists to ensure that there is a plan in place for the property, whether it be finish grading & seeding or construction of a new structure.**
3. The structure is not designated as a historic landmark by any recognized authority (i.e. Nation Register of Historic Places, Ohio History Connection, etc.).
4. Age of Structure

a. If the structure is less than 75 years old as of January 1 of the current application year, it may be eligible for administrative review.
b. If the structure is 75 years or older, a public hearing before the Planning & Zoning Commission is required.
c. Non-residential structures, regardless of age, also require a public hearing before the Planning & Zoning Commission.
d. Accessory structures (e.g. sheds, garages, etc.) of any age may be approved administratively and do not require a public hearing.

5. If the structure is damaged by a fire, storm, or other unforeseeable circumstances and the insurance company has declared it a total loss, the demolition may be approved.

E. **Public Hearings** – Demolition permit applications that require a public hearing will follow the same review and approval process as a variance request, as outlined in Article 7 – Variances of the Village of Galena Zoning Code.

F. **Conditions of Demolition**

1. Proper disposal of debris must be in accordance with local, state, and federal environmental laws.
2. All utilities must be disconnected safely before demolition begins.
3. Site restoration, including grading and erosion control measures, must be completed within fifteen (15) days of demolition and be done in accordance with the applicant's approved grading and stormwater permits.
4. Compliance with any additional requirements set by the Planning & Zoning Department and/or Commission. (These conditions shall be noted on the approved Demolition Permit.)

G. **Enforcement & Penalties** – All violations and penalties shall be conducted in accordance with Article 3.09 Enforcement of Violations of the Village of Galena Zoning Code.

H. **Appeals –** All appeals regarding Demolition Permits shall be conducted in accordance with Article 6 – Appeals of the Village of Galena Zoning Code.

NOTE: An approved Demolition Permit may be transferred with the sale of the property. A new owner shall not be required to re-apply. However, the requirements of this section shall continue to apply to any new owner(s).

Article 5 – Amendments

5.01 – Procedures for Amendments or District/Map Changes

Initiating Amendments – Amendments to this ordinance may be initiated by the following:

A. Adoption of a motion by the Galena Planning and Zoning Commission;

B. Adoption of a resolution by the Galena Council; or,

C. By filing of an application with the Planning and Zoning Commission by one or more of the owners or lessees of property within the area proposed to be changed or affected by said amendment.

5.02 – Forms of Application

All applications to amend this ordinance and/or the zoning district/map with Development Plans or Amended Development Plans shall be submitted to the Zoning Inspector on such forms as designated and approved by the Galena Planning and Zoning Commission. No application will be considered unless the same is fully completed and accompanied by all required information listed on said application. 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 Planning and Zoning Commission.

5.03 – Application Fees

The owner or lessee of property filing an application to amend this zoning ordinance or map shall deposit with such application a fee, as prescribed by the Galena Council, to defray the cost of advertising, mailing, and other expenses. If such a fee is required, it shall be required generally for each application and the amount of such fee shall be established by the Galena Council. No application or development/subdivision plan will be considered 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.

5.04 – Addresses Supplied

The application must also be accompanied by the mailing list described below in one typed hard copy and one set of gummed mailing labels.

5.05 – Application Procedures for Rezoning to a Different District or Changes Within an Existing District

In addition to any other procedures set out in this ordinance, all applications for amendments to the Zoning District Map to rezone lands to a different district shall follow the procedures hereinafter set forth. The owner or owners of land under Galena zoning may request that the Zoning District Map be amended to include such tracts in a different district in accordance with the provisions of this ordinance.

A. The applicant is encouraged to engage in **informal consultations** with the Village staff and the Galena Planning and Zoning Commission prior to formal submission of a development plan and request for an amendment of the Zoning District Map. No statement by Village

officials during informal consultations shall be binding upon either the applicant or the Village. These consultations are intended to relay information about the Village's philosophical, procedural, zoning, and development requirements.

B. Applying for rezoning is a **one step process** involving a rezoning application, development plan, and subdivision plan. Applications will be considered only in combination with, and after proper submission, of the following:

1. An Application for Change in Zoning District Classification;

2. Appropriate fees;

3. A development plan;

4. A subdivision plan; and,

5. Any additional information requested.

See the Development Plan section in this Article and the 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.

C. In addition to a completed application, development plan, and subdivision plan, or combined development/subdivision plan (as described in the Development Plan Section of this Article and the Village Subdivision Code), the applicant may be required to supply **additional information**, as requested, by the Zoning Inspector, Village engineer, solicitor, and/or other technical advisors. Fees to be paid by the applicant in order to recover Village costs related to engineering reviews are determined by Village Council and detailed in the fee schedule.

5.06 – Development Plan Requirements

The Development 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:

A. The proposed size and location of the development.

B. 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.

C. Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.

D. The proposed provisions for water, sanitary sewer, and surface drainage with engineering feasibility studies or other evidence of reasonableness.

E. The preliminary traffic impact study and proposed traffic patterns showing public and private streets and other transportation facilities, including their relationship to existing conditions, topographically and otherwise.

F. The relationship of the proposed development to existing and probable uses of surrounding areas during the development timetable.

G. Location of parks and other public facility sites, if any.

H. The proposed time schedule for development of the site including streets, buildings, utilities, infrastructure, and other facilities.

I. 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.

J. The ability of the applicant to carry forth its plan by control of the land and the engineering feasibility of the plan.

K. Specific statements of divergence, both positive and negative, from the development standards in Articles 17, 26 and/or 29 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.

L. 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.

5.07 – Planning and Zoning Commission Hearing Date

Upon the adoption a motion to amend the Zoning Ordinance by the Planning and Zoning Commission, 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 Planning and Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than thirty (30) **days** from the date of the receipt of such motion, transmittal of such resolution, or the filing of a complete application and fees.

5.08 – Commission Hearing Notice

Notice of such hearing shall be given by the Planning and Zoning Commission as follows:

A. **Notice for 10 or Less Parcels** – 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 Planning and Zoning Commission by first class mail at least twenty (20) days before the date of the hearing to all property owners within, contiguous to, and directly across the street and within two hundred (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.

B. **Advertising Requirements** – An amendment to the Zoning Ordinance or Zoning District Map, an application for approval of a Development Plan or Amended Development Plan shall be advertised in at least one newspapers of general circulation within Galena **at least thirty (30) days before the date of said hearing** (ORC 713.12). This notice shall set forth the date, 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.

5.09 – Planning and Zoning Commission Hearing

At such public hearing, the applicant shall present a statement and adequate evidence, in such form as the Planning and Zoning Commission may require.

5.10 – Planning and Zoning Commission Decision

Within fifteen (15) days after the public hearing, the Planning and Zoning Commission shall recommend to the Galena Council that the amendment be

A. approved as requested; or

B. it may recommend an approval with modifications or supplementary conditions; or,

C. it may recommend that the amendment not be approved.

In recommending 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 this article. The Commission shall designate such conditions in connection therewith as will, in its opinion, substantially secure the objectives of the regulations or provisions in the application on which the Development Plan or Amended Development Plan approval is recommended.

5.11 – Council Hearing Date

Upon receipt of the recommendation from the Planning and Zoning 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 Planning and Zoning Commission.

5.12 – Council Hearing Notice

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 date, time and place of the hearing and a summary of the proposed amendment.

5.13 – Council Hearing

At such public hearing, the Planning and Zoning Commission recommendation shall be presented to Village Council along with the Zoning Inspector and/or Village Engineer report if needed. The

applicant shall present a statement and adequate evidence, in such form as the Planning and Zoning Commission may require.

5.14 – Council Decision

Within thirty (30) days after the Village Council public hearing, the Galena Council shall either adopt or deny the recommendations of the Galena Planning and Zoning Commission or adopt some modification thereof. In the event the Galena Council denies or modifies the recommendation of the Galena Planning and Zoning Commission, it must do so by not less than three-fourths of the full Council membership or five (5) members.

Once Council has determined to proceed with the recommendation (as is or modified), no such ordinance shall be passed unless it has been fully and distinctly read on three different days before the Galena Council, except when such rules for the ordinance may be suspended if three-fourths of the members, or five (5) members of the Galena Council vote to dispense with this rule. If the request for a Development Plan or Amended Development Plan is denied, the applicant may seek relief through the Court of Record. Any Village resident who opposes Council's decision may file a referendum.

5.15 – Decision Effective

Decision Effective: Such Amendment adopted by the Galena Council shall become effective:

A. Within thirty (30) days after such adoption unless within thirty (30) days after the adoption of the *Ordinance* a *Petition* is presented to the Galena Fiscal Officer requesting the Galena Council to submit the *Zoning Ordinance* to the electors of the Village of Galena for approval or rejection at the next general election. This *Petition* must be signed by a number of qualified voters in the Village of Galena equal to not less than ten percent (10%) of the total votes cast at the last preceding general election at which a Governor was elected and must otherwise comply with the appropriate provisions of the Ohio Revised Code relative to referendums or;

B. The amendment shall become effective immediately if deemed an emergency by the Galena Council and then passed as an emergency by Galena Council upon a yea and nay vote by two-thirds (2/3) vote of all members elected to the legislative authority and the reason for such necessity shall be set forth in one (1) section of the *Ordinance* or other measure.

5.16 – Approval

I. **Criteria for Approval** – In approving an application for a Zoning Ordinance, Development Plans or Amendments, District or Map change, the reviewing authorities shall determine:

1. If the proposed amendment is consistent in all respects with the purpose, intent, and general standards of this Zoning Ordinance.

2. If the proposed amendment is in conformity with the current Village Comprehensive Master Plan or portions thereof as it may apply.

3. If the proposed amendment is in conformity with the current Village Subdivision Code or portions thereof as it may apply.

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

B. **Effect of Approval** – A change in the ordinance's language is permanent unless changed by this same process at a later date. 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.

C. **Approval for Three Years** – The approval for a district/development plan change 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 its previous district unless an application for time extension is timely submitted and approved.

J. **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.

K. **Plat Required** – 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.

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

5.17 – Modifications

A. A request for minor changes to the final development plans may be approved by the Planning and Zoning Commission without being subject to the same procedures as the original application but shall be subject to applicable fees.

B. In the case of a request for a modification or amendment to the approved final development plan that represents a substantial departure from the intent of the original proposal, said modification or amendment shall be subject to the same procedure and conditions of final development plan approval as the original application, including applicable fees. The following shall be considered substantial departures from the original application.

1. A change in the use or character of the development;

2. An increase in overall lot coverage of structures and off-street parking;

3. An increase in the density;

4. An increase in the problems of traffic circulation and public utilities;

5. A reduction in approved open space;

6. A reduction of off-street parking and loading space;

7. A reduction in required pavement widths;

8. A reduction of the acreage in the planned development;

9. Any other departure from the approved development plan which is deemed substantial by the Planning and Zoning Commission.

Article 6 – Appeals

6.01 – Appeals

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. 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.

6.02 – Procedures for Hearing Appeals

Appeals to the Galena Planning and Zoning Commission concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of Galena affected by any decision of the Zoning Inspector. **Such appeal shall be filed within twenty (20) days after the decision** by filing with the Zoning Inspector and with the Planning and Zoning Commission an Appeal Form specifying the grounds upon which the appeal is taken.

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

6.03 – Form of Appeal Application

All applications for appeal shall be submitted to the Zoning Inspector on such forms as designated and approved by the Galena Planning and Zoning 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 the Notice Section below.

6.04 – Application Fees

The person filing an application to appeal shall deposit with such application a fee, as prescribed by the Galena Council, to defray the cost of advertising, mailing, and other expenses. If such a fee is required, it shall be required generally for each application. No application is considered complete or will be accepted unless the appropriate fee is included.

6.05 – Mailing List

The application must also be accompanied by the mailing list per section 6.07(A) in one typed hard copy and one set of adhesive mailing labels.

6.06 – Hearing Date

Upon the filing of an Appeal Form within thirty (30) days after the decision being appealed along with the appropriate fee, the Planning and Zoning 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 an Appeal Form, fees, and addresses. The Zoning Inspector shall transmit to the Planning and Zoning Commission all the papers constituting the record upon which the action appealed from was taken.

6.07 – Hearing Notice

Notice of such hearing shall be given by the Planning and Zoning Commission by at least one publication in at least one newspapers of general circulation in the Village at least thirty (30) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the appeal, and a statement that after the conclusion of such hearing the Planning and Zoning Commission shall make a decision on the appeal.

A. **Written notice** of the hearing shall be mailed by the Planning and Zoning 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 subject to the appeal 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.

6.08 – Decision

Within thirty (30) days after the public hearing, the Planning and Zoning Commission shall either approve, approve with modifications, or disapprove the request for appeal. The Commission's decision is final and goes into effect immediately. If the request for appeal is denied, the applicant may seek relief through the Court of Record.

Article 7 – Variances

7.01 – Variances

The Galena Planning and Zoning Commission may upon application, grant such variances from the provisions or requirements of this ordinance as will not be contrary to the public interest. The Commission shall have power to authorize a variance from the terms of this ordinance for the following reasons:

A. By reason of the exceptional narrowness, shallowness, or unusual shape of a specific piece of property on the effective date of this ordinance; or

B. By reason of exceptional topographic conditions; or

C. Other extraordinary situations or conditions of such parcel of property; or

D. The use or development of property immediately adjoining the property in question; or

E. Where the literal enforcement of the requirements of this ordinance would involve practical difficulty or would cause unnecessary hardship.

7.02 – Procedures for Variance Hearings

At the public hearing on the variance request, the applicant shall present a statement and adequate evidence, in such form as the Planning and Zoning Commission may require.

7.03 – Form of Application

All applications for appeal shall be submitted to the Zoning Inspector on such forms as designated and approved by the Galena Planning and Zoning 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 the Notice Section below.

7.04 – Application Fees

The person filing an application for a variance shall deposit with such application a fee, as prescribed by the Galena Council, to defray the cost of advertising, mailing, and other expenses. If such a fee is required, it shall be required generally for each application. No application is considered complete or will be accepted unless the appropriate fee is included.

7.05 – Mailing List

The application must also be accompanied by the mailing list per section 7.07(A) in one typed hard copy and one set of adhesive mailing labels.

7.06 – Hearing Date

Upon the filing of a Variance Application along with the appropriate fee, the Planning and Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than thirty (30) days from the date of the receipt of a Variance Application Form, fees, and addresses. The Zoning Inspector shall transmit to the Planning and Zoning Commission all the papers constituting the record for the Variance Application.

7.07 – Hearing Notice

Notice of such hearing shall be given by the Planning and Zoning Commission by at least one publication in at least one newspapers of general circulation in the Village at least thirty (30) days before the date of said hearing. This notice shall set forth the date, time, and place of the public hearing, the nature of the appeal, and a statement that after the conclusion of such hearing the Planning and Zoning Commission shall make a decision.

A. **Written notice** of the hearing shall be mailed by the Planning and Zoning 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 subject to the appeal 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.

7.08 – Decision

Within thirty (30) days after the public hearing, the Planning and Zoning Commission shall either approve, approve with modifications, or disapprove the request for variance.

In granting a variance, the Commission shall determine that said variance meets the following:

A. Will not be contrary to the public interest;

B. Is justified due to special conditions (refer to section 7.01);

C. That the literal enforcement of the ordinance will result in unnecessary hardship; and,

D. That the spirit of this ordinance will be observed and substantial justice done.

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

If the request for a variance is denied, the applicant may seek relief through the Court of Record.

Article 8 – Conditional Uses

8.01 – Conditional Uses

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

8.02 – Procedures for Conditional Use Hearings

At the public hearing on a conditional use request, the applicant shall present a statement and adequate evidence, in such form as the Planning and Zoning Commission may require.

8.03 – Form of Conditional Use Application

All applications for appeal shall be submitted to the Zoning Inspector on such forms as designated and approved by the Galena Planning and Zoning 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 the Notice Section below.

8.04 – Application Fees

The person filing a Conditional Use Application shall deposit with such application a fee, as prescribed by the Galena Council, to defray the cost of advertising, mailing, and other expenses. If such a fee is required, it shall be required generally for each application. No application is considered complete or will be accepted unless the appropriate fee is included.

