

*Terrace Park Zoning Code
April 1, 2022*

VILLAGE OF TERRACE PARK, OHIO ZONING ORDINANCE

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CHAPTER 1101
GENERAL PROVISIONS

1101.01 Title

This Chapter shall be known as the Zoning Ordinance for the Village of Terrace Park, Ohio.

1101.02 Purposes

The purposes of this Zoning Ordinance are to:

- A. Promote and protect the public health, safety, morals and general welfare through the regulation of the use of land and the type, size and use of structures;
- B. Ensure and encourage the use and development of land to stabilize and preserve property values; protect against congested and unsafe traffic conditions; provide safety from hazards such as fire, flood and water contamination; and ensure adequate light, air and open space to all residents of the Village;
- C. Prohibit the use of buildings, structures and lands which are incompatible with the intended use or development of lands within the specified districts;
- D. Regulate and restrict the bulk, height, design, Floor Area, percent of lot occupancy and location of structures.
- E. Provide for the administration of this Zoning Ordinance and its amendments.
- F. Define the powers and duties of the officers and bodies charged to administer this Zoning Ordinance.
- G. Describe penalties for the violation of provisions of this Zoning Ordinance or any of its subsequent amendments.

Each of these purposes shall not be construed to enable an individual to maximize the value of their individual property, but to maximize the value of all property within the Village.

1101.03 Interpretation, Purpose and Conflict of Laws

In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Zoning Ordinance to interfere with, revoke or cancel any Ordinance, rules, regulations or permits previously adopted or issued, unless this Zoning Ordinance specifically states such revocation or cancellation. Furthermore, it is not intended by this Zoning Ordinance to interfere with revoke or cancel any easements, covenants or other agreements between parties, except that if this Zoning Ordinance imposes a greater restriction, this Zoning Ordinance shall control. Zoning regulations shall apply uniformly to each class or kind of building, structure or land for the district in which such building, structure or land is located. Conversely, other regulations shall not be deemed or construed to repeal, amend, modify, alter or change any other ordinance or part thereof not specifically repealed, amended, modified, altered or changed in this Zoning Code.

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1101.04 Application

The regulations set forth in this Zoning Ordinance shall be applicable to all buildings, structures, uses and land of any private individual or entity, or any political subdivision, district, taxing unit or board-issuing authority located in the Village or to public utilities as defined by the State of Ohio.

1101.05 Severability

Should any Section, clause or provision of this Zoning Ordinance be declared by any court of competent jurisdiction to be invalid, the same shall not affect the validity of the Zoning Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

1101.06 Compliance with These Regulations

With the exception of legal non conforming uses, structures, buildings or land that are regulated under Chapter 1135, Non Conforming Uses, Buildings, Structures and Land, no building or structure shall be erected, converted, enlarged, reconstructed or structurally altered, nor shall any building or land be used which does not comply with all District regulations established by this Ordinance for the District in which the land or building is located.

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CHAPTER 1103
DEFINITIONS

1103.01 Interpretation of Definitions

For the purpose of this Zoning Ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural, and the plural the singular; the word “building” shall include the word “structure” and the word “shall” is mandatory.

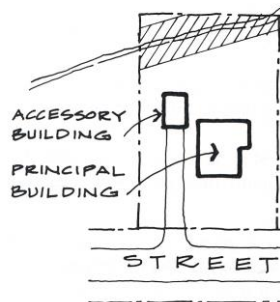
The following words and terms, wherever they occur in this Zoning Ordinance, shall be construed as herein defined. Words not defined in this Zoning Ordinance shall be interpreted in accordance with definitions in: *The Zoning Dictionary* by Lehman and Associates published on 2006; *The Latest Illustrated Book of Development Definitions* by Harvey S. Moskowitz published on March 2004; the applicable Fire Code; the State Statutes; or the State Building Code.

1103.02 Words and Terms Defined

For the purposes of this Ordinance, all terms shall have the meanings ascribed to them in this Section, unless the context clearly indicates otherwise. The inclusion of a term in these definitions is not intended nor shall it be construed as approving or prohibiting its use.

A

Accessory Building – A subordinate building or structure, the use of which is incidental to, and customary in connection with, the main building or to the use of premises. The diagram below is illustrative only and does not indicate the permitted location of a building on a lot.



**From “The Latest Illustrated Book of Development Definitions”.*

Accessory Use – See “Use, Accessory.”

Acre – A measure of land area containing 43,560 square feet.

Agriculture – An area so designated by the United States Department of Agriculture (USDA) for the tilling of soil, the raising of crops, horticulture, floriculture, viticulture, grazing, animal husbandry, including all uses incidental thereto.

Alley – A public thoroughfare which affords only a secondary means of access to abutting property.

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Alteration – Any change, rearrangement, or addition to the supporting members or foundation of a building or structure or the physical moving of a building or structure.

Antenna – Any device designed to transmit or receive radio, telephone or television signals to or from any source whatsoever and all components thereof, including but not limited to amateur radio antennas, television antennas, CB antennas, satellite signal receiving antennas, cellular communications antennas, and micro-wave antennas. “Antenna” shall include the supporting structure.

B

Bar or Tavern – An establishment serving alcoholic beverages in which the principal business is the sale of such beverages at retail for consumption on the premises and where food may be available for consumption on the premises.

Basement – A story having more than one-half ($\frac{1}{2}$) of its average height below grade. A basement is counted as a Story, for purposes of Maximum Stories limitations and for purposes of calculating the Floor Area, when more than three feet is above grade.

Back Yard – See Yard, Rear.

Boat – A vessel for transport by water, constructed to provide buoyancy by excluding water and shaped to give stability and permit propulsion.

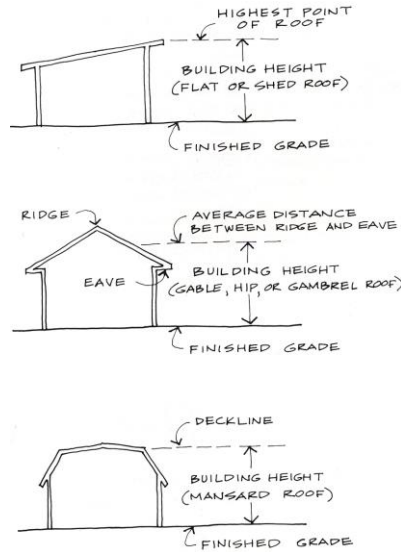
Buffer – The use of land, topography, difference in elevation, space, fences or landscape planting to screen, or partially screen, a use or property from another use or property, to reduce undesirable influences, such as sight, glare, noise, dust and other external effects.

Buildable Area – The area remaining after subtracting any required open space from the site area.

Building – Any structure designed or intended for the shelter, support, enclosure, or housing of persons, animals, chattels or property of any kind. When separated by dividing walls without openings, each portion of such building so separated shall be deemed a separate building.

Building (Structure) Height – The vertical distance from Grade Plane to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch, hip, or gambrel roofs. On corner lots, the front existing grade shall be measured relative to the lowest elevation at the building line of the front yards of the property.

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Building Line – A line parallel to the street touching that part of a building closest to the street. The “building line” shall constitute the largest extremity of the building (except for an overhang or eave), rather than the foundation.

Building, Principal (Main) – A building which contains the primary use of the lot, as contrasted to Accessory Building or Accessory Structure or use. In any residential zone a dwelling shall be deemed to be the principal building on the lot.

C

Club – An association of persons who are bona fide members providing financial support, and who are organized for some common purpose. Clubs shall exclude places of worship or groups organized solely or primarily to render a service carried on as a commercial enterprise.

Commercial Entertainment – A facility for any profit making activity which provides services related to the entertainment field within an enclosed building. Examples include: theaters, motion picture theaters, miniature golf, bowling alleys, pool and billiard halls and similar entertainment activities.

Commercial Message – A message that is intended to call attention to a business or to promote the sale of any goods or services.

Commercial Recreation – See, “Recreation, Commercial.”

Commercial Vehicle – See “Vehicle, Commercial.”

Commission – See, “Planning Commission.”

Conditional Use – See, “Use, Conditional.”

Cul-de-sac – A cul-de-sac street is one that has one end which connects with another street and is open for traffic and the other end being permanently terminated by a vehicular turn-around. A cul-de-sac lot means a lot that has its entire Frontage on the turn-around portion of the cul-de-sac.

D

Density – The number of dwelling units per acre of land.

Development Plan – A plan for the development and use of a specific parcel or tract of real estate, illustrated by a plat showing the boundaries of such parcel or tract, the location, size, height, and use of all structures, all vehicular and pedestrian ways and parking areas, both public and private, and all landscaped areas to be erected and maintained thereon; and further explained by such specifications, conditions and limitations as may be imprinted on the plat or contained in the amendment or supplement to the Zoning Ordinance incorporating the development plan as an Integral part of the zoning regulations applicable to the real estate.

District – Any section or sections of the Village for which the regulations governing the use of buildings and premises, the height of buildings, size of yards and the area of lots are uniform.

Drive Through Establishment (also Drive-In Facility) – Any portion of a building or structure from which business is transacted or is capable of being transacted, directly with customers located in a motor vehicle during such business transaction.

Driveway – An unenclosed, permanently surfaced or other improved area, on a parcel or lot, that provides for vehicular ingress and egress to and from a public or private street, road, alley or other way.

Dry Well – A covered pit, surrounded by gravel, in which water is collected and piped, or directed, from roofs and other impervious surfaces on a lot, in order to seep or slowly discharge into the surrounding soil and groundwater table to reduce water runoff.

Dwelling – Any building or portion thereof containing living, sleeping, and permanently installed cooking facilities, and lawfully required sanitary facilities for occupancy by one (1) or more families; but not including a tent, trailer or trailer coach or any other temporary or transient structure or facility.

Dwelling, Multi-Family – A building or portion thereof designed for, or occupied exclusively by, more than two (2) families.

Dwelling, Single Family – A building designed for, or occupied exclusively by, one (1) family.

Dwelling, Two-Family – A residential building designed for, or occupied exclusively by, two (2) families.

E

Easement – A grant by a property owner for use of a parcel of land by the public or any person for any specific purpose or for purposes of access, constructing and maintaining utilities, including: sanitary sewers, water mains, electric lines, telephone lines, cable television lines, other transmission lines, storm sewer, water drainage ways, gas lines or other service utilities.

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Educational Institution: Vocational, College, University, Business or Training Center – A public or private post-secondary facility, with an academic curricula, including uses, structures, and/or facilities sanctioned by, ancillary or necessary to the operation of such institution. This includes, but is not limited to, dormitories, food sales, retail sales, indoor and/or outdoor recreation facilities, offices, printing, museums, and professional service (affiliated with the college or university, vocational, business or training center).

Educational Institution: Pre-Elementary School, Elementary School, Junior High School, Middle High School, High School – An accredited public or private facility that provides a curriculum of elementary or secondary academic instruction, including kindergartens, elementary schools, junior high schools and high schools.

F

Family – One or more persons occupying a dwelling and living as a single housekeeping unit.

Fence or Wall – A person-made vertical structure enclosing or separating yards, lots or other areas.

Filling Station – Any building, structure or premises, enclosure or other place used for dispensing, selling or offering for sale of automobile fuel and oils and convenience goods to the public. When such sale is incidental to the conduct of a service garage, the premises shall be classified as a service garage.

Financial Institution – A building, property or activity where the principal use or purpose of which is the provision of financial services including, but not limited to banks, credit unions, savings and loan institutions, lending establishments and mortgage companies.

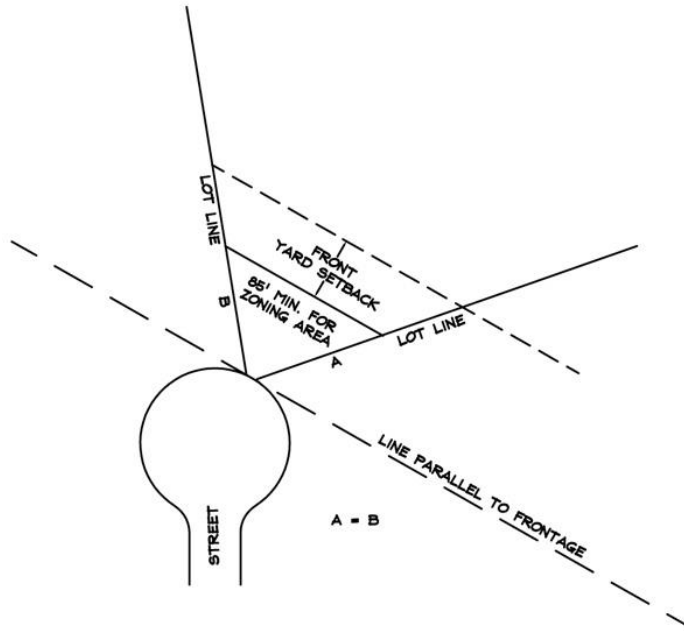
Floor Area – The Floor Area of a building which is devoted to the storage and display of merchandise, the performance of customer services, or the circulation and accommodation of customers.

Free Speech Message – Any message that is not intended to convey a Commercial Message. Free Speech Messages include, but are not limited to, religious, political, economic, social and philosophical messages.

Front Yard – See Yard, Front and Yard, Designated Front.

Frontage – The side or sides of a lot that abut the street right of way. Frontage is measured as the distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. If the lot Frontage comes to a point, the front setback shall be equally measured on both sides of the lot line as in the example below.

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G

Garage, Private – A structure, detached, attached or within the main structure, designed for the primary use of sheltering motor vehicles owned and operated by the occupants of the premises to which it is accessory.

Garage, Service – A building or portion thereof, other than a private or storage garage, designed or used for servicing, repairing, equipping, or customizing motor driven vehicles.

Grade – The finished ground level adjoining the building at all exterior walls.

Grade Plane – A reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than 6 ft. from the building, between the structure and a point 6 ft. from the building.

Gross Area – The total land and water surface contained within the boundaries of a lot.

Gross Floor Area – The sum of the total horizontal areas of every floor of every building or structure (other than an Accessory Building) on a lot that is designed and useable to support occupancy by persons or storage of goods or equipment. The measurement of gross Floor Area (GFA) shall be computed applying the following criteria:

- A. The horizontal area is measured from the outside face of all exterior walls.
- B. Excluding unfinished cellars, basements, attics, covered or uncovered porches, balconies and decks, enclosed storage or mechanical areas, mezzanines and similar structures.

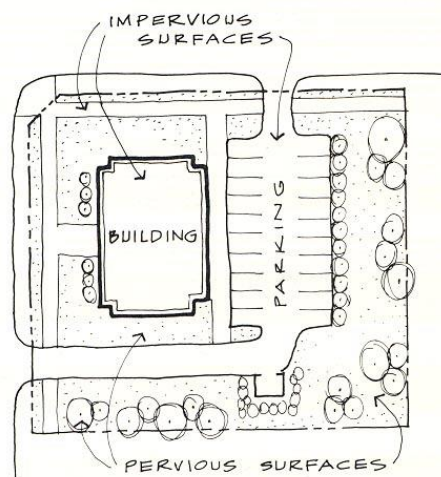
H

Home Occupation – Any activity conducted by a sole proprietor, partnership, association, corporation, whether non-profit or for profit on residential property for the purpose of receiving compensation or monetary gain or profit. It shall include part-time and full-time activity as well as include activity that is complementary to a business conducted outside the home. It does not include activities known as “yard sales”, “garage sales” and similar type activities which are intended to be regulated elsewhere in this Ordinance.

Homeowners Association – A community association that is organized in a residential development in which individual owners share common interests and responsibilities for costs and upkeep of common open space or facilities.

I

Impervious Surface – Any material that prevents or substantially limits the absorption of water into the ground located directly below the material including any compacted areas serving as a driveway, walkway or parking area such as a gravel driveway.



**From "The Latest Illustrated Book of Development Definitions".*

Impervious Surface Ratio – The measure of intensity of land use, determined by dividing the total of all impervious surfaces on a site by the gross area of the site.

Inoperative Motor Vehicle – Any motor driven vehicle that cannot, both physically and lawfully, under its own power, and without repair or replacement of parts, be operated on public highways and have remained in such inoperative condition for 30 or more consecutive days, or a motor driven vehicle which has no attached vehicle registration or to which the attached vehicle registration is expired or which vehicle registration attached is registered to another motor vehicle.

J

No Definitions

K

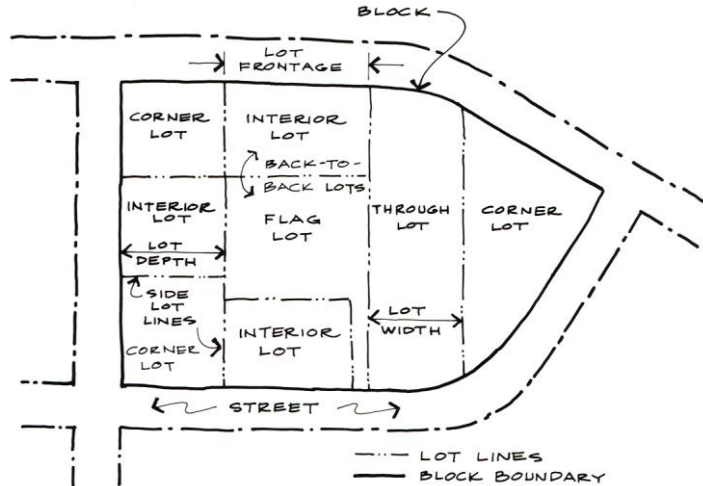
No Definitions

L

Landscaping – The alteration of the natural terrain by the planting of trees, grass, shrubs and/or the installation of ground cover. In addition, landscaping shall include rocks, stone, railroad ties, landscaping timbers or any other surface cover or hard elements that cover a portion of a yard.

Loading Space – The portion of a lot or space accessible from a street, alley or way, in or outside of a building, designed to serve the purpose of loading or unloading for all types of vehicles.

Lot – A tract or parcel of land occupied or intended for occupancy by one main building, together with its Accessory Buildings or uses customarily incidental to it, including open spaces required by this Zoning Ordinance and having its principal Frontage upon a street or road.



*From "The Latest Illustrated Book of Development Definitions".

Lot Area – Any area within a lot, including land over which easements have been granted, but not including any land within the limits of a street upon which such lot abuts, even if fee title to such street is held by the owner of the lot.

Lot, Corner – A lot abutting upon two (2) or more streets at their intersection.

Lot, Depth of – The average horizontal distance between the front and rear lot lines.

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Lot, Double Frontage (Through Lot) – A lot having a Frontage on two (2) non-intersecting streets, as distinguished from a corner lot.

Lot, Flag – A lot that does not meet minimum Frontage requirements and where access to the public road is by a narrow, private right-of-way, easement, or driveway.

Lot, Interior – A lot other than a corner lot.

Lot Line – A line dividing one (1) lot from a right-of-way, adjoining lot or other adjoining tract of land.

Lot Line, Front – A boundary of a lot which abuts a dedicated public street or approved private street.

Lot Line, Rear – A boundary of a lot which is opposite the front lot line.

Lot Line, Side – Any boundary of a lot which is not a front lot line or a rear lot line.

Lot of Record – A lot which is part of a subdivision which has been legally described and recorded in the office of the Recorder of Deeds of Hamilton County, or a lot described by metes and bounds, the description of which has been recorded in the office of the Recorder of Deeds.

Lot Width – is measured at the Building Line.

M

Mixed Use – Any building or structure that is occupied by two (2) or more owners, renters or land uses, which is managed as a single property.

Motor Vehicle – Everything on wheels or runners that is primarily operated by power other than muscular power, including motorized bicycles, but excluding vehicles that are operated exclusively on rails or tracks or from overhead electric trolley wires.

N

Non-Commercial Parks and Recreation – See, “Recreation, Non-Commercial.”

Non Conforming Lot – A lot of record which does not comply with the lot dimensional requirements for any permitted use in the zone in which it is located but which existed lawfully before its designation as non conforming by the adoption or amendment of this Ordinance.

Non Conforming Use – An activity that was permitted and legal under a prior zoning code and the activity occurred on the subject property during that period. Furthermore, to constitute a Non Conforming Use, that activity must have continued up to the time of the application for a reduction in Non Conforming Use provided by Section 1135.02.

Non Conforming Use, Building or Structure – Any structure, building or use of any lot or premises which does not conform with the provisions of this Zoning Ordinance but which existed lawfully before its designation as non conforming by the adoption or amendment of this Ordinance.

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Nuisance – An interference with the enjoyment and use of property.

O

Office, Business or Professional – A building or portion of a building wherein services are performed involving predominately administrative, professional or clerical operations.

Open Space – Any land or area, the preservation of which in its present use would: (1) conserve and enhance natural or scenic resources; (2) protect streams, river or water supply; (3) promote conservation of soils or wetlands; (4) enhance the value of the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries; or (5) enhance recreational opportunities. For the purposes of this Zoning Ordinance, open space does not include areas that are public or private rights-of-way, detention ponds or retention basins used for the control of water runoff, or off-street parking areas.

Outdoor Storage – The keeping, outside of an enclosed building or structure, of personal or business property, goods, wares, or merchandise which are not located in that specific area for customer viewing or immediate sale, in the same place for a period of more than seventy-two (72) hours.

P

Panhandle Lot – A panhandle lot shall mean any lot on which the building area is separated from any street on which the lot has the required minimum Frontage by a strip or strips of property that have less than the required minimum width. A panhandle lot shall also include any lot commonly referred to as a panhandle lot, flag lot or which would result in the building area existing behind another lot which shares Frontage on the same street.

Parcel (of Land) – Any contiguous lots of land under one ownership.

Park, Not-For-Profit – See Park, Public.

Park, Public – Any land or facility operated by a governmental agency or non-profit organization and which is open to the public or to members of the non-profit organization, without a general fee, that may include, but are not limited to, playgrounds, athletic fields, swimming pools, picnic areas and shelters, bike/hike trails, tennis courts or outdoor court facilities (basketball, handball, etc.).

Parking Lot – A permanently surfaced parcel of land devoted to unenclosed parking spaces.

Parking Pad – An unenclosed, permanently surfaced or other improved area, on a parcel or lot on which motor vehicles can be parked or stored.

Parking Space – A permanently surfaced area enclosed or unenclosed, sufficient in size to store one automobile together with a permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress and egress of a motor vehicle. **Note:** Parking, parking spaces, parking surfaces and their maintenance on public rights of way (street, thoroughfare, pull-offs, alleyways, etc.) is governed by Village Ordinances not included in this Zoning Ordinance.

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Personal Service – Any business activities which caters to customers personal needs, and which may include the incidental sale of products. Personal services may include: medical clinics, barber shops, financial institutions, funeral home, child day care, beauty shops, dry cleaners, health clubs, pet grooming and tanning spas. Personal services shall not include sexually oriented businesses.

