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COUNCIL OF THE VILLAGE OF FLETCHER, OHIO

ORDINANCE 76-1

PLANNING AND ZONING CODE

WHEREAS, the Village of Fletcher, Ohio, by its Council, finds it necessary to establish a Planning and Zoning Code, so as to provide for an orderly and systematic plan of growth within the Village, and so as to protect the health, safety, morals and general welfare of the inhabitants through the control and use of land.

BE IT THEREFORE ORDAINED by the Council of the Village of Fletcher, Ohio, that:

CHAPTER 76-101

INTERPRETATION AND PURPOSES

76-101.01

INTERPRETATION AS MINIMUM REQUIREMENTS; GREATER RESTRICTION TO CONTROL.

In their interpretation and application, the provisions of this Zoning Code shall be the minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity and general welfare. It is not intended by this Zoning Code to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance, or with any rules, regulations or permits previously adopted or issued pursuant to law, relating to the use of building and land. However, where this Zoning Code imposes a greater restriction on the use of buildings or premises, or on the heights of buildings, or requires larger yards, courts or other open spaces

than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations or permits, the provisions of this Zoning Code shall prevail and control.

CHAPTER 76-102

DEFINITIONS

76-102-01 DEFINITIONS GENERALLY.

Certain words and phrases used in this Zoning Code are defined for the purpose thereof as follows.

Words used in the present tense include the future. The singular number includes the plural, and the plural the singular. The word "lot" includes the word "plot". The word "occupied" includes the word "designed or intended to be occupied". The word "used" includes the words "arranged, designed or intended to be used". The word "shall" is mandatory and not directory.

76-102-02 ACCESSORY STRUCTURE AND USE.

"Accessory structure and use" means a structure or use subordinate to another structure or use located on the same lot and serving a purpose customarily incidental to such other structure or use.

76-102-03 ALLEY.

"Alley" means a public thoroughfare which affords only secondary means of vehicular access to abutting property and which is less than thirty feet in width.

76-102-04 BASEMENT.

"Basement" means a story the floor of which is more than twelve inches but not more than one-half its clear height below the average level of the adjoining ground. A basement, when used as a dwelling, shall be counted as a half-story for purposes of height, measurement and as a half-story for purposes of minimum side yard determination.

76-102-05 BEGINNING OF CONSTRUCTION.

"Beginning of construction" means the utilization of labor, equipment and materials for the purpose of erecting or altering a structure.

76-102-06 BLOCK.

"Block" means a unit of property bounded by streets, or by streets and/or railroad rights of way, waterways or other barriers.

76-102-07 BLOCK FRONTAGE.

"Block frontage" means property having frontage on one side of a street and lying between the two nearest intersecting, intercepting or intercepting extended streets, or nearest intersecting or intercepting street and railroad right of way, waterway or other barrier.

76-102-08 BOARD.

"Board" means the Board of Appeals.

76-102-09 BOARDING HOUSE.

"Boarding house" means a lodging house of a building or part thereof where lodging and/or meals are provided for compensation for three or more persons who are not transients.

76-102-10 BUILDING

"Building" means a structure having a roof supported by columns or walls for the shelter, support, enclosure or protection of persons, animals, chattels or property. When separated by party walls, without openings through such walls, each portion of such building shall be considered a separate building, except for minimum side yard requirements as hereinafter provided.

76-102-11 BUILDING AREA.

"Building Area" means the maximum horizontal projected area of the principal and accessory building, excluding open steps or terraces, enclosed porches not exceeding one story in height, or architectural appurtenances projecting not more than two feet.

76-102-12 BUILDING, FRONT LINE OF.

"Front line of building" means the line of that face of the building nearest the front lot line.

76-102-13 BUILDING, HEIGHT OF.

"height of a building" means the mean vertical distance from the established grade in front of the lot, or from the average natural grade at the building line, if higher, to the highest point in the coping of flat roofs, or the deck line of a mansard roof or to the mid-height of the highest gable or dormer in a pitched or hipped roof, or if there are no gables or dormers, to the mid-height of a pitched or hipped roof.

76-102-14 BUILDING, PRINCIPAL

"principal building" means a building in which is conducted the main or principal use of the lot on which such building is situated. Where a substantial part of the wall of an accessory building is a part of the wall of the principal building, or where an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

76-102-15 BUILDING LINE; BUILDING SETBACK LINE.

"Building line" and "Building setback line" mean the line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the front lot line.

76-102-16 BUILDING PERMIT.

"Building permit" means a building permit approved by the building inspector stating that a proposed improvement complies with the provisions of this Zoning Code.

76-102-17 BUSINESS.

"Business" means the engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprise for profit.

76-102-18 CAMP. PUBLIC.