8.05 – Mailing List

The application must also be accompanied by the mailing list per section 8.07(A) in one typed hard copy and one set of adhesive mailing labels.

8.06 – Hearing Date

Upon the filing of a Conditional Use Application along with the appropriate fee, the Planning and Zoning Commission shall set a date for a public hearing thereon, which date shall not be less than thirty (30) days from the date of the receipt of a Conditional Use Application Form, fees, and addresses. The Zoning Inspector shall transmit to the Planning and Zoning Commission all the papers constituting the record for the Conditional Use Application.

8.07 – Hearing Notice

Notice of such hearing shall be given by the Planning and Zoning Commission by at least one publication in at least one newspapers of general circulation in the Village at least thirty (30) days before the date of said hearing. This notice shall set forth the date, time, and place of the public hearing, the nature of the appeal, and a statement that after the conclusion of such hearing the Planning and Zoning Commission shall make a decision.

A. **Written notice** of the hearing shall be mailed by the Planning and Zoning 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 subject to the appeal 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.

8.08 – 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.

8.09 – Revocation

The Galena Planning and Zoning 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/she 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/her attorney, or other representative, or he may present his/her position in writing. He/she 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.

Article 9 – Non-Conforming Uses

9.01 – 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.

9.02 – Continuance & Discontinuance

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.

9.03 – Restoration

When a structure, the use of which does not conform to the provisions of this Zoning Ordinance or any amendments hereto, 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 Planning and Zoning Commission provided, however, such restoration shall be commenced within 90 days of such calamity. Extensions may be granted as needed.

A. **Value** – 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.

9.04 – 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 Planning and Zoning Commission.

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 fifty (50%) percent 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.

9.05 – 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 Planning and Zoning Commission. 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 10 – Severability and Repeal

10.01 – 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. 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.

10.02 – 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 Galena 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. 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.

Article 11 – Reserved

Article 12 – Zoning Districts & Maps

12.01 – Zoning Districts

For the purpose of regulating and restricting the general location of structures and land to be used for trade, industry, residence and other specified uses within the Village and for the purpose of regulating the height of buildings and other structures, for regulating the bulk and location of structures, including percentage of lot occupancy, setback, building lines and the area of yards, courts and other open spaces, the Village is divided into zoning districts as set forth in this section and as established on the Zoning District Map.

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
PRD	Planned Residence District
PMUD	Planned Mixed-Use District
PC	Planned Commercial District
PID	Planned Industrial District
PCFD	Planned Community Facilities District
PREC	Planned Recreational District
OTHO	Old Towne Historic Overlay 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.

12.02 – District Boundaries

The boundaries of zoning districts are those as established by Council through the adoption of zoning ordinances. The boundaries of each district into which the village is divided are indicated upon the Zoning District 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 District Map, Village of Galena, Ohio”, is properly attested and is on file in the village offices.

12.03 – 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 Planning and Zoning Commission, according to its use at time of annexation.

A request for a zoning district amendment may occur consecutively with an annexation petition, however, the land in question cannot be rezoned in the Village until its annexation into the municipal boundaries is complete.

12.04 – 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 District 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. Where district boundaries are so indicated that they approximately follow lot lines, such lot lines shall be construed to be said boundaries.

B. 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 District Map. If no distance is given, such dimension shall be determined by the use of the scale shown on said Zoning District Map.

C. Where the boundary of a district follows an inoperative railroad line, such boundary shall be deemed to be located midway between the main tracks of said railroad line.

D. 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.

E. 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.

F. 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 Planning and Zoning Commission as provided herein.

12.05 – Zoning District Map

A Zoning District Map is designed to reflect the zoning districts of the Village as established by zoning ordinances adopted by Council. The Zoning District Map, to the extent consistent with adopted ordinances of Council together with subsequent amendments adopted by Council, and all explanatory matter thereon is hereby made a part of this Zoning Ordinance.

The official Zoning District Map shall be maintained by the Village Zoning Inspector, or any other individual as designated by The Planning and Zoning Commission, and the same shall be accessible to the public at all reasonable times in the village offices.

Article 13 – Farm Residence District (FR-l)

13.01 – 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 rural character of these areas may be preserved and maintained within the corporate limits.

13.02 – Application

All lands under Galena Zoning not otherwise zoned, shall be controlled by the provisions of this article of the 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 District Map of Galena, Ohio, at the effective date of this Zoning Ordinance or amendment thereto shall be considered legal residential lots and nothing in this ordinance shall be construed to prohibit the use thereof for residential purpose.

13.03 – 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 Planning and Zoning 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.

13.04 – Conditional Uses

Within this zoning district, the following uses may be permitted, subject to the conditions and restrictions imposed by the Planning and Zoning Commission pursuant to the provisions of the Appeals, Variances, and Conditional Uses Article 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 Planning and Zoning Commission. A designation by the Planning and Zoning 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.

Conditional uses may be granted for the following:

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 the General Development Standards Article of this ordinance.

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/her 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 Planning and Zoning Commission and shall provide screening adjacent to residential areas.

E. **Kindergarten or childcare 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, nursing homes, rehabilitation facilities, retirement homes, or homes for children or aged** provided that the area of the tract is adequate to provide setbacks, parking, and recreational areas prescribed by the Planning and Zoning 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 Section 26.14 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 Planning and Zoning 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 Planning and Zoning Commission to ensure compliance with the restrictions and conditions imposed to ensure regrading, reseeding, and general restoration of the area including haul roads. All applications or plans submitted incident thereto shall be reviewed by the Village engineer and his/her 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 landfills 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 Planning and Zoning Commission may require such screening as is necessary to protect adjacent neighborhoods. This section is not applicable to facilities qualifying as a public utility exempt from zoning.

N. **Group homes or residential care facilities** in which not more than four (4) 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 Planning and Zoning 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.

13.05 – 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, fence, or other screening 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 under Permitted Uses in this chapter, no **mobile home** shall be placed or occupied in this district.

13.06 – 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 Planning and Zoning Commission as a condition of said use.

B. **Lot Frontage** – Except as hereinafter set forth, all lots or parcels within this zoning district shall have the following minimum lot frontage on a public road.

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

C. **Lots or parcels having less than the above listed minimum frontages** on the 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., pie shaped) located on a curve or cul-de-sac widens to the minimum lot width within 75 feet of the right-of-way line of the adjoining roadway, the requirement for extra setback is required to conform with setback lines for principal structures on adjoining lots.

D. **Structure Height Limits** – No structure in this district 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 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 (1,450) square feet. All such living areas calculations shall be exclusive of basements, porches, or garages.

F. **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 Section 26.13 herein.

G. **Side Yard Set Back** – Except as modified by the Planning and Zoning Commission in approving zero lot lines or common wall housing under Section 13.04(O) herein, no building or structure shall be located closer than twenty-five (25) feet to any side lot line.

H. **Rear Yard Set Back** – 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.

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

J. **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 the General Development Standards Article of this ordinance.

K. **Trailers** – Trailers 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.

L. **Signs** – Except as provided under the provisions of this article for home occupations or as controlled by the Signs and Billboard Regulations Article of this ordinance and except as permitted by the Planning and Zoning 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 said sign is located and political signs displayed not more than 90 days prior to an election and removed within ten (10) days after the election. 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 Planning and Zoning Commission, erect one sign not exceeding 48 square feet in area per side advertising said subdivision, development, or tract for sale.

Article 14 – Low Density Residence District (R-2)

14.01 – 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 that 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-l) shall be in effect until such utilities become available to the site.

14.02 – 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 the Planned Residence District Article of this ordinance.

All 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 County, Ohio, at the effective date of this Zoning Ordinance or amendments thereto shall be considered legal residential lots and nothing in this ordinance shall be construed to prohibit the use thereof for residential purposes.

14.03 – 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 and not more than three animals in total. 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/she 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 Planning and Zoning Commission and issuance of a conditional use permit.

14.04 – Conditional Uses

Within this zoning district, the following uses may be permitted subject to the conditions and restrictions imposed by the Planning and Zoning Commission pursuant to the provisions of the Appeals, Variances and Conditional Uses Article 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/her agent shall be required to reapply for a continuation and/or modification of such use(s) to the Planning and Zoning Commission. A designation by the Planning and Zoning 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** that 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 the General Development Standards Article.).

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 residential 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 as determined by the Planning and Zoning Commission.

B. Conversion of existing residential structures to permit occupancy by more than one family.

C. **Childcare 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 four (4) 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 Planning and Zoning 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.

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, fence, or other screening so as not to be visible from any adjoining property or public road.

C. No trailers 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 ordinance 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 under Permitted Uses in this Article, **no mobile home** shall be placed or occupied in this district.

14.06 – 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 that 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 20,000 square feet. All other parcels not so serviced, shall contain the lot areas prescribed by the provisions of the Farm Residence District Article of this 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 the Farm Residence District Development Standards section 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 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 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 (1,450) 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. 26.14 herein.

F. **Side Yard Set Back** – Except as modified by the Planning and Zoning Commission in approving zero lot lines or common wall housing under Sec. 14.04(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 structures 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 the General Development Standards Article of this ordinance.

J. **Signs** – Except as provided under the provisions of this article for home occupations or as controlled by the Sign and Billboards Regulations Article of this ordinance and except as permitted by the Planning and Zoning 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 and political signs displayed not more than 90 days prior to an election and removed within ten (10) days after the election. 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 Planning and Zoning Commission, erect one sign not exceeding 48 square feet in area per side advertising said subdivision, development, or tract for sale.

K.

Article 15 - Planned Residence District (PRD)

15.01 – Purpose

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. Recognizing that, Galena hereby provides for the Planned Residence District. This district is intended to promote the variety and flexibility of residential land development that is necessary to meet these demands while still preserving and enhancing the health, safety, and general welfare of the Village residents.

15.02 – Application

The provisions of this Article 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 the Farm Resident District and Low-Density Residence District articles of this ordinance. The Galena Council or the Planning and Zoning Commission may, at 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.

15.03 – 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, 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/she 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 Planning and Zoning Commission as granted in compliance with the provisions of the Appeals, Variances, and Conditional Uses Article 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.

15.04 – Conditional Uses

Within this zoning district the following uses may be permitted, subject to the conditions and restrictions imposed by the Planning and Zoning Commission pursuant to the provisions of the Appeals, Variances, and Conditional Uses Article 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 Planning and Zoning Commission. A designation by the Planning and Zoning 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 that 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 according to the General Development Standards Article of this ordinance.

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, television or internet 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 childcare 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 four (4) 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 Planning and Zoning 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.

15.05 – 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, fence or behind screening 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 any person(s) for more than fourteen (14) days.

E. Except as specifically permitted in the Permitted Uses Section of this Article or approved in the approved development plan, **no mobile home** shall be placed or occupied in this district.

15.11 – 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.

L. **Intensity of Use** – The maximum density shall be two (2) 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 two (2) dwelling units per gross acre. Increased densities may be recommended by Galena Planning and Zoning 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 four (4) 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:

Type Dwelling	Maximum Units on any single acre
Single Family	2 (plus credits)
Two Family and Townhouses	4
Two Story Multi-family residences	4 (max 20% of total housing per Development Plan)

Example of PRD multi-family density calculation:

Gross Acres	Density = Units/Gross Acre	Maximum total residential units	Maximum multi-family units (Maximum total units * .20)
100	**2**	**200**	**40**
100	**3**	**300**	**60**
100	**4**	**400**	**80**

B. **Open Space** – A minimum of thirty (30) percent of the gross acres of the development shall be provided as designated permanent, irrevocable 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 Planning and Zoning 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. If the open space has a public use, it can be dedicated to the Village for parks and trails. If it does not have a public use, a homeowners' association or the developer must create a mechanism for maintenance of the property in perpetuity.

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 26 unless variance there from is approved.

    a. Except as modified by the Planning and Zoning Commission in approving zero lot lines or common wall housing under Sec. 13.04(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 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.

3. **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:

Dwelling Bedroom Units*	**Minimum Square Foot**
a. One (1) bedroom unit	850 sq. ft.
b. Two (2) bedroom unit	950 sq. ft.
c. Each bedroom beyond two (2)	120 sq. ft. per bedroom

**Note: Maximum number of multi-family residence units is 20% of the total number of housing units in the district.*

4. **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.

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

6. **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 26 of this ordinance shall, when appropriate, be incorporated.

7. **Signs** – Except as provided under the provisions of this article for home occupations or as controlled by Article 29 of this ordinance and except as permitted by the Planning and Zoning 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 and political signs displayed not more than 90 days prior to an election and removed within ten (10) days after the election. Such sign shall not exceed six (6) square feet in area on each side.

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

8. **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.

a. The Galena Planning and Zoning 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.

9. **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.

10. **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.

11. **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 Planning and Zoning Commission and the Village Engineer.

Article 16 – Reserved

Article 17 – Planned Mixed-Use District (PMUD)

17.01 – Purpose

Galena recognizes that with increased urbanization and population growth comes increased demand 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. The Planned Mixed-Use District (PMUD) promotes variety and flexibility of land development for commercial purposes that are necessary to meet these demands within a mixed-use environment allowing for residential areas convenient to commercial areas while still preserving and enhancing the health, safety, and general welfare of the residents of Galena, Ohio. These regulations are established in order to achieve the following purposes:

A. To provide a flexible zoning management tool that meets the needs of integrated developments that may mix residential, retail, office, institutional, civic, recreational, and open space uses in creative projects.

B. To allow a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees, and other vegetation, and prevents the disruption of normal drainage patterns.

C. To provide a more useful pattern of open space and recreation areas and more convenience in the location of commercial uses and services.

D. To provide commercial areas that reflect the pedestrian scale and historical architectural styles of downtown Galena; increase commercial tax revenue to the Village and the local schools; and preserve or enhance rather than harm the local quality of life.

E. To provide a development pattern in harmony with land use density, transportation, and community facility objectives.

F. To provide a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utility lines and streets that also minimizes Village costs for infrastructure acquisition and maintenance.

17.02 – Application

This provision of the zoning ordinance shall apply to all lands within the areas under Galena Zoning that are to be used for commercial or office purposes. No new use, or change in use, is to be commenced within an approved Planned Commercial and Office District or Planned Mixed-Use District without prior approval of a development plan (as described in Sec. 5.06) or an amendment to a previously approved development plan by the Planning and Zoning Commission.

17.03 – Permitted Uses

Within the Planned Mixed-Use District, 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 must be included as prescribed in this section to be considered a PMUD development plan and be developed and maintained within an organized development of associated commercial activities in accordance with the approved development plan. The minimum commercial space requirements are as follows:
   - 100 sq. ft. per single-family/attached dwelling unit
   - 100 sq. ft. per unit, per bedroom of multi-family dwelling units

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 and offices.

F. **Kindergarten** or childcare 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 warehouses.

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 (1,450) square feet of living area exclusive of porches, garages, and basements.

K. **Multi-family residence** 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:

Dwelling Bedroom Units*	**Minimum Square Foot**	**Minimum Commercial Sq. Ft. per Unit****
a. One (1) bedroom unit	850 sq. ft.	100. sq. ft.
b. Two (2) bedroom unit	950 sq. ft.	200 sq. ft.
c. Each bedroom beyond two (2)	120 sq. ft. per bedroom	100 sq. ft. per bedroom

** Maximum number of multi-family residence units is 25% of total number of housing units in the district..*

*** For each bedroom of multi-family residence living a minimum of 100 square feet of commercial space is required in the district.*

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

M. **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 Planning and Zoning Commission as granted in compliance with the provisions of Article 8 of this Ordinance.

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 Planning and Zoning Commission.

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. 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. 17.03(m) or in the approved development plan no mobile home or mobile office structure shall be placed or occupied in this district.

17.06 – Development Standards

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

A. **Building Size** – No structure in this district shall contain more than ten thousand (10,000) 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 and other standards 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. 26.14 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 26 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, 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 26 of this ordinance shall, when appropriate, be incorporated.

J. **Signs** – Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article 29 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. 26.14 herein, a landscape plan shall be developed which is compatible, in the discretion of the Planning and Zoning Commission, with the adjoining areas and the owner or occupant of the premises shall at all times maintain all grassed and landscaped areas. 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.