Planned Business Development – An area within a District that is established pursuant to a Development Plan.

Planning Commission – The Terrace Park Planning Commission as appointed pursuant to the provisions of Section 713.01 of the Ohio Revised Code.

Plat – A map, graphics, or drawing which graphically delineates the boundary of land parcels for the purpose of identification and record title. The plat is a recorded, legal document and must conform to all Ohio State Statutes.

Premises – A lot or other tract of land, under one ownership, including all of the structures and buildings on it.

Professional Services – The use of office or other related spaces for such services as are provided by medical practitioners, certified public accountants, attorneys, architects, real estate agents, engineers, plumbers, and other similar professions.

Public Facilities – Any building(s) or structure(s) erected or proposed to be erected on land owned or leased by the Village or other government agency, the purpose of which is to provide a governmental or public service. Public Facilities shall include structures and buildings for which the principal and accessory uses (including parking) are for any or a combination of the following: fire stations, police stations, offices for public servants and officials, public meeting rooms, maintenance buildings, public administrative offices, public vehicle and equipment storage and repair, and meeting rooms for public bodies such as Village Council, Planning Commission, and Zoning Board of Appeals, and committees thereof.

Public Land – Any land owned by the Village or other government agency, the purpose of which is to provide a governmental or public service, as set forth in the definition of Public Facilities, or for some other community benefit.

Public Owned and Operated Properties and Facilities – A building, structure, land or property, owned and operated by the Village or other government agency, including fire stations, the Village Hall, public works and park facilities, library, etc.

Q

No Definitions

R

Recreation, Commercial – Land or facilities that are operated as a business and which are open to the general public for a fee, the primary purpose of which is to provide the general public with an amusing or entertaining activity. Commercial recreation facilities may include, but are not limited to water parks, skating rinks, billiard parlors, driving ranges, and batting cages.

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Recreation Facility, Non-Commercial – Any land or facility operated by a governmental agency or non-profit organization and which is open to the public or to members of the non-profit organization, without a general fee, that may include, but are not limited to, playgrounds, athletic fields, swimming pools, picnic areas and bike/hike trails.

Religious Place of Worship – An institution that a congregation of people regularly attends to participate in or hold religious services, meetings and other activities, including buildings in which the religious services of any denomination are held.

Restaurant – A business establishment, with or without table service, with no drive through or walk up windows, within which food is prepared and offered for sale and consumption on or off the premises, to the customer, in a ready to consume state in individual servings.

Restaurant, Fast Food – A business establishment whose principal business is the sale of rapidly prepared food, directly to the consumer in a ready to consume state for consumption either within the restaurant or off-premises, in an average preparation time of 240 seconds or less.

Retail Business – A commercial enterprise that provides goods, wares, merchandise, and/or services directly to the consumer, where such goods are available for immediate purchase.

Right-of-Way – A strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation and is intended to be occupied by one or more of the following: a road, public sidewalk, crosswalk, railroad, electric distribution or transmission line, telephone line, oil or gas pipeline, water line, sanitary or storm sewer and other similar uses.

Right-of-Way Line – A dividing line between a lot, tract or parcel of land and a contiguous street (same as “Street Line”).

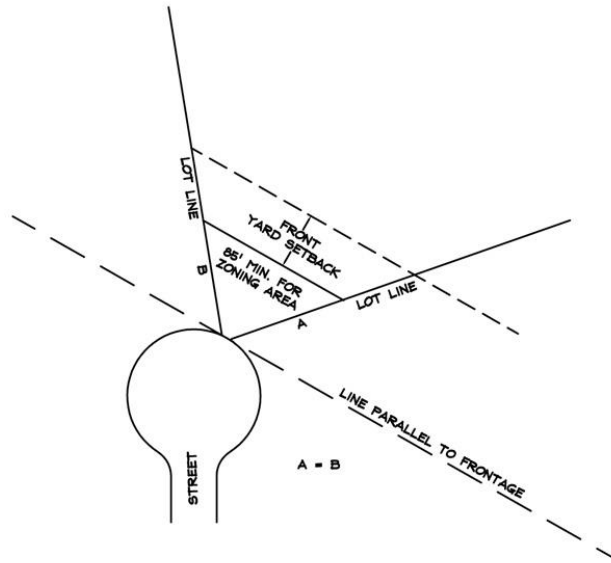
S

Satellite Dish – See Antenna.

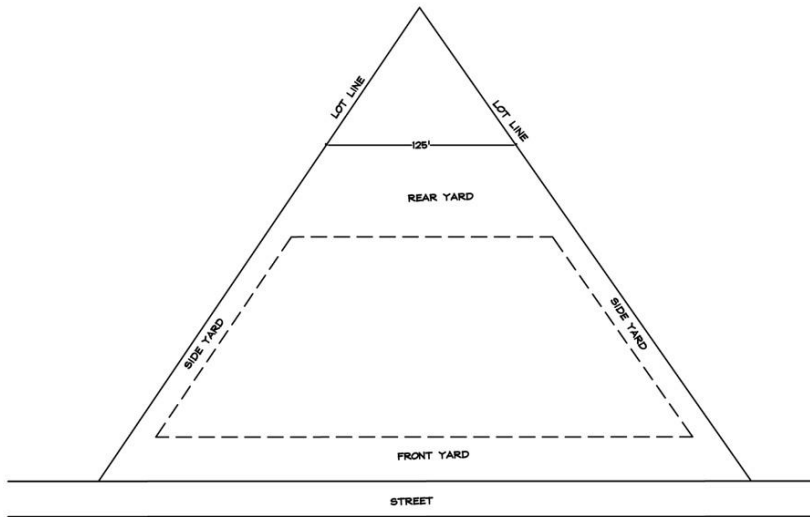
Setback – The required distance a building or structure and any lot line or Right-of-Way and as follows:

- A. For front yard setbacks on yards where the side lot lines are not parallel, the front yard setback shall be measured from the point on the lot where the lot meets the minimum lot width requirements as measured on a line parallel to the Frontage in the district in which it is located as identified by the example below:

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- B. For rear yard setbacks where the side lot lines are not parallel and the lot narrows to the rear of the lot, the rear yard setback shall be considered to be a line parallel to the front yard setback measured from the minimum lot width requirements for the district in which it is located as identified by the example below:



Side Yard – See Yard, Side.

Sign – Any device, fixture, placard, or structure that uses any writing, representation, emblem, logo, symbol, or other display illuminated or non-illuminated to advertise, announce the purpose of, or identify the purpose of a person or entity to attract attention, or to communicate information of any kind to the public, visible from any public place or other parcel than the one on which it is located. For the purpose of removal, signs shall also include all sign structures as well as the sign itself.

Sign, Changeable Copy – A sign so designed that characters, letters or illustrations can be changed without altering the surface of the sign.

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Sign, Freestanding – Any sign which is supported by its own foundation or on supports inserted in the ground, independent of support from any other structure.

Sign, Marker – A sign which informs the public of designated use areas or regulations as “entrance/exit,” parking and aisle signs.

Sign, Marquee – A sign fastened or painted on a canopy, awning or permanent construction that projects from a wall of a building, usually above the entrance.

Sign, Name Plate – A small sign that announces limited information such as the name of the occupant of a premises and, for the purposes of this Resolution, shall not be considered as advertising.

Sign, Pole – A freestanding sign having multiple advertising panels supported by a pole type structure inserted into or fastened to the ground.

Sign, Portable – A changeable copy sign supported by a mobile frame that is not fixed on the ground or any structure and that is easily moved from site to site.

Sign, Projecting – A sign that typically projects perpendicular to the building face, is wholly or partly dependent on a building for support and that projects more than twelve (12) inches from the building.

Sign Area – The entire face or faces of a sign, including the advertising surface and any framing, trim or molding, but not including the supporting structure.

Stable, Commercial – A shelter for the care and boarding of animals as a for profit business.

Stable, Private – A non-commercial shelter for the care of not more than two (2) horses or mules, for personal use of the landowner.

Stable, Public – A shelter, other than a private stable, with a capacity of two (2) horses or mules.

Story – That portion of a building, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. **Note:** See definition of Basement to see if it should be counted as a story.

Street, Road or Thoroughfare – All property dedicated or intended for public or private street, highway, freeway or roadway purposes or subject to public easements therefore.

Street Line – A dividing line between a lot, a tract or a parcel of land and a contiguous street (same as “Right-of-Way Line”).

Structure – Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

Structure, Principal – A structure or building in which the principal or primary use of the lot is conducted.

Structure, Accessory – A structure or building which use is incidental to, and associated with a permitted principal use of a lot or structure, located on the same lot as such principal use or structure. A separate dwelling is not an accessory use or structure.

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Structural Alteration – Any change, other than incidental repairs, in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, foundations or any substantial change in the roof or exterior walls.

Swimming Pool – Any indoor or outdoor structure, chamber, or tank containing a body of water for swimming, diving, or bathing that is intended to be used collectively for swimming, diving, or bathing.

T

Trailer – A means of conveyance on wheels which is towed or hauled by another vehicle and used for short term human occupancy, carrying of materials, goods, or objects.

Trash – Any garbage, litter, waste, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, automobile parts, furniture, glass, appliances, tires, or anything else of an unsightly or unsanitary nature thrown, dropped, discarded, placed, or deposited by a person on public or private property.

U

Undue Hardship – With respect to granting a variance, a hardship by reason of practical difficulties regarding the exceptional shape of a lot, exceptional topographic conditions, or other exceptional physical conditions of a parcel of land. Economic considerations alone shall not constitute an undue hardship if any reasonable use for the property exists under the terms of the Zoning Ordinance.

Use – The purpose or activity for which the land or building thereon is designated, arranged or intended, for which it is occupied, utilized or maintained.

Use, Accessory – Any structure or use, other than the principal structure or use, directly incidental to or required for the enjoyment of the permitted use of any premises; also as specifically designated under the zoning district regulations of this Zoning Ordinance.

Use, Conditionally Permitted – A use that is permitted in a District only if a Conditional Use Certificate is expressly authorized by the Planning Commission in accordance with the provisions in this Zoning Ordinance.

Use, Principally Permitted – That use of a zoning lot which is among the uses allowed as a matter of right under the zoning classification.

V

Variance – Permission from the Zoning Board of Appeals to depart, modify or vary from the strict conformance with the dimension and area regulations of this Zoning Ordinance.

Village – The Village of Terrace Park.

Vision Corner – An unobstructed triangular approach zone at street and/or driveway intersections intended to allow visibility of approaching traffic, pedestrians and bicycles (see Section 1131.14 for vision corner regulations).

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Vehicle, Commercial – Any vehicle other than one used for non-commercial personal or family transportation or recreation. Commercial vehicles include, but are not limited to, commercial trucks, buses, buses used as recreational vehicles, commercial vans, tractors, semi-trailers, trailers, farm vehicles, landscaping equipment, earth moving equipment, construction equipment, snow plows and removers and any vehicles of similar nature used for commercial purposes.

Vehicle, Recreational – Any vehicle self-propelled or capable of being towed and primarily designed, constructed or converted to provide recreational uses, or to provide temporary living quarters for camping, or recreational travel. The following shall be included as recreational vehicles, but not to the exclusion of any other types not mentioned; trailers; trailer coaches; camping trailers; and full-tent trailers; motor homes; pickup (slide-in) camper and mini-motor homes. Any van designed for and containing seating for the transportation of not more than nine (9) persons and containing rear and side windows shall not be considered a recreational vehicle.

W

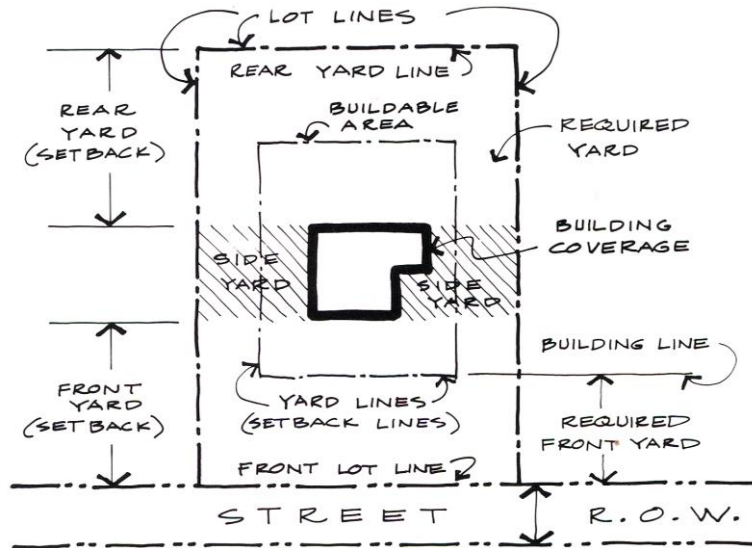
No Definitions

X

No Definitions

Y

Yard – An open space at grade between a building or structure and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein.



**From "The Latest Illustrated Book of Development Definitions".*

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For purposes of measuring yards in irregularly shaped lots, the measurement starts at the point at which the lot meets the minimum width requirement for that district.

Yard, Front – The portion of the yard extending across the front of a lot between the side lot lines, and its depth being the minimum horizontal distance between the Street Line and the dwelling or the main building or any projection thereof other than, cornices, steps and eaves. On a corner lot yards extending along the Street Lines shall meet the front yard setback for the district in which it is situated.

Yard, Designated Front – Designated Front Yard shall be the Front Yard except for Corner Lots with one (1) corner where the Front Yard with the least dimension shall be the Designated Front Yard or, if the Front Yards for lots with one (1) corner are the same dimension, then the Front Yard that is consistent with other Front Yards on the block shall be the Designated Front Yard. For Corner Lots with two (2) corners, the Front Yard that is consistent with other Front Yards on the block shall be the Designated Front Yard. When Designated Front Yard cannot be determined by the methods outlined above, the Board of Zoning Appeals shall determine the Designated Front Yard.

Yard, Rear – The portion of the yard extending across the rear of a lot, measured between the side lot lines and its depth being the minimum horizontal distance between the rear lot line and the rear of the dwelling or main building or any projection thereof other than eaves, cornices, steps. For the purpose of establishing a rear yard on a one (1) corner lot, the Rear Yard is opposite the Designated Front Yard. For a lot with two (2) corners, there shall be no rear yard.

Yard, Side – The portion of the yard between the dwelling or Main Building and a side lot line, and extending from the Front Yard line which abuts the dwelling or Main Building, to the Rear Yard line which abuts the dwelling or Main Building and its width being the minimum horizontal distance between such side lot line and such side of the dwelling or Main Building and of any Accessory Buildings attached thereto or any projection thereof other than eaves, cornices, steps. On a corner lot, the Side Yard shall be that yard which is between the Designated Front Yard and the Rear Yard.

Z

Zoning Amendment – A change of the zoning map or zoning text authorized by the Village, either in the allowable uses within a District, in the boundaries of a District or in a change to the Resolution text.

Zoning Board of Appeals – An officially constituted body, as appointed by the Village Mayor, whose principal duties are to hear appeals and, where appropriate, grant variances from the strict application of this Zoning Ordinance.

Zoning Certificate – A document issued by the Zoning Department authorizing buildings, structures or uses which are consistent with the terms of this Zoning Ordinance and for the purpose of carrying out and enforcing its provisions.

Zoning Compliance Permit – A permit issued to allow for a change in the use or occupancy of an existing building.

Zoning Department – The Zoning Department, or similar position, of Terrace Park, appointed by Village Council, to enforce the provisions and regulations of this Zoning Ordinance.

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Zoning Map – The map or maps incorporated into this Ordinance as a part thereof, designating the Zoning Districts.

Zoning Ordinance – Ordinance # (whatever number it is when passed) passed on (date of acceptance of ordinance) by Terrace Park Village Council.

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CHAPTER 1105
ADMINISTRATION AND ENFORCEMENT

1105.01 Purpose

This Chapter sets both the powers and duties of the Zoning Department, Planning Commission, and the Zoning Board of Appeals with respect to the administration of the provisions of this Ordinance.

1105.02 Responsibilities of the Zoning Department

The Zoning Department shall have the following responsibilities and powers:

- A. Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions.
- B. Receive, review and make determinations on applications for Zoning Certificates and Certificates of Occupancy.
- C. Issue Zoning Certificates and Certificates of Occupancy as provided by this Ordinance, and keep a record of same with notations of special conditions involved.
- D. Review and process plans pursuant to the provisions of this Ordinance.
- E. Make determinations as to whether violations of this Ordinance exist, determine the nature and extent thereof, and notify the owner in writing, specifying the exact nature of the violation and the manner in which it shall be corrected by the owner, pursuant to the procedures in this Ordinance.
- F. Conduct inspections of buildings and uses of land to determine compliance or non-compliance with this Ordinance.
- G. Maintain permanent and current records required by this Ordinance, including but not limited to the Official Zoning Map, Zoning Certificates, inspection documents and records of all variances, amendments and conditional uses. These records shall be made available for use of the Mayor, Village Council, Planning Commission, the Zoning Board of Appeals and to the public.
- H. Revoke a Zoning Certificate or approval issued contrary to this Ordinance or based on a false statement or misrepresentation on the application.
- I. Document non conforming uses, structures and buildings and validate such uses, structures and buildings on a regular basis.
- J. Such other duties as specified from time to time by the Village Council as may be permitted under Ohio Law.
- K. To erect public notification signs on private property in the case of requests for: a zone change, variance, appeal or conditional use.

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1105.03 Village Planning Commission

A. Establishment

There is hereby established a Planning Commission of five (5) members consisting of the Mayor, one (1) member of Council and three (3) residents of the Village, all to be appointed in accordance with the provisions of Ohio R.C. 713.01. All such members shall serve without compensation.

B. Powers and Duties

The powers and duties of the Planning Commission shall be those granted by Ohio R.C. 713.01 et seq. and 735.15, as well as all other sections of the Ohio Revised Code and the Constitution of the State of Ohio now in effect or which may hereafter be passed and effective as relating to planning commissions, as well as all ordinances passed by Council relating to the Planning Commission.

The Planning Commission may call upon the Village Attorney, Village or County Departments for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance as may reasonably be required.

1105.04 Village Zoning Board of Appeals

A. Establishment

A Zoning Board of Appeals shall continue as previously established. The Board shall consist of five (5) members who shall be residents of the Village and shall be appointed by the Mayor. It is desirable that one (1) of the members of such Zoning Board of Appeals be a member of the Planning Commission. The term of the member of the Planning Commission shall expire at the same time as his or her term on such Commission. A member appointed fill a vacancy shall serve for the unexpired term. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Zoning Ordinance and the laws of the State of Ohio. A Chairman shall be designated by the Mayor.

B. Meetings

Meetings of the Zoning Board of Appeals shall be held at the call of the Chairman and at such other times as a majority of the Board may determine. The Chairman, or in his or her absence, the acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board, including deliberations, shall be open to the public. The Board shall keep written minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed immediately in the office of the Board and shall be a public record.

C. Powers and Duties

The Zoning Board of Appeals shall have the following powers and duties:

1. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Zoning Department in the enforcement of this Zoning Ordinance. The procedure for appeals is established in Section 1105.05, Appeals.

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2. Authorize such variances that are permitted in accordance with the procedures for variances set forth in Section 1105.06, Variances.
3. To hear appeals taken on the basis of a decision rendered by the Planning Commission on Conditional Use requests.
4. The Zoning Board of Appeals shall not have the authority to grant any use (activity) variance that is the equivalent of a zoning change.

1105.05

Appeals

Appeals to the Board may be taken by any person aggrieved or by any officer, department or affected party of the Village affected by any decision of Zoning Department excluding applications for variances (see 1105.06, Procedure for Obtaining a Variance). Such appeal shall be taken in the manner prescribed by the Board by general rule, by filing with Zoning Department and with the Board not later than ten (10) days after the date of the Zoning Department decision which is being appealed. The Zoning Department shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from is taken.

A. Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Department certifies to the Board after the notice of appeal has been filed that, by reason of facts stated that, a stay would, in their opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by an order which may be granted by the Board, or by a court of record, on application after notice to the Zoning Department and for good cause shown.

B. Notice of Appeal and Hearing

1. The Board shall fix a reasonable time and place for the hearing of an appeal and give at least fifteen (15) days public notice thereof in a newspaper of general circulation and written notice thereof to the parties of interest located within 100 feet of the property, and decide the appeal, in writing, within sixty (60) days after it is submitted. Each application or notice of appeal shall be accompanied by the appropriate fee as established by Village Ordinance. Upon the hearing, any party in interest may appear in person or by attorney. A sign, as provided by the Village, shall be erected on the subject property, in a visible location at the front property line indicating an appeal hearing on the property. . The sign shall contain the following as a minimum: This property will be reviewed for a Zoning Variance by the Village of Terrace Park Board of Zoning Appeals. Concerned parties can get information regarding the date of the variance hearing by calling the Village Office at **831-2138**.
2. The Board may in conformity with the provisions of this Chapter reverse, affirm, wholly or partly, or may modify the order, requirement, decision or determination as in its opinion should be made on the subject property and, to that end, shall have all powers of the Zoning Department from whom the appeal is taken.
3. Any person adversely affected by a decision of a Zoning Board of Appeals may appeal to the Court of Common Pleas.

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4. The hearing of the Board shall be public.
5. Upon the day for the hearing of any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be substantially interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

C. Decisions of the Board

A certified copy of the Board's decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Department and observed by such Department and they shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board.

1105.06 Procedure for Obtaining a Variance

The procedures for obtaining a variance shall be as follows:

The Zoning Board of Appeals shall have the power to authorize variances in specific cases as described herein. The Zoning Board of Appeals shall hear and decide all applications for variances from the strict application of this Zoning Ordinance as will not be contrary to the public interest, and where owing to special characteristics of the property, the literal enforcement of this Ordinance would result a practical difficulty.

In handling variances, it shall be the intent of the Zoning Board of Appeals to see that the spirit of the Zoning Ordinance is being observed, public safety and welfare secured and substantial justice done. Variances shall not be granted for uses not permitted in the Zoning District applicable to the property where a proper resolution would be to rezone the property to accommodate the requested use. In those cases, an application for re-zoning the property is required.

A. Conditions Prevailing

Where there are exceptional or extraordinary circumstances or conditions, and the literal enforcement of the requirements of this Ordinance would involve practical difficulty, unnecessary to carry out the spirit and purpose of this Ordinance, the Zoning Board of Appeals shall have power to relieve such hardship. In authorizing a variance, the Zoning Board of Appeals may attach thereto such conditions regarding the location, character, and other features as it may deem necessary in the interest of the furtherance of the purpose of the Ordinance and in the public interest. In authorizing a variance, with attached conditions, the Zoning Board of Appeals may require such evidence and guarantee or bond as it may deem to be necessary, to enforce compliance with the conditions attached.