"Public camp" means any lot designed to accommodate two or more camping parties, including cabins, tents, camping trailers or other camping outfits.

76-102-19 CELLAR.

"Cellar" means basement.

76-102-20 CEMETERY.

"Cemetery" means land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, mausoleums and mortuaries when operated in conjunction with and within the boundary of the cemetery.

76-102-21 CERTIFICATE OF OCCUPANCY.

"Certificate of Occupancy" means a certificate approved by the Building Inspector stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this Zoning Code.

76-102-22 CLUB.

"Club" means buildings and facilities owned or operated by a person for a social educational or recreational purpose, but not primarily for profit

or to render a service which is cutomarily carried on as a business.

76-102-23 COMMERCIAL.

See business as defined in Section 76-102-17.

76-102-24 COMMISSION.

"Commission" means the Village Planning Commission.

76-102-25 CONDITIONAL USE.

"Conditional use" means a use that is permitted, but only by application to the Board in each specific instance, and after determination by the Board that all regulations and standards of this Zoning Code applying to the specific use in the particular location will be met, along with such additional conditions or safeguards as the Board may prescribe in the specific case and circumstances, in order to prevent harm or injury to adjacent uses and the neighborhood, and/or in order to improve the public health, safety, morals, convenience, order, prosperity and general welfare.

76-102-26 DEPARTMENT STORE.

"Department store" means a retail establishment offering three or more major categories of merchandise arranged in several departments.

76-102-27 DEVELOPMENT PLAN.

"Development plan" means a drawing, including a legal or site description, of real estate which shows the location and size of the following both existing and proposed: all buildings, structures and yards; locations and dimensions of building lines and easements; widths and lenghs of all entrances and exits to and from such real estate; location of all adjacent or adjoining streets, services facilities, topography, drainage plan and other improvements such as planting areas.

76-102-28 DISTRICT.

"District" means a section of the Village for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are herein established.

76-102-29 DWELLING.

"Dwelling" means a building, or portion thereof, used primarily as a place of abode for one or more human beings, but does not include hotels, motels, motor hotels, boarding or lodging houses, tents.

76-102-30 DWELLING, MULTI-FAMILY.

"Multi-family dwelling" means a building designed for or occupied by three or more families.

76-102-31 DWELLING, SINGLE-FAMILY.

"Single-family dwelling" means a detached building designed for or occupied by one family exclusively.

76-102-32 DWELLING, TWO-FAMILY.

"Two-family dwelling" means a detached building designed for or occupied by two families.

76-102-33 DWELLING UNIT.

"Dwelling unit" means a dwelling or a portion of a dwelling used for one family for cooking, living and sleeping purposes.

76-102-34 EDUCATIONAL INSTITUTION.

"Educational institution" means public or parochial preprimary, primary, grade, high or preparatory school or academy, junior college or university, ~~if public or founded or conducted by or under the sponsorship of a religious or charitable organization.~~

76-102-35 ESSENTIAL SERVICES.

"Essential services" means the erection, construction, alteration or maintenance by public utilities, municipal departments, commissions or common carriers of underground, surface or overhead gas, oil, electrical, steam or water transmission, distribution, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, emergency telephones, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith necessary for the furnishing of adequate service by such public utilities, municipal departments, commissions or common carriers for the public health, safety and general welfare, but does not include buildings or outdoor storage yards.

76-102-36 FAMILY.

"Family" means a group of one or more persons legally or biologically related occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding or lodging house or a hotel.

76-102-37 FILLING STATION.

"Filling station" means any building, structure or land used for supplying and selling motor fuel or oil direct to motor vehicles.

76-102-38 FLOOR AREA, NET.

"Net floor area" means the total area, computed on a horizontal plane, used for a particular business category, exclusive of entrances, hallways, stairs and other accessory areas used for ingress and egress.

76-102-39 GARAGE, PRIVATE.

"Private garage" means an accessory building for storage of Autos.

76-102-40 GARAGE, PUBLIC.

"Public garage" means any building or premises, except those defined herein as a private garage, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

76-102-41 GRADE, ESTABLISHED.

"Established grade" means the elevation of the sidewalk opposite the center of the wall of the building or structure facing such walk. Where no sidewalk has been constructed, the Building Inspector shall establish such sidewalk level or its equivalent for the purposes of these regulations.

76-102-42 GROUND FLOOR AREA.

"Ground floor area" means the square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level, exclusive of open porches, breezeways, terraces and garages.

76-102-43 HOME OCCUPATION.