N. **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.

O. **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.

P. **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.

Q. **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.

R. **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.

S. **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.

T. **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.

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

V. **Signs** – Except as provided under the provisions of this article for home occupations or as controlled by Article 29 of this ordinance.

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

W. **Density** - Parcels located along the State Route 3 Corridor provide the ideal location and opportunity for a mix of professional office, commercial, institutional, and residential uses within the Village, while allowing for the preservation of net developable acres within the PMUD. A higher density Residential Use is permitted and included in this mix to provide the area with housing for individuals that will work at companies and businesses that locate in and around the S.R. 3 Corridor. To achieve this goal, the Village has determined that a density cap be placed on areas within the PMUD.

Multi-Family Density. The total number of new Multi-Family Dwelling Units proposed to be located within the PMUD shall not exceed a maximum of 25% of total number of housing units in the district.

Dwelling Units shall be constructed at a maximum density of four (4) units/gross acre. The Village recognizes that it is important to allow flexibility in the design of new developments, but such flexibility must be balanced with the goals and objectives of the community. To this end, this Section provides for varying degrees of potential density bonuses. However, these bonuses are subject to the discretion of the Zoning Commission and are, in large part, dependent upon the Applicant providing meaningful, substantial, and additional administrative and design amenities in the form of what are hereinafter referred to as "quality items." Increased density of one (1) Dwelling Unit per quality item may be approved by the Zoning Commission up to a maximum of two (2) additional units/gross acre (potentially resulting in a total maximum density of six (6) units/gross acre.) if it is determined that any of the following quality items are adequately provided for in the Development Plan:

a) If the developer provides 10% additional and useable Open Space than the amount required in **Section 17.06(X)** either on-site or within the PMUD area;

b) Any other enhanced feature or community-based incentive unique to the site that is deemed by the Zoning Commission to be a similar type of quality item.

Furthermore, any residential proposal shall not only comply with these density requirements, but also shall conform to all other applicable requirements of this **Article 15** including square footage requirements listed in **Section 15.11.**

Example of PMUD multi-family density calculation:

Gross Acres	Density = Units/Gross Acre	Maximum total residential units	Maximum multi-family units (Maximum total units * .25)
100	2	200	50
100	3	300	75
100	4	400	100

Single-Family/Attached Densities. Other types of residential units may be built without limitations noted under **Section 15.11(C)(1)** herein. Such units may be developed at a maximum density of two (2) units/gross acre for single-family units and four (4) units/gross acre for attached units such as common wall attached, townhomes, patio homes, or four-unit structures.

Non-Residential Density. The minimum amount of commercial and/or office square footage in the PMUD is based on the number of single-family residential dwelling units and multi-family bedrooms per unit. The commercial space requirements are as follows:

- 100 sq. ft. per single-family/attached dwelling unit
- 100 sq. ft. per unit, per bedroom of multi-family dwelling units

X. **Open Space** – A minimum of thirty (30) percent of the gross acres of the development shall be set aside as permanent, irrevocable open space. If the open space has a public use, it can be dedicated to the Village for parks and trails. If it does not have a public use, a homeowners' association or the developer must create a mechanism for maintenance of the property in perpetuity.

Y. **Special Additional Conditions** – The Galena Planning and Zoning 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 18 – Planned Commercial and Office District (PC)

18.01 - Purpose

Galena recognizing that with increased urbanization and population growth comes increased demands for well-organized non-residential commercial areas to provide employment, goods, and services to area residents as well as to provide a balanced economy within the Village. The Planned Commercial and Office District is intended 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.

18.02 – 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 Planned Mixed-Use District as hereinbefore set forth in Article 17 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 Article 5.04) or an amendment to a previously approved development plan by the Planning and Zoning Commission.

18.03 – 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 childcare 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) 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.

k) Single & Multi-Family Residences

1. Any Single-Family Residences constructed in the Planned Commercial and Office District (PC) prior to the adoption of this Zoning Code.
2. Any Multi-Family Residences constructed in the Planning Commercial and Office District (PC) prior to the adoption of this Zoning Code.
3. Any new Single-Family Residence, provided that the building is pre-existing or any new build, that the same contains at least one thousand four-hundred fifty square feet (1450 SF) of living area exclusive of porches, garages and basements.

18.04 – 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.

18.05 – 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.

18.06 – 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 26 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 26 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 the Sign and Billboards Regulations Article 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.

o) 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.

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 characteristic

Article 19 – Planned Industrial District (PID)

19.01 – Purpose

In the creation of the Planned Industrial District (PID), 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 while preserving the health, safety, and general welfare of all inhabitants of Galena.

19.02 – Application

The provisions of this chapter shall apply to all lands under Galena Zoning regardless of the size of the tract. The owner may elect to submit an application for change in the zoning under the provisions of this article or the provisions of Article 5. The Galena Council or the Planning and Zoning Commission may, at 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 in this article) or an amendment to a previously approved development plan by the Planning and Zoning Commission.

19.03 – Permitted Uses

Within the Planned Industrial District (PID), 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 manufacturing, processing, warehousing, storage, and industrial service activities located and maintained within the limits of the development standards of these Planned Industrial District regulations.

C. Enclosed service or repair activities.

D. Business offices.

E. Enclosed research facilities.

F. 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 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.

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 deemed 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.

19.04 – Conditional Uses

Within this zoning district other uses may be permitted, subject to the conditions and restrictions imposed by the Zoning and Planning Commission pursuant to the provisions of Article 8 of this ordinance.

A. Adult entertainment and/or sexually oriented business provided the approved Development Plan follows General Development Standards (Article 24) in addition to the following:

1. No person shall cause or permit the establishment of an adult entertainment business within one thousand, five hundred (1,500) feet of any single, two or multi-family dwelling, church, park, preschool, school, or another adult entertainment business. For purposes of this Ordinance, distances shall be measured in a straight line, without regard to intervening structures or objects, from the nearest portion of the building within which the adult entertainment business is located to the nearest property line or the premises of a single, two or multi-family dwelling, church, park, preschool or school, or other adult entertainment business.

2. Building Parcel Coverage – No more than twenty percent (20%) of any parcel may be covered by buildings. Any portion of a parcel not covered by buildings may be covered by impervious improvements such as parking areas, loading and service areas, and driveways, provided that no more than fifty percent (50%) of a parcel will, in the aggregate, be covered by buildings and improvements. At least fifty percent (50%) of a parcel will be devoted exclusively to landscaping, including, with limitation, ponds, and grass areas.

3. Lot Proportion – The maximum lot depth to width ratio is 4:1.

4. Mainstream Media Shops or Stores that have a maximum of 10 percent of their gross area devoted to hard-core material are conditionally permitted in Planned Mixed-Use and Planned Industrial districts, provided that:

    a. Hard core material shall be physically and visually separated from mainstream media and shall not be displayed publicly.

    b. Separation shall be by a solid opaque-walled enclosure at least eight (8) feet high or reaching to the ceiling.

    c. Inventory marketed to and predominantly consumed by minors shall not be displayed within fifteen (15) feet of the entrance to the hard-core material section.

d. Access to the hard-core material section shall be controlled by electronic or other means to provide assurance that a person under age 18 will not obtain access, and the general public will not accidentally enter this section.

e. The hard-core material section shall provide signage at its entrance warning that persons under the age of 18 are not permitted inside.

f. No adult arcades are permitted in mainstream media stores.

g. No more than one designated area for sexually oriented merchandise per store.

h. There shall be no exterior signs that advertise hardcore or adult media.

5. See Appendix A: To promote the public health, safety, and welfare through regulations of adult entertainment and sexually oriented business.

19.05 – Prohibited Uses

A. No use not specifically authorized by the express terms of this article of the Zoning Ordinance or by the Planning and Zoning Commission shall be permitted.

B. Unless specifically permitted by the Planning and Zoning Commission as incident and necessary to a permitted 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 Planning and Zoning 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 ordinance or the restrictions in the plat or deed or development plan.

D. Except as specifically permitted in Article 19.03 (G), no mobile home or mobile office structure shall be placed or occupied in this district.

E. Residential use of any kind. In the case of parcels or areas which are residential in character but exist within a Planned Industrial District at the time of adoption of this ordinance, or inclusion of said parcels or areas into a Planned Industrial District; continuation, enlargement, modification, and/or replacement of residential structures will be allowed.

F. Dog kennels or catteries.

19.06 – Development Standards

In addition to any other provisions of this ordinance, all lands and uses within the Planned 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 Dimensions** – Buildings may contain such area of floor space as is approved in the development plan.

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 Section 26.14 herein.

F. **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 Planning and Zoning Commission.

G. **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 Planning and Zoning Commission.

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

H. **Landscaping** – All yards, front, side, and rear, shall be landscaped and all organized open spaces or non-industrial use areas shall be landscaped. Such landscape plans shall be submitted with the development plan.

I. **Screening** – In strict compliance with the provisions of Article 26 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.

J. **Parking** – Off street parking shall be provided within this district in strict compliance with the provisions of Article 26 of this ordinance. 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.

K. **Signs** – Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article 29 of this ordinance.

L. **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 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. **Lighting** – Exterior lighting fixtures shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

N. **Special Conditions** – The Galena Planning and Zoning 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.

O. **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, 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 20 – Planned Community Facilities District (PCFD)

20.01 – Purpose and Intent

"Community facilities" as used throughout this zoning code, means facilities classified as principal and accessory uses as listed in this section. The Planned Community Facilities District (PCFD) and regulations are established in order to achieve the following purposes:

A. To provide a proper zoning classification for governmental, civic, welfare, educational, health care, senior citizen housing, religious, broadcasting, infrastructure and public service, park-and-ride facility, and recreational facilities in proper locations and extent so as to promote the general public safety, convenience, comfort, and welfare;

B. To protect community facilities and institutions from the encroachment of certain other uses and to make such uses compatible with adjoining residential uses; and

C. To regulate the location of such facilities so as to ensure their proper functioning in consideration of traffic, access, and general compatibility.

20.02 – Permitted Uses

Buildings and land within the PCF District shall be utilized only for the uses set forth in the following schedule:

Principal Buildings and Uses	Accessory Buildings and Uses
A. **Governmental**: Municipal, County, State and Federal buildings for administrative functions and use by the general public. Includes cemeteries, both public and private.	Public parking areas, administrative and maintenance facilities, mausoleums, signs, residence for custodians or guards.
B. **Civic/Welfare**: Art galleries, libraries, museums, community buildings, places for public assembly, memorials, monuments, civic, social, and fraternal organization; business and professional associations; labor unions/organizations; political, charitable, and other non-profit membership organizations; and public/private clubs.	Maintenance facilities. Bulletin boards and signs as hereinafter regulated.
C. **Educational**: Colleges, Primary and secondary public, private or parochial schools, nursery schools and related housing.	Parking areas, playgrounds, signs, maintenance facilities, storage areas, active and passive recreational facilities including gymnasiums, stadiums, parks, and nature preserves.
D. **Health Care**: General and special hospital and clinics, urgent care, medical/dental or other health care offices, physical therapy facilities,	Parking areas, signs.

convalescent centers, and institutions for care of children or senior citizens.	
E. **Senior Citizen Housing**: Retirement centers, Assisted Living Facilities, congregate care facilities.	Parking areas, signs, maintenance facilities, storage areas, active and passive recreational facilities including parks and nature preserves.
F. Religious: Churches, Places of worship, and related uses.	Parking areas, playgrounds, signs, maintenance facilities, storage areas, active and passive recreational facilities including gymnasiums, stadiums, parks, and nature preserves.
G. **Broadcasting:** Radio and television antennas and antenna towers, including offices and broadcast studios.	Parking areas, structure directly related to operation of facility, signs.
H. **Infrastructure and Public Service**: Buildings housing equipment and offices related to the provision of essential services, but not including actual lines and smaller structures such as pump stations.	Parking areas, signs, maintenance facilities, and storage areas.
I. **Recreational**: Refer to Article 22: Planned Recreational District (PREC)	
J. **Park-and-ride facility**: A facility providing daily parking as the principle use for mass transit passengers or carpooling.	Parking areas, shelters, and signs.

K. 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 deemed 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.

20.03 – Conditional Uses

Within this zoning district other uses may be permitted, subject to the conditions and restrictions imposed by the Zoning and Planning Commission pursuant to the provisions of Article 8 of this ordinance.

20.04 – Prohibited Uses

A. No use not specifically authorized by the express terms of this article of the Zoning Ordinance or by the Planning and Zoning Commission shall be permitted.

B. Unless specifically permitted by the Planning and Zoning Commission as incident and necessary to a permitted 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 Planning and Zoning 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 ordinance or the restrictions in the plat or deed or development plan.

D. Except as specifically permitted in Article 20.03 (K), no mobile home or mobile office structure shall be placed or occupied in this district.

E. Residential use of any kind. In the case of parcels or areas which are residential in character but exist within a Planned Institutional District at the time of adoption of this ordinance, or inclusion of said parcels or areas into a Planned Institutional District; continuation, enlargement, modification, and/or replacement of residential structures will be allowed.

F. Dog kennels or catteries.

20.05 – Development Standards

In addition to any other provisions of this ordinance, all lands and uses within the Planned Community Facilities 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 Dimensions** – Buildings may contain such area of floor space as is approved in the development plan.

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 Section 26.14 herein.

F. **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 Planning and Zoning Commission.

G. **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 Planning and Zoning Commission.

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

I. **Landscaping** – All yards, front, side, and rear, shall be landscaped and all organized open spaces or non-industrial use areas shall be landscaped. Such landscape plans shall be submitted with the development plan.

J. **Screening** – In strict compliance with the provisions of Article 26 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.

K. **Parking** – Off street parking shall be provided within this district in strict compliance with the provisions of Article 26 of this ordinance. 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.

L. **Signs** – Signs identifying or advertising uses within this district shall be in strict compliance with the regulations imposed by Article 29 of this ordinance.

M. **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 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.

N. **Lighting** – Exterior lighting fixtures shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

O. **Special Conditions** – The Galena Planning and Zoning 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.

P. **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, 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.

20.03 – Lot and Area Regulations

The area or parcel of land for a permitted community facility shall not be less than that required to provide a site adequate for the principal and accessory buildings, off-street parking and other

accessory buildings, off-street parking and other accessory uses, setbacks, yards, and open spaces to accommodate the facility and maintain the character of the neighborhood. The area or parcel of land for a permitted community facility shall be approved by the Planning Commission, pursuant to requirements in this section.

20.06 – Yard Regulations

A. **Front Yards** – The front yard setback shall not be less than the largest required front yard setback for any adjacent zoning district.

B. **Side and Rear Yards** – The yards for each community facility building shall be not less than the criteria set forth in the following schedule when adjacent to any district where residences are a permitted use. If the proposed community facility is located adjacent to a nonresidential zoning district, then the side and rear yards shall be not less than the largest yard required in that district.

Principal Buildings and Uses	Minimum Side & Rear Yard (feet)
Governmental: Administrative buildings	50
Civic/Welfare: Non-assembly buildings	50
Assembly buildings	75
Educational: Public, private, and parochial schools, colleges, and universities	75
Health care: Buildings	50
Senior citizen housing	50
Religious	50
Broadcasting	75
Infrastructure and public service	50
Park-and-ride facility	50
Recreational	75

C. **Driveways, Parking Areas, Play Areas** – Driveways and parking areas serving the community facility may be located within the side or rear yard set forth in the above schedule but driveways shall be located not less than ten (10) feet and parking areas not less than twenty (20) feet from the adjacent lot line, and play areas shall not be located less than fifty (50) feet from any adjacent district where residences are a permitted use.

Article 21 – Reserved

Article 22 – Planned Recreational District (PREC)

Section 22.01 – Purpose

The purpose of the Planned Recreational District is to permit the construction and use of private, semi-public, and public recreation facilities, provided the proposed location of such facility

recognizes and protects unique natural scenic areas for conservation of open space and for recreational uses. Proposed recreational facilities are encouraged in low density areas with a fostering of essentially non-urban activities or activities which are not likely to create a nuisance in terms of noise, odor, smoke, and the like to adjoining property owners. It is further a purpose of this district to encourage development of recreational activities upon such lands which are participatory in nature.