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B. Findings of the Zoning Board of Appeals

No such variance of the provisions or requirements of this Ordinance shall be authorized by the Zoning Board of Appeals unless the Board has considered and weighed the following factors:

1. Whether the property will yield a reasonable return or whether there can be a beneficial use of the property without the variance.
2. Whether the variance is substantial.
3. Whether the essential character of the neighborhood would be substantially altered or adjoining properties suffer a "substantial detriment."
4. Whether the variance would adversely affect the delivery of governmental services.
5. Whether the property owner purchased the property with knowledge of the zoning restriction.
6. Whether the problem can be solved by some manner other than the granting of a variance.
7. Whether the variance preserves the "spirit and intent" of the zoning requirement and whether "substantial justice" would be done by granting the variance.

Generally a variance of more than 15% of the requirement set by this Ordinance shall be considered a substantial variance by the Zoning Board of Appeals.

C. Application for Variance

A variance from the terms of this Code shall not be granted by the Zoning Board of Appeals unless and until a written application for a variance is submitted to the Zoning Department. The application shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied by the application, provided that an individual signing as the applicant's agent shall furnish proof of his authority to act for the applicant. The application shall contain the following information as a minimum:

1. The name, address and telephone number of the applicant;
2. A list of property owners, including names and mailing addresses, within 100 feet of the property subject to the variance request.
3. A survey of the property in question by a person licensed in the State of Ohio to perform land surveys as may be required by the Zoning Department;
4. A description of the nature of the variance requested;
5. A statement demonstrating that the requested variance conforms to the standards set forth in 1105.06 B;
6. A fee as established by Village Council; and

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7. Such other information regarding the appeal as may be pertinent or required for appropriate action by the Zoning Board of Appeals.

D. Supplementary Conditions and Safeguards

In granting any variance, the Zoning Board of Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

Under no circumstances shall the Zoning Board of Appeals grant a variance to permit a use not permissible under the terms of this Ordinance in the district involved, or any use prohibited by the terms of this Ordinance in such district.

E. Notice of Variance and Hearing

The Board shall fix a reasonable time and place for the hearing of a variance and give at least fifteen (15) days public notice thereof in a newspaper of general circulation and written notice thereof to the parties of interest located within 100 feet of the property. A sign shall be erected on the subject property, provided by the Village, in a visible location at the front property line indicating a variance hearing on the property. The sign shall contain the following as a minimum: "This property will be reviewed for a Zoning Variance by the Village of Terrace Park Board of Zoning Appeals. Concerned parties can get information regarding the date of the variance hearing by calling the Village Office at **831-2138**". The sign shall remain erected until the first hearing by the Zoning Board of Appeals on the merits of the application.

F. Action by Zoning Board of Appeals

Within sixty (60) days or as soon thereafter as is reasonable, following the public hearing required in Section 1105.06 E, the Zoning Board of Appeals shall either approve, approve with conditions, or disapprove the request for a variance in writing to the applicant. Failure by the Board to act within sixty (60) days shall not constitute an approval of the variance.

All documents, plans or other materials submitted to or considered by the Zoning Board of Appeals shall be part of the record of any public hearing required in Section 1105.06 E. The Zoning Board of Appeals may include a staff report submitted to the Board in the public record by accepting such report by majority vote of its members to ensure a complete record of its proceedings. If the request for a variance is disapproved by the Zoning Board of Appeals, the applicant may seek relief through the Court of Common Pleas.

G. Period of Validity

A variance granted by the Board shall terminate at the end of twelve (12) months from the date on which the Board grants the variance, unless within such twelve (12) month period, a Zoning Certificate is obtained and within such twelve (12) months, construction has commenced and the project can be completed in eighteen (18) months. The applicant may appeal to the Zoning Department for additional time up to six (6) months provided that progress can be observed by the Zoning Department. Additional extensions for the construction of the improvement granted by variance may be granted only upon application to the Zoning Board of Appeals.

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1105.07 Procedure for Conditional Use Permit

The following provisions shall apply to the issuance of Conditional Use Permit:

A. Authorization

Specifically listed Conditional Uses are provided within the Zoning District regulations in recognition that such uses, although often acceptable, will affect the surrounding properties and areas in which they are located in a more intense manner than the Principal Permitted Uses of such Zoning District.

The intent of the procedure for authorizing a Conditional Use is to set forth the development standards and criteria for locating and developing Conditional Uses in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

B. Application for Conditional Use

Any person owning or having an interest in property may file an application with the Planning Commission to use such property for Conditional Uses provided for by this Ordinance in the Zoning District in which the property is situated. The application shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied by the application, provided that an individual signing as the applicant's agent shall furnish proof of his authority to act for the applicant. An application for a Conditional Use Permit shall be filed with the Zoning Department and forwarded to the Planning Commission.

The application for a Conditional Use shall contain the following:

1. Description of Property and Intended Use

- a. A description sufficient to identify the property including a reference of the book and page of the last recorded deed;
- b. The proposed conditional use of the property;
- c. A statement of the necessity or desirability of the proposed conditional use to the property;
- d. A statement of the compatibility of the proposed conditional use to adjacent properties; and
- e. Such other information regarding the property, proposed conditional use, or surrounding area as may be pertinent to the application or required for appropriate action by the Planning Commission.

2. Site Plan

The application shall be accompanied by at least six (6) copies of the site plan, drawn to an appropriate scale clearly showing the following:

- a. The boundaries and dimensions of the lot;

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- b. The size and location of existing and proposed structures;
- c. The proposed conditional use of all parts of the lot and structures, including access ways, walks, off-street parking, loading spaces, impervious areas and landscaping;
- d. The relationship of the proposed development to the Lot Development Standards in the Zoning District in which the proposed use is to be located;
- e. The use of land and location of structures on adjacent property within 100 feet; and
- f. A list of property owners, including names and mailing addresses, within 100 feet of the property subject to the Conditional Use request.

3. Fees

Fees as established by the Village Council.

C. Hearing on Conditional Use

The Planning Commission shall fix a reasonable time and place for the hearing of a Conditional Use and give at least fifteen (15) days public notice thereof in a newspaper of general circulation and written notice thereof to the parties of interest located within 100 feet of the property. A sign shall be erected on the subject property, provided by the Village, in a visible location at the front property line indicating a Conditional Use hearing on the property. The sign shall contain the following as a minimum: the words "Conditional Use Hearing."

D. Standards for Conditional Use

In determining whether the issuance of a Conditional Use Permit is warranted, the standards the Planning Commission shall take into consideration are the following:

- 1. The use will not discourage the development or impair the value of the surrounding and adjacent land and use district(s);
- 2. The concentration and volume of vehicles in connection with the use will not be more dangerous or hazardous than the usual traffic of the use district;
- 3. The proposed use does not produce a negative impact upon the abutting or surrounding properties and zoning uses given the characteristics, size, location, drainage, intensity and nature of the proposed use and any structure;
- 4. The location, extent, arrangement and intensity of the proposed use shall be such that its operation will not be objectionable to adjacent and surrounding uses by reason of noise, smoke, dust, odors, fumes, vibrations or glare;
- 5. The use, arrangement of and location of uses and structures must be compatible with surrounding uses and zones or must be capable of being made compatible through the imposition of conditions;

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6. The use and structures must not be detrimental to the health, safety and welfare of the locality involved;
7. The use and structures must conform to the purpose, intent and objectives of this Zoning Code; and
8. The proposed use is properly located in relation to any adopted master plan, general plan, land use plan, thoroughfare plan, or street plan, particularly in its relation to existing collection and local street systems and pedestrian circulation.

E. Factors

Factors to be considered in evaluating the conditional use standards may include, but are not limited to, the following:

1. Land use;
2. Height;
3. Setbacks;
4. Lot coverage (impervious surfaces);
5. Drainage, water and grading;
6. Access to and capacity of utilities;
7. Business or other activities;
8. Open space;
9. Density;
10. Location of structures and uses on the site;
11. Screening;
12. Signs/advertisements;
13. Paving;
14. Entrances;
15. Hours of operation;
16. Lighting;
17. Landscaping;
18. Fencing/walling;
19. Mechanical systems/HVAC;
20. Dumpster locations;
21. Parking; and
22. Noise.

The Planning Commission may issue the Conditional Use Permit if it determines that the proposed Conditional Use satisfies the standards set forth in Subsection D above. If the Planning Commission determines that such proposed Conditional Use does not, and will not, satisfy the standards set forth in Subsection D, Planning Commission shall deny the issuance of a Conditional Use Permit.

F. Conditions and Restrictions

In granting a Conditional Use Certificate, the Planning Commission may impose such conditions, safeguards and restrictions upon the premises benefited by the Conditional Use as may be necessary to reduce or minimize potentially injurious effects of such Conditional Uses upon other property in the general vicinity, and to carry out the general purpose and intent of this Ordinance.

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G. Decision on Conditional Uses

The concurring vote of a majority of the members of the Planning Commission present at the meeting shall be necessary to approve the Conditional Use. The Planning Commission shall render a written decision on the application without unreasonable delay after the close of a hearing, and in all cases, within sixty (60) days after the close of the hearing.

H. Period of Validity

A Conditional Use Permit granted by the Planning Commission shall terminate at the end of twelve (12) months from the date on which the Planning Commission grants the Conditional Use, unless within the twelve (12) month period the Use has begun or a building permit is obtained and the erection or alteration of a structure has started.

1105.08 Zoning Certificate

A. Zoning Certificate Required

A Zoning Certificate shall be required for any of the following, except as herein provided:

1. Construction or structural alteration of any Structure, Building including Accessory Buildings, but excluding any agricultural building as defined by the Ohio Revised Code.
2. Change in use of an existing building, structure, or Accessory Building to a use of a different classification, excluding changing to any agricultural use as defined by the Ohio Revised Code.
3. Occupancy and use of vacant land, excluding agricultural land as defined by the Ohio Revised Code.
4. Change in the use of land to a use of a different classification, excluding a change to an agricultural use as defined by the Ohio Revised Code.
5. Any change in the use of a non conforming use.
6. The erection or replacement of sign structures.

B. Application

Each application for a Zoning Certificate shall be accompanied by a plat in duplicate, drawn to scale, showing the actual dimensions of the lot or parcel to be built upon, the size, shape and location of the building to be erected, and such other information as may be necessary to provide for the enforcement of this Zoning Ordinance. A record of applications and plats shall be kept in the office of the Building Inspector.

- C. It shall be unlawful for an owner or occupant to use or to permit the use of any structure, building or land or part thereof, hereafter erected, created, changed, converted or enlarged, wholly or partly, until a Zoning Certificate has been issued by the Zoning Department.

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- D. Such certificate shall show that such a building or premise or a part thereof, and the proposed use thereof are in conformity with the provisions of this Ordinance. No permit for excavation or construction shall be issued by the Zoning Department unless the plans, specifications, and the intended use conform to the provisions of this Ordinance.

- E. Construction on any improvement granted by the Zoning Certificate shall commence within 90 days of issuance and must be completed within twelve (12) months from the date of which the Certificate was issued. The applicant may appeal to the Zoning Department for an additional time up to six (6) months provided that progress can be observed. Additional extensions for the construction of the improvement may be granted only upon application to the Zoning Board of Appeals.

This period of validity for Zoning Certificates shall also apply to all previously granted Zoning Certificates, the time frame to which begins at the adoption of this Ordinance by Village Council.

1105.09 Zoning Compliance Permit

- A. Subsequent to the effective date of this Zoning Ordinance, no change in the use or occupancy of land, nor any change of use or occupancy in an existing building other than for single family dwelling purposes, shall be made, nor shall any new building be occupied for any purpose other than single family dwelling purposes, until a Zoning Compliance Permit has been issued by the Zoning Department upon approval by the Planning Commission. Every Zoning Compliance Permit shall state that the new occupancy complies with all provisions of this Zoning Ordinance.

- B. A record of all Zoning Compliance Permits shall be kept on file in the Zoning Department, and copies shall be furnished on request to any person having a proprietary or tenancy interest in land or a building affected by such certificate of occupancy.

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CHAPTER 1107
ZONING DISTRICTS AND TEXT AMENDMENTS

1107.01 Procedure for District Changes and Amendments

Council from time to time, on its own motion or on petition, after public notice and hearing as provided by law and after recommendation by the Planning Commission, may amend, supplement or change or repeal the boundaries, restrictions, classifications or regulations herein or subsequently established. In case the Planning Commission disapproves the proposed change, such amendment shall not be passed except by the favorable vote of three-fourths of all the members of Council. The Ordinance text or map may be amended utilizing the procedures specified in this Chapter.

1107.02 Initiation of Zoning Code Text Amendments

Amendments to the Zoning Code text may be initiated in one of the following ways:

- A. By adoption of a motion by the Planning Commission;
- B. By adoption of a motion by Council of a Planning Commission recommendation;
- C. By application by a property owner of record, which shall include:
 - (i) name, address and phone number of the applicant;
 - (ii) the proposed amendment to the text; and
 - (iii) a fee as established by Village Council.

1107.03 Initiation of Zoning Map Amendment

An application for a Zoning Map Amendment may be initiated in one of the following ways:

- A. By adoption of a motion by the Planning Commission;
- B. By adoption of a motion by Council of a Planning Commission recommendation;
- C. By application by a property owner of record, which shall be signed by the applicant, or the applicant's agent, attesting to the truth and exactness of all information supplied by the application, provided that an individual signing as the applicant's agent shall furnish proof of his authority to act for the applicant. At a minimum the application shall contain the following information:
 - (i) name, address and phone number of the applicant;
 - (ii) proposed amendment to the text or a survey of the property proposed to be rezoned;
 - (iii) present use;
 - (iv) present zoning district;
 - (v) proposed use including any plans that the applicant has developed;

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(vi) a vicinity map at a scale of not less than 1" = 100' showing property lines, streets, existing and proposed zoning existing use of all buildings and the principal use of all properties within two hundred and fifty (250) feet of such land and such other items as the Zoning Administrator may require; and

(vii) a fee as established by Village Council.

1107.04 Transmittal to Planning Commission

Following the request for consideration of a zoning text or map amendment by Council or following the filing of a zoning map amendment application by at least one owner of property, such motion or application shall be transmitted to the Planning Commission.

1107.05 Public Hearing by Planning Commission

The Planning Commission shall, after its adoption of a motion with respect to a text or map change, hold a public hearing to consider the zoning text or map amendment.

1107.06 Notice of Public Hearing in Newspaper

Before holding the public hearing, notice of such hearing shall be given by the Planning Commission, by publication at a minimum of a notice in a newspaper of general circulation in the Village at least once, fifteen (15) days prior to the meeting. This notice shall set forth the time and place of the public hearing and the nature of the proposed amendment.

When the proposed action has been initiated by the Village, the Village shall provide at its cost the said notice. When the proposed action has been initiated by a party other than the Village, the initiating party shall reimburse the Village for the cost for the publication of the said notice.

1107.07 Notice of Map Amendments to Property Owners by Planning Commission

- A. Written notice of the public hearings involving a map amendment shall be provided to the owner or owners of real property within the area to be rezoned or otherwise changed by the map amendment and to the owner or owners within two hundred and fifty (250) feet in any direction of the boundaries of the property to be changed by the map amendment. For the purposes of this Section, the words "owner" and "owners" shall mean those persons appearing on the County's current tax duplicate as the owner or owners of fee simple title to the said properties.
- B. Such written notice shall be provided at least fifteen (15) days prior to the date of the hearing by hand delivery, or by posting same by prepaid standard U.S. Mail, at the address listed upon the said tax duplicate for each owner.
- C. The written notice shall contain the same information as required of notices published in newspapers as specified in Section 1107.06.
- D. When the proposed map amendment has been initiated by the Village, the Village shall provide, at its cost, the hand or postal delivery provided hereinabove.

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- E. When the proposed map amendment has been initiated by a party other than the Village, the initiating party shall provide, at its cost, the hand or postal delivery provided hereinabove and shall file with the Planning Commission on or before the date of the said hearing an affidavit confirming compliance with the provisions of this Section.
- F. The failure to hand deliver or mail the notice provided by this Section shall not, however, invalidate any action of Planning Commission and/or Village Council on this said map amendment.

1107.08 Standards for Zoning Map Amendments

Recommendations made only by the Planning Commission shall be considered for map amendments. All recommendations by the Planning Commission for Zoning Map amendments shall be consistent with the Village's adopted plans, goals, and policies and with the intent of this Ordinance.

- A. Prior to making a recommendation on a proposed rezoning, the Planning Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to specific documents finding at least one (1) of the following:
 - 1. There has been a change in demand for land which alters the information upon which the Zoning Map is based.
 - 2. A study indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the Village mapped as such on the Zoning Map, is inadequate to meet the demands for such development.
 - 3. Proposed uses cannot be accommodated by sites already zoned in the Village due to lack of transportation or utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district.
 - 4. There is an error in the text or Zoning Map as enacted.
- B. No residentially zoned district shall be rezoned to a non-residential district unless the site proposed for rezoning is contiguous to land in the proposed zoning district classification.
- C. In addition to the findings required to be made by subsections (A), findings shall be made by the Planning Commission on each of the following matters based on the evidence presented.
 - 1. The extent to which the proposed amendment and proposed use are in compliance with and deviate from Village adopted plans, goals and policies.
 - 2. The suitability of the property in question for the uses permitted under the proposed zoning.
 - 3. The adequacy of public facilities such as transportation, utilities, and other required public services to serve the proposed use.
 - 4. The effect of the proposed rezoning on surrounding uses.

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5. The effect of the proposed rezoning on the economic viability of existing developed and vacant land within the Village. The Planning Commission shall not recommend the adoption of a proposed amendment unless it finds that the adoption of such an amendment is in the public interest and not solely for the interest of the applicant.

1107.09 Recommendation by Planning Commission

After the close of the public hearing, the Planning Commission shall recommend to Council, in a time period no longer than thirty (30) days, that the amendment be granted, as requested, or it may recommend a modification of the amendment requested or it may recommend the amendment not be granted. The Planning Commission shall transmit its recommendation to Council.

1107.10 Public Hearing by Council

Upon receipt of the recommendation from the Planning Commission, Council shall schedule a public hearing.

1107.11 Notice of Public Hearing in Newspaper

Notice of the public hearing required in Section 1107.05 shall be given by publication at a minimum of a notice in a newspaper of general circulation in the Village. Such notice shall be published at least thirty (30) days before the date of the public hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

1107.12 Notice to Property Owners by Council

- A. Written notice of the map amendment hearing involving a map amendment shall be provided to the owner or owners of the real property within the area to be rezoned or otherwise changed by the map amendment and to the owner or owners within two hundred and fifty (250) feet in any direction of the boundaries of the property to be changed by the map amendment. For the purposes of this section, the words "owner" and "owners" shall mean those persons appearing on the County's current tax duplicate as the owner or owners of fee simple title to the said properties.
- B. Such written notice shall be provided at least fifteen (15) days prior to the date of the hearing by hand delivery, or by posting same by prepaid ordinary U.S. Mail, at the address listed upon the said tax duplicate for each owner.
- C. The written notice shall contain the same information as required of notices published in newspapers as specified in Section 1107.11.
- D. When the proposed map amendment has been initiated by the Village, the Village shall provide at its cost the hand or postal delivery provided hereinabove.
- E. When the proposed map amendment has been initiated by a party other than the Village, the initiating party shall provide at its cost the hand or postal delivery provided hereinabove and shall file with the Clerk of Council on or before the date of the said hearing an affidavit confirming compliance with the provisions of this Section.

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- F. The failure to hand deliver or mail the notice provided by this section shall not, however, invalidate any action of Council on the said map amendment.

1107.13 Action by Council

Council may approve or disapprove the recommendation of Planning Commission by a vote of not less than three-fourths ($\frac{3}{4}$) majority of the full membership of Council. Final action on the amendment must be taken within sixty (60) days of the close of Council's public hearing. Failure to take action within such sixty (60) day period shall constitute disapproval.

1107.14 Zoning Changes Denied

If, upon a public hearing, a zone change Ordinance is not passed by Council, the applicant, or any other person seeking the zone change in reference to the same property, shall not be permitted to apply for a zone change for at least six (6) months. If the applicant is refused the zone change upon application after the expiration of the six (6) month period, no new application from him or her shall be considered until the expiration of one (1) year from the date of the second refusal.

1107.15 Designation of Annexed Territory

All territory hereafter annexed to the Village shall continue to be zoned under the Township Zoning Ordinance in force until the Village takes affirmative action to rezone the property.

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CHAPTER 1109
ZONING DISTRICTS AND MAP

1109.01 Purpose

The incorporated territory of the Village of Terrace Park, Ohio, is hereby divided into the zoning districts wherein regulations are uniform for each class, type of building or structure, or use, throughout each zoning district in order to:

- A. Classify, regulate, and restrict the location of residences, commercial establishments, industries, institutional, recreation and other land uses, and the location of buildings designed for specified uses;
- B. Assure the proper relation and conformity of new and expanded buildings and structures to the fabric of existing surrounding neighborhoods;
- C. Regulate and limit the height of buildings and structures;
- D. Regulate the percentages of lot areas which may be covered by impervious surfaces;
- E. Establish setback lines, sizes of yards and other open spaces surrounding such buildings.
- F. Regulate the density of population of the Village.

1109.02 Establishment of Zoning Districts

For the purpose of this Zoning Ordinance the Village is hereby divided into districts as follows:

- A. Residence A
- B. Residence AA
- C. Residence B
- D. Recreation and Institution (RI)
- E. Business A
- F. Business B
- G. Public Facilities (PF)
- H. Planned Business Development

1109.03 Zoning Districts Map

- A. The boundaries of the districts are hereby established as shown on the Official Zoning Map heretofore approved by the Planning Commission as of the date of this Ordinance as may be amended from time to time and which accompany and are hereby declared to be part of this Zoning Ordinance.

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- B. The Zoning Map and all notations, references, and other information shown thereon are officially a part of the Zoning Ordinance and have the same force and effect as if the Zoning Map and all notations, references, and other information shown thereon were fully set forth and described herein.
- C. The Official Zoning Map shall be filed in the office of the Zoning Department.