Section 22.02 – Application

This provision of the Zoning Resolution may apply to all lands that are to be used for recreational purposes.

Section 22.03 – Permitted Uses

Within the Planned Recreational District (PREC) 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. Public or private clubs and grounds for games and sports.

B. Public or private golf courses, to include commercial activities that are carried on in conjunction with golf course club house facilities such as pro-shop and restaurants.

C. Private clubs (including building and grounds) of a civic, social, business, educational or nature.

D. Recreational buildings, grounds, and accessory buildings in conjunction with playgrounds and athletic fields open to the public.

E. Public or private parks, preserves or sanctuaries, including accessory structures such as shelters and picnic areas.

F. Campgrounds provided that all federal, state, and local permits are obtained.

G. Other recreational ventures not provided by other sections of this resolution if approved as part of the plan.

H. Temporary structures such as mobile offices and temporary buildings of a non-residential character may be used incident to construction work. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months, renewable two times. The Zoning Inspector shall require provisions for sanitary waste disposal, and water supply. The fees for such permit and renewals thereof shall be established by the Board of County Commissioners. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit or no later than (10) days after project completion.

Section 22.04 – Conditional Uses

Within this zoning district other uses may be permitted, subject to the conditions and restrictions imposed by the Zoning and Planning Commission pursuant to the provisions of Article 8 of this ordinance.

Section 22.05 – 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 is prohibited.

C. Except as provided in the development plan, 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 Section 22.03(H) or in the approved development plan, no mobile home or mobile office structure shall be placed or occupied in this district.

E. No trash, debris, unused property, or discarded material shall be permitted to accumulate on any lot or portion of any lot which creates an eyesore, hazard or public nuisance to the neighborhood or general public.

22.06 – Development Standards

In addition to any other provisions of this resolution the following standards are required in this district:

A. **Setbacks** – The physical relationships of the structures or use areas and their minimum yard spaces shall be developed in strict compliance with the development plan or the provisions of Article 26 unless variance therefrom is approved.

B. 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.

C. **Building Dimensions** – Buildings may contain such area of floor space as is approved in the development plan.

D. **Landscaping** – All yards, front, side, and rear, shall be landscaped in accordance with Article 26 of this Resolution.

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

F. **Parking** – Off street parking shall be provided, at the time of construction of the main structure or building, with adequate provisions for ingress and egress according to the development plan. In preparing and approving the parking plan the provisions of Article 26 of this ordinance shall, when appropriate, be incorporated.

G. **Signs** – All signs shall comply with the provisions of Article 26 of this ordinance.

H. **Exterior Lighting** – All exterior lighting fixtures shall be shaded whenever necessary to avoid casting direct light upon any adjoining property.

I. **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 (O.S.H.A.) and other appropriate agencies shall be followed. Burning of waste materials in open fire is prohibited as enforced by the Ohio Environmental Protection Agency.

J. **Air Pollution** – No emission of air pollutants shall be permitted which violate the Clean Air Act Amendment of 1977 or later amendments as enforced by the Ohio Environmental Protection Agency.

K. **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.

L. **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.

M. **Liquid or Solid Wastes** – No discharge at any point into any public sewer, private sewage disposal system or stream, or into the ground, or 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.

N. **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.

O. **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.

P. The Planning and Zoning Commission and/or 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 23 – Old Towne Historic Overlay District (OTHO)

23.01 – Purpose and Boundaries

The Village of Galena was founded in 1809 and many 19th-century and early-20th century buildings still exist. The Old Towne district of Galena is the very heart of what draws people to Galena for its historic New England character. The residents value its ties to the past so much so that they envision new developments will reflect and complement Old Towne in an effort to embrace its character throughout their community. In that interest, the Old Towne Historic Overlay District is established with the boundaries shown on the Zoning District Map. The district may be expanded by amendment to this article. The purpose of the district is to:

A. Promote appreciation for the history and traditions of Galena;

B. Foster civic pride in the beauty and contributions of the past;

C. Preserve and protect Galena's unique identity, heritage, and historic structures;

D. Encourage adherence to architectural standards that reflect and complement the historic styles present; and,

E. Promote the use, reuse, and preservation of historic sites and structures for the economic, cultural, and aesthetic benefit of its residents.

F. Strive to achieve compatibility of any and all new construction or any and all modifications of existing structures with the historic architectural character of the village.

G. Encouraging the continued success of Old Towne by averting demolition by neglect and purposeful demolition without just cause by seeking alternatives to demolition.

H. Encouraging the development of vacant properties located in Old Towne in accordance with the historic character of the area.

23.02 – Zoning Review Required

In addition to other requirements of this ordinance, all other environmental changes in the Old Towne Historic Overlay District that propose exterior modifications, structural alterations, additions, new construction, and/or demolition shall be subject to review and approval by either the Zoning Inspector or the Planning and Zoning Commission to determine if the changes:

A. Are stylistically compatible with other structures in the Old Towne Historic Overlay District;

B. Contribute to the improvement and upgrading of the historical character of the district;

C. Contribute to the continuing vitality of the district;

D. Protect and enhance the historic nature of the district; and,

E. If the reason for the request to demolish a structure are sufficient to warrant the loss of an historic structure and what that impact is on the district.

23.03 – Major and Minor Environmental Changes

Environmental Changes are divided into two (2) categories as follows:

Major	Minor
• New construction • Alterations which change, modify, reconstruct, remove, or demolish any exterior features of an existing structure that are not considered to be minor modifications • Demolition • Structure additions • Changes to paint and siding colors • Replacement of windows and doors • Solar panels • Re-roofing with changed materials • Fences and walls • Swimming pools and spas • The addition of signage • Face changes to signage • Changes to nonconforming signs • New, relocated, and expanded parking lots • Patios, porches, and other defined outdoor areas used for dining or other commercial activities • Multiple minor changes may be defined as a major change, as determined by the Code Compliance Office • Similar changes as determined by the Code Compliance Office • Changes determined by the Code Compliance Office to have a detrimental impact to the district	• Addition or deletion of awnings or canopies • Gutters • Skylights • Satellite dishes • Changes in materials but not in appearance • Re-roofing with like style material • Landscape modifications • The construction of sports fields and associated bleachers, fences, dugouts and like facilities not requiring a commercial building permit, as approved by the Code Compliance Office • Modifications to off-street parking and loading areas • Accessory buildings • Decks, Porches, and Patios (residential) • Similar changes as determined by the Code Compliance Office

No environmental changes are to be made within this District until a Certificate of Appropriateness (COA) has been properly applied for and issued. Minor environmental changes are reviewed by the Zoning Inspector. Major environmental changes require a public hearing before the Planning and Zoning Commission. If the Zoning Inspector determines that multiple minor changes equate to a major change or there are extenuating circumstances, the issue may be forwarded to the Commission for a hearing. No zoning or building permit shall be issued in this District until a COA or a “no permit required” letter is issued.

23.04 – Demolition Permit Required

Demolition of a structure within this district requires the applicant to prove why the historic structure cannot be saved. If an applicant applies to demolish a structure, the Planning and Zoning Commission may approve the demolition and the Zoning Inspector shall issue a Certificate of Appropriateness (COA) when at least one of the following conditions prevails:

A. The structure contains no features of architectural and historic significance to the character of the District.

B. There exists no reasonable economic use for the structure as it exists or as it might be restored, and that there exists no feasible and prudent alternative to demolition.

C. Deterioration has progressed to the point where it is not economically feasible to restore the structure.

D. The location of the structure impedes the orderly development, substantially interferes with the purposes of the District, or detracts from the historical character of its immediate vicinity; or the proposed construction to replace the demolition significantly improves the overall quality of the District without diminishing the historic value of the vicinity or the District.

A request for demolition may be transferred with the sale of the property. A new owner shall not be required to re-apply. However, the requirements of this section shall continue to apply to any new owner(s).

The Commission may delay the determination of the application for demolition for a period of one-hundred eighty (180) days upon a finding that the structure is of such importance that alternatives to demolition may be feasible and should be actively pursued by both the applicant and the Commission. In the event that action on an application is delayed as provided herein, the village may take such steps as it deems necessary to preserve the structure concerned, including mothballing, in accordance with the purposes of this Zoning Ordinance. Such steps may include but shall not be limited to:

A. Consultation with civic groups, public agencies, and interested residents.

B. Recommendations for acquisition of the property by public or private bodies or agencies.

C. Exploration of the possibility of moving one or more structures or other features.

D. Under no circumstances can the Commission commit the use of public funds. They may make such recommendations to Village Council

If the Commission considers an application for demolition or removal of a historically and architecturally significant structure within the District, the Commission may impose a waiting period not to exceed one (1) year. During this period, the Commission and the applicant shall make every reasonable effort to find an alternative to demolition. During the waiting period, the owner of the structure shall maintain and preserve the structure to prevent further deterioration. If the Commission and the applicant do not agree on a means of preserving the structure within the specified waiting period, the application for demolition may be approved or disapproved. The imposition of the waiting period is subject to appeal.

23.05 – Maintenance Required

Nothing in this chapter shall be construed to prevent ordinary maintenance or repair of any property within this District, nor shall anything in this chapter be construed to prevent any change, including the construction, reconstruction, alteration, or demolition of any feature which in the view of the Zoning Inspector is required for the public safety because of an unsafe, insecure, or dangerous condition. If a structure is to remain vacant for a period of time, the owner must properly mothball the structure to protect it from further deterioration or vandalism and ensure the public's safety.

23.06 – Certificate of Appropriateness (COA) Required

No environmental change shall be made to any property within the District until a Certificate of Appropriateness (COA) has been properly applied for and issued by Zoning Inspector or the Planning and Zoning Commission. No zoning permit shall be issued for any major or minor environmental change in the District unless a Certificate of Appropriateness has been issued. In cases where a standard is not required by this ordinance, then a "no permit required" certificate may be issued by the Zoning Inspector.

23.07 – Application Contents

In addition to the standard Zoning Permit Application, an Application for a Certificate of Appropriateness in the Old Towne Historic Overlay District shall be submitted for all environmental changes including:

A. The original date of the structure being renovated or added to (if known, or the closest estimate);

B. Elevations illustrating the existing structures and the proposed changes and architectural style;

C. A description or a sample of materials and colors to be used in the proposed project;

D. Details of any special architectural design problems;

E. Site plan, including massing and relationships to surrounding structures and landscaping elements, signs, and lighting; and,

F. Evidence supporting the request to significantly alter or demolition an historic structure.

G. The applicant may submit photographs, sketches, or other material to illustrate the proposed project.

The application must be filed at least thirty (30) days prior to the next regularly scheduled Planning and Zoning Commission meeting. Upon receipt of an Application for COA and all pertinent documents and fees, the Zoning Inspector will inform the applicant of the review process (administrative review or Commission hearing), any additional documents required, and expected hearing and decision dates.

23.08 – Application Review

If the application is submitted in conjunction with an application for new construction, a change in use, or rezoning, the plan review shall occur simultaneously with the Application for a Certificate of Appropriateness (COA). Upon receiving an application for Application for COA, the Planning and Zoning Commission shall set a public hearing date within thirty (30) days (unless waived by the

applicant). The Commission may request such additional information as is deemed necessary to review the application for compliance with this chapter. The Commission may retain an architect/advisor or archaeologist for input on the application. Such review costs will be passed through to the applicant.

23.09 – Economic Hardship or Unusual and Compelling Circumstances

A. For any application relating to property in an area covered by this chapter, the applicant bears the burden for demonstrating that an application is related to economic hardship or unusual and compelling circumstances in accordance with the standards of this chapter. The applicant is encouraged to seek assistance from the Village in determining information helpful in demonstrating this burden.

B. It is recognized that the level of documentation of economic hardship or unusual and compelling circumstances required of an applicant may vary as may be appropriate to each case. The following documentation may be required as deemed necessary by the Commission.

   1. The amount paid for and date of purchase of the property if purchased within two (2) years prior to the application; copies of the two (2) most recent appraisals of the property; real estate tax bills or receipts for the two (2) years immediately preceding the application; any listings of the property for sale or rent; any written offers to purchase or rent the property; any consideration of the applicant for adapting the property to a new use; and a detailed cost comparison of the work proposed by the applicant and any alternative consistent with architectural standards and guidelines for the property.

   2. For all income-producing property: annual gross income from and itemized operating expenses for the property for the past two (2) years; and evidence that the owner or applicant has made a reasonable effort to obtain an economic return thereon.

   3. For showing substantial reduction in the value of the property: estimates of the value of the property with applicant's requested proposal and with alternatives consistent with the architectural standards and guidelines for the property.

   4. For showing that alternatives are not within applicant's financial means: a statement of applicant's annual income and expenses either as an income tax return and budget or as an accountant's statement; and an estimated differential in initial and annual costs between applicant's proposal and conformity to architectural standards and guidelines for the property. Actual bids shall be preferred.

C. In addition to the materials required by this chapter, an applicant who desires to present a case for economic hardship or unusual and compelling circumstances may provide the following as appropriate:

   1. A statement of relevant circumstances.

   2. For showing that no other reasonable means exist for saving the property: copy of condemnation or housing order based on deteriorated condition of property; a structural analysis by a licensed architect, engineer, or contractor experienced in alterations to historic properties as to the structural soundness of the property or architectural feature accompanied

by the individual's or firm's qualifications for making such analysis; documentation that property has been offered for sale.

3. For showing that the property cannot be reasonably maintained in the manner desired by the Commission: a report by a licensed architect, engineer, or contractor experienced in alterations to historic properties that the unusual design, materials, texture, or details prohibit the reasonable maintenance of the property or exterior architectural feature with an explanation as to how the property's location is not conducive to its reasonable maintenance accompanied by the individual's or firm's qualifications for making the report.

D. The following criteria shall be used for all applicants to determine the existence of a substantial economic hardship:

1. Denial of a certificate will result in a substantial reduction in the economic value of the property;
2. Denial of a certificate will result in a substantial economic burden on the applicant because the applicant cannot reasonably maintain the property in its current form;
3. No reasonable alternative exists consistent with the architectural standards and guidelines for the property; and,
4. The owner has been unable to sell the property.

E. The following criteria shall be used for all applicants to determine the existence of unusual and compelling circumstances:

1. The property has little or no historical or architectural significance.
2. The property cannot be reasonably maintained in a manner consistent with the pertinent architectural standards and guidelines.
3. No reasonable means of saving the property from deterioration, demolition or collapse other than applicant's proposal exists.

F. A non-profit organization shall submit information demonstrating that in meeting the requirements of this chapter, it cannot financially or physically achieve its purpose. To demonstrate this requirement, the organization shall submit in addition to materials of divisions (C) and (D) above, the following shall be submitted:

1. A copy of its charter and bylaws or mission statement;
2. An explanation of how the applicant's proposed construction, alteration, or demolition is essential to the purposes of the organization and how the Commission's recommendation conflicts therewith;
3. An estimated differential in costs between the applicant's proposal and consistency with the architectural standards and guidelines for the property (actual bids preferred); and,
4. Documentation of the organization's tax-exempt status.

G. Decisions on hardship determined by the Planning & Zoning Commission can be appealed to Village Council for a final determination.

23.10 – Standards and Criteria

In reviewing an application, the Planning and Zoning Commission shall consider the following:

A. **Preserve Historic Character** – The historic character of a property shall be retained and preserved. Each property shall be recognized as a physical record of its historic time, place, and use. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved. Alterations that have no historical basis and which seek to create an appearance inconsistent or inappropriate to the original integrity of the property shall be discouraged. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible. Significant archeological resources affected by a project shall be protected and preserved, if such resources must be disturbed, mitigation measures shall be undertaken. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved.

B. **Architectural Compatibility** – Based on submitted materials, whether the proposed architecture follows or exemplifies any one or a combination of the following architectural styles: Georgian, Federal/Adamesque, Gothic Revival, Greek Revival, Italianate, Craftsman, Bungalow, Cape Cod, and Colonial Revival. Relevant Ohio building types include I House, Side Hallway, Four-over-Four, New England One and a Half, Upright and Wing, Gabled Ell, American Foursquare, and False front. These styles and building types are considered consistent with existing residential architecture in the Village and depict the objectives of the Comprehensive Plan.

C. **Height** – The height of the building shall be measured at the ridgeline or the parapet. All new construction should be within ten percent (10%) of the average height of the existing adjacent buildings, unless the structures are of a potential landmark character, or the Planning Commission finds that it is not in the best interest of the community that a common height be maintained.

D. **Building Massing** – In evaluating building massing, such characteristics as the building width, height, surrounding setbacks, and style shall be considered in relationship to all other structures within one hundred (100) feet. This relationship between buildings should allow for consistency of style, size, and density in each given neighborhood area.

E. **Roof Shape** – Roof shape is particularly significant in low buildings or buildings which will be seen from a distance or from above. Roof forms and materials may relate to surrounding buildings. Tall building roof shapes should be evaluated from the logical point or points from where they would be viewed rather than from a straight elevation.

F. **Materials and Texture** – Materials and texture are particularly important in terms of their relationship to surrounding buildings and the use of natural materials should be encouraged. Brick color from actual samples should be evaluated. In many cases, through the skillful use of color, significant compatibility with the surrounding environment can be developed. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

G. **Use of Details** – In evaluating building details, the primary concern is for appropriateness to the scale and overall design concept of the building and its environment. Building details may attempt to recall the spirit of an earlier period detailing in contemporary application. If the applicant chooses to reproduce historic details, such as colonial window treatment, etc., it becomes important that some historical authenticity is maintained. In older structures, detailing may be highlighted through painting.

H. **Use of Live Plant Material** – Planting materials should be evaluated on their use for accentuating and highlighting the architectural details of screening undesirable areas such as vacant lots, parking, and mechanical equipment. Planting and landscaping are particularly important where parking lots are utilized. Mounding may be developed to partially screen automobiles from the pedestrian view or driving views. In addition, larger parking lots (over fifteen cars) should be broken up by interior landscaping, preferably at the ends of parking aisles. Where year-round screening is required, evergreen planting is appropriate.

I. **Use of Landscape Design** – Other elements of exterior design, such as walls, become a part of the building and tie it to adjoining structures or give it additional character. Lighting is particularly important, both from the standpoint of providing light to the pedestrian as well as affecting the view of the building in the evening hours. Where possible, lighting should be either low level or screened from any potential of shining directly into pedestrians' or auto drivers' eyes. When appropriate, the applicant should provide a lighting plan as seen at night.

J. **Enhancement of Pedestrian Environment** – Where possible within commercial areas, elements which can contribute to the quality of the pedestrian environment and other public amenities should be promoted. Included among these may be benches, water fountains, seating areas, arcades, awnings, or canopies. Improving circulation and developing new pedestrian routes, such as mid-block connections, are particularly desirable.

K. **Signage** – As regulated by the sign regulations, signage will be most significant in communicating the character of the building. Signage should be discreet and minimal. Signs oriented to the pedestrian should be small in scale; those oriented toward automobile traffic may be larger. Color should be subdued, and where appropriate, the architectural character of the sign should be consistent with that of the building. Signs flush on the building face are in many cases preferable to projecting signs.

L. **Demolition** – Has the structure been damaged by fire, acts of nature, or other reasons beyond repair? Has every effort been made to save and/or restore the structure? A demolition permit shall not be issued if the owner has willfully neglected the property in order to further the need or desire for demolition.

M. **District Compatibility** – Do the proposed environmental changes promote, preserve, and enhance the historical character of the District and will ensure, at a minimum, that the changes meet the criteria for this District. If a structure is to have a new use, other than its historical use, minimal changes will be made to the defining characteristics of the building and its site.

N. **Other Elements** – The Commission may request additional information as necessary to determine appropriateness of the proposed changes.

23.11 – Decision

The Commission may approve the application as submitted, may conditionally approve the application, or may reject the application. The Commission shall act upon the application within thirty (30) days from the date of the completed hearing (a hearing may be continued to a subsequent meeting). If the applicant or a representative fails to appear at the hearing, the Commission may table the issue, dismiss the application, or may proceed to make a decision. If the Commission approves, or approves with conditions, a Certificate of Appropriateness shall be issued.

In the event of minor environmental changes, the Zoning Inspector shall issue a decision on the COA within thirty (30) days from the date of receipt of a completed application.

23.12 – Period of Validity

A COA shall be valid for a one year from the date of issuance. The COA shall become null and void unless the construction or other action authorized has been started within one (1) year after its issuance and is being carried forward to completion or occupancy of the land, site, or buildings. The Commission may approve one (1) six-month extension of the COA upon written application prior to its expiration date. The extension may be granted provided the Commission finds that the reasons for the extension were beyond the immediate control of the applicant. If the COA expires, a new application shall be required.

23.13 – Administrative Modifications

The Zoning Inspector, in administering a COA, may authorize minor plan modifications to building layouts, parking arrangements, sign locations, lighting, and other building and site-related improvements that are required to correct any undetected errors or address changes to the site made necessary during construction, provided the modifications remain consistent with the COA.

A. No modifications shall be made that increases the permitted density of development or make any change to a permitted or conditional use.

B. Modifications deemed minor may include such changes as:

1. Minor adjustments in the location of and layout of parking lots provided the perimeter setbacks, yards and buffers are maintained;

2. Substitution of landscaping materials specified in the landscape plan with comparable materials of an equal or greater size;

3. Redesigning and/or relocating storm water management facilities provided that general character and storm water capacities are maintained;

4. Redesigning and/or relocating landscaping, provided that the same level and quality of screening is maintained;

5. Minor modifications to the sign face, landscaping, and lighting, provided the other sign requirements of the COA are maintained;

6. Minor changes in building material or colors which are similar to and have the same general appearance comparable to, or of a higher quality, as the material approved in the COA.

7. Changes required by outside agencies such as the county, state, or federal departments.

8. Other minor modifications deemed by the Zoning Inspector that do not alter the basic design or any specific conditions imposed as part of the original approval or are a minimal structural modification necessary to protect the structure due to Acts of God after the COA was issued.

C. The Zoning Inspector shall report approved modifications to the Commission. The Inspector may submit any modification to the Commission that might otherwise be considered minor if the Inspector finds that the overall extent and effect of the proposed modification should be reviewed by the Commission.

23.14 – Penalties

Whoever constructs, reconstructs, alters, or modifies any exterior architectural or environmental feature within this District in violation of this chapter shall be subject to a fine of up to one thousand dollars ($1,000.00) for each separate occurrence. Any property owner who demolishes a structure within this District in violation of this chapter shall be subject to a fine of up to ten thousand dollars ($10,000.00).

Article 24 - Reserved

Article 25 - Reserved

Article 26 – General Development Standards

26.01 – 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 ensure that the general welfare of Galena's citizens 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 landowner in any rezoning or variance.

26.02 – Parking

Wherever parking areas are to be provided as required by the provisions of this ordinance, the following conditions shall apply:

A. **Dimensions –** All parking spaces shall be no less than nine (9) feet wide and twenty (20) feet long. Such spaces shall be measured rectangularly and shall be served by aisleways of sufficient width to permit easy and smooth access to all parking spaces.

B. **Paving** – Except in the Farm Residence (FR-1) zoning district, 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 Planning and Zoning 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 26.02 (b).

D. **Parking Area Location** – Except in the single-family Farm Residence (FR-l) district, 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. 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 structure 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 garages shall be constructed so as to be architecturally compatible with the residence.

26.03 – Height Limitations

No building or structure in this district shall exceed two-stories (2) or thirty-five (35) feet in height measured from the finished grade. 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.

26.04 – 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 firewall, free of any opening and capable of stopping the spread of any fire. Convergences may be included in development plan applications for zero lot line projects.

26.05 – Sanitary Sewer and Pollution Control

All uses shall be conducted in conformance with regulations promulgated by the Environmental Protection Agency, the Delaware County Department of Health, the Village's Sewer Use Ordinance, and the Village Subdivision Regulations. Prior to the issuance of any zoning certificate, evidence of compliance with said regulations shall be presented to the Zoning Inspector.

26.06 – 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-l 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 forty-eight (48) inches in height and shall be maintained in good condition with a gate (w/auto closing mechanism) and lock. NOTE: Hard pool covers may be installed at the discretion of the property owner, but hard pool covers do not nullify the requirement for a wall or fence.

26.07 – 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 breast height diameter minimum trunk size being required per lot. The Village maintains a list of acceptable tree species.

A. **Landscaping** – All property owners should pay close attention to maintenance of proper landscaping within 60 days after completion of construction of the principal structures or other improvements. Maintenance of ground cover at all times is encouraged to prevent erosion. Replacement of trees removed or damaged during the land clearing and construction, should be accomplished within 60 days after completion of construction of the principal structures or other improvements. Tree plantings shall be located outside of the street right-of-way or any sewer or water easements except as approved as part of a development plan. They must be planted in such a 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 Planning and Zoning Commission, the street lawn shall be planted in grass or other suitable ground cover. Trees will only be allowed in the tree lawn as part of an approved development plan.

26.08 – 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, natural vegetation, or an acceptable combination of these elements as determined by the Planning and Zoning Commission. Trash containers shall not be located in front of the building line 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 that will attain six (6) feet in height within two (2) years of planting.

26.09 – Drainage

All construction 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 ensure that proper drainage on the subject property and adjacent or servient properties is maintained or improved. Where applicable, the Village of Galena Comprehensive Stormwater Management 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.

26.10 – Flood Plain Regulations

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

A. The floodplain administrator 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/she shall be given reasonable opportunity to present technical evidence to support his/her position.

B. Open space uses shall be permitted within the flood plain to the extent that they are permitted within the zoning district controlling the use of said land and provided they do not require structures, fill, or storage of material or equipment.

C. No structure 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 mainstream, drainage ditch, or other drainage facility or system.

D. No fill shall be deposited within the flood plain without permission from the floodplain administrator. The applicant must prove that such fill is for some beneficial purpose and will be protected against erosion by riprap, vegetation cover, or bulk-heading. No dredging shall be permitted of the channel or floodway unless the applicant provides evidence to the floodplain administrator that all state and federal permits have been issued as required by law.

26.11 – Private Swimming Pools

This section applies to the construction and operation of private swimming pools and is applicable to bodies of water used for swimming and/or recreational bathing and is not applicable to storm drainage or detention facilities authorized by the Village. This section is exclusive of portable swimming pools. Private swimming pools shall be allowed in any residential district subject to the following conditions and requirements:

A. The pool is intended solely for the occupants of the principal use of the property on which it is located.

B. Such pool, including walks, paved areas, decks, equipment, and appurtenances thereto, shall not be located in any front yard, nor closer than fifteen (15) feet to any property line.

C. The area of the swimming pool, exclusive of decks, walks, and appurtenances shall not exceed ten percent (10%) of the area of the lot or parcel.

D. Any private swimming pool, or the property on which it is located, shall be enclosed by a wall or fence constructed so at to prevent uncontrolled access. Such wall or fence shall be of such design and construction as to effectively prevent a child from crawling or otherwise passing under, over, or through such fence or barrier. Such wall or fence shall not be less than forty-eight (48) inches in height, maintained in good condition by the property owner, and affixed with an operable gate and lock. Additionally, fence requirements of this ordinance shall apply.

E. All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located, and installed so as to confine the direct beams thereof to the lot or parcel upon which the pool is located.

26.12 – Community Swimming Pools

This section applies to the construction and operation of community swimming pools and is applicable to bodies of water used for swimming and/or recreational bathing and is not applicable to storm drainage or detention facilities authorized by the Village. Community swimming pools shall be allowed in any district subject to the following conditions and requirements:

A. Such pool, including walks, paved areas, decks, equipment, and appurtenances thereto, shall not be located in any front yard, nor closer than thirty (30) feet to any property line.

B. Any private swimming pool, or the property on which it is located, shall be enclosed by a wall or fence constructed so at to prevent uncontrolled access. Such wall or fence shall be of such design and construction as to effectively prevent a child from crawling or otherwise passing under, over, or through such fence or barrier. Such wall or fence shall not be less than six 6) feet in height, maintained in good condition by the property owner, and affixed with a secure lock that shall be kept locked at all times when the pool is not in use or under immediate control of a responsible person. Additionally, fence requirements of this ordinance shall apply.

C. All lights used for the illumination of the swimming pool and adjacent areas shall be designed, located, and installed so as to confine the direct beams thereof to the lot or parcel upon which the pool is located.

26.13 – Set Back Regulations

No structure 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 below.

A. **Classes** – For purposes of this chart or table and for all other purposes of this ordinance, streets, roads, highways, and approved private roadways shall be classified in one of the three following classes:

Class A – Harrison/Old 3C Highway, Columbus and Walnut streets, or any other streets or roads as may later be designated by the Village of Galena Council.

Class B – Any other through street, road, or private roadway as may be approved by the Village Engineer that connect two or more public roads.

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.

B. **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 26 of this ordinance.

ZONING DISTRICT	**ROAD CLASSIFICATION**

	Class A	**Class B**	**Class C**
FR-l: 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
PRD: Planned Residence District	As approved in Development Plan	As approved in Development Plan	As approved in Development Plan
PMUD: Planned Mixed-Use District	As approved in Development Plan	As approved in Development Plan	As approved in Development Plan
PC: Planned Commercial and Office District	As approved in Development Plan	As approved in Development Plan	As approved in Development Plan
PI: Planned Industrial District	As approved in Development Plan	As approved in Development Plan	As approved in Development Plan
PCFD: Planned Community Facilities District	As approved in Development Plan	As approved in Development Plan	As approved in Development Plan
PREC: Planned Recreational District	As approved in Development Plan	As approved in Development Plan	As approved in Development Plan
OTHO: Old Towne Historic Overlay District	As approved in Development Plan	As approved in Development Plan	As approved in Development Plan

26.14 – 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 upon information in this table.

ZONING DISTRICT USE CLASSIFICATION	**MAXIMUM DENSITY**	ARTICLE
Farm Residence District (FR-1)	1 per acre - gross	Article 13
Low Density Residence District (R-2)	1 per 20,000 SF - gross	Article 14
Planned Residence District (PRD)	2 plus credits per acre Single Family 4 per acre Two Family & Townhouses 4 per acre Two Story Multi-family residences	Article 15
Planned Mixed-Use District (PMUD)	2 plus credits per acre Single Family 4 per acre Two Family & Townhouses 4 – 6 per acre Two Story Multi-family residences	Article 17
Planned Commercial and Office District (PC)	As approved in Development Plan	Article 18
Planned Industrial District (PID)	As approved in Development Plan	Article 19
Planned Community Facilities District (PCFD)	As approved in Development Plan	Article 20
Planned Recreational District (PREC)	As approved in Development Plan	Article 22
Old Towne Historic Overlay District (OTHO)	As approved in Development Plan	Article 23

Article 27 – Outdoor Lighting Standards

27.01 – Purpose

Good outdoor lighting at night benefits everyone by improving vision, increasing safety and security, and enhancing the Village's nighttime character. 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 produces light pollution. There is a need for lighting standards that recognize the benefits of outdoor lighting and provide clear guidelines for its proper design and installation that will contribute to the safety and welfare of the Village's residents.

These regulations are intended to eliminate problems of glare, minimize light trespass, reduce light pollution, provide proper illumination for all vehicular and pedestrian areas, and help reduce the energy and financial costs of outdoor lighting.

27.02 – Regulations

All public and private outdoor lighting installed in the Village of Galena shall be in conformance with the requirements established by this Ordinance and should be consistent with the International Dark-Sky Association's (IDSA) goal to eliminate over-lighting. 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.

27.03 – General Requirements

A. All developments with ten (10) or more required parking spaces shall provide exterior lighting for all exterior doorways, pedestrian pathways, and vehicular use areas. All developments with fewer than ten (10) parking spaces shall provide exterior lighting at all exterior doorways.

B. All exterior lighting shall be designed in a consistent and coordinated manner for the entire site. To avoid creation of "hot spots" or irregular lighting levels, lighting uniformity across a horizontal surface shall have an average range from one foot-candle to three foot-candles or not exceeding 4:1 average to minimum light levels.

C. No site or sign lighting shall be illuminated in a way that moves, has the appearance of movement, or produces a flashing light effect.

D. The use of laser light sources, searchlights, or any similar high intensity light for commercial outdoor advertisement or entertainment is prohibited.