1109.04

Interpretation of District Boundaries

- A. The district boundary lines are intended to follow property lines, lot lines, the centerlines of streets or alleys, or the specified distance from such features or railroad right-of-way lines as they existed at the time of the passage of this amending ordinance unless such district boundary lines are indicated otherwise on the Maps. If there is doubt in a particular instance as to the location of the district boundary lines, the question of such location shall be adjudicated by the Zoning Department.
- B. Whenever any street, alley or other public way is vacated by official action of Village Council, the zoning district adjoining each side of such street, alley or other public way will be automatically extended to the center of such vacation, and all area included in the vacation will be subject to all applicable regulations of the extended districts.
- C. Where uncertainty exists with respect to the boundaries of the various districts as shown on the map accompanying and made a part of this Zoning Ordinance, the following rules apply:
 - 1. Where the district boundaries are not otherwise indicated, and where the property has been or may be hereafter divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the map accompanying and made a part of this Zoning Ordinance are bounded approximately by lot lines, the lot lines shall be construed to be the boundary of the districts unless the boundaries are otherwise indicated on the map.
 - 2. In unsubdivided property, the district boundary lines on the map accompanying and made a part of this Zoning Ordinance shall be determined by use of the scale appearing on the map, by the Zoning Administrator.

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CHAPTER 1111
RESIDENCE “A” DISTRICT

1111.01 Purpose

The purpose of the Residence “A” District is to protect residential neighborhoods from the intrusion of incompatible residential and nonresidential uses; to provide locations for single family detached dwellings on smaller sized lots where the amenities of light, air, and yard spaces around each dwelling are a high standard for the Village; and to allow other public and institutional uses that do not adversely affect the residential quality of their neighborhood.

1111.02 Principally Permitted Uses

Only the following uses are permitted and no building, structure or premises shall be used or arranged or designed to be used in any part except for one (1) or more of the following specified uses:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• Single Family Detached Dwelling	<ul style="list-style-type: none">• Public Utilities	<ul style="list-style-type: none">• Horticultural provided that no sales of products occur on the premises

1111.03 Permitted Accessory Uses

The following accessory uses are permitted in the Residence “A” District:

- A. Detached Accessory Buildings, built with or after the construction of the principal building, including one (1) private garage in uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of any business. Detached Accessory Buildings not used as a garage shall not be larger than 300 square feet.
- B. Garage or stable space may be provided on one (1) lot for any one (1) residence located on more than one lot. No part of such garage or stable shall contain permanently installed cooking, showering, or bathing facilities. No more than three (3) single car garage doors or equivalent are permitted on any one (1) property. The maximum square footage for detached garages shall be:
 - 1. One Car Garage – With one single car garage door or equivalent – 400 square feet.
 - 2. Two Car Garage – With two single car garage doors or equivalent – 675 square feet.
 - 3. Three Car Garage – With three single car garage doors or equivalent – 900 square feet.

A single car garage door shall not exceed 10 feet in width, a two car garage door will be any door that measures between 10 and 20 feet in width, any door larger than 20 ft in width will be considered a three car garage door. For clarification; both a garage with an 18 ft garage door and garage with two 9 ft doors will be treated as a Two Car Garage. Any exterior door or opening leading into a garage space that is wider than 60 inches will be considered a garage door.

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An Accessory Building that is attached to a garage may exist as long as there is a permanent wall dividing the two structures, the size of the attached Accessory Building shall not exceed 200 sq. ft. The area of the Accessory Building shall be calculated separate from the garage area. An internal opening between the two structures may exist as long as it is not sized to allow a passenger car to be driven through.

Basement garages are not permitted in any District unless the entrance to such garage is from the rear yard or unless the basement floor elevation is above the established street grade.

- C. Not more than one (1) Commercial Vehicle shall be parked on such lot, such Commercial Vehicle not to exceed a manufacturer's published gross vehicle weight rating (GVWR) of 11,000 pounds.
- D. Accessory uses, customarily incidental to the above permitted uses and located only on the same lot with them.
- E. Fences; Pursuant to Section 1131.06.
- F. Home Occupations; Pursuant to Section 1131.04.
- G. Signs.

1111.04 Conditionally Permitted Uses

The following uses are permitted conditionally in the Residence "A" District:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Educational Institution; Elementary School, Junior High School, High School • Religious Place of Worship 	<ul style="list-style-type: none"> • Club, lodge or community center building

1111.05 Lot Development Standards

The following lot development standards shall apply to properties located in the Residence "A" District:

Minimum Lot Area	<ul style="list-style-type: none"> • 12,000 square feet for single family dwellings. • 20,000 square feet for all other uses.
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • 85 feet for single family dwelling. • 150 feet for all other uses.
Minimum Lot Depth	<ul style="list-style-type: none"> • 115 feet.
Minimum Front Yard Setback (see Appendix 3 for illustration)	<ul style="list-style-type: none"> • A front yard setback shall not be less than 30 feet unless if two or more lots constituting 40% of the Frontage on one side of the street between two intersecting streets is improved with buildings that have observed a front yard line having a variation in the depth of not more than six feet, in which case no new building or structure shall project beyond the average front yard so established. In no case shall a front yard be required to exceed 50 feet. (see

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	Appendix 1 for calculation examples). However for every 1 foot the dwelling exceeds 25 feet in height, the Front Yard setback shall be increased an additional 1.5 feet until the Front Yard setback is at 30 feet at which point the Front Yard setback shall increase by 1 foot for every 1 foot the dwelling exceeds 25 feet.
Minimum Side Yard Setback	<ul style="list-style-type: none"> • For single family dwellings, 15% of the lot Frontage to a maximum of 15 feet for each side yard. However for every 1 foot the dwelling exceeds 25 feet in height, the side yard setback shall be increased an additional 1 foot. • For all other Structures, 15% of the lot Frontage to a maximum of 30 feet for each side yard unless otherwise modified by the building height requirement in this Section. However for every 1 foot the dwelling exceeds 25 feet in height, the side yard setback shall be increased an additional 1 foot.
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • For single family dwellings, the greater of 30 feet or 20% of the lot depth to a maximum of 50 feet. • For all other Structures excluding Accessory Buildings or Accessory Structures, 20% of the lot depth to a maximum of 60 feet. • For Accessory Buildings and Accessory Structures, see Section 1131.02.
Maximum Building Height	<ul style="list-style-type: none"> • 35 feet for principal structures. • 18 feet Accessory Buildings. • On sloping lots the maximum height measured from the lowest finished grade shall not exceed 40 ft. • Grade Plane shall not exceed the highest ground level at the proposed building corners, prior to new construction.
Maximum Stories	<ul style="list-style-type: none"> • Three (3) stories; but in no case shall the building be greater than the maximum building height identified above.
Minimum Distance Between Principal and Accessory Buildings	<ul style="list-style-type: none"> • 10 feet.

Note 1: The required Front Yard Setback of an existing building that currently sits at between 30 and 50 feet shall not change due to the construction of a new building on the street further back that would cause such existing building to be non conforming.

Note 2: In calculating the Front Yard Setback, the Zoning Department must include the property covered by the application for a Zoning Certificate, if it meets the additional requirements listed above. If a building is demolished and a new building is proposed to be built within three years of demolition, the demolished building setbacks must be included in the Front Yard Setback calculation.

Note 3: If the current building is non conforming, see 1135 Non Conforming Uses, Structures, Building and Land.

1111.06 Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Chapter 1133.

1111.07 Signage Requirements

Signage requirements shall be as regulated in Chapter 1137.

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1111.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Chapter 1139.

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CHAPTER 1113
RESIDENCE “AA” DISTRICT

1113.01 Purpose

The purpose of the Residence “AA” District is to protect residential neighborhoods from the intrusion of incompatible residential and nonresidential uses; to provide locations for single family detached dwellings on medium sized lots where the amenities of light, air, and yard spaces around each dwelling are a high standard for the Village; and to allow other public and institutional uses that do not adversely affect the residential quality of their neighborhood.

1113.02 Principally Permitted Uses

Only the following uses are permitted and no building, structure or premises shall be used or arranged or designed to be used in any part except for one (1) or more of the following specified uses:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none">• Single Family Detached Dwelling	<ul style="list-style-type: none">• Public Utilities	<ul style="list-style-type: none">• Horticultural provided that no sales of products occur on the premises

1113.03 Permitted Accessory Uses

The following accessory uses are permitted in the Residence “AA” District:

- A. Detached Accessory Buildings, built with or after the construction of the principal building, including one (1) private garage in uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of any business. Detached Accessory Buildings not used as a garage shall not be larger than 300 square feet.

- B. Garage space may be provided on one (1) lot for any one (1) residence located on more than one lot. No part of such garage shall contain permanently installed cooking, showering, or bathing facilities. No more than three (3) single car garage doors or equivalent are permitted on any one (1) property. The maximum square footage for detached garages shall be:
 - 1. One Car Garage – With one single car garage door or equivalent – 400 square feet.
 - 2. Two Car Garage – With two single car garage doors or equivalent – 675 square feet.
 - 3. Three Car Garage – With three single car garage doors or equivalent – 900 square feet.

A single car garage door shall not exceed 10 feet in length, a two car garage door will be any door that measures between 10 and 20 feet in length, any door larger than 20 ft. in length will be considered a three car garage door. For clarification; both a garage with an 18 ft. garage door and garage with two 9 ft. doors will be treated as a Two Car Garage. Any exterior door or opening leading into a garage space that is wider than 60 inches will be considered a garage door.

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An Accessory Building that is attached to a garage may exist as long as there is a permanent wall dividing the two structures, the size of the attached Accessory Building shall not exceed 200 sq. ft. The area of the Accessory Building shall be calculated separate from the garage area. An internal opening between the two structures may exist as long as it is not sized to allow a passenger car to be driven through.

Basement garages are not permitted in any District unless the entrance to such garage is from the rear yard or unless the basement floor elevation is above the established street grade.

- C. Not more than one (1) Commercial Vehicle shall be parked on such lot, such Commercial Vehicle not to exceed a manufacturer’s published gross vehicle weight rating (GVWR) of 11,000 pounds.
- D. Accessory uses, customarily incidental to the above permitted uses and located only on the same lot with them.
- E. Fences; Pursuant to Section 1131.06.
- F. Home Occupations; Pursuant to Section 1131.04.
- G. Signs.

1113.04 Conditionally Permitted Uses

The following uses are permitted conditionally in the Residence “AA” District:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None • Educational Institution; Elementary School, • Religious Place of Worship 	<ul style="list-style-type: none"> • None

1113.05 Lot Development Standards

The following lot development standards shall apply to properties located in the Residence “AA” District:

Minimum Lot Area	<ul style="list-style-type: none"> • 14,000 square feet for single family dwellings. • 20,000 square feet for all other uses.
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • 100 feet for single family dwelling. • 150 feet for all other uses.
Minimum Lot Depth	<ul style="list-style-type: none"> • 130 feet.
Minimum Front Yard Setback (see Appendix 3 for illustration)	<ul style="list-style-type: none"> • A front yard setback shall not be less than 30 feet unless if two or more lots constituting 40% of the Frontage on one side of the street between two intersecting streets is improved with buildings that have observed a front yard line having a variation in the depth of not more than six feet, in which case no new building or structure shall project beyond the average front yard so established. In no case shall a front yard be required to exceed 50 feet. (see Appendix 1 for calculation examples). However for every 1 foot the dwelling exceeds 25 feet in height,

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	<p>the Front Yard setback shall be increased an additional 1.5 feet until the Front Yard setback is at 30 feet at which point the Front Yard setback shall increase by 1 foot for every 1 foot the dwelling exceeds 25 feet.</p> <ul style="list-style-type: none"> • 50 feet for all other uses.
Minimum Side Yard Setback	<ul style="list-style-type: none"> • For single family dwellings, 15% of the lot Frontage to a maximum of 15 feet for each side yard. However for every 1 foot the dwelling exceeds 25 feet in height, the side yard setback shall be increased an additional 1 foot. • For all other Structures, 15% of the lot Frontage to a maximum of 30 feet for each side yard unless otherwise modified by the building height requirement in this Section. However for every 1 foot the dwelling exceeds 25 feet in height, the side yard setback shall be increased an additional 1 foot.
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • For single family dwellings, the greater of 30 feet or 20% of the lot depth to a maximum of 50 feet. • For all other Structures excluding Accessory Buildings, 20% of the lot depth to a maximum of 60 feet. • For Accessory Buildings and Accessory Structures, see Section 1131.02.
Maximum Building Height	<ul style="list-style-type: none"> • 35 feet for principal structures. • 18 feet Accessory Buildings. • On sloping lots the maximum height measured from the lowest finished grade shall not exceed 40 ft. • Grade Plane shall not exceed the highest ground level at the proposed building corners, prior to new construction.
Maximum Stories	<ul style="list-style-type: none"> • Three (3) stories; but in no case shall the building be greater than the maximum building height identified above.
Minimum Distance Between Principal and Accessory Buildings	<ul style="list-style-type: none"> • 10 feet.

Note 1: The required Front Yard Setback of an existing building that currently sits at between 30 and 50 feet shall not change due to the construction of a new building on the street further back that would cause such existing building to be non conforming.

Note 2: In calculating the Front Yard Setback, the Zoning Department must include the property covered by the application for a Zoning Certificate, if it meets the additional requirements listed above. If a building is demolished and a new building is proposed to be built within three years of demolition, the demolished building setbacks must be included in the Front Yard Setback calculation.

Note 3: If the current building is non conforming, see 1135 Non Conforming Uses, Structures, Building and Land

1113.06 Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Chapter 1133.

1113.07 Signage Requirements

Signage requirements shall be as regulated in Chapter 1137.

1113.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Chapter 1139.

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**CHAPTER 1115
RESIDENCE “B” DISTRICT**

1115.01 Purpose

The purpose of the Residence “B” District is to protect residential neighborhoods from the intrusion of incompatible residential and nonresidential uses; to provide locations for single family detached dwellings on large sized lots where the amenities of light, air, and yard spaces around each dwelling are a high standard for the Village; and to allow other public and institutional uses that do not adversely affect the residential quality of their neighborhood.

1115.02 Principally Permitted Uses

In any Residence “B” District, no building, structure or premises shall be used or arranged or designed to be used in any part except for one or more of the following specified uses or purposes:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Single Family Detached Dwelling 	<ul style="list-style-type: none"> • Public Utilities 	<ul style="list-style-type: none"> • Agriculture • Horticultural provided that no sales of products occur on the premises

1115.03 Permitted Accessory Uses

The following accessory uses are permitted in the Residence “B” District:

- A. Detached Accessory Buildings, built with or after the construction of the principal building, including one (1) private garage in uses customarily incidental to any of the above uses when located on the same lot and not involving the conduct of any business. Detached Accessory Buildings not used as a garage shall not be larger than 300 square feet.
- B. Garage or stable space may be provided on one (1) lot for any one (1) residence located on more than one lot. No part of such garage or stable shall contain permanently installed cooking, showering, or bathing facilities. No more than three (3) single car garage doors or equivalent are permitted on any one (1) property. The maximum square footage for detached garages shall be:
 - 1. One Car Garage – With one single car garage door or equivalent – 400 square feet.
 - 2. Two Car Garage – With two single car garage doors or equivalent – 675 square feet.
 - 3. Three Car Garage – With three single car garage doors or equivalent – 900 square feet.

A single car garage door shall not exceed 10 ft. in length, a two car garage door will be any door that measures between 10 and 20 ft. in length, any door larger than 20 ft. in length will be considered a three car garage door. For clarification; both a garage with an 18 ft. garage door and garage with two 9 ft. doors will be treated as a Two Car Garage. Any exterior door or opening leading into a garage space that is wider than 60 inches will be considered a garage door.

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An Accessory Building that is attached to a garage may exist as long as there is a permanent wall dividing the two structures, the size of the attached Accessory Building shall not exceed 300 sq. ft. The area of the Accessory Building shall be calculated separate from the garage area. An internal opening between the two structures may exist as long as it is not sized to allow a passenger car to be driven through.

Basement garages are not permitted in any District unless the entrance to such garage is from the rear yard or unless the basement floor elevation is above the established street grade.

- C. Not more than one (1) Commercial Vehicle shall be parked on such lot, such Commercial Vehicle not to exceed a manufacturer's published gross vehicle weight rating (GVWR) of 11,000 pounds.
- D. Accessory uses, customarily incidental to the above permitted uses and located only on the same lot with them.
- E. Fences; Pursuant to Section 1131.06.
- F. Home Occupations; Pursuant to Section 1131.04.
- G. Signs.

1115.04 Conditionally Permitted Uses

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • None • Educational Institution; Elementary School, Junior High School, High School • Religious Place of Worship 	<ul style="list-style-type: none"> • Private Stable

1115.05 Lot Development Standards

The following lot development standards shall apply to properties located in the Residence "B" District:

Minimum Lot Area	<ul style="list-style-type: none"> • 5 acres.
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • Not less than ½ the average depth of the lot.
Minimum Lot Depth	<ul style="list-style-type: none"> • None.
Minimum Front Yard Setback	<ul style="list-style-type: none"> • 100 feet.
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 75 feet.
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 75 feet.
Maximum Building Height	<ul style="list-style-type: none"> • 40 feet for principal structures. • 18 feet Accessory Buildings. • On sloping lots the maximum height measured from the lowest finished grade shall not exceed 40 feet • Grade Plane shall not exceed the highest ground level at the proposed building corners, prior to new construction.

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Maximum Stories	<ul style="list-style-type: none">• Three (3) stories; but in no case shall the building be greater than the maximum building height identified above.
Minimum Distance Between Principal and Accessory Buildings	<ul style="list-style-type: none">• 20 feet.

1115.06 Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Chapter 1133.

1115.07 Signage Requirements

Signage requirements shall be as regulated in Chapter 1137.

1115.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Chapter 1139.

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**CHAPTER 1116
RECREATION AND INSTITUTION (RI) DISTRICT**

1116.01 Purpose

The purpose of the Recreation and Institution (RI) District is to provide appropriate areas in the Village for public and institutional type land uses and buildings, that are specifically designated for such use, and to provide for open spaces for recreational and natural space preservation which are vital to the quality of life of the Village.

1116.02 Principally Permitted Uses

In any Recreation and Institution (RI) District, no building, structure or premises shall be used or arranged or designed to be used in any part except for one or more of the following specified uses or purposes:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Public or Not-For-Profit Parks, Playgrounds and Recreational Areas 	<ul style="list-style-type: none"> • Agriculture • Horticultural provided that no sales of products occur on the premises

1116.03 Accessory Permitted Uses

The following uses are permitted in the Recreation and Institution (RI) District:

- A. Accessory uses, customarily incidental to the above permitted uses and located only on the same lot with them.
- B. Fences; Pursuant to Section 1131.08.
- C. Signs; Pursuant to Chapter 1137.

1116.04 Conditionally Permitted Uses

The following uses are permitted conditionally in the Recreation and Institution (RI) District:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • None 	<ul style="list-style-type: none"> • Educational Institution; Elementary School, Junior High School, High School • Public or Not-For-Profit Parks, Playgrounds and Recreational Areas with Outdoor Lighting • Public Utilities • Religious Places of Worship 	<ul style="list-style-type: none"> • None

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1116.05 Lot Development Standards

A. Lot Development Standards

The following development standards shall apply to properties located within the Public and Institution (PI) District:

Institution	
Minimum Lot Area	<ul style="list-style-type: none">• None
Minimum Lot Frontage	<ul style="list-style-type: none">• None
Maximum Lot Coverage	<ul style="list-style-type: none">• 10%
Maximum Height	<ul style="list-style-type: none">• 25 feet for principal structure• 15 feet Accessory Buildings• Grade Plane shall not exceed the highest ground level at the proposed building corners, prior to new construction
Minimum Front Yard Setback	<ul style="list-style-type: none">• 75 feet• No accessory uses permitted in the front yard
Minimum Side Yard Setback	<ul style="list-style-type: none">• 50 feet• 25 feet for accessory uses
Minimum Rear Yard Setback	<ul style="list-style-type: none">• 50 feet• 25 feet for accessory uses

B. Minimum Off-Street Parking and Loading Standards

Minimum off-street parking and loading standards shall be as regulated by Chapter 1133.

C. Buffer yard and Landscape Requirements

Buffer yard and landscape requirements shall be as regulated by Chapter 1139.

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**CHAPTER 1117
BUSINESS “A” DISTRICT**

1117.01 Purpose

The purpose of the Business “A” District is to provide places for businesses which serve regional markets; provide goods and services to other businesses, as well as consumers; provide services to automobiles; and which serve the traveling public.

1117.02 Principally Permitted Uses

In the Business “A” District, the following uses only are permitted:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Single Family Detached Dwelling 	<ul style="list-style-type: none"> • Public Utilities 	<ul style="list-style-type: none"> • Gasoline Filling Station with underground storage tanks less than 4,000 gallons total • Horticultural provided that no sales of products occur on the premises • Office, Business or Professional • Personal Services • Professional Service • Retail Business • Restaurant

1117.03 Permitted Accessory Uses

The following accessory uses are permitted in the Business “A” District:

- A. Fences; Pursuant to Section 1131.06.
- B. Other accessory uses, customarily incidental to the above permitted uses and located only on the same lot with them.
- C. Signs.

1117.04 Conditionally Permitted Uses

There are no conditionally permitted uses in the Business “A” District.

1117.05 Lot Development Standards

The following lot development standards shall apply to properties located in the Business “A” District:

Minimum Lot Area	<ul style="list-style-type: none"> • None required.
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • None required.
Minimum Lot Depth	<ul style="list-style-type: none"> • None required.
Minimum Front Yard Setback (see Appendix 3 for illustration)	<ul style="list-style-type: none"> • 45 feet from any adjoining public or dedicated street or highway.
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 10 feet.

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Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 20 feet unless the lot is less than 125 feet in depth, then the rear yard shall not exceed 15% of the depth of the lot.
Maximum Building Height	<ul style="list-style-type: none"> • 35 feet for principal structures. • 18 feet Accessory Buildings. • On sloping lots the maximum height measured from the lowest finished grade shall not exceed 40 feet • Grade Plane shall not exceed the highest ground level at the proposed building corners, prior to new construction.
Maximum Stories	<ul style="list-style-type: none"> • Three (3) stories; but in no case shall the building be greater than the maximum building height identified above.
Minimum Distance Between Principal and Accessory Buildings	<ul style="list-style-type: none"> • 20 feet.

1117.06 Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Chapter 1133.

1117.07 Signage Requirements

Signage requirements shall be as regulated in Chapter 1137.

1117.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Chapter 1139.

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**CHAPTER 1119
BUSINESS “B” DISTRICT**

1119.01 Purpose

The purpose of the Business “B” District is to provide places for businesses that are enclosed in buildings and that are small in size; to provide convenience goods and services to local residents; and to identify businesses which can be located close to residential properties without being detrimental to the residential neighborhood.

1119.02 Principally Permitted Uses

In the Business “B” District, the following uses only are permitted:

Residential Uses	Public and Semi Public Uses	Non-Residential Uses
<ul style="list-style-type: none"> • Single Family Detached Dwelling 	<ul style="list-style-type: none"> • Public Utilities 	<ul style="list-style-type: none"> • Horticultural provided that no sales of products occur on the premises • Office, Business or Professional • Personal Services • Professional Service • Retail Business

1119.03 Permitted Accessory Uses

The following accessory uses are permitted in the Business “B” District:

- A. Fences; Pursuant to Section 1131.06.
- B. Garage; if the use of the property is single family dwelling, then a garage space may be provided on one (1) lot for any one (1) residence located on more than one lot. No part of such garage or stable shall be used for residential dwelling purposes. No more than three (3) single car garage doors or equivalent are permitted on any one (1) property. The maximum square footage for detached garages shall be:
 - 1. One Car Garage – With one single car garage door or equivalent – 400 square feet.
 - 2. Two Car Garage – With two single car garage doors or equivalent – 675 square feet.
 - 3. Three Car Garage – With three single car garage doors or equivalent – 900 square feet.

A single car garage door shall not exceed 10 ft. in length, a two car garage door will be any door that measures between 10 and 20 ft. in length, any door larger than 20 ft. in length will be considered a three car garage door. For clarification; both a garage with an 18 ft. garage door and garage with two 9 ft. doors will be treated as a Two Car Garage. Any exterior door or opening leading into a garage space that is wider than 60 inches will be considered a garage door.

An Accessory Building that is attached to a garage may exist as long as there is a permanent wall dividing the two structures, the size of the attached Accessory Building shall not exceed 200 sq. ft. The area of the Accessory Building shall be calculated separate from the garage area. An internal opening between the two

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structures may exist as long as it is not sized to allow a passenger car to be driven through.

Basement garages are not permitted in any District unless the entrance to such garage is from the rear yard or unless the basement floor elevation is above the established street grade.

- C. Other accessory uses, customarily incidental to the above permitted uses and located only on the same lot with them.
- D. Signs.

1119.04 Conditionally Permitted Uses

There are no conditionally permitted uses in the Business “B” District.

1119.05 Lot Development Standards

The following lot development standards shall apply to properties located in the Business “B” District:

Minimum Lot Area	<ul style="list-style-type: none"> • None required.
Minimum Lot Width at Building Line	<ul style="list-style-type: none"> • None required.
Minimum Lot Depth	<ul style="list-style-type: none"> • None required.
Minimum Front Yard Setback (see Appendix 3 for illustration)	<ul style="list-style-type: none"> • 45 feet from any adjoining public or dedicated street or highway.
Minimum Side Yard Setback	<ul style="list-style-type: none"> • 10 feet.
Minimum Rear Yard Setback	<ul style="list-style-type: none"> • 20 feet unless the lot is less than 125 feet in depth, then the rear yard shall not exceed 15% of the depth of the lot.
Maximum Building Height	<ul style="list-style-type: none"> • 35 feet for principal structures. • 18 feet Accessory Buildings. • On sloping lots the maximum height measured from the lowest finished grade shall not exceed 40 feet • Grade Plane shall not exceed the highest ground level at the proposed building corners, prior to new construction.
Maximum Stories	<ul style="list-style-type: none"> • Three (3) stories; but in no case shall the building be greater than the maximum building height identified above.
Minimum Distance Between Principal and Accessory Buildings	<ul style="list-style-type: none"> • 20 feet.

1119.06 Off-Street Parking Requirements

Off-Street parking requirements shall be as regulated in Chapter 1133.

1119.07 Signage Requirements

Signage requirements shall be as regulated in Chapter 1137.

1119.08 Landscape and Buffer Requirements

Landscape and Buffer requirements shall be as regulated in Chapter 1139.

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CHAPTER 1120
PUBLIC FACILITIES (PF) DISTRICT

1120.01 Purpose

The purpose of this chapter is to identify certain uses of property that provide essential public services to the residents and businesses of the Village of Terrace Park. Such services, such as law enforcement and fire prevention, can best fulfill their purpose by being centrally located and accessible to as many parts of the community with the minimum response time. It is recognized that in a community that is primarily used for residential purposes, such Public Facilities will need to be located in close proximity to property used for residential purposes. It is the determination of the Village Council that Public Facilities such as fire departments, police departments, offices for public officials and administrative staff, room for the meetings of council members, Planning Commission, Board of Zoning Appeals, and other public hearings and meetings, maintenance buildings, public vehicle and equipment storage and repair buildings, as well as rooms available for the use by the public, whether multi-functional or not, are essential for the public well-being and are compatible with residential use in close proximity. The primary purpose of this chapter is to identify the procedure for reviewing and approving Public Facility districts, including the proposed buildings and structures to be placed on or remain thereon.

1120.02 Determination of What Qualifies as a Public Facility; Use

- A. Village Council shall determine whether a proposed Public Facility meets the standards and requirements set forth in this ordinance. Use of Public Facilities shall be in accordance with the guidelines and regulations established by Village Council from time to time.

1120.03 Permitted Uses in Public Facilities District

The only uses permitted in a public district are Public Facilities.

1120.04 Procedures

The proposed plan for one or more Public Facilities building or structure or combinations thereof shall be approved and a building permit issued by the Village building official subject to the following terms and conditions:

- A. The plans are accompanied by a resolution approved by Village Council that such plans have been reviewed by Village Council, that the proposed Public Facilities have been determined to be necessary to preserve or enhance the public health safety and welfare of the community and that Village Council has determined that the Public Facilities will not unreasonably harm adjacent property. Such resolution shall only be adopted after a public hearing with prior notice as provided in Section 713.12 of the Revised Code.
- B. The building official shall approve any subsequent modifications to such plans approved by the Village Council provided any such modifications are not substantial. It shall be presumed that any increase of 25% or more in the proposed footprint of buildings from the original plan shall be substantial.
- C. There shall be compliances with building codes, water retention, and other applicable fire codes.

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1120.05 Miscellaneous

In a Public Facilities district, minimum lot area, lot width, lot frontage, lot depth, lot coverage, building height, and minimum yard setbacks shall be flexible and shall be established by the buildings and structures determined to be needed for the public health, safety, and welfare of the community by Village Council.

1120.06 Amendment of Zoning Map

The procedure for the amendment of the zoning map shall be in accordance with the Ohio Revised Code, Section 713.12, including a review and recommendation by the Planning Commission, and a public hearing held by Village Council prior to adoption of any amendment to the zoning map.

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CHAPTER 1127
PLANNED BUSINESS DEVELOPMENT DISTRICTS

1127.01 Purpose

In order to classify, regulate and permit an orderly expansion of certain business areas defined hereunder, to regulate and limit the height, number of structures, of buildings, to limit the percentage of lot areas which may be occupied and to permit an orderly development of such business areas in keeping with the general welfare character of the Village, Business "A" and "B" Districts may be expanded as set forth below.

1127.02 Permitted Uses

The use regulations in a Planned Business Development shall be the same as those in the Business "A" and "B" Districts respectively. However, no building permit or zoning certificate shall be issued for real estate in such districts unless a Development Plan, as defined in Chapter 1103, Definitions and as governed by the procedures set forth herein, has been incorporated in an amendment or supplement to the Zoning Ordinance as an integral part of the zoning regulations applicable to the real estate.

1127.03 Planning and Zoning Code

Every amendment or supplement to the Zoning Ordinance incorporating a Development Plan as an integral part of the zoning regulations applicable to a specific parcel or tract of real estate shall be governed by the following procedure and every Development Plan shall be deemed to contain the following provisions:

- A. The owner of the real estate shall execute a Deed of Acceptance of the Development Plan and the amendment or supplement, and shall attach the same to the amendment or supplement prior to the adoption thereof by Council.
- B. Following adoption of the amendment or supplement, the Clerk of Council shall cause such amendment or supplement to be recorded in the land records applicable to the real estate in the office of the Recorder of Hamilton County.
- C. The Board of Appeals has jurisdiction to approve minor variations from the Development Plan provided that the variations shall remain in harmony with the general purpose and intent of the Development Plan and of the Zoning Ordinance.

Any application for a substantial variation from the Development Plan shall be treated as an amendment or supplement to the Zoning Ordinance and shall be governed by the provisions of law and the Zoning Ordinance which are applicable thereto.

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CHAPTER 1131
MISCELLANEOUS PROVISIONS

1131.01 Conformance Required

Except as hereinafter provided:

- A. No person shall use any premises for a use other than those permitted in the district in which such premises are located.
- B. No building or structure shall be erected unless it conforms to the regulations for the district in which such premises are located.
- C. No building shall be enlarged, structurally altered or moved or relocated unless such enlargement, structural alteration, moving or relocation conforms to the regulations for the district in which the premises are located, or in which the building is to be relocated.
- D. Every building hereafter erected, enlarged, structurally altered or relocated shall be located on a lot or parcel as herein defined and in no case shall there be more than one main building on one lot or parcel.

1131.02 Accessory Uses, Buildings, Structures, Newly Located Driveways and Parking Pads

- A. No Accessory Building or Structure shall be permanently constructed upon a lot until the construction of fifty (50) percent or more of the main building has been completed. Furthermore, no Accessory Building shall contain permanently installed cooking, showering, or bathing facilities.
- B. Accessory Buildings or Structures that are detached from the dwelling or main building may be built in a rear yard only. Detached Accessory Buildings shall not exceed eighteen (18) feet in Building Height. For the purposes of this Zoning Ordinance "detached" shall mean that there is no physical connection of the Accessory Building or Structure to the principal building. For a building to be attached, the connection must be substantial, at a minimum, the structures shall share at a common wall of at least 15 feet. Connecting such buildings by breezeways, decks, or other devices shall not transform a detached building into an attached building.
- C. On interior lots, no part of a detached Accessory Building shall be nearer to a side lot line or rear lot line than a distance of five (5) feet, and on corner lots no part of a detached Accessory Building shall be nearer to either a side lot line or the rear lot line than a distance of five (5) feet. On an alley, no detached Accessory Building shall be nearer to an alley than five (5) feet.
- D. No Accessory Building or all Accessory Buildings combined whether attached to or detached from the dwelling or main building shall occupy more than thirty (30) percent of the rear yard.
- E. An Accessory Building or Structure shall not exceed the height of the Principal Building on the lot on which it is erected.
- F. Any newly located Driveway or newly located Parking Pad shall be at least five (5) feet away from any property line, except a Village property line.

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1131.03 Sale or Purchase of Property Resulting in a Non Conforming Lot Prohibited

Whenever by the terms of this Zoning Ordinance there are prescribed minimum areas, widths or depths of lots or minimum front, side or rear yard spaces, no person shall buy or sell a part of an adjoining lot or tract in order to provide any of such minimums, if there are buildings or other structures on such adjoining lot or tract, and if such sale would reduce the area, width, depth, or the front, side or rear yard spaces below the minimum that would be required with respect to such adjoining lot or tract, if the buildings or structures thereon were not yet erected, but were sought to be erected thereafter.

1131.04 Home Occupation Regulations

A. Purpose

Commercial, retail, office and industrial activity are not generally permitted in residential areas. The purpose of these regulations is to permit some limited business activities to occur within a residential dwelling. However, it is the intent and purpose of these regulations to prohibit business activities in residential areas which cause any noticeable impact on adjoining property, the neighborhood or the community. Furthermore, in interpreting these regulations, it is not sufficient justification for the activity simply because it may be similar to certain types of activities normally associated with residential use. For example, normal preparation of food is incidental to residential use of property, but may be prohibited if it is carried on as a business purpose if the odors are detectable off the lot.

B. Regulations

Only a Home Occupation which meets the following criteria is permitted in a residential district:

1. The occupation or activity may only be carried on by one or more members of the immediate family residing on the premises.
2. All occupations or activities that occur within the property (which may include an attached or detached garage, Accessory Building or basement), and does not occupy more than ten (10) percent of the total Floor Area of the finished livable space of the dwelling, excluding any Floor Area of any garage Accessory Building or basement, except that day care facilities may occupy greater area and may, subject to Subsection 6 below, utilize the lot outside the residential dwelling. Day care facilities must be operated in conformity with all applicable laws and regulations as well as be subject to the regulations set forth herein. In addition, small stands for the sale of vegetables, fruits, flowers and plants may be placed outside the residential dwelling.
3. There shall be no change in the outside appearance of the building or premises to accommodate the Home Occupation. There shall be no evidence visible from the outside that a Home Occupation is being conducted on the premises, including outside storage, unless specifically permitted herein. No exterior sign announcing or pertaining to the Home Occupation shall be permitted.

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4. No traffic shall be generated by such Home Occupation in greater volume or at such times of the day than would normally be expected in a residential neighborhood. All parking of vehicles generated by the conduct of the Home Occupation must be off the street.
5. The retail sale of goods on the premises is not permitted as the predominant activity of a Home Occupation, except for the sale of vegetables, fruits, flowers and plants as in Subsection 2 above.
6. No equipment, process or activity generated by the Home Occupation shall be used or shall occur in a manner which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal sense off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuation in line voltage off the premises. Provided that pedestrian and vehicular traffic is not excessive, noise generated thereby shall not be considered a violation even if it is detectable off premises unless it is unreasonable in terms of volume or time of day.
7. Any trade, occupation or activity conducted in a dwelling which violates any of the above is prohibited.

1131.05 Cul-de-sac Lots and Panhandle Lots (Residence A and AA Districts)

- A. The minimum width for a cul-de-sac lot shall be 50 feet measured in a straight line between the two points of the intersection of the side property lines with the property line on the public right-of-way. A cul-de-sac lot shall increase in width from the front property line through the required minimum front yard so that the lot has a minimum width of 85 feet and 100 feet respectively in Residence Districts A and AA at a maximum of 30 feet from the closest point on the Frontage of the cul-de-sac lot (the right-of-way line of the turn-around portion of the cul-de-sac street). The width of a cul-de-sac lot shall be measured as a line parallel to a straight line drawn between two (2) points of intersection of the side property lines with the property line abutting the right-of-way. In addition, the minimum width of a cul-de-sac lot shall be no less than 85 feet and 100 feet, respectively in Residence Districts A and AA, from the building line to the rear lot line.
- B. No panhandle lot shall be permitted. A cul-de-sac lot shall not be considered a panhandle lot. The building area shall mean the portion of a lot on which the principal structure may be built in conformity with all area regulations, including but not limited to Front, Rear, and Side Yard setback requirements.

1131.06 Fences

- A. In Rear Yards;
 1. In the Rear Yard on an interior lot, no fence may exceed six (6) feet in height.
 2. In the Rear Yard on a corner lot, that portion of any fence that is substantially parallel to the rear lot line, may be constructed up to six (6) feet in height. That portion of any fence that is not substantially parallel to the rear lot line, may not exceed four (4) feet in height, and must be at least 30 percent open, except a fence substantially parallel to, and within two (2) feet of, the side lot line in the

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Rear Yard, in which case, the fence may be constructed up to six (6) feet in height.

- B. In Front Yards, no fence may exceed four (4) feet in height and must be at least 30 percent open.
- C. In Side Yards:
 - 1. That portion of any fence that, is substantially parallel to the nearest side lot line, may be constructed up to six (6) feet in height.
 - 2. That portion of any fence that is not substantially parallel to the nearest side lot line, may not exceed four (4) feet in height, and must be at least 30 percent open.
- D. For purposes of this Section, "30 percent open" shall be determined by viewing the fence from a position perpendicular to the plane of the fence. Viewed from that angle (90° from the plane), 30 percent of the total area of the fence must permit the direct passage of light and air. The "area" of the fence is calculated by multiplying the overall height of the fence times its length. If only a portion of a fence is required to be open (such as a fence that continues from a side yard to a front yard), only that portion of the fence required to be open shall be included in the calculation of area. In addition, that portion of the length of a fence which must be open shall be reasonably uniform throughout in the placement of required open areas.
- E. The finished or decorative side of any fence shall face the adjoining property.
- F. Fences shall not contain an electric charge.
- G. Barbed wire, razor wire, or any other type of anti-climbing wire shall only be used in the non-residential areas.
- H. For any fence that is erected on a berm, mound, or any other elevation, the height of that fence must be measured from the base of that berm, mound, or other elevation.

1131.07

Regulation of Recreational Vehicles and Boats in Residential Districts

- A. Parking and Storage Prohibited

No owner or occupant of any property shall park, store or cause or permit the parking or storage of any Recreational Vehicle or Boat in any Front, Side or Rear Yard of any property in a residential district, including the driveway area, except as provided in Section B and C below.

- B. Loading and Unloading

For the purpose of loading and unloading and incidental cleaning, a Recreational Vehicle or a Boat may be parked anywhere on the property up to 48 consecutive hours, but which cumulative time may not exceed 240 hours per year. No such Recreational Vehicle or Boat may exceed eleven (11) feet in height when so parked or stored.

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C, Storage of Canoes and Kayaks

Up to no more than three canoes or kayaks, or in total, including a combination of both totaling no more than three canoes and kayaks, of up to 20 feet in length each, can be stored in the rear yard only.

1131.08 Sewage Disposal Regulations

All septic and sewage disposal systems are regulated by the Hamilton County Board of Health.

1131.09 Antennas

A. Purpose and Intent

This section shall not be construed to pre-empt any application of the Federal Regulations.

1. It is the purpose and intent of Council to enact a comprehensive antenna ordinance which does not differentiate among types of antennas. This section is intended to comply with the policies and guidelines set forth in the order of the Federal Communications Commission No. PRB-1. (September 16, 1985). This section is also intended to comply with the policies and guidelines of FCC Order Number 85-87 (January 14, 1986) in that it does not differentiate among types of antennas.
2. Council hereby sets forth clearly defined health, safety and aesthetic objectives which this section is intended to meet:
 - a. Health objective. Transmission for commercial purposes only is excluded from residential areas so as to minimize any possible danger to residents from radio frequency (RF) interference and radiation from transmission antenna. Commercial transmissions are permitted in nonresidential districts. Amateur transmissions are permitted in residential and commercial districts of the Village.
 - b. Safety Objectives. Council has considered the safety of persons and property, especially in light of the large size and height of some antennas. The wind surface area standard is used to regulate the sizes of antennas. Antennas must be constructed and mounted so as to survive a 100 miles-per-hour wind. Antennas must also satisfy construction specifications provided by this section and manufacturer's specifications.
 - c. Aesthetic objectives. Council intends to satisfy the following aesthetic objectives in order to protect the property values of residential property:
 1. Preservation of the historic character of the Village based upon the architectural and other aesthetic qualities of both residential and commercial districts within the Village;

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2. Preservation of the image of the Village as a community which is concerned about its trees and other vegetation; and
3. Avoidance of visual clutter which detracts from the value of residential property.

B. Size, Height and Construction Specification in Residential Districts

1. Freestanding antennas. The following regulations shall apply to all freestanding antennas, which are those antennas which are mounted in the ground, with or without guy wires, or are attached to any ancillary structure for additional support.
 - a. Freestanding antennas shall not be constructed in the front yard or the side yard. They shall be limited to construction in the rear yard, in the area directly behind the main structure as viewed from the front property line.
 - b. Freestanding antennas shall not be higher than the roof line of the main structure and shall be limited to a wind surface area of twenty-three (23) square feet.
 - c. All ground mounted antennas shall be substantially screened by evergreen trees or shrubbery of at least six (6) feet in height at the time of planting. Such screening shall be placed on all sides of antenna that do not impede the reception of the signals. If trees or shrubbery are not in place within two months of application, permit will be void and a penalty shall be imposed for each day a violation until compliance.
 - d. If guy wires are used, they shall be sufficiently visible to prevent accident or injury to any person.
 - e. No lettering, numerals, symbols, pictorial signs or designs shall appear on any antenna, unless required by law for safety purposes. Antennas shall be of a color compatible with the surrounding landscape and structures.
 - f. Every antenna shall be constructed in accordance with specifications of the manufacturer.
 - g. Every antenna shall be electrically bonded to an eight (8) foot electrical ground rod substantially all of which shall be embedded into the earth in a vertical attitude.
 - h. Any electrical motor connected to an antenna shall be encased in protective guards and shall operate at a voltage no greater than 120 volts.
 - i. Every freestanding antenna shall be mounted on either a concrete base in line with the grade or caissons, depending upon the soil conditions to the approval of the Zoning Department.

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- j. Every antenna shall be constructed and installed so as to survive a wind of 100 miles per hour, as established by a recognized testing association.
 - k. All construction shall be in conformance with good engineering practices and procedures to the approval of the Zoning Department.
 - l. The wind surface area for an antenna, including the method of computation and the total figure, shall be provided in the application.
2. Permitted uses. No transmission of signals for commercial or business purposes shall be permitted in residential areas.
- C. Permit Required. No person, firm, partnership, corporation, trust or other legal entity shall construct, or install any antenna without a permit; nor shall construction commence before a permit is issued in accordance with Subsection (E) hereof.
- D. Application and Permit.
- 1. Application and Permit. The owner of the parcel upon which the antenna is to be installed shall apply to the Building Official for a permit for installation. Unless waived by the Building official the application shall include:
 - a. The address of the parcel;
 - b. The manufacturer's specifications for installation;
 - c. A photograph or accurate scale drawing of the antenna;
 - d. A scale plot plan of the parcel indicating the location and height of all structures, fences and screening, both existing and proposed, and the location and height of the proposed antenna;
 - e. The name, address and telephone of the owner of the installer, if any, who is installing the antenna;
 - f. A description of the use and purpose of the antenna, including whether it is receive-only transmitting or both, and the wind surface area;
 - g. A written statement signed by the installer which acknowledges that he has reviewed the requirements of this section and that the antenna shall be installed in accordance herewith;
 - h. A copy of the user's amateur radio license issued by the FCC, if the antenna will be used for transmission.
 - 2. Appeals. Appeals from decisions of the Zoning Department or requests for a variance from these regulations shall be made to the Zoning Board of Appeals.

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- F. Penalty. Any person, firm association or corporation who neglects or refuses to comply with these antenna regulations shall be give notice in writing by the Zoning Department of such offense, and shall be fined not more that established for a misdemeanor in the Ohio Revised Code for each day the violation continues following receipt of written notification.

1131.10 Minimum Frontage Required

No new lot shall be permitted to be created by subdivision which does not have Frontage on a public right-of-way which is at least equal to the minimum width required of such lot by the Zoning District within which it is located. The minimum Frontage required must be continuous and uninterrupted by the intersection of other property lines.

1131.11 Storage of Commercial Vehicles on Residential Property

A. Parking of Commercial Vehicles

Not more than one (1) Commercial Vehicle shall be parked on a residential lot or parcel. Such Commercial Vehicle shall not exceed a manufacturer's published gross vehicle weight rating (GVWR) of 11,000 pounds.

B. Parking of Construction Equipment

Construction equipment shall not be parked overnight on a residential lot or parcel unless it is parked in a garage or a building permit has been issued for the said lot or parcel and active construction is ongoing.