E. The following are exempt from this section, provided that they have no glare or other detrimental effects on adjoining streets or property owners:

    1. Residential private swimming pools;

2. Holiday decorations;

3. Pedestrian walkway ground lighting;

4. Single-family residential lighting; and

5. Public streetlights.

6. All outdoor recreational/sports facility lighting provided the lighting complies with this section to minimize the impact of light trespass and glare on all surrounding properties and public rights-of-way. See Article 27.09 for Recreational Lighting requirements.

F. Planned Development Districts adopted and established in accordance with the provisions of this chapter and the requirements contained therein shall take precedence over any conflicting provisions contained in this section.

27.04 – Control of Glare (Luminaire Design Factors)

For any luminaire with a lamp or lamps rated at a total of more than 1,800 lumens, and all flood or spot luminaires with a lamp or lamps rated at a total of more than 900 lumens, shall adhere to the following:

A. Shall not emit any direct light above a horizontal plane through the lowest direct-light-emitting part of the luminaire. Lighting attached to buildings or other structures shall not permit light to be directed horizontally. Building-mounted lighting shall be fully shielded and directed downward to prevent off-site glare. If the exterior walls of a structure are to be illuminated, the lights must be mounted at the top of the wall and aimed down. Ground or pole-mounted floodlights are not allowed for façade lighting.

B. 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.

C. Lighting provided for security or visibility on any site shall be shielded to reduce glare and shall be so arranged and maintained as to direct the light away from any residential district or use.

D. All exterior lighting, including but not limited to doorways, architectural, accent, landscape, signs, decorative, security, floodlighting, or area lighting shall be "total cutoff type" or no portion of the lamp, reflector, lens, or refracting system may extend beyond the housing or shield so as to create or allow glare to be visible from offsite.

E. Building perimeter wall lights shall be cutoff type and shall direct the light down. The lamp shall not be visible from normal viewing angles. Exterior emergency lighting shall be provided at all exit doors.

F. Decorative incandescent lights 100 watts or lower do not require shielding.

Lighting required by the Building Code for emergency egress when operating in emergency conditions is exempt from this requirement.

G. Pole-mounted lights shall use not greater than 250-watt metal-halide lamps at mounting heights of 20 feet and below and 400-watt metal-halide lamps at 35 feet mounting height. One thousand-watt lamps shall not be used.

H. Light originating on a site shall not be permitted beyond the site to exceed the following values when measured at grade, ten (10) feet beyond the property line for the following adjacent properties:

Residential	0.3 foot-candles
Industrial/warehouse	1.5 foot-candles
Multi-family	0.5 foot-candles
Office/commercial	1.0 foot-candles

I. Parking lot illumination for parking lots exceeding one-hundred fifty (150) spaces constructed after the effective date of this amendment shall be reduced by fifty percent (50%) of full lighting levels at 10:00 p.m. or within one hour after the use for which the parking is used closes, whichever is later, subject to the following:

1. Lighting levels may be reduced either by turning off fifty percent (50%) of the fixtures or by reducing the lighting level of all fixtures, or an appropriate combination of techniques.

2. At the option of the property owner to enhance security, full lighting may be maintained for all spaces within one-hundred fifty (150) feet of the main entrance.

J. Canopy lights shall be mounted flush with the underside of the canopy and provided with flat lenses to limit glare.

K. All signs shall comply with the illumination requirements of Sign Chapter of this Ordinance.

27.05 – Fixtures

A. Fixtures used shall maintain a unified lighting standard, minimize shadows for site safety, and minimize sky glow.

B. Except as otherwise provided below, light fixtures shall be no higher than twenty (20) feet (measured from the ground to the top of the fixture) and shall be provided with light cut-off fixtures that direct light downward and the interior of the parcel. Up-lighting shall be prohibited.

C. For parking lots serving a single building or groups of related commercial, industrial, or office buildings in excess of five hundred (500) spaces, light fixtures may be permitted up to a maximum height of 35 feet when the poles are at least one-hundred fifty (150) feet from a residentially used or zoned site.

D. Modifications – Decorative light fixtures may be approved as an alternative to shielded fixtures when there will be no off-site glare and the proposed fixtures will improve the appearance of the site.

E. All non–essential outdoor lighting fixtures for non-residential uses, including lighting for parking areas, Signs, displays and aesthetic lighting, shall be turned off after business hours. Only lighting needed for safety or security may remain lit after close of business, in which case the lighting shall be reduced to the minimum level necessary. Automatic shut-off fixtures, auto-dimming to adjust lighting based on ambient lighting and the use of as little lighting as necessary without creating safety issues is encouraged.

F. Fixture substitution – Should any light fixture regulated under this section, or the type of light source in the fixture, be changed after the site plan is approved or a permit has been issued, a change request together with adequate information to assure compliance with this section must be submitted to and approved by the Zoning Inspector. No substitution may be made unless the request is approved.

27.06 – Exceptions to Control of Glare

A. Any luminaire with a lamp/lamps rated at a total of 1,800 lumens or less, and all flood or spot luminaires with a lamp/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 twenty-five (25) feet and may be positioned at that height up to the edge of any bordering property.

C. All temporary emergency lighting needed by police, fire, 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. 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.

26.07 – Pedestrian and Landscape Lighting

A. Decorative "streetscape" luminaires, not higher than eighteen (18) feet may be used for pedestrian and roadway illumination provided luminaires with cutoff optics are used. The lamp must be recessed to shield the light source and prevent light above horizontal (90 degrees to nadir). Normal lamp wattage shall be one hundred (100) watts, not to exceed one-hundred seventy-five (175) watts. Multiple luminaires may be mounted on a common pole to achieve higher light levels where required. Decorative drop lenses are allowed on these luminaires only.

B. Low-level bollard lights, no higher than four feet, may be used to illuminate pedestrian areas and walkways. Ground mounted pathway lights may only be used if there is no up-light component. Step-lights with cutoff optics may be used to illuminate exterior stairways and pedestrian walkways.

C. Pole mounted luminaires located in landscaped areas away from vehicles, if not flush with the ground, shall be mounted on concrete foundations that protrude no more than six (6) inches above finished grade. Luminaires in parking areas or in landscaped areas shall be located at least four feet from the back of the curb and, if not flush with the ground, shall be mounted on concrete foundations that protrude not more than thirty (30) inches above the finished pavement.

D. Flagpoles may be illuminated by up-lights or floodlights as required. Beam spread shall be only as required to illuminate the flag clearly. Adjustable louvers shall be used to limit beam spread if necessary. Maximum lamp size shall be one hundred (100) watts.

27.08 – 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 this article. Bottom-mounted outdoor advertising-sign lighting shall not be used.

B. **Illuminated Within** – 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 forty-one (41) watts.

C. **Compliance Limit** – Existing outdoor advertising structures shall be brought into conformance with this Ordinance within one year 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.

27.09 – 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 22.06(h) 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.

27.10 – 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.

27.11 – Temporary Outdoor Lighting

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 the following:

A. The public and/or private benefits that will result from the temporary lighting;

B. Any annoyance or safety problems that may result from the use of the temporary lighting; and,

C. 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 meeting of the Commission with prior notice 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.

27.12 – Grandfathering of Nonconforming Luminaires

A. All luminaires lawfully in place prior to the effective date of this Ordinance 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 one (1) year, as specified in Section 27.08 C.

B. 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 ninety (90) days of notification, so that the luminaires do not cause a potential hazard to motorists or cyclists.

27.13 – New Subdivisions

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:

1. Plans indicating the location on the premises, and the type of illuminating devices, fixtures, lamps, supports, reflectors, and other devices;

2. 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); and,

3. 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 submit additional evidence of compliance to enable such determination such as certified reports of tests 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 this Ordinance 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 approval, together with adequate information to assure compliance with this code, which must be received prior to substitution.

27.14 – 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 thirty (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).

Article 28 – Telecommunication Towers

28.01 – Purpose

The purpose of this article 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.

28.02 – Exceptions

The following shall be exempt from this regulation:

A. Wireless communication facilities used for other governmental emergency services or Village purposes.

B. Amateur radio towers used in compliance with the terms of any amateur radio service licensed by the Federal Communication Commission (FCC) and used solely for that purpose and as otherwise regulated by the terms of this Ordinance.

C. Wireless communication structures and devices used expressly for home television reception and as otherwise regulated by the terms of this Ordinance.

28.03 – General Guidelines

A. No wireless communication facility shall be erected, constructed, or installed without a conditional use permit from the Village Planning and Zoning 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.

28.04 – Siting and Height

A. Setbacks

1. The minimum distance from the base of the wireless communication structure to any property line or road right-of-way shall be at least 1.25 times the height of the structure, to ensure 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 effect on property values and public safety.

B. **Height** – The height shall be the minimum height necessary to accommodate anticipated and future use.

C. **No New Structures** – No new wireless communication structures shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the Planning and Zoning 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.

28.05 – Design Requirements

Wireless communication structures shall be designed to accommodate the maximum number of users as technologically possible.

A. 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.

B. All wireless communication devices shall be colored, molded, and/or installed to blend into the structure and/or the landscape.

C. The facility shall be fenced to control access (not necessarily the entire property).

D. 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.

E. 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.

F. Existing on-site vegetation shall be preserved to the maximum extent possible.

G. Vegetative screening shall be used to screen abutting residential properties and roadways. Plants that fit in with the surrounding natural vegetation shall be used.

28.06 – Application Process

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

A. **To Site a 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 structures.

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 mat at a scale of 1'=1,000 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:

a. Describe the justification of the proposed site.

b. Describe the structure and the technical, economic, and other reasons for the facility design.

c. Describe the capacity of the structure, including the number and type of additional facilities it can accommodate.

d. Describe actions to be taken if electromagnetic radiation from the facility should exceed levels designated by the FCC.

e. 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.

f. Describe leasing agreement should another carrier desire to co-locate.

g. 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. Include 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 Planning and Zoning Commission.

28.07 – Standard for Review

A. The Planning and Zoning 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 Planning and Zoning Commission that the requirements of this Ordinance 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 Planning and Zoning 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.

28.08 – Conditions of Use

A. **Bond** – 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 Planning and Zoning 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 Planning and Zoning 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 regulations.

3. Failure to comply with any regulations shall be grounds for removal of non-complying structures, buildings, and 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 an agreement/covenant with the Village Planning and Zoning Commission agreeing to remove within 180 days of notice from the Village the wireless communication facility not in operation for a period of twelve months unless the reason for non-operation is the result of 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 by no fault of the owner or operator.

28.09 – 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:

1. Farm Residential District (FR-1)

2. Low Density Residence District (R-2)

3. Planned Residence District (PRD)

4. Planned Mixed-Use District (PMUD)

5. Old Towne Historic Overlay District (OTHO)

Exception – An aerial or antenna may be considered 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:

1. Planned Commercial (PC)

2. Planned Industrial District (PI)

3. Planned Community Facilities District (PCFD)

4. Planned Recreational District (PREC)

C. Fees and compensation to the Village for permitting telecommunication structures are determined and approved by Village Council at time of consideration.

Article 29 - Signs and Billboards

29.01 – 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 community 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.

29.02 – 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 section of the 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, lessee, or renter.

B. **Signs for Home Occupations** - One sign per residence shall be permitted in any residential district for the purpose of announcing a home occupation that has complied with all conditions imposed by the Galena Planning and Zoning Commission.

C. **Vehicular Signs** - Directional or other incidental signs pertaining to vehicular or pedestrian control on private property shall be permitted provided that 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 ten (10) days following primary and 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 signs shall designate the name and address of the person charged with the duty of removing said sign.

G. **Signs Approved in a 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.

I. **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.

J. **Signs Approved as Part of Conditional Use Permit** in residential zoning districts provided such signs are constructed in strict compliance with the imposed conditions.

K. **Business 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.

L. **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.

29.03 – 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 (1,000) 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.

1. 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:

   a. 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.

   b. 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.

   c. 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.

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

1. **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 (l) 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.

29.04 – 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 Planning and Zoning Commission pursuant to the provisions of Article 8 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 he 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/her agent shall be required to reapply for a continuation and/or modification of such use(s) to the Galena Planning and Zoning Commission. A designation by the Galena Planning and Zoning 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 29.03(c) 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 Planning and Zoning 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 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 Planning and Zoning Commission.

B. The Planning and Zoning 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.

1. 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.

2. 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 (l) 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.

29.05 – Prohibited Signs

The following signs shall be prohibited in the Village.

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.

29.06 – General Regulations

The following restrictions shall apply to all signs located and erected within the Village 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 the Village. Said sign or signs shall be located in strict compliance with this Ordinance, in strict compliance with the approved development plan or restrictions imposed by the Planning and Zoning Commission.

C. Lighting

1. No sign shall be illuminated to a level that 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 the Village that 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 29.03 and 29.04. 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:

1. Three (3) square feet for each lineal foot of the street frontage of such building for a one-story building, or

2. Four (4) square feet per foot, if more than one-story in height, with 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.

3. 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.

4. 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.

29.07 – 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/she 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/her 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 Planning and Zoning Commission as provided in Article 6 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/her findings for submission to the Planning and Zoning Commission upon request.

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

29.08 – 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 considered to 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 that fifty (50%) percent 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 fifty (50%) percent of the structure or its replacement value, the sign or billboard shall be repaired within sixty (60) days.

29.09 – Permit

No signs, except as provided for in Section 29.02 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.

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 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 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 8 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 affect removal of any sign illegally placed within the right-of-way of any road within areas under Galena Zoning. The Zoning Inspector shall retain 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.
F.

Article 30 – Fences and Walls

30.01 – Purpose

The purpose of these provisions is to establish regulations controlling the use and type of fences or walls. This provides for the conservation and protection of property, safety, security, privacy, personal preferences in landscaping, and the improvement of the visual environment. This includes the provision of a neat and orderly appearance consistent with the neighborhood and community character.

30.02 – Regulations on Use

A. **Height** – Except as otherwise specifically permitted herein, no fence or wall shall exceed six (6) feet in height. The height of a fence shall be measured from the established grade line to the highest point of the fence including posts and finials. The height of the fence may not be artificially increased by the use of mounding unless otherwise required by these regulations.

B. **Materials** – Acceptable materials for fences or walls include wood, metal, stone, brick, other decorative and/or synthetic landscape stone or concrete, and rigid plastic or poly vinyl chloride (PVC).

C. **Supporting Members** – Supporting members for wall and fences shall be located so as to not be visible from the adjoining property unless the fence is designed such that the supporting members are identical in appearance on both sides of the fence or wall.

D. **Adjoining Fences or Walls** – To the extent possible, two fences and walls shall not be placed back-to-back along a common property line. Every effort shall be made to utilize the existing fence or wall. Otherwise, there shall be no separation between the two fences or walls, or a minimum separation of three feet (3') between fences or walls shall be provided for the maintenance of the fences or walls and the ground area between them.

E. **Accessible** – All portions of the property shall remain accessible from outside the fence area by means of a gate or other opening.

F. **Encroachments** – Generally, placement of fences within any easement is discouraged, but encroachments within easements will be considered on a case-by-case basis. Any fence or wall located in a utility easement shall be located and designed to the specification of the Village. The Village of Galena reserves the right to prohibit any fence or wall from being placed in a utility or drainage easement. Approved encroachments shall require a completed **hold harmless agreement** stating that the fence may be removed at any time without warning, and the cost of removal/replacement shall be borne by the property owner, and that the contractor (or property owner, if performing the construction of the fence) is responsible for repairs to any damage to infrastructure present in the easement during construction.

G. **Vehicular Visibility** – The fence or wall shall not be located so as to adversely affect the vision of drivers on the public streets or from driveways intersecting public streets.

H. **Property Line / Easement Location** – The accurate determination of the property line is the responsibility of the property owner or contractor securing the permit for a fence. The issuance of

a Zoning Certificate for a fence does not indicate Village review or approval of the property line location.

30.03 – Permitted Fences

Fences shall be permitted as follows, except as otherwise specifically permitted herein.