1131.12 Projections

- A. Open or lattice-enclosed fire escapes, fireproof stairways, and balconies opening upon fire tower projections may project into a yard not more than five (5) feet.
- B. An open, unenclosed porch, may project into a required front yard for a distance not exceeding ten (10) feet from the front building line and may be up to a total of 40 square feet. Steps of no more than 3 feet in depth collectively shall not be counted in the calculation of the 40 square feet.

1131.13 Light and Glare

All areas containing outdoor lighting, including but not limited to floodlighting, security lighting, canopy or parking lot lighting shall be as follows:

1. Lights shall be fully shielded so as to prevent the visibility of the light bulb from adjacent properties. Furthermore, all external lighting shall be so designed and situated so as not to cause glare on adjacent properties.
2. Compliance shall be achieved by utilizing fixture shielding, directional control designed into fixtures, fixture location, fixture height, fixture aim or a combination of these or other factors to mitigate light glare and trespass.
3. Light fixtures mounted on or under canopies or bays (e.g. gas station canopies) shall be of full cut off design, unless indirect lighting is used whereby light is directed upward and then reflected down from the ceiling of the canopy structure.
4. Lights shall not be mounted on the top or sides of a canopy or bay.

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5. Any lawful lighting fixtures located within the Village at the effective date of this Ordinance which does not conform to the provisions of this Section may continue, provided the lighting remains in conformance with the provisions of this Section.
6. Nothing in this Section shall relieve the owner or beneficial user of any legal non conforming lighting, or the owner of the property on which the legal non conforming lighting is located, from the provisions of this Section regarding safety, maintenance, and repair. Normal maintenance, including replacing light bulbs, cleaning, or routine repair of legal non conforming light fixtures, shall not be deemed to be a condition which triggers a loss of lawful status described below, unless such maintenance increases the non-conforming aspects of the lighting.
7. Legal non conforming status shall terminate under the following conditions:
 - a. If a light fixture is no longer used for a period of six (6) months it shall be deemed abandoned and shall not thereafter be reestablished; or
 - b. If a lighting fixture is structurally altered such that its non conforming aspects increase; or
 - c. If a lighting fixture is relocated, replaced, or moved in any way; or the lighting fixture is damaged and the cost of repair exceeds fifty (50) percent of its replacement value.

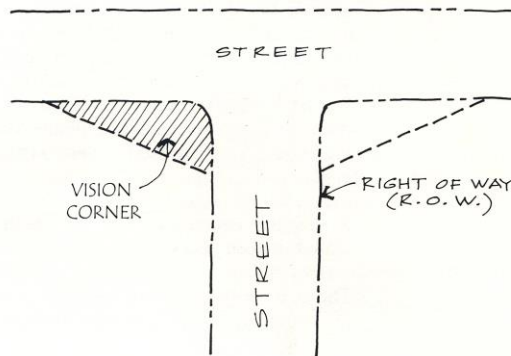
Upon the event of any of the aforementioned, the lighting fixture(s) shall be immediately brought into compliance with this Section, or the lighting fixture(s) shall be removed.

Lighting found by the Village to create public hazard can be ordered removed or altered at any time.

1131.14

Vision Corner

No planting, structure or opaque fence higher than three (3) feet shall be erected, planted or maintained within a triangle twenty (20) feet from the intersection so as to provide an unobstructed view of oncoming traffic.



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1131.15 Septic Systems

Septic systems approved by Hamilton County Board of Health shall be installed without raising the existing Grade of the Lot.

1131.16 Water Runoff

1. On any construction that increases water runoff on a property, a water drainage plan must be submitted to the Zoning Department for approval; the Zoning Department shall decide what drainage steps must be taken, including, but not limited to:
 - a. the number and location of one or more dry wells, if any are necessary in the judgment of the Zoning Department; or
 - b. the installation of an alternative engineered system along with supporting data to show the system will be adequate.
2. Plans shall be submitted identifying the type of drainage system and the location of the dry well(s), if necessary, on the property as identified in the Dry Well Design section below.
3. Dry wells shall be installed no higher than existing Grade.
4. Dry wells shall not be used to dispose of hazardous or toxic liquids.
5. It is important that property owners maintain their dry wells to ensure the efficient disposal of water. The dry well system shall be easily accessible in order to periodically clean out sediment that may accumulate at the bottom of the well.
6. Dry wells should be inspected and cleaned as necessary to ensure effectiveness.
7. If drainage appears slow, or if water is standing for more than 36 hours, the system shall be inspected by a dry well service company. If it is determined that the dry well needs to be replaced, the Village Zoning Department should be consulted for information on dry well replacement requirements.
8. Dry well systems shall conform to all County, State and Federal regulations including the Hamilton County Health Department and the EPA.
9. The drainage system must be inspected by the Zoning Department prior to certifying the structure for occupancy. The underground installation cannot be backfilled over until it has been inspected and approved by the Zoning Department.
10. In an effort to limit water runoff, the total area of impervious surfaces, including asphalt, concrete, brick pavers and the like shall not exceed fifteen (15) percent of the total lot area.

Liability and Responsibility

The property owner is responsible for damage caused by water runoff due to development. These drainage requirements represent a good faith effort to address the potential problems associated with water runoff due to development. However, the Village has no control over the accuracy of information submitted and does not assume responsibility for damage which may occur due to water runoff.

Dry Well Design

The following shall apply to a plan to utilize dry wells to control water runoff:

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- a. Submit a plot plan of the proposed residential development. Include locations of proposed dry wells with their sizes. Draw arrows showing which roof area will be routed into each dry well.
- b. The location of the dry well(s) must be coordinated with the locations of the septic fields, wells, and building foundations so as to not adversely affect them. It is suggested that dry well(s) be at least 30 feet from a septic field and at least 5 feet from building foundations.
- c. The dry well(s) must be deep enough to penetrate a porous soil stratum so the water can percolate out of the dry well efficiently. Based on historical records in Terrace Park, the river valley profile consists of up to ten (10) feet of silty clay soil which must be penetrated to reach the sand and gravel layer below. Soil permeability must be sufficient to drain the entire volume of the water within 72 hours. The soil infiltration rate shall be 0.25 inches per minute or greater. Suitable soil types include sand, sandy loam, loamy sand and gravel. Soils with high clay or silt content shall not be utilized for dry wells.
- d. The top of the dry well(s) and/or the cleanout shall be at finished Grade.
- e. Dry wells shall be constructed a minimum of 3 feet above the seasonal high water table so that the well remains free of water during periods of dry weather.
- f. The roof surface water runoff must be directly routed to the dry well(s) through a gutter and downspout system.
- g. The dry well(s) must be back-filled with round, washed gravel (1 1/2" to 3" in diameter). Any number of dry wells may be used, provided the volume of each dry well is adequate to receive the rain runoff from that portion of roof area being routed to it. The total volume of all dry wells, in cubic feet, shall be determined using the 1 in 10 year rainfall formula over 30 minute intervals as follows:

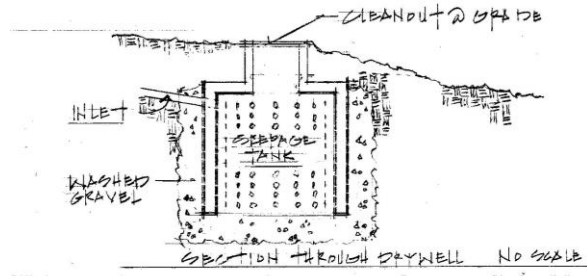
$$\text{10 year rainfall: (roof surface area) x 0.209}$$

For example, if your total roof surface area is 1600 square feet, you would need a total of 335 cubic feet of water dry well volume to adequately handle a 10 year rainfall.

$$1600 \text{ square feet of roof area} \times 0.209 = .335 \text{ cubic feet.}$$

- h. Care should be exercised to prevent natural or fill soils from mixing with gravel. All contaminated gravel must be removed and replaced with clean materials.
- i. The top and sides of the dry well must be covered and wrapped with filter fabric so the fine soils do not migrate into the voids of the gravel. Landscaping cloth (generally available at hardware stores) works well for this purpose. A screen must be provided either at the outlet to the gutter or at the inlet to the drywell pipe to keep debris from entering the dry well.
- j. Dry wells shall be bottomless and have perforated side walls and be made of concrete, or other material approved by the Zoning Department.
- k. This code section shall not apply to an Accessory Building with a square footage of two hundred (200) square feet or less, having no rain gutters, and located at least ten (10) feet from the rear yard property lines.

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1131.17 Structures Permitted in the Designated Front Yard

The following structures are permitted:

- A. Structures with a permanent base area of no more than one square foot, including but not limited to:
 - Flagpole.
 - Basketball backboard, basket and pole, permanently located adjacent to the driveway in the Front or Side Yard shall be no closer than 10 feet from the street or 5 feet from a Side Yard.
 - Mailbox approved by the United States Postmaster General.
 - Birdbath.
 - Flower pots or ornamental planters.
 - Light post not to exceed 6 ft. in height and 0.25 sq. ft. in area when viewed from above, excluding the lighting fixture.
 - Statue or statuette.

- B. Landscaping
 - Decorative or landscaping stone wall no higher than six inches.

- C. The following Front Yard structures are regulated or prohibited. See the relevant sections for the specific regulations:
 - Fences (see 1135.06 Fences).
 - Home occupation sign (see 1137 Signs and 1131.04 Home Occupation Regulations).
 - Accessory paved area for parking of Recreational Vehicles or Boats (see 1133 Parking).
 - Satellite dishes (see 1131.09 Antennas).

1131.18 Storage of Unsightly Materials in a Front Yard Prohibited

No owner or occupant of any property shall store in a Front Yard for more than sixty (60) days landscaping, building or other materials, including, but not limited to, motor vehicle parts, scrap metal, rubbish, refuse, mulch, stone, gravel, top soil, dirt, concrete, asphalt, sand, compost, wood chips, firewood, or lumber, unless there is a valid building permit

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pertaining to such property.

1131.19 Storing Inoperative Motor Vehicles

No Inoperative Motor Vehicle may be stored on any property, nor shall any Inoperative Motor Vehicle be allowed to remain on any property, except to the extent that such Inoperative Motor Vehicle shall be stored or allowed inside a Structure, such that the Inoperative Motor Vehicle is not visible from any point on any other property, including any point from any Structure on any such other property, public or private.

1131.20 Medical Marijuana Prohibition

Pursuant to the authority set forth in section 3796.29 of the Ohio Revised Code, medical marijuana cultivation, processing, and retail dispensaries as licensed and defined under chapter 3796 of the Ohio Revised Code shall not be permitted in any zoning district in the Village.

1131.21 Trailer Parking Restriction

Trailers designed to carry materials, goods, or objects may be parked only in a Rear Yard except for when being used in an active home improvement project.

CHAPTER 1133
OFF-STREET PARKING AND LOADING REGULATIONS

1133.01 Purpose

The purpose of these off-street parking and loading regulations are:

- A. To relieve congestion on the streets by requiring that parking be provided on property and off streets in relation to the parking demand generated by the property user(s).
- B. To promote safety and convenience for people by requiring that parking and loading areas, and associated driveways, be located and constructed according to good standards for visibility and accessibility.

1133.02 Off-Street Parking, When Required

Off-street parking shall be required as follows:

- A. Whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in Floor Area, number of employees, number of dwelling units, seating capacity or otherwise to create a need for an increase of ten (10) percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change.
- B. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of twenty-five (25) percent or more in Floor Area or in the area used, such building or use shall then comply with the parking requirements set forth herein.

Off-street parking spaces are not required for uses in any building existing at the time of adoption of this Ordinance where no off-street parking had been provided previously unless there is a change in use or an enlargement of the building or structure as identified above.

1133.03 Parking Plan Required

A parking plan shall be required for all uses except single family detached dwellings and two family dwellings in which case a driveway plan is required. The driveway or parking plan shall be submitted to the Zoning Department as part of the application for the Zoning Permit. The driveway plan shall show the dimensions and location of the driveway on the property, and the parking plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, lighting plan, boundary walls, fences and a landscaping and screening plan, as appropriate.

1133.04 Determination of Required Spaces

In computing the number of parking spaces required by this Ordinance, the following shall apply:

- A. Where **Floor Area** is designated as the standard for determining parking space requirements.

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- B. Where **seating capacity** is designated as the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated for, each twenty-four (24) lineal inches of seating facilities.
- C. Fractional numbers shall be increased to the next highest whole number.

Parking space requirements for a use not specifically mentioned in this Ordinance shall be determined by using the most similar and restrictive parking space requirement as specified by the Zoning Department based on the intended use, the location of the use, and the expected patronage or use by individuals operating motor vehicles.

1133.05 Required Off-Street Parking Spaces

The following minimum number of parking spaces shall be provided on the same lot as the use or building they are intended to serve, or may be provided on adjacent lots subject to other provisions of this Section.

Type of Use	Minimum Number of Spaces Required
Residential Uses	
Single Family Detached Dwelling	
Up to three (3) bedrooms	Two (2) spaces per dwelling unit.
Four (4) or more bedrooms	Three (3) spaces per dwelling unit.
Two Family Dwelling	
Up to three (3) bedrooms	Two (2) spaces per dwelling unit.
Four (4) or more bedrooms	Three (3) spaces per dwelling unit.
Public and Semi-Public Uses	
Auditoriums and places of assembly with or without fixed seats (sports arena theater or similar use)	One (1) space for every five (5) fixed seats or every five (5) persons of designed capacity.
Church and other Place of Worship	One (1) space for each five (5) fixed seats in the place of assembly.
Educational Institution	
Elementary or Junior High School	Two (2) spaces for each classroom or one (1) for every five (5) seats in auditoriums or assembly halls, whichever is greater.

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High School	One (1) space for every five (5) students of design capacity plus two (2) spaces for each classroom plus one (1) space for every five (5) seats in any auditorium or assembly hall.
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Type of Use	Minimum Number of Spaces Required
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Public and Semi-Public Uses (con't)

Publicly Owned and Operated Properties and Facilities	One (1) space for each 300 square feet of Floor Area or one (1) space for each three (3) seats, whichever is greater.
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Non-Commercial Parks and Recreation	One (1) space for each participant at maximum utilization or one (1) space for each three (3) seats, whichever is greater.
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Non-Residential Uses (Office, Commercial and Industrial)	Minimum Number of Spaces Required
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Child Day Care Center, Nursery Schools	One (1) space for each four (4) persons of design capacity.
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Club	One (1) space for each 100 square feet of Floor Area.
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Commercial Entertainment	One (1) space for each three (3) seats or one (1) space for each 100 feet of Floor Area, whichever is greater.
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Commercial Recreation	One (1) space for each three (3) seats or one (1) space for each three (3) users at maximum utilization for athletic fields.
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Gasoline Filling Station	One (1) space for each pump plus two (2) spaces for each service bay or work area. Gasoline filling stations with convenience retail uses shall also provide one (1) space for each one hundred (100) square feet of Floor Area.
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Motel	One (1) space for each sleeping room plus one (1) space for each 250 square feet of public meeting area and/or restaurant space.
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Medical and Dental Clinic	One (1) space for each 400 square feet of Floor Area.
Type of Use	Minimum Number of Spaces Required
Non-Residential Uses (Office, Commercial and Industrial) (con't)	
Mixed Uses	The sum of the permitted uses.
Office, Business and Professional	One (1) space for each 300 square feet of Floor Area.
Personal Services	One (1) space for each 200 square feet of Floor Area.
Professional Services	One (1) space for each 200 square feet of Floor Area.
Restaurant	One (1) space for each 100 square feet of Floor Area.
Retail Business	One (1) space for each 250 square feet of Floor Area.

1133.06 Off-Street Parking Design Requirements

- A. Size of Parking Stalls

Each off-street parking space shall have an area of not less than 200 square feet, exclusive of access drives, or aisles, and shall be of usable shape and condition. Parking facilities may occupy any part of the lot area except the front yard. However, nothing herein shall prohibit the installation or use in the front yard of a single paved driveway not more than 20 feet in width.
- B. Handicapped Parking Spaces

Handicapped parking spaces shall be in conformance with the Ohio Basic Building Code and the Ohio Revised Code, Section 3781.11.1.
- C. Striping

All parking areas with a capacity of over four (4) vehicles shall be striped between stalls to facilitate the movement into and out of the parking stalls.
- D. Wheel blocks

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Whenever a parking lot extends to a property line or landscaped area, wheel blocks or other suitable devices, shall be installed to prevent any part of a parked vehicle from extending beyond the property line or into any required landscaping or screening.

E. Surface

All parking areas of over four (4) vehicles, together with driveways, aisles, and other circulation areas shall be surfaced with bituminous concrete or equivalent pavement material to provide a durable, dustless surface. A gravel lot is permissible if all driveway aprons and access points to the lot are constructed of concrete or asphalt and are at least ten (10) feet in length as measured from the street curb cut.

F. Drainage

All parking areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties and onto sidewalks. For any off-street parking area of more than over four (4) vehicles, plans for drainage shall be submitted to the Zoning Department for approval prior to the commencement of construction.

G. Access Requirements

Any off-street parking area accessed from a public right-of-way shall be designed in such a manner that any vehicle leaving or entering the parking area shall be traveling in a forward motion. Access driveways for parking areas shall be clearly visible to any pedestrian or motorist approaching the access or driveway from a public or private street. The entrance and exits to the parking area shall be clearly marked.

H. Lighting

Any parking area for over four (4) vehicles, which is intended to be used during non-daylight hours, shall be illuminated. Lighting fixtures shall be as follows:

1. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.
2. All lighting fixtures serving parking lots shall be of full cutoff fixtures. Such shielding shall obstruct a line of sight to the bulb with an opaque material when viewed from the property line.
3. Illumination shall be at least one (1) foot-candle but no more than two (2) foot candles.

I. Screening and Landscaping

1. Screening

Off-street parking areas for more than four (4) vehicles shall be effectively screened on each side which adjoins or faces other residential lots or is adjacent to a church, school, or other institution located on an adjoining lot. Such screening shall consist of hedges, a solid wall, or a well-maintained fence not less four (4) feet or more than six (6) feet in height.

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Screening shall be as follows:

- a. Screening shall be by an acceptably designed wall, fence, or planting screen that is approved by the Zoning Department.
- b. All parking areas shall be setback from property lines as follows:
 1. Parking areas shall be separated from rights-of-way for streets by a strip of land which shall be at least twenty (20) feet in depth. Such strip shall be reserved as open space, landscaped, and incorporate certain screening as required.
 2. All parking areas shall be set back a minimum of ten (10) feet from any side or rear lot line unless a greater setback is required by the Zoning Inspector. Such strip shall be reserved as open space and landscaped.
- c. Such fence, wall, or opaque planting shall not be less than three (3) feet nor more than five (5) feet in height for off-street parking areas. Such fence, wall or opaque planting shall be maintained in good condition. This requirement shall not be applicable to that portion of any off-street parking area which faces any public right-of-way.
- d. The space between such fence, wall or planting screen and the lot line of the adjoining premises in any Residential District shall be landscaped with grass, hardy shrubs, or evergreen ground cover, maintained in good condition.
- e. The finished face of the fence or wall shall face the adjoining property.
- f. In the event that terrain or other natural features are such that the erection of such fence, wall or planting screen will not serve the intended purpose, then the Zoning Department may allow an exception, so that no such fence, wall, or planting screen and landscaping shall be required.

2. Interior Landscaping of Off-Street Parking Areas

Within off-street parking areas of ten thousand (10,000) square feet in size or greater and for each additional ten thousand (10,000) square foot unit or a proportional fraction thereof, there shall be provided a minimum total of four hundred (400) square feet of interior planting area.

a. Interior Landscape Requirements

Interior landscaping shall be dispersed throughout the parking area to prevent large, unbroken areas of pavement. In order to encourage the required landscape areas to be properly dispersed, no individual landscape area shall be larger than four hundred (400) square feet in size.

b. Minimum area

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The minimum landscape area permitted shall be one hundred eighty (180) square feet, excluding curbs, with a four (4) foot minimum dimension to all trees from edge of pavement where vehicles may overhang.

c. Plant Material

The primary plant material in the landscaped area shall be a shade tree. Grass or other suitable ground cover (mulch) shall occupy all other portions of the landscaped area.

J. Maintenance

The owner of property used for off-street parking shall maintain such area in good condition without holes and free of all trash, abandoned or junk vehicles, weeds and other rubbish.

1133.07 Off-Street Loading Requirements

On the same premises with every building or structure or part thereof, erected and occupied for retail, commerce, industry, public assembly, or other uses involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and permanently maintained adequate space for the standing, loading and unloading services in order to avoid undue interference with public use of the streets, alleys, or required parking areas, in conformance to the following:

A. Design Standards

1. Screening

Off-street loading spaces that adjoin or are across a street from property zoned for any residential use shall have a dense evergreen planting, fence, masonry wall or such other screening materials.

2. Entrances and Exits

Off-street loading spaces shall be provided with entrances and exits not less than twelve (12) feet in width and so located as to minimize traffic congestion.

3. Dimensions

Each off-street loading space shall be not less than twelve (12) feet in width, sixty (60) feet in length and fifteen (15) feet in height with adequate access to each space.

4. Projection into Yards

Off-street loading space may occupy all or any part of any required rear yard space.

5. Surfacing

All loading spaces shall be graded and provided with a durable and dustless hard surface of asphalt, concrete, or other suitable materials

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capable of withstanding 1,000 pounds per square inch (psi). A gravel loading space is permissible if all driveway aprons and access points to the loading space are constructed of concrete or asphalt and are at least twenty (20) feet in length as measured from the street curb cut.

6. Drainage

All loading spaces shall provide for the proper drainage of surface water to prevent the drainage of such water onto adjacent properties and onto sidewalks. Plans for drainage shall be submitted to the Zoning Inspector for approval prior to the commencement of construction.

7. Lighting

Lighting fixtures for off-street loading spaces shall be as follows:

- a. Any lights used to illuminate an off-street loading area shall be so arranged as to reflect the light away from the adjoining property.
- b. All lighting fixtures serving off-street loading areas shall be of full cutoff fixtures. Such shielding shall obstruct a line of sight to the bulb with an opaque material when viewed from the property line.
- c. All lighting shall comply with all other applicable standards of this Zoning Ordinance.

B. Amount of Loading Space Required

The minimum amounts of off-street loading space shall be provided to prevent the obstruction of parking and circulation areas on site. An area adequate for maneuvering, ingress and egress shall be provided in addition to required loading space.

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CHAPTER 1135
NON CONFORMING USES, STRUCTURES, BUILDING AND LAND

1135.01 Existing Non Conforming Uses and Structures

- A. Any use existing at the time of the passage of this Zoning Ordinance may be continued, even though such use does not conform to the provisions of this Zoning Ordinance for the district in which it is located. Such existing Non Conforming use may be hereafter extended throughout any parts of a building which were manifestly arranged, designed or intended for such use at the time of passage of this Zoning Ordinance.
- B. No building or premises containing a Non Conforming Use shall hereafter be enlarged or altered.
- C. No building, structure or premises with regard to which a Non Conforming Use has been or is abandoned for one (1) year or more or has been or is superseded by a use permitted in the district in which it is located, shall ever again be devoted to any use prohibited in the district involved.
- D. A Non Conforming Building that is partially destroyed, demolished or damaged to an extent less than fifty (50) percent of its reproduction value at the time of damage by fire, flood, earthquake, explosion, war, riot, act of God or act of the public enemy, may be restored and the use of the building resumed in accordance with the other provisions of this Zoning Ordinance provided that the restoration and resumption shall be started within six (6) months of the time of such damage or destruction.
- E. If a Non Conforming Building is intentionally partially or totally destroyed, demolished or damaged to an extent of more than fifty (50) percent of its reproduction value such building can only be rebuilt, restored or altered in compliance with the Zoning Ordinance.
- F. Nothing in this section shall be interpreted as authorization for or approval of the continuance of the use of a building or premises in violation of zoning regulations In effect at the time such use was begun.

1135.02 Reduction in Non Conforming Uses

- A. Purpose: The reduction or elimination of Non Conforming Uses is consistent with the spirit and intent of the Terrace Park Zoning Code. Non Conforming Uses are incompatible with the permitted uses identified within the districts set forth in the Terrace Park Zoning Code. While the elimination of the Non Conforming Uses is a reasonable objective, the reduction in the undesirable impact of Non Conforming Uses may be more beneficial than the unabated continuance of an existing Non Conforming Use. The purpose of this section is to provide authority and guidelines to the Zoning Board of Appeals for the reduction of Non Conforming Uses under certain circumstances.
- B. The procedures and regulation set forth in this section apply only to Non Conforming Uses and do not apply to Non Conforming dimensions, such as height, area, or setbacks.
- C. Procedure: Any person who owns property on which a Non Conforming Use exists may apply for a change of use, even though the proposed use is not permitted in the zoning district within which the property is located. The

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application shall be presented to the Zoning Board of Appeals for review and consideration based upon the criteria and factors set forth below. This application for a change of use shall be a permitted exception to the general prohibition against the Zoning Board of Appeals from granting use variances. The application shall contain the following information:

- a. Information and documentation that establishes beyond fair debate that the existing use on the property qualifies as a Non Conforming Use. The burden shall be upon the property owner/applicant to demonstrate and establish the prior legal use as well as the continuous unabated use of said property.
 - b. The name of the owner and the address of the property which is the subject of the application. The name and address of the person and location for sending all notices and decisions regarding this matter. This should include appropriate emails and fax numbers. If the applicant is not the owner of the subject property, the name and address and all contact information of the applicant shall be clearly identified in the application. In addition, the authorization of the property owner for the applicant to pursue this matter on behalf of the subject property shall be included in the application. If there is more than one property owner, each property owner must sign the authorization.
 - c. The application must set forth with specifying the current use (activity) on the property as well as the proposed changes that will reduce the incompatibility of the current Non Conforming Use.
 - d. Notice of the Application and the time and date of the hearing shall be given in the same manner as for dimensional variances.
- D. Analysis and Consideration of Application by the Zoning Board of Appeals: The Zoning Board of Appeals shall consider and weigh the following factors prior to approving or denying the application:
- a. The overall consideration is whether the proposed change of use would substitute a use that is more compatible with a predominant single family residential use that exists within the Village of Terrace Park.
 - b. Will the new proposed use generate less vehicular traffic? This means either fewer vehicles or less intrusive vehicles. For example, will the change in use eliminate large delivery vehicles or other construction or heavy vehicles?
 - c. Will the proposed use reduce the emission of noise, light, odors, or air pollution in such a manner to make the proposed use more compatible with single family residential use than the existing Non Conforming Use?
 - d. Does the proposed use include any changes to the facade of the building, the reduction of exterior storage, the elimination of a portion of the non-permeable surfaces or other visual factors that would make the proposed use appear more similar and compatible with single family residential use than the existing Non Conforming Use?

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- e. Does the application contain sufficient identification of the proposed changes that can be reasonably quantified and measured so that the Village may monitor and enforce the changes represented by the applicant if approved by the Zoning Board of Appeals?
- E. It shall be presumed that for the purpose of this section that approval of an application by the Zoning Board of Appeals, based on analysis and consideration of the factors set forth above, shall be deemed to establish an undue hardship.
- F. The Zoning Board of Appeals shall not approve an application for the reduction in a Non Conforming Use unless a written Resolution has been prepared in a form approved by Village Legal Counsel. The purpose of the Resolution is to clearly identify the activities that will be permitted on the subject property in sufficient detail to enable the enforcement of the limitation of activities identified by the Zoning Board of Appeals. It shall also document any changes to the facade of existing buildings and non-permeable surfaces that are permitted or required as conditions of approval by the ZBA.

1135.03 Enlargement, Extension and Alteration of Non Conforming Structures and Uses

The moving, reconstruction, extension, enlargement, or alteration of non conforming buildings or structures shall be as follows:

- A. Alterations. Alterations within the building footprint are permitted if the alteration conforms to off-street parking, loading, landscaping, maneuvering and any other standards of this Zoning Ordinance.

For the purposes of this Chapter, "alteration" shall mean any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change in doors, windows, means of ingress and egress, or any enlargement to or reduction of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another. However, the mere removal and replacement without changing the dimensions of windows or doors shall not be considered an alteration.

- B. Enlargement. The enlargement of non conforming structures is permissible in the front, side and rear yards if:
 - 1. Such enlargement does not encroach into a required yard setback and if such enlargement does not further encroach closer to a lot line than the existing non conforming structure and if such enlargement does not extend the length or height of the non conforming encroachment.
 - 2. No enlargement shall cause additional non conformities with respect to other lot development standards in the District the lot is located.

If the non conforming structure is in violation of a side yard requirement, the opposing side yard requirement shall be increased by the distance necessary so that the sum of the two side yard requirements is equal to that of a conforming structure. For example: if the required side yard setback is 15 feet and the non conforming structure is 10 feet from one side of the property, then the other side yard requirement shall be increased by 5 feet to 20 feet so that the total side yard setback requirement of 30 feet is kept.

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- 3. If the enlargement of a non conforming structure is proposed to encroach into a required setback, a variance is required by the Board of Zoning Appeals.
- 4. The addition of an Accessory Building to a property with a non conforming principal structure is permitted if the new Accessory Building otherwise meets the requirements of this Zoning Ordinance.

1135.04 Existing Non Conforming Lot of Record

A lot of record which legally exists prior to the adoption of these zoning regulations but which does not meet the minimum lot size for the district it is located in may be built on based on the following standards. The standards shall be calculated and applied by the Zoning Department.

- A. The side setback may be reduced by the same proportion that the lot of record is smaller than the minimum required lot size for the district in which the lot is located. For example, if the lot of record is proportionally twenty-five (25) percent smaller than the minimum lot size, the side setback requirements may be reduced by twenty-five (25) percent. For example:

Residence "AA" District Requirements	Existing Lot of Record
Minimum Lot Size – 14,000 square feet	Existing Lot of Record – 10,500 square feet (25% smaller than required)
Required Side Yard – 15 feet	Modified Side Yard – 11.25 feet

See Appendix 1 for more calculation examples.

In no case shall the side yard setback requirement be less than 10 feet.

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CHAPTER 1137
SIGNS

1137.01 Purpose

It has never been the intent of the Village of Terrace Park to infringe on the rights of property owners and occupiers to display messages protected by the First Amendment. Therefore this Chapter is adopted in order to clarify the existing regulations and to remove any doubt that it is the public's right to receive and display First Amendment protected messages, including, but not limited to, religious, political, economic, social and philosophical messages. It is the further purpose to reaffirm that an expedient appeal process exists that addresses these First Amendment Issues.

1137.02 First Amendment Safeguards

In order to safeguard the protections offered by the First Amendment of the United States Constitution, the following regulations shall apply and shall be paramount and preemptive of any other sign regulation:

- A. Every parcel in the zoning districts shall be permitted to display one (1) two-sided or one (1) one sided sign containing any Free Speech Message for each street that abuts the property. Each side of the sign(s) shall not exceed six (6) square feet in area. Such sign shall not require a building or zoning certificate. However, each sign must be kept in good and safe condition. In no event shall such sign(s) be erected in the right-of-way.
- B. At any time that the Hamilton County Board of Elections has identified a candidate or issue that will be placed on the ballot at the next general or special election, one (1) additional sign may be erected for each candidate or issue that the occupant wishes to support or oppose. One (1) additional sign shall be permitted for each street that abuts the property. Such political signs shall still be subject to the dimensional regulations set forth in Section 1137.02 (A). These signs must be removed no later than the first Friday that occurs after the election.
- C. Signs permitted to be displayed by Sections 1137.02 (A) and (B) shall not be placed any closer than five (5) feet from any side or rear property line. However, there shall be no minimum setback requirement from any property line that is also the right-of-way line of a public or private street.

No such signs shall be permitted in the right-of-way. Any sign placed in the right-of-way may be removed and stored by the Village of Terrace Park without prior notice. It is the responsibility of the property owner to properly identify the location of a right-of-way line. Failure to remove a sign from the right-of-way shall not waive the Village's future right to remove such sign or any other sign placed in the right-of-way.

- D. All signs must be maintained in good and safe condition. If the sign permitted in Sections 1137.02 (A) and (B) are not maintained in good and safe condition, notice shall be sent to the property owner by regular mail. The property owner shall have seven (7) days from the date of mailing indicated on the notice to restore or replace the sign to a good and safe condition. If the sign is not restored to a good and safe condition within seven (7) days, and the owner or occupant of the property has not filed an appeal from the notice, then the owner and/or occupant shall be in violation of this Chapter and guilty of a minor misdemeanor. Each day that the sign remains in violation of the notice to remove is a separate violation. No additional notices shall be required.

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- E. Every parcel that is permitted to display a sign containing a commercial message or other permitted message pursuant to the Zoning Ordinance shall be permitted to display a Free Speech Message in lieu of the permitted commercial or other permitted message. However, this provision shall not apply to existing signs displaying a message necessary for public safety, such as messages directing vehicular or pedestrian flow, parking restriction signs, or fire lane signs. Whether a sign displays a commercial message or a Free Speech Message, each sign shall still be subject to the dimensional regulations imposed in each zoning district, including, but not limited to, size, height, area and setback. Signs with the Free Speech Message displayed in lieu of a commercial message shall be permitted in addition to signs displaying the Free Speech Message permitted by Sections 1137.02 (A) and (B).

1137.03 Conflict with Existing Provisions

In furtherance of the purpose of this Chapter, if there is any conflict between the provisions of this Chapter with any other provision of the Zoning Ordinance, including those provisions regulating signs, and such conflict could be construed to infringe on Free Speech Messages, the provisions of this Chapter shall control.

1137.04 Signs Not A Principal Use

Signs shall be considered an accessory use and regulated as an accessory use pursuant to underlying zoning district regulations. However, signs authorized by Sections 1137.02 (A) and (B) shall be permitted to be displayed by the owner on undeveloped lots.

1137.05 Signs Requiring a Zoning Certificate

Signs authorized by Sections 1137.02 (A) and (B) and real estate signs permitted by the Zoning Ordinance are exempt from obtaining a Zoning Certificate. However, all signs displaying a commercial message, including signs permitted by Section 1137.02 (E), must apply for and receive a Zoning Certificate from the Village Building Official and a Building Permit from the County Building Department before commencing construction.

1137.06 Appeal Process for Sign Application Denial

In order to confirm a property owner's ability to exercise his or her First Amendment rights without undue delay, a special process shall be instituted for the appeal of the denial of a Zoning Certificate or a Building Permit for any sign. To the extent that the appeal process of this Section conflicts with the provisions of Section 1105.04 of the Zoning Ordinance, the appeal process of this Chapter shall control.

- A. It shall be the duty of the Building Official to either approve or deny applications for Zoning Certificates or Building Permits for signs within seven (7) business days of the date of application. Any aggrieved applicant shall have the right to appeal the denial of a Zoning Certificate or Building Permit for a sign. Such appeal shall be heard by the Board of Zoning Appeals (BZA).
- B. Any such appeal must be taken within ten (10) days after the decision of the Building Official by filing a notice of appeal, stating the grounds for such appeal, with the Building Official and the Board of Zoning Appeals. In the alternative, it shall be sufficient to satisfy this requirement to present the notice to the Village Clerk who shall cause the notice of appeal to be promptly delivered to the Building Official and the Board of Zoning Appeals. The Building Official shall

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transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

- C. The Board shall fix a time from the hearing of the appeal not sooner than fifteen (15) days and not later than thirty (30) days from the filing of the notice of appeal. The Board shall give at least ten (10) days' notice in writing to all interested parties and give notice of such public hearing by one publication in one or more newspapers of general circulation in the Village at least ten (10) days before the date of the hearing. The appealing party has the right to waive any and all of the time restrictions imposed on the Board. However, absent such waiver, failure of the Board to act within these time limitations shall be deemed an approval of the application for the Zoning Certificate or Building Permit.
- D. The Board shall render a written decision on the appeal not later than fourteen (14) days after the date of the public hearing.

1137.07

General Provisions

The following general provisions are applicable to ***all signs*** unless modified by the general requirements or standards of a specific Zoning District:

- A. No freestanding or projecting sign shall be closer than ten (10) feet to the public right-of-way.
- B. No sign shall be erected unless it is in compliance with the regulations of this Chapter.
- C. No sign shall obstruct or interfere with traffic or traffic visibility, or resemble or imitate signs or signals erected by the Village or other governmental agency for the regulation of traffic or parking.
- D. No sign, with the exception of a sign designed for changeable copy, shall have animation, moving parts, flashing lights or changing colors.
- E. Signs, only in Business A and B Districts may be illuminated by either external or internal sources of light. However, no illuminated sign shall be permitted, any part of which flashes on or off or displays changing degrees of intensity. This regulation applies to signs located outside buildings and to window signs inside buildings which are meant to be seen from the outside.
- F. No sign, whether freestanding, ground mounted or attached to a building or other structure, may project over any public right-of-way, except as expressly permitted in this Chapter.
- G. No sign, with the exception of governmental signs, shall be placed in the existing public right-of-way.
- H. No illuminated sign shall be placed or directed so as to permit a direct line of sight of an exposed light source upon a public thoroughfare, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or that negatively affects the private property rights of adjacent properties because of such glare or light.
- I. All freestanding signs shall be designed to withstand the design wind speed as specified in the Ohio Building Code.

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- J. No illuminated signs are permitted in Residential Districts.

1137.08 Signs Not Requiring a Zoning Certificate

The following signs do not require a Zoning Certificate but may be subject to the provisions of this Chapter:

- A. Governmental signs and signs erected by the government for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public service companies for the purpose of safety.
- B. Flags of reasonable customary size and color, emblems and insignia of any governmental agency, corporation, business, or political subdivision and temporary displays of a patriotic, religious, charitable or civic character.
- C. Commemorative plaques placed by recognized historical agencies.
- D. Interior signs that can be viewed only by persons within such use.
- E. Non-commercial signs displaying messages, including but not limited to: directional signs, house numbers, real estate signs, construction signs, political signs, "now hiring", "help wanted", garage and yard sale signs. Such signs shall not be located within the public right-of-way and are subject to the provisions of each specific Zoning District as indicated in this Chapter.
- F. Professional name plates not exceeding four (4) square feet in area.
- G. Window Signs.

1137.09 Measurement Standards

The following standards shall be used to determine the area and height measurements for all signs in the Village:

- A. The area of a sign shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the exterior display limits of a sign. Frames and structural members not bearing advertising matter shall not be included in the computation of surface area.
- B. The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any single point.
- C. In the case of irregularly shaped three dimensional signs the area of the display surface shall be measured on the plane of the largest vertical cross Section.
- D. The height of a sign shall be determined by measuring the vertical distance between the top part of the sign to the elevation of the ground beneath the sign prior to construction, excluding additional elevation added by creation of berming or mounding. If the grade prior to construction cannot be determined, the elevation of the base of the sign shall be computed using the elevation of the nearest point of the crown of a public street or the grade of the land at the principal entrance to the principal structure on the premises, whichever is lower.

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1137.10

Signs Permitted in Residential Districts

- A. The following signs are permitted in all residential Zoning Districts and **shall not** require a Zoning Permit:
1. Plaques, nameplates or tablets denoting the name of the building and/or date of erection not exceeding two (2) square feet in area.
 2. Traffic or other signs erected and maintained by the Village or any other governmental agency, signs containing governmental legal notices and all other similar signs required by law to be posted.
 3. Directional or informational signs (e.g. IN, OUT, ENTER, EXIT.) not exceeding four (4) square feet in area.
 4. Official Federal, State, County or Village flags, emblems and historical markers.
 5. Holiday or special event decorations.
 6. Real estate signs.
 - a. Such sign shall not be illuminated. Signs shall be removed within seven (7) days of the closing of sale on the property or at the end of the realtor's contract.
 - b. The maximum height shall be four (4) feet.
 - c. The maximum area shall be four (4) square feet for residential property and sixteen (16) square feet for non-residential property.
 - d. Freestanding real estate or construction signs shall be located on the same lot to which it is an accessory use and shall be located no closer to the right-of-way than five (5) feet.
 7. Construction signs.
 - a. One (1) non-illuminated sign identifying parties engaged in the construction on the property may be permitted.
 - b. The maximum height shall be four (4) feet.
 - c. The maximum area shall be four (4) square feet.
 - d. Freestanding construction signs shall be located on the same lot to which it is an accessory use and shall be located no closer to the right-of-way than five (5) feet.
 - e. Such sign shall be removed upon completion of work.
 8. Garage, yard sale, estate and auction signs.
 - a. One (1) non-illuminated sign may be erected seven (7) days prior to the scheduled event and shall be removed one (1) day after the conclusion of the event.
 - b. The maximum area shall be four (4) square feet.

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9. Scoreboards
 - a. One (1) non-illuminated, electronic sign per foot field or individual property for the purpose of displaying (not broadcasting) game scores may be temporarily erected immediately prior (30 minutes) to the scheduled event and shall be removed immediately after (30 minutes) the conclusion of the event (“Events”) are individual contests between teams and not extended tournaments or seasons. Scoreboards must comply with all other zoning and traffic ordinances and must be free of all advertising or sponsor names or logos.
 - b. The maximum area shall be 12 (twelve) square feet.

B. The following signs are permitted in all Residential Districts and **shall** require a Zoning Certificate:

1. Subdivision signs.
 - a. One (1) freestanding or wall sign shall be permitted per dedicated street entrance.
 - b. The maximum height shall be five (5) feet.
 - c. The maximum area shall be thirty-two (32) square feet.
2. Institutional signs.
 - a. One (1) freestanding or wall sign shall be permitted.
 - b. The maximum height shall be five (5) feet.
 - c. The maximum area shall be thirty-two (32) square feet.

1137.11 Signs Permitted in the Business “A” and “B” Districts

- A. The following signs are permitted in the Business Districts and **shall not** require a Zoning Certificate:
1. Plaques, nameplates or tablets denoting the name of the building and/or date of erection limited to two (2) square feet in area.
 2. Traffic or other signs erected and maintained by the Village or any other governmental agency, signs containing governmental legal notices and all other similar signs required by law to be posted.
 3. Directional or informational signs (e.g. IN, OUT, ENTER, EXIT).
 - a. The maximum area shall be two (2) square feet.
 - b. The maximum height shall be three (3) feet.
 4. Official Federal, State, County or Village flags, emblems and historical markers.

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5. Holiday or special event decorations.
6. Real estate signs.
 - a. Such signs shall be removed within seven (7) days of the closing of sale on the property or at the end of the realtor's contract.
 - b. The maximum height shall be six (6) feet.
 - c. The maximum area shall be thirty-two (32) square feet.
7. Construction signs.
 - a. One (1) non-illuminated sign identifying parties engaged in the construction on the property may be permitted.
 - b. The maximum height shall be six (6) feet.
 - c. The maximum area shall be sixteen (16) square feet.
 - d. Such sign shall be removed upon completion of work.
8. Window signs.

Window signs located inside or behind a window shall be permitted, provided that the window sign is located in a building where a commercial or an industrial use is permitted as a principal use. No window shall advertise products or services not provided or for sale on the premises. Window signs and advertising not-for-profit and civic functions shall be permitted.

B. The following signs are permitted in the Business Districts and **shall** require a Zoning Certificate:

1. Business and Institutional signs.
 - a. Each occupant is permitted a total of two (2) signs in any combination listed below for all Business Districts:
 1. One (1) freestanding and one (1) wall sign; or
 2. One (1) freestanding sign and one (1) projecting sign; or
 3. One (1) freestanding sign and one (1) marquee sign; or
 4. One (1) freestanding sign and one (1) awning sign; or
 5. One (1) freestanding sign and one (1) painted wall sign.
 - b. Freestanding signs.
 1. Business "A" and "B" Districts

The maximum height for a freestanding sign shall be twenty (20) feet with a maximum area of ten (10) square feet.

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- c. Wall, awning, marquee and projecting signs.
 - 1. Wall sign square footage shall be computed by permitting up to one and one-half (1½) square feet of sign area for each linear foot of building Frontage with a maximum sign face area of fifty (50) square feet.
 - 2. The maximum height for a wall, awning, marquee and projecting sign shall be no higher than the wall on which it is erected.
 - 3. Wall signs shall be located on the building or structure to which it is an accessory use and shall not project more than eighteen (18) inches from the building wall.
- 2. Temporary Signs.
 - a. Temporary commercial signs shall not be illuminated.
 - b. Temporary signs not exceeding fifty (50) square feet in area used for commercial or special events shall be permitted for a total of thirty (30) days. A period of sixty (60) days must lapse before another Permit is issues for the same business or institution.
 - c. Aerial signs or signs designed to be moved on trailer wheels, skids or similar devices may not be permitted as a temporary commercial sign.
 - d. The area, height and number of temporary commercial signs shall be reviewed by the Zoning Department and shall be determined by the requirements set forth in the regulations for each Zoning District as indicated in this Chapter.

1137.12 Non Conforming Signs

Notwithstanding any provision of this Chapter to the contrary, all signs erected following the effective date of these regulations shall comply with all the provisions of these regulations when erected. All signs which are in existence on the effective date of these regulations, that do not conform to the standards of this Chapter shall be considered non conforming signs and shall be subject to the following provisions:

- A. No non conforming sign shall be structurally altered so as to change the shape, size, type or design of the sign, nor shall any nonconforming sign be relocated.
- B. No non conforming sign shall be allowed to remain after the use of land or building which has ceased by discontinuance or abandonment to which the sign relates.