A. Open Fences

1. Open or partially open, (ornamental or decorative) fences shall be permitted in all zoning districts and shall be no greater than four feet (4') in height above the established grade, unless otherwise permitted herein. The partially open or open fence may be located only within the buildable area of the lot. These fences may be used to enclose the entire perimeter of the rear yard if the total lot area is greater than 30,000 square feet.

2. Partially open or open accent fences shall be located within the buildable area forward of the primary structure building line if limited to four feet (4') in height and designed to only partially enclose an area. These fences serve only an ornamental purpose.

B. Solid Fences

Solid fences shall be permitted in all zoning districts only in rear yards. Solid fences shall be no greater than six feet (6') in height, unless otherwise permitted herein, and shall not be used to enclose the entire perimeter of the property. Such fences shall be located within the buildable area of the lot and only be used to enclose a deck or patio. Solid fences shall not be located in front or side yard setbacks, unless otherwise permitted by the Zoning Code, and shall be of an approved type. Brick, stone, or masonry walls are permitted forward of the building line along scenic roadways but cannot exceed three feet (3') in height.

C. Chain Link Fences

Chain link fences shall only be permitted in commercial zoning districts. Such fences may not be placed forward of the primary structure and are restricted to side and rear yards. Such fences may be erected parallel to and on, or approximately on, the common property line to a height not exceeding six feet (6') above the established grade. Permitted chain link fences shall be painted black or have a black plastic or vinyl coating or dark, neutral-colored, non-reflective material. Some codes require chain link fence to be screened with appropriate landscape plan material providing a minimum eighty percent (80%) year-round opacity.

D. Arbors and Trellises

Arbors or trellises shall be permitted in all zoning districts. Arbors or trellises, which are detached from the building, may encroach on a required side yard, side yard which abuts a street, and forward of the structure provided that:

1. The maximum height is eight feet (8');

2. The maximum width is five feet (5');

3. The maximum depth is three feet (3'); and,

4. The surface of the arbor or trellis shall be at least fifty percent (50%) open.

E. Development Entry Features

Any fence or wall intended solely for ornamental purposes to create an aesthetic identity for a development or area and not intended for the purpose of screening or enclosing, or partially enclosing, any premises shall meet the requirements of this section or as approved in a development plan. Such fencing includes by way of example, and is not limited to, fencing and walls in common spaces, entry features, and fencing and walls along a public or private street as part of an overall landscape plan. Whenever a development identification fence or wall is proposed along a right-of-way and a development identification fence or wall is adjacent or across the street, the proposed identification fence or wall should be of compatible design and color. All development identification fence or walls within a development shall be of uniform color and design.

30.04 – Prohibited Fencing

Fences shall be prohibited as follows:

A. Above ground electrified, barbed wire, razor wire, wire or metal prongs or spikes or other cutting surfaces, and stockade fences are hereby prohibited in all zoning districts. A fence may be topped with barbed wire or other sharp-edged materials when in a non-residential district, with a minimum six feet (6') height and is part of a non-residential use or as a security fence as part of an approved development plan. This prohibition shall not be construed to prohibit electrified and/or barbed wire fences when used in conjunction with a purely agricultural use as defined by the Ohio Revised Code.

B. 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), and Planned Residence (PRD) districts. Such fencing may be approved in a development plan in industrial and commercial districts.

C. T-post farm fencing except when used in conjunction with a purely agricultural use as defined by the Ohio Revised Code.

D. Snow fencing except during the appropriate weather conditions.

E. Construction fencing except during the construction period.

F. No fences or walls may be erected on any lot in such a manner as to obstruct motorists' visibility approaching driveway or roadway intersections, within a twenty-five feet (25') clear sight distance along either street or intersection.

30.05 – Other Fencing

The Zoning Inspector or designee may permit other fences similar in character and design to one or more of the permitted fences herein, upon application.

30.06 – Exemptions

A. **Public Service Facilities** – Although every effort shall be made to provide a security fence or wall meeting the requirements of this Article, any fence or wall intended to protect the public water supply or sanitary sewer service or electric or gas service shall be exempt from this Article.

B. **Retaining Walls** – Retaining walls intended to serve as a barrier to the down slop movement of rock, earth, or water shall be exempt from any location and height standards of this Article.

C. **Construction Fences** – Fences necessary for construction and development shall be exempt from the provisions of this Article provided such fences are temporary and are removed within thirty (30) days following the completion of the construction or development for which the fences was intended.

30.07 – Permit and Inspection Required

Any fences that may be permitted shall require the issuance of a Zoning Permit after the same has been approved. An application is required with all pertinent information and fees supplied for the application to be considered complete. Each property owner shall determine property lines and certify that the fence or wall does not encroach upon another lot or parcel of land.

30.08 – Maintenance

A. **Maintained in Good Condition** – Permitted fences, walls, or structures shall be maintained in good condition, be structurally sound, and completely finished at all times. Any grounds between such fences, walls, or structures and property lines shall be well maintained at all times by the appropriate property owner. Supporting members for walls and fences shall be located so as to not be visible from the adjoining property unless the fence is designed such that the supporting members are identical in appearance on both sides of the fence or wall.

B. **Normal Repairs and Maintenance** – None of the provisions of this Code shall be interpreted to prevent normal repairs and maintenance or to strengthen or correct any unsafe condition of any fence.

C. **Nonconforming Materials** – Except that any maintenance that replaces more than ten percent (10%) of the surface area of an existing fence or wall, which has nonconforming materials, within a twelve (12) month period shall require reconstruction of the entire fence with a material permitted by this Article.

30.09 – Compliance Required; Conflicting Provisions

A. Fences shall be designed, erected, altered, reconstructed, moved, anchored, positioned, and maintained, in whole or in part, strictly in accordance with the provisions of this Article and building code provisions applicable to fences.

B. If these standards conflict in any way with the standards in any planned development zoning text, then the most restrictive standards shall prevail. Standards in this section applicable to matters not covered in the planned development zoning text shall also apply.

C. Notwithstanding any other provisions in this Ordinance, in all residential districts, fences erected prior to the effective date of this Ordinance shall not be considered non-conforming structures and shall be permitted to be replaced in the same location and at the same or lesser height as existed on the effective date of this Ordinance. In addition, the replacement fence shall be of a material as provided in this Article. A Certificate of Zoning Approval shall be required.

Article 31 - Reserved

Article 32 - Definitions

32.01 – 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*.

32.02 - Definitions

Definitions are listed in alphabetical order.

Above-ground Pool
A swimming pool whose sides are more than twelve (12) inches above grade.

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 Business
A business or enterprise where more than ten (10%) percent of its gross floor area is devoted to presenting material or performances

A. Whose dominant tendency is to arouse lust or to appeal to the prurient or scatological interest by displaying or depicting sexual activity, masturbation, sexual excitement, nudity, or human bodily functions of elimination,

B. Which, when taken as a whole, lack serious literary, artistic, political, or scientific value, and

C. Which may detrimentally affect the purposes of this ordinance.

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:

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

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

C. 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 material or visual change or addition to the exterior of a structure or any movement of a building or structure from one location to another. Any action to change, modify, reconstruct, remove, or demolish any exterior features of an existing structure. Ordinary maintenance to correct any deterioration, decay, or damage to a structure or site and to restore the structure as nearly as practicable to an original state prior to its deterioration, decay, or damage is excluded from the definition of alteration, provided the work does not involve a change in type and/or color of building materials.

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 Ordinance, telecommunication towers shall be considered part of the antenna.

Appeal
A property owner who disagrees with a decision of the Zoning Inspector or Planning and Zoning Commission may file an Application to Appeal the decision for a public hearing on the matter.

Applicant
Any person, persons, association, organization, partnership, firm, trust, corporation, unit of government, or public body who files an application.

Architectural Character or Feature
The architectural style, general design, and general arrangement of the exterior of a building or other structure including the type of the light fixtures, signs, and other associated fixtures.

Architectural Style
The predominant historic architectural features of a building or other structure that make it notable or historically identifiable.

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

Back Setback
See Setback

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 that 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 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, library, auditorium, stadium, athletic field, organization, government, or area of use for the announcement of services or activities to be held therein.

Camping and Recreational Equipment
For the purpose of this Ordinance, 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
Any new construction, alteration, demolition, or removal or other construction involving any property including signs, landscaping, and tree removal. Change shall not include ordinary maintenance or repair of any property if no change in material, design, color, or outward appearance is undertaken.

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, childcare, 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 any Planned District.

G. Alterations to an approved subdivision or development plan including but not limited to lot sizes, lot arrangement, landscape plans, street layouts, etc.

Church
A building or structure, or groups of buildings or structures, that by design and construction are primarily intended for conducting organized religious services and associated accessory uses.

Club
A premise 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 mixed-use 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 density within the district.

Commission
The Planning and Zoning 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.

Community Swimming Pool
Any pool constructed by an association or property owners; a private club for use and enjoyment of its members; or any individual or organization (including the Village) for use by the general public.

Comprehensive Master Plan
The Comprehensive Master Plan of the Village of Galena, Ohio, or portions thereof with all amendments thereto subsequently adopted. This is also referred to as a Land Use Plan. It typically details the community's long-term vision for its future growth and development in terms of envisioned land uses, philosophies, and styles of development.

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

Conditional Use Permit
A permit issued by the Planning and Zoning 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.

Construction
The process of building, erecting, or placing a structure, building, or object upon a site.

Council
See Village Council

Deck, Covered
A deck is a flat, usually roofless platform adjoining a house. Decks are typically made of lumber and are elevated from the ground and are generally enclosed by a railing and are covered by a canopy or pergola.

Deck, Uncovered
A deck is a flat, usually roofless platform adjoining a house. Decks are typically made of lumber and are elevated from the ground and are generally enclosed by a railing.

Demolition
The complete or substantial removal or planned destruction of any structure or object.

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.

Deputy Zoning Inspector
The Deputy Zoning Inspector of The Planning and Zoning Commission, who assists the Zoning Inspector or acts in his/her stead, as appointed by the Village Council of Galena, Ohio.

Design Guidelines and Requirements
Building, construction, and design standards that apply to any environmental change. Design Guidelines and Requirements shall have the force and effect of law. Until such time that specific guidelines area developed for the Old Towne Historic Overlay District, the Secretary of the Interior's Standards for Rehabilitation & Illustrated Guidelines for Rehabilitating Historic Buildings shall be used as well as any other accepted architectural standards.

Deterioration
The impairment of value or usefulness of a structure or site through action of the elements or lack of maintenance or upkeep.

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.

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.

Distance
Distance shall be measured on a horizontal plane.

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, 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.

Easement
A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

Environmental Change, Major
New construction; alterations which change, modify, reconstruct, remove, or demolish any exterior features of an existing structure that are not considered to be minor modifications; demolition; structural additions; the addition of signage or changes to nonconforming signs; and, the construction of accessory buildings, structures including fences, walls, retaining walls, decks, porches, swimming pools and spas, and similar changes as determined by the Zoning Inspector.

Environmental Change, Minor
The addition or deletion of awnings, canopies; replacement of windows and doors, gutters, skylights, solar panels, satellite dishes and similar appurtenances as determined by the Zoning Inspector; face changes to otherwise conforming signs; changes to paint and siding colors;

changes in materials but not in appearance; re-roofs; landscape modifications; the construction of sports fields and associated bleachers, fences, dugouts and like facilities not requiring a commercial building permit, as approved by the Zoning Inspector; and, modifications to off-street parking and loading areas containing less than five spaces. All minor environmental changes must comply with the Design Guidelines and Requirements. Minor environmental changes done in conjunction with major environmental changes are to be treated as major changes.

EPA
The Environmental Protection Agency. Can refer to the Ohio EPA or the U.S. EPA.

Erection
The acts of building, constructing, altering, reconstructing, moving a structure upon, or any physical operations on the premises that 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.

Establishment
The opening of a new business, the relocation or conversion of an existing business.

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.

Exterior Architectural Feature
A prominent or significant part or element of a building, structure, or site. Features include the architectural style and general arrangement of the exterior of a structure including building materials, windows, doors, lights, signs, dry-laid stone fences, and other fixtures appurtenant thereto. Feature shall include the style, material, color, height, area, lighting, and location of a sign.

FAA
FAA shall mean the Federal Aviation Administration.

Façade
The front or face of a structure or any vertical surface thereof adjacent to a public way.

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 bona-fide 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.

FCC
FCC shall mean the Federal Communications Commission.

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.

FEMA
Federal Emergency Management Agency.

Fence
Any structure composed of wood, metal, stone, plastic, cellular vinyl, or other natural and permanent material, including hedges or other plants, erected, and positioned as to enclose or partially enclose or divide any premises or any part of any premises. Trellises, or other structures supporting, or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose or partially enclose or separate any premises and is of sufficient strength and dimensions to prevent straying from within or intrusion from without shall be included within the definition of the word Fence. Retaining walls or radio-controlled fences, shall not be included within the definition of the word Fence.

Fence - General
The word Fence shall in general terminology mean any

A. **Solid Fence** – A fence designed to inhibit public view and provide seclusion and, when viewed at right angles, having more than fifty percent (50%) of its vertical surface area closed to light and air.

    1. **Board on Board or Alternating Board on Board** – A fence constructed of vertical wood boards or other natural and permanent material with one-inch nominal size boards between, or upon, a frame of 2-inch nominal members and 4x4 nominal posts.

    2. Louver or Ventilating Fence – A fence made of a series of wood slats or other natural and permanent materials placed at an angle or positioned so as to provide air but to deflect light perpendicular to its vertical plane.

3. **Solid Picket Fence** – A fence made up of upright one-inch by two-inch nominal wooden boards or other natural and permanent material, that abut one another, side by side with no openings. The top of the fence may be pointed or blunt.

4. **Stockade or Palisade Fence** – A fence constructed with a row of large, pointed stakes of wood or other natural and permanent material placed upright against each other having more than fifty percent (50 %) of the area of its vertical plane closed to light or air.

5. **Wall, Stone or Brick** – A solid fence constructed of stone or brick.

B. **Partially Open Fence** – A fence designed to offer a vertical, but not totally blocked, visual separation. This fence is used where a low level of screening is adequate to soften the impact of the use or where partial visibility between areas is more important than a total visual screen. Partially open fences include:

1. Picket Fence – A partially open fence made of upright wooden poles or slats. This fence may be an open fence if the space between the vertical boards is greater than the width of the boards.

2. Arbor or Trellis – A fence of latticework used as a screen or as a support for climbing plants.

C. **Open Fence** – A fence constructed for its functional, ornamental, or decorative effect and, when viewed at right angles, having not less than fifty percent (50 %) of its vertical surface area open to light and air. Permitted open ornamental fences are:

1. **Security or Industrial Fence** – A fence made with metal wire having sharp points, barbs, edges, or other attached devices designed to discourage physical contact along its length.

2. **Chain Link Fence** – A fence usually made of metal, loops of wire interconnected in a series of joined links, and including vinyl, plastic-coated, or painted varieties.

3. **Electrified Fence** – All fences or structures, with a device or object that emits or produces an electric charge, impulse, or shock when the same comes into contact with any other object or any person, animal, or thing, or which causes or may cause burns to any person or animal. So-called wireless or radio-controlled fences that utilize radio signals and control collars are excluded from this definition.

4. **Smooth Rail, Split Rail, Milled Rail, or Contemporary Rail Fence** – A fence constructed of narrow, whole, or split wooden timbers or boards placed horizontally between upright supporting posts. This type of fence may have supplemental wire fencing or mesh attached to the interior of the fence. Such wire shall be painted or coated black or green. For the purpose of improved containment, the opening size shall be not less than three inches by three inches (3" X 3") and designed in a horizontal grid.

5. **Wrought Iron Fence** – A fence constructed of metal, including aluminum, iron, or steel pipe, tubes, or bar stock, and having some type of decorative features or design. Wrought iron fences shall not have pointed ends exposed but may have finials with blunt ends.

6. **Radio Controlled Fence** – The use of insulated wire (typically low voltage and located underground) to transmit a radio signal to a receiving device. Radio controlled fences are exempt from these regulations.

7. **Retaining Wall** – A wall composed of wood, stone, brick, or other masonry material designed to hold back a portion of higher ground from a lower one. A retaining wall permits two elevation levels to be placed adjacent to each other with an abrupt vertical change between them.