1137.13 Maintenance and Removal of Signs

Maintenance and removal of signs shall be as follows:

- A. All signs and sign structures shall be kept in repair and in a proper state of preservation.

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- B. Signs which are no longer functional, are abandoned or have been damaged to more than fifty (50) percent of its replacement value, shall be removed or relocated in compliance with the provisions of this Ordinance, within sixty (60) days following such damage or abandonment.
- C. Illuminated signage that is not fully functioning as designed shall be turned off until the sign is illuminated to a fully functional state.

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CHAPTER 1139
BUFFERYARD AND LANDSCAPING

1139.01 Purpose

The purpose of this Chapter is to provide minimum standards involving the development of land to:

- A. Provide attractive views from roads and adjacent properties;
- B. Screen from view visually undesirable uses;
- C. Require screening between incompatible land uses;
- D. Protect the health, safety and welfare of the community through the reduction of noise, air and visual pollution, and headlight glare.

1139.02 Applicability

This Section shall apply to new property development and any collective substantial expansion of existing structures, **except** for individual single family dwellings, two family dwellings (duplexes) and parking lots of ten (10) spaces or smaller. Substantial expansion of existing structures shall be defined based on the criteria established below:

Substantial Expansion for Bufferyards and Landscape Requirements

When Existing Structure is....	A Substantial Expansion is...
0 - 1,000 Sq. Ft.	100% or Greater
1,001 - 10,000 Sq. Ft.	50% or Greater
10,001 - 25,000 Sq. Ft.	40% or Greater
25,001 - 50,000 Sq. Ft.	30% or Greater
50,001 Sq. Ft. and larger	20% or Greater

1139.03 General Requirement for Submission

Any property to which this Chapter applies shall submit a Bufferyard/Landscaping Plan to the Zoning Department as part of the Zoning Permit process required in this Ordinance. Bufferyard/Landscaping Plans shall be prepared by a nursery or by a design professional practicing within their areas of competence. The Plan shall contain the following information:

- A. Plans must be at a reasonable scale to indicate all types of proposed landscaping improvements and shall include the following minimum information:
 - 1. North arrow and scale.
 - 2. The name of applicant/owner.
 - 3. The name, address and phone number of the person or firm responsible for the preparation of the Bufferyard/Landscape Plans.
 - 4. The dates the plans are submitted or revised.

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5. All existing and proposed buildings and other structures, paved areas, planted areas, utility poles, fire hydrants, light standards, signs, fences and other permanent features to be added and/or retained on the site.
 6. All existing plant material to be removed or retained and all new landscaping materials to be installed.
 7. All existing and proposed streets, sidewalks, curbs and gutters, railroad tracks, drainage ditches and other public or semi-public improvements within and immediately adjacent to the site.
 8. All property lines and easements.
 9. Any other information which is deemed appropriate by the Zoning Department.
- B. Typical details shall be shown for the planting of the types of trees, shrubs and ground cover within the bufferyard or landscaped area.

1139.04 Approval

- A. No site or development plan required under this Zoning Ordinance shall receive final approval unless a Bufferyard/Landscaping Plan has been submitted and approved when required by this Chapter.
- B. No final approval of the Zoning Permit identifying compliance shall be granted unless the following criteria are fully satisfied with regard to the approved Bufferyard/Landscape Plan:
 1. Such plan has been fully implemented on the site; or
 2. Such plan, because of seasonal conditions, cannot be implemented immediately, but has been guaranteed by a postponed improvement agreement between the developer and the Village.
- C. The Zoning Department may request the review and approval of the Planning Commission at any time.

1139.05 Screening, Landscaping and Bufferyard Standards

- A. Maintenance of Screened, Bufferyard and Landscaped Areas

All landscaping materials shall be installed and maintained according to accepted nursery industry procedures. The owner of the property shall be responsible for the continued property maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris at all times and shall remove all noxious, invasive, or poison type plants. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period, whichever comes first. Violation of these installation and maintenance provisions shall be grounds for the Zoning Department to: find the owner of the property in violation of the conditions of the Zoning Permit; require replacement of the landscape material; or institute legal proceedings to enforce the provisions of this Ordinance.

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B. Screening and Bufferyard Establishment

Once a screened area or bufferyard has been approved by the Zoning Department and established by the owner, it may not be used, disturbed or altered in any way that would decrease its landscape or bufferyard effectiveness for any purpose.

C. Screening and Bufferyard Requirement

In order to provide protective screening and buffers for residentially zoned areas that are adjacent to nonresidential areas, the Zoning Department may require a wall, fence or greenbelt to be provided by any newly developed or substantially expanded nonresidential property if the nonresidential property is not sufficiently screened.

Buffers and Screening shall be in accordance with the following:

1. Screening areas and bufferyards shall be provided for the purpose of minimizing the friction between incompatible land uses and improving the aesthetic and functional quality of new development.
2. Where vegetative and/or topographic conditions that provide a natural screen and buffer exist prior to development of properties in question, every effort shall be made to retain such conditions. In such cases, additional screening may not be required by the Zoning Department, provided that provision is made for maintenance of such areas.
3. The Zoning Department may waive the requirement for a wall, fence or greenbelt if equivalent screening is provided by existing or planned parks, parkways, recreation areas or by topography or other natural conditions found on the subject property.
4. Screening and Bufferyard Standards

Bufferyard Standards

WHEN...	IS PROPOSED TO ABUT...	A MINIMUM BUFFERYARD OF...
Any institutional land use (including assisted living facilities, educational institutions and places of worship)	Any Residence A, AA or B District	A. If proposed; a wall or fence should be three to seven feet in height and placed near the nonresidential property line. The area between such wall or fence and the property line shall be treated with plantings to form a permanent landscaped area.

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WHEN...	IS PROPOSED TO ABUT...	A MINIMUM BUFFERYARD OF...
Any institutional land use (including assisted living facilities, educational institutions and places of worship)	Any Residence A, AA or B District	<p style="text-align: center;">or</p> <p>B. If proposed; a greenbelt strip along the property line should be of at least ten (10) feet in width. Such greenbelt shall be planted and maintained with evergreens such as spruce, pine or firs at least five (5) feet in height or a hedge of evergreens at least four (4) feet in height, situated so as to provide an effective and permanent visual buffer. The portion of the landscaped area not covered by plantings shall be kept in a neat and orderly appearance.</p>

a. Walls and Fences

When walls or fences are used to fulfill screening requirements, they shall be detailed on the plan. They are to be of weather-proof materials. This includes pressure treating or painting of lumber if it is not redwood or cedar and using aluminum or galvanized hardware. Chain link fences with or without wooded or synthetic slat material shall not be permitted.

b. Plants

All plants are to be healthy upon planting. Plant materials used in conformance with the provision of this Section shall conform to the standards of the American Association of Nurserymen and shall have passed any inspection required under State regulations. Trees and plant materials shall be species indigenous to Zone 6 of the United States Department of Agriculture Plant Hardiness Zone Map. Trees shall be balled and burlapped or in containers. Shrubs, vines and ground covers can be planted as bare root as well as balled and burlapped or containers.

1. Deciduous Trees

Deciduous trees shall have a minimum caliper of at least two and one-half (2½) inches conforming to acceptable nursery industry procedures at the time of planting. If deciduous trees are to be used for screening purposes, additional materials listed in this Chapter must be used to create a dense buffer.

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2. Evergreen Trees

Evergreen trees shall be a minimum of six (6) feet in height at the time of planting when used for screening purposes when adjacent to a *developed* Residential District and three (3) feet in height at the time of planting when adjacent to an undeveloped Residential District. Evergreen plantings used for screening shall be planted so as to provide an effective, dense screen upon the time of planting. The height at installation of the planting shall be measured from the level of the surface of the evergreen base.

3. Shrubs and Hedges

Shrubs and hedges shall be at least forty-eight (48) inches in height at the time of planting. All shrubs and hedges shall be designed to provide an effective, dense screen and mature height of at least six (6) feet within four (4) years after the date of the final approval of each planting. The height at installation of the planting shall be measured from the level of the surface of the plant base at the edge closest to the screening.

4. Grass or Ground Cover

Grass shall be appropriate for the soil type. In swales or other areas subject to erosion, solid sod, erosion reducing net or suitable mulch shall be used and nursegrass seed shall be sown for immediate protection until complete coverage otherwise is achieved and shall be reviewed by the Hamilton County Soil and Water Conservation District. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover shall be planted at a maximum spacing of one (1) foot on center to provide seventy-five (75) percent complete coverage after two growing seasons.

5. Earth Mounds

Earth mounds may be used as physical barriers which block or screen a view. A difference in elevation between areas requiring screening does not constitute an earth mound. Earth mounds shall be constructed of earthen materials and shall conform to the following standards:

- a. The maximum side slope shall be three horizontal to one vertical (3:1) and the design shall be reviewed by the Zoning Department to ensure that proper erosion prevention and control practices have been utilized.
- b. Berms and earth forms shall be designed with physical variations in height and alignment throughout their length.

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- c. Landscape plant material installed on berms and earth forms shall be arranged in an irregular pattern to accentuate the physical variation and achieve a natural appearance.
- d. The Landscape Plan shall show sufficient detail, including a plan and profile of the berm or earth form, soil types and construction techniques to demonstrate compliance with the above provisions.
- e. Berms and earth forms shall be located and designed to minimize the disturbance to existing trees located on the site or adjacent thereto.
- f. For adequate sight distance for points of ingress and egress, no part of any berm or earth form which is elevated more than eighteen (18) inches above natural grade shall be located within twenty (20) feet of any right-of-way or property line.
- g. Adequate ground cover shall be used and maintained to prevent erosion of the earth mound.

1139.06 Screening and Landscaping for Off-Street Parking Areas

Screening and Landscaping for off-street parking areas shall be as established in Chapter 1133, Off-Street Parking and Loading.

1139.07 Screening for Service Structures

Service structures shall include but not be limited to: loading docks, propane tanks, and dumpsters, electrical transformers, above ground utility vaults and other equipment or elements providing service to a building or a site. The screening height shall be based upon the tallest of the structures but in no case shall the screening be required to exceed eight (8) feet in height.

A. Location of screening

A continuous planting of evergreen, fence or wall of earth must enclose any service structure on all sides, unless such structure must be frequently moved or accessed. In such cases, screening may not be required on the side of the service structure where service is occurring. A fully closable gate shall effectively screen the service structure at the point of service or access.

B. Curbs to protect screening material

Whenever screening material is placed around any dumpster, trash disposal unit or waste collection unit which is emptied or removed mechanically on a regular basis, a curb to contain the placement of the container shall be provided within the screening material. The curbing shall be at least one (1) foot from the material and shall be designed to prevent possible damage to the screening when the container is moved or emptied.

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1139.08 Easements, Right-of-Way, and Setbacks

Required screening, bufferyards and landscaping may be placed wholly or partially in utility or other easements providing all requirements of this Chapter can be fulfilled and approval is granted by the holder of the easements.

In no case, however, shall screening, bufferyards or landscaping be established so as to block the sight distance at street or drive intersections. Ground cover and trees with at least six (6) feet of limbless trunk shall be permitted within the sight distance triangle. In the case of a street intersection, the sight triangle shall consist of the area between points twenty (20) feet along both intersecting streets from their respective edge of pavements.

1139.09 Modifications

The Planning Commission shall have the authority to modify or waive any of the aforementioned requirements in this Chapter in considering an individual site with respect to changes in elevation, environmental impact, durability of plant material, aesthetic appeal, and any other factor that will provide a compatible screen or buffer with the surrounding property or neighborhood at the time of application.

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CHAPTER 1199
FEES, VIOLATIONS AND REMEDIES

1199.01 Fees

The Village of Terrace Park shall charge appropriate fees for the issuance of Zoning Certificates, Conditional Use Permits, Variances, Amendment Applications, and other matters pertaining to this Ordinance to cover the costs of inspection, investigation, legal notice and other expenses incidental to the enforcement of this Ordinance. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal. Such fees shall be collected by the Zoning Department.

Fees shall be paid in accordance with the Terrace Park Zoning Fee Schedule. The Zoning Fee Schedule may be updated as necessary by the Village Council, certified by the Village Clerk of Council, and shall be posted in the Zoning Department.

The applicant shall be responsible for the expenses incurred by the Village in reviewing plans or any modifications of such plans. Such expenses may include items such as the cost of professional services including expenses in connection with reviewing the plan, preparing reports, the publication and mailing of public notices in connection therewith, and any other reasonable expenses directly attributable thereon. Any fees passed on to the applicant are not refundable regardless of the outcome of the application.

1199.02 Unlawful Activity

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, maintain or use any building or land in violation of any regulation or any provision of this Zoning Ordinance or any amendment or supplement thereto adopted by the Village Council.

1199.03 Violation and Penalties

Any person, firm, or corporation violating any regulation, provision, amendment or supplement of this Zoning Ordinance, or who fails to obey any lawful order of the Zoning Department issued in pursuance thereof, shall be deemed guilty of a minor misdemeanor and, upon conviction thereof, shall be fined not more than the amount as established under the Ohio Revised Code Chapter 2929 Penalties and Sentencing, Section 2929.28 Financial Sanctioning, Court Costs, for a minor misdemeanor. Each and every day during which the illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use occurs, may be deemed a separate offense.

1199.04 Remedies

In case any building 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 any regulation, provision, amendment or supplement of this Zoning Ordinance, the Village Council, the Zoning Department, the Village Solicitor or any adjacent or neighboring property owner who would be specifically damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change maintenance or use.

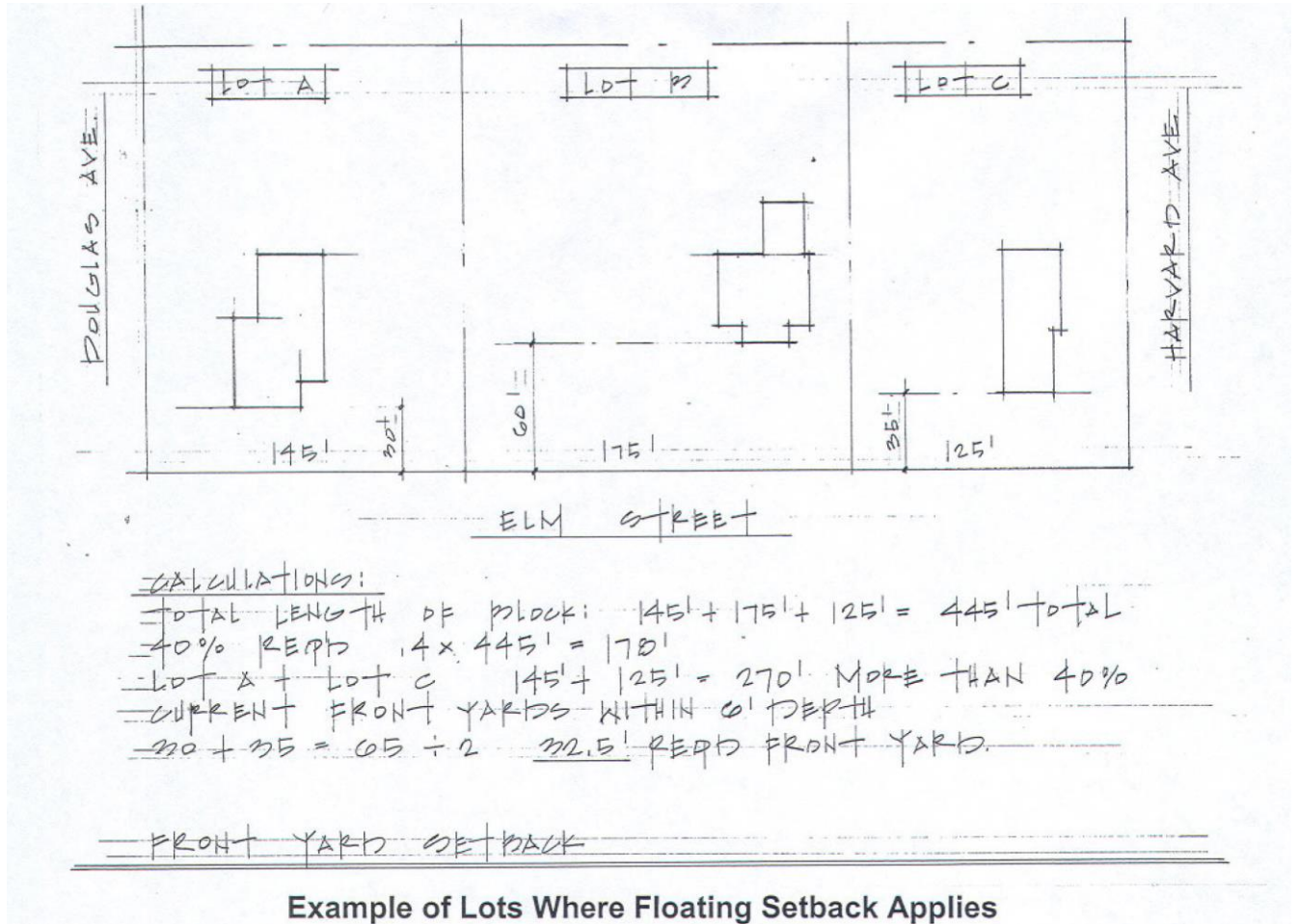
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**Appendix 1
Examples of Set Back Calculations:**

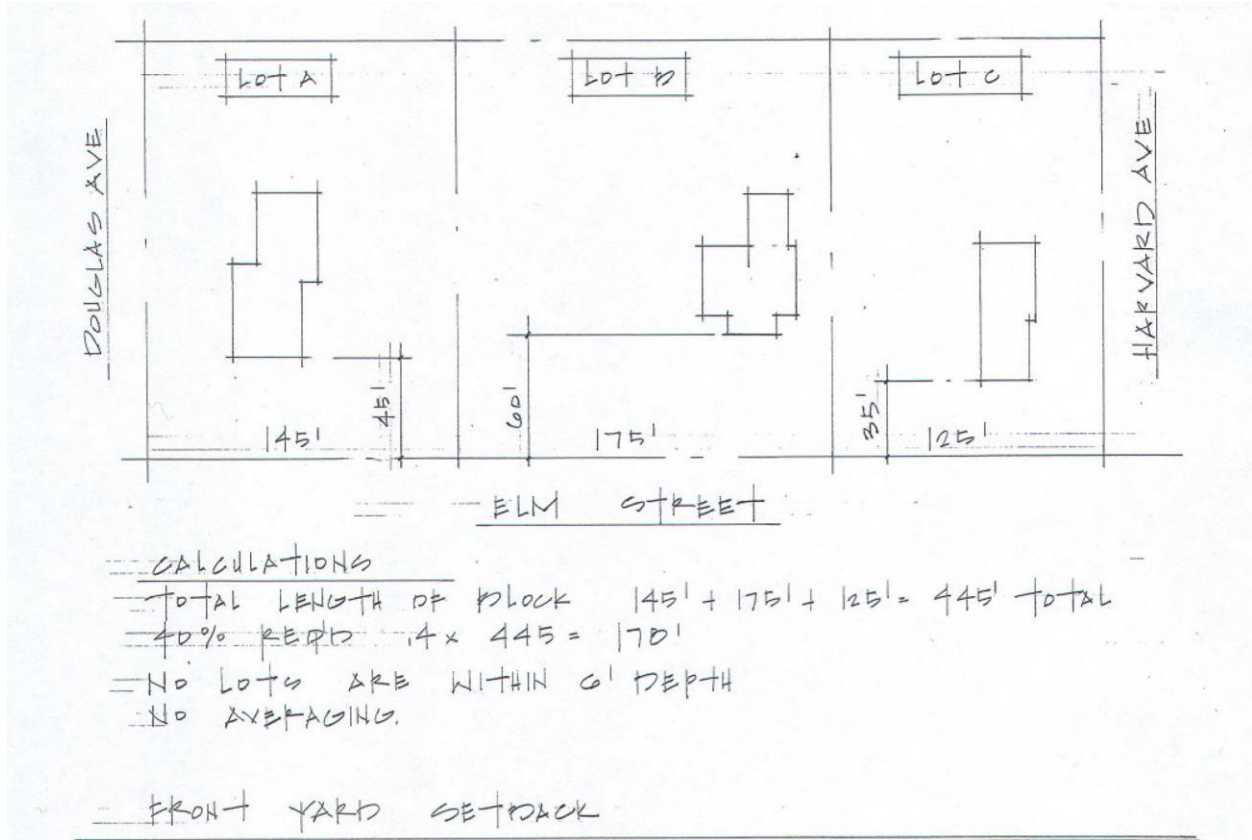
Conforming Lots										
Side Set Back required is 15%										
The example below is for two conforming lots at 85 and 100 feet in width.										
Side yard set back calculation examples at different building heights.										
Lot Width	>25	25	27	29	31	33	35	37*	39*	40*
85	12.75	12.75	14.75	16.75	18.75	20.75	22.75	24.75	26.75	27.75
100	15.00	15.00	17.00	19.00	21.00	23.00	25.00	27.00	29.00	30.00
* Note: When otherwise allowed										

Non Conforming lots										
For smaller non conforming lots, first calculate the % of lot size reduction to calculate the initial set back and then modify the setback by the height of the building per calculation in paragraph 1135.04										
Assumptions per section 1111.05: The minimum side yard for a conforming lot in District A is 12.75 feet (85 feet in width times 15%) The minimum surface area of a conforming lot in District A is 12,000 sq feet Minimum side yard allowed per section 1135.04 is 10 feet.										
	Width	Length	Surface	Pct reduction in required set back	Yard Set Back	Minimum Allowed	Side Yard set back per 1135.04			
Minimum Conforming lot (district A)			12,000		12.75					
Non Conforming 1	50	115	5,750	52.1%	6.11	10.00	10.00			
Non Conforming 2	50	190	9,500	20.8%	10.09	10.00	10.09			
Non Conforming 3	75	150	11,250	6.3%	11.95	10.00	11.95			
If the building is higher than 25 feet, then the additional calculation below is performed.										
Side yard set back calculation examples at different building heights.										
Lot size	>25	25	27	29	31	33	35	37*	39*	40*
50x115	10.00	10.00	12.00	14.00	16.00	18.00	20.00	22.00	24.00	25.00
50x190	10.09	10.09	12.09	14.09	16.09	18.09	20.09	22.09	24.09	25.09
75x150	11.95	11.95	13.95	15.95	17.95	19.95	21.95	23.95	25.95	26.95
* Note: When otherwise allowed										

Appendix 2
Front Yard Setback Illustration:



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Example of Lots Where Floating Setback Does Not Apply

VILLAGE OF TERRACE PARK

O H I O