8. **Accent Fence** – A fence that is used solely for ornamental purpose and does not enclose or partially enclose an area.

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

Fixture (Lighting)
The assembly that houses a 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 Fringe
Those portions of land within the Floodplain subject to inundations by the one-hundred-year flood, beyond the floodway in areas where detailed study and profiles are available.

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 that is subject to inundation by the one hundred (100) year flood as identified by the most current Federal Emergency Management Agency (FEMA) Flood Boundary and Floodway Maps.

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.

Flood Way
The areas identified as floodway in the Flood Insurance Study prepared by the FEMA. The term shall also include floodway areas which have been identified in the other available studies or sources of information for those floodplain areas where no floodway has been identified in the Flood Insurance Study.

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 headroom 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.

Front Setback
See Setback

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.

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.

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.

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.

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

Grandfathered
Uses not conforming (nonconforming) with this Ordinance that were in place at the time this code went into effect. When an ordinance "grandfathers" a use, it means that such already-existing use does not need to be changed unless a period is specified for adherence to the code

Grandfathered Luminaires
Luminaires not conforming to this Ordinance that were in place at the time this code went into effect. When an ordinance "grandfathers" a luminaire, it means that such already-existing outdoor lighting does not need to be changed unless a period is specified for adherence to the code

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.

Hard-Core Material
Hard-core pornographic material is described as that which is containing explicit descriptions of sex acts or scenes of actual sex acts.

Hardship
The applicant is deprived of all economic use or benefit from the property in question, which deprivation must be established by competent financial evidence.

The following generally must be proven to show an unnecessary hardship:

A. The applicant cannot realize a reasonable return, provided that lack of return is substantial as demonstrated by competent financial evidence;

B. That the alleged hardship relating to the property in question is unique, and does not apply to a substantial portion of the district or neighborhood;

C. That the requested use variance, if granted, will not alter the essential character of the neighborhood; and,

D. That the alleged hardship has not been self-created.

Height
Height shall be the distance measured from ground level to the highest point on the structure.

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.

Historic Site
The location, structures, features, or other integral part of a local, state, or federally designated archeological or historic site.

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

Hothouse
See Greenhouse

Identification Sign
A sign that 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.

Indirect Light
Direct light that has been reflected or has scattered off of other surfaces.

In-ground Pool
A swimming pool whose sides rest in partial or full contact with earth, no part of which is more than twelve (12) inches above grade.

Institutional Facility
A public or private benevolent establishment devoted to the shelter, maintenance or education and care of minor children, homeless, aged, or infirmed persons, or members of a religious community. This classification shall not include almshouses, penal or reformatory institutions, nursing homes, hospitals or institutions for the custody, care or treatment of persons suffering from dementia, mental derangement or drug or alcoholic addition.

Intrusion
An object, site, or structure which detracts from a property or district's significance because of its incompatibility with the sense of time, place, and historical development; or its incompatibility of scale, materials, texture, or color; or whose integrity has been irretrievably lost; or whose physical deterioration or damage makes rehabilitation infeasible.

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 re-melting 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.

Lamp
The component of a luminaire that produces the actual light.

Land Use Plan
A Land Use Plan is another term for the Comprehensive Master Plan of the Village of Galena, Ohio, or portions thereof with all amendments thereto subsequently adopted.

Landmark
Any property, structure, building, or site which has special character, archeological, historical, aesthetic, or architectural value as part of the heritage, development, or cultural characteristics of a local, state, or federally designated landmark including all property located in the Village listed on the National Register of Historic Places.

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

Light Trespass
The shining of light produced by a luminaire beyond the boundaries of the property on which it is located.

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

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.

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.

Material
Any book, magazine, newspaper, pamphlet, poster, print, picture, figure, image, description, audio-visual device or media, or other tangible thing capable of arousing interest through sight, sound, or touch.

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 topsoil.

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.

Mothballing
The process of protecting a vacant historically or architecturally significant structure from further deterioration or vandalism by patching the roof to protect the structure from inclement weather or securely boarding up doors, windows, and any other openings of the building.

Multi-family Residence

Any housing unit with a shared wall, ceiling or floor. Examples of multi-family residence as defined in this code include, but are not limited to: apartments, townhomes, duplexes, condominiums, or any other housing unit that may share the same features as apartments, townhomes, duplexes, or condominiums.

National Trust for Historic Preservation
A private, nonprofit organization dedicated to saving historic places.

National Register of Historic Places
A list of properties by the National Park Service that includes districts, sites, buildings, structures, and objects that are significant in American History, architecture, archeology, engineering, and culture.

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 that do 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.

Non-residential Structure
Structures such as, but not limited to, buildings, grain silos, and water towers, but does not include houses, or multi-family residences.

Normal Maintenance and Repair
Any maintenance or repair which does not require a building permit and does not constitute alteration and whose purpose is to correct any decay, deterioration, or damage and to restore same to the condition prior to such decay, deterioration, or damage.

Nudity
The showing, representation or depiction of human male or female genitals, pubic area, or buttocks with less than a full, opaque covering, or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernibly turgid state.

Nursery (Agricultural)
See Greenhouse

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.

OEPA
The Ohio Environmental Protection Agency.

Off-Road Motorized Vehicles
For the purposes of this Ordinance, off-road motorized vehicles shall include the following: all-terrain vehicles, snowmobiles, motor bikes (commonly referred to as dirt bikes), golf carts, motorized bicycles, etc.

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.

Ohio Historic Inventory
A program of the State of Ohio developed to serve as an accurate and continuing record of the architectural and historic properties existing in the state.

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 Planning and Zoning Commission deems permissible. Streets, parking areas, structures for habitation, and the like shall not be included.

Ordinary Maintenance
Exterior work that does not involve any change in material, texture, color, design, or arrangement. Examples include repainting a house with the same color, residing a wood building with wood siding, and painting the same color.

Outdoor Lighting
The nighttime illumination of an outside area or object by any man-made device located outdoors that produces light by any means.

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

Owner
The legal person(s) of record having ownership of the property.

Parcel
A lot, plot, or tract of land designated by any legally recorded or approved means as a single unit. The term includes, but is not limited to, tax parcels, lots, or deeded areas.

Parcel Identification Number (PIN)

A number assigned by the county auditor specific to a particular parcel that legally identifies that parcel.

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 26.

Patio
A paved outdoor area adjoining a house or business.

Performance
Any audio-visual media, preview, trailer, play, show, skit, dance, or other exhibition performed before an audience.

Person
Includes any association, firm, partnership, trust, governmental body, corporation, or organization as well as an individual.

Planned Development
A Planned Development is defined as:

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.

Planning and Zoning Commission or Commission
The Planning and Zoning Commission of the Village of Galena.

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.

Portable Swimming Pool
A pool which can be easily installed and removed with an area of less than one hundred (100) square feet.

Presents

Creates, produces, directs, publishes, advertises, sells, rents, disseminates, distributes, or displays.

Preserve or Preservation
The process, including maintenance, of treating an existing structure to arrest or slow future deterioration, and stabilizing the structure and providing structural safety without changing or adversely affecting the character or appearance of the 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.

Private Swimming Pool
Any pool or open tank not located within a completely enclosed building and containing water to a depth at any point greater than one and one-half (1.5) feet.

Public Service Facility
The erection, construction, alteration, operation, or maintenance of buildings, power plants, substations, water treatment plants, 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, and 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.

Rear Setback
See Setback

Recreational
Any activity, whether structured or not, in which individuals voluntarily engage during their leisure, including but not limited to:

A. Sports (individual, dual, team, coed recreational, and combative), athletics; both land and water based.
B. Arts and crafts, spectating, picnicking, nature study, and board games.
C. Dance, drama, music, games, social recreation, special events, hiking/walking, cycling, hobbies, outdoor educational activities, and cultural activities.

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 that are not operated for commercial gain.

Rehabilitation

The modification of or change to an existing structure to extend its useful life or utility through repairs or alterations, sometimes major, while the features of the building that contributed to its architectural, cultural, or historical character are preserved or restored.

Religious Organization
Generally, a nondenominational or interdenominational organization and has a principal purpose of advancing religion. A religious organization is one formed and operated exclusively for "religious" purposes, and it must actively promote the advancement of its religion via various activities.

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 four (4) 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 four (4) 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 not more than four (4) 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 four (4) 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 four (4) persons functioning under the purposes of a family care home or a group care home, or a home for adjustment.

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.
Include Assisted Living Facilities here or separately?

Right-of-way (ROW)
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.

Road
See Street

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 that 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, municipal, 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.

Sexual Activity
Sexual conduct or sexual contact, or both.

Sexual Conduct
Vaginal intercourse between a male and female, and anal intercourse, fellatio, and cunnilingus between persons regardless of sex. Penetration, however slight, is sufficient to complete vaginal or anal intercourse.

Sexual Contact
Any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if such person is a female, a breast, for the purpose of sexually arousing or gratifying either person.

Sexual Excitement
The condition of human male or female genitals when in a state of sexual stimulation or arousal.

Side Setback
See Setback

Sidewalk
A paved, surfaced, or leveled area, paralleling, and usually separated from the street, used as a pedestrian walkway.

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. This includes the following:

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 for 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 the property fronts.

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

Site
Any space or ground, including ground occupied by buildings, parking areas, service areas, undeveloped lands, and ground adjacent to structures.

Solar Panels
A panel designed to absorb the sun's rays as a source of energy for generating electricity or heating.

Specified Anatomical Areas
This term includes the following:

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
This term includes the following:

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.

Square Footage Calculations
Calculate the area of each section then add them together for your total. If your measurements are in different units, such as feet and inches, first convert those values to feet, then multiply them together to get the square footage of the area.

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 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 Trees
Any tree that is growing in the Village right-of-way, whether in improved (between the sidewalk and the curb) or unimproved (no sidewalk and/or curb) right-of-way.

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 having only one outlet for vehicular traffic and may intend 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.

H. **Private Street** – A legally established right-of-way other than a public street not offered for dedication or accepted for municipal ownership and maintenance

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.

Substantial Economic Hardship
A financial burden imposed upon an owner that is unduly excessive thereby preventing realization of an economic return based upon permitted uses and current market values, as opposed to a projected return from future development of the site.

Swimming Pool
Any artificially constructed receptacle or natural body of water which contains a depth of water of at least one and one-half (1 ½) 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 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 seven (7) days, with at least 180 days passing before being used again.

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.

Thoroughfare
See Street

Trails
A path, often made or used for a particular purpose such as walking, running, or bicycling.

Tree Lawn
A strip of grass-covered ground between sidewalk and curb, often planted with shade trees.

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.

Unusual and Compelling Circumstances
Those uncommon and extremely rare instances that are factually detailed warranting a decision contrary to the established architectural characteristics, guidelines, or standards due to the evidence presented.

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 7 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, municipal, 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.

Wireless Communication Building
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
Any antenna, appurtenance, wiring, or equipment used in connection with the reception or transmission of electromagnetic radiation that is attached to a structure.

Wireless Communication Facility
A general term to include wireless communication building, wireless communication device, and wireless communication structure.

Wireless Communication Structure

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.

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

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

Zoning District Map
The official Zoning District Map of the Village of Galena, Ohio, or portion thereof with all amendments thereto subsequently adopted that shows a current depiction of the location of various zoning districts within the municipality.

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

Appendix A – Adult Entertainment and/or Sexually Oriented Business - Article 19.04(A)

To promote the public health, safety, and welfare through the regulation of adult entertainment and/or sexually oriented businesses. It is the intention of section 19.04(A) to regulate businesses, as defined herein, in such a manner as to prevent the degradation of the character of the surrounding neighborhoods and to prohibit the establishment of adult businesses within close proximity to existing adult entertainment businesses, residentially zoned areas, schools, churches, parks, and playgrounds within the Village. The following regulation shall apply to adult entertainment and/or sexually oriented business.

Furthermore, this section is intended to prevent crime, protect the Village's retail trade, maintain property values, and generally to protect and preserve the quality of county neighborhoods, community life, and commercial districts and not to suppress First Amendment rights of free speech.

Each subsection of this section is an independent part thereof and the holding of any section of this Ordinance to be unconstitutional, void, beyond the authority of the Village or legally ineffective for any reason shall not affect the validity or constitutionality of any other section of this Ordinance.

A. **Zoning Authority** – The Village of Galena pursuant to Ohio Revised Code and for the purposes specified thereunder, may and does regulate and has local zoning control over land use in Village. Adult entertainment establishments are a type of land use.

B. Delaware County has analyzed studies of sexually oriented businesses in communities that possess relevant conclusions about adverse secondary effects that could also occur in Delaware County. Delaware County believes that the details of these studies are indicative of the kinds of problems that can occur when adult entertainment establishments locate within a community. The studies which were selected for relevance and appropriateness are the following: Effects of Surrounding Area of Adult Entertainment Businesses in Saint Paul, Minnesota, Division of Planning, Department of Planning and Economic Development, St. Paul, Minnesota, 1978; Adult Entertainment 40-Acre Study, Planning Division, Department of Planning and Economic Development, St. Paul, Minnesota, 1987; Report of the Attorney General's Working Group on the Regulation of Sexually-Oriented Businesses, 1989, Hubert H. Humphrey III, Attorney General, State of Minnesota; Sexually-Oriented Business Study, Rochester, New York, by Duncan Associates, July 2000; Adult Entertainment Businesses in Indianapolis: An Analysis, 1984; City of Austin Texas Study of the Time, Place and Manner Regulation of [Adult] Business Activity, Special Programs Division of the Office of Land Development Services, Austin Police Department, and Austin Building Inspection Department, 1986; A Report on the Secondary Impacts of Adult Use Businesses in the City of Denver, Zoning Administration, Office of Planning and Development, Department of Public Safety, Department of Excise and Licenses, Assessor's Office, and City Attorney's Office, January 1998; Study of Adult Businesses and Other Businesses with Adult Materials, Kansas City, Missouri, Attorney Eric Damian Kelley, Ph.D., AICP and Connie B. Cooper, AICP, April 1998; Adult Entertainment Study, Department of City Planning, City of New York, November 1994; A study of Land Use Regulations of Adult Entertainment Establishments, Springfield, Missouri, Department of Community Development, November 1986; Adult Use Study, Newport News, Virginia, Department of Planning and Development, March 1986; Study of the Effects of the Concentration of Adult Entertainment Establishments in the City of Los Angeles, by the Los Angeles City Planning Department, June

1977; Everything you always wanted to know about regulating sex businesses xxx, Eric Damian Kelley FAICP and Connie Cooper FAICP for the American Planning Association, Planning Advisory Service Report Number 495/496.

C. The studies referenced above include numerous adverse secondary effects, some of which are summarized as follows: there is a correlation between sexually oriented businesses and a reduction in appraised property values and an increase in property deterioration to both residential and commercial property values within the surrounding area. Patrons of standard businesses that were located in areas of adult entertainment felt less safe going to do business there (St. Paul). There is a correlation between sexually oriented businesses and significantly increased major crime rates in the immediate area of sexually oriented businesses (St. Paul). Adult entertainment correlates to street prostitution, which leads to other crimes (St. Paul). People living in a control area were exposed to a major crime rate in their neighborhoods that was 18% higher than that of the IPD generally (Indianapolis). Sex-related crimes in the Study Areas are 177%-482% higher than the city-wide average (Austin). The vice detail "has made arrests, primarily for public indecency, at all of the adult bookstores and theater/bookstores in Denver over the past several years" (Denver). Adult Theater-related areas had by far the most crimes related to them (Denver). For the period 1995-96 the city tallied major crimes that included assault, criminal mischief, disturbance, DUI, fight, harassment, threat, prowler, noise, vice/narcotics, robbery, shooting, stabbing, theft, and sexual assault. Incidence of crimes was greatest near 24-hour operating sexual oriented businesses (Denver). Adult video arcades or "peep shows" correlate with illicit sexual activity, acts of indecent exposure, loitering and unsanitary conditions on the premises (APA Report).

D. Delaware County incorporates the detailed findings of the adverse secondary effects of adult entertainment establishments in the studies referenced into this resolution by reference and notes that without specific zoning to mitigate such effects, the same adverse secondary effects can be expected to occur in the County at such time when adult entertainment establishments choose to locate there.