"Home occupation" means any use conducted entirely within a dwelling or accessory building and participated in solely by members of the family, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof, and in connection with which there is no commodity sold upon the premises except that which is produced thereon, provided that no sign, is larger than two feet by 2 feet and is placed no closer than ten feet from the street with no lighting effects. Not more than 500 square feet of total floor area shall be devoted to a home occupation and no offensive noise, vibration, smoke or other particulate matter, odorous matter, heat, humidity, glare or other objectional effects shall

be produced. A home occupation includes, but not limited to, the following: artist's studio; dressmaking; teaching, with musical instruction limited to a two pupils at a time; barbering or hairdressing; an office of a member of a recognized profession as defined by the United States Bureau of the Census.

76-102-44 HOSPITAL.

"Hospital" means an institution licensed by the State Department of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities and staff offices which are an integral part of the facility, provided such institution is operated by or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals such as cardiac, contagious disease, maternity, orthopedic, cancer and similar health care institutions.

76-102-45 HOTEL.

"Hotel" means a building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding or lodging house.

76-102-46 JUNK YARD.

"Junk yard" means any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted, including, but not limited to, used or salvaged base metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property, and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

76-102-47 KENNEL.

"kennel" means any lot or premises on which three or more domestic animals, at least four months of age, are kept.

76-102-48 LOADING AND UNLOADING BERTH.

"Loading and unloading berth" means the off-street area required for receiving or distributing materials or merchandise by vehicles. In this Zoning Code this area is a twelve-foot by forty-five foot loading span with a fourteen-foot height clearance. However, if more than one berth is provided, the minimum dimensions are ten feet by forty-five feet with a fourteen-foot height clearance.

76-102-49 LOT.

"Lot" means a parcel, tract or area of land occupied or intended to be occupied by a principal or conditional use and uses accessory thereto together with such open spaces as required by this Zoning Code, and accessible by means of a street or place. For residential uses set forth in this Zoning Code, such lot shall abut upon a street or place for at least fifty percent of the lot width prescribed for the district in which the lot is located. A lot may be a single parcel separately described in a deed or plat which is recorded in the office of the Recorder of Miami County, or it may include parts of or a combination of such parcels when adjacent to one another and used as one. In determining lot area and boundary lines, no part thereof within the limits of a street or place shall be included.

76-102-50 LOT, CORNER.

"Corner lot" means a lot abutting upon two or more streets at their intersection.

76-102-51 LOT COVERAGE.

"Lot coverage" means the percentage of the lot area covered by the building area.

76-102-52 LOT, DEPTH OF.

"Depth of lot" means the mean horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.

76-102-53 LOT, GROUND LEVEL.

"Ground level of lot" means, for buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets; for buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building; any wall approximately parallel to and not more than five feet from a street is to be considered as adjoining the street.

76-102-54 LOT, INTERIOR.

"Interior lot" means a lot other than a corner lot or through lot.

76-102-55 LOT, REVERSED INTERIOR.

"Reversed interior lot" means an interior lot, the front line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting even though separated from the interior lot line by an alley.

76-102-56 LOT, THROUGH.

"Through lot" means a lot having frontage on two streets at opposite ends of the lot.

76-102-57 LOT, WIDTH OF.

"Width of lot" means the distance between the side lot lines at the front line of the building measured at right angles to the depth of the lot.

76-102-58 LOT LINE, FRONT.

"Front lot line" means, in the case of an interior lot, a line separating the lot from the street or place, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.

76-102-59 LOT LINE, REAR.

"Rear lot line" means a lot line which is opposite and most distance from the front lot line and, in the case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front lot line.

76-102-60 LOT LINE, SIDE.

"Side lot line" means any lot boundary not a front lot line or a rear lot line.

76-102-61 MOBILE HOME.

"Mobile home" means any vehicle either self-propelled or propelled by means of being attached to a motor vehicle, which may be used as a place of abode or sleeping place by one or more persons, and which has no foundation other than the wheels required for its movement from one place to another.

76-102-62 MOBILE HOME PARK.

"Mobile home park" means a lot which is used or offered as a location for two or more mobile homes, and within which a mobile home may be supported either by its wheels or by a foundation of any sort.

76-102-63 MOTEL.

"Motel" means a building or group of detached buildings containing units having bedroom and closet space and each unit having convenient access to a parking space for the use of the unit's occupants, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients.

76-102-64 NONCONFORMING USE.

~~"Nonconforming use" means a building or use of land legally existing at the time of the adoption of this Zoning Code or any amendments thereto, and which does not conform with all of the regulations of the district in which such building or use of land is located.~~

76-102-65 NURSING HOME.

"Nursing home" means a facility licensed by the State Board of Health, which:

- (a) Provides nursing services on a continuing basis;
- (b) Admits the majority of the occupants upon the advice of physicians as ill or infirm persons requiring nursing services;
- (c) Provides for licensed physicians' services and/or supervision; and
- (d) Maintains medical records.

Such facilities may also provide other and similar medical or health services, provided that no occupant requires physical restraint within the facility.

Examples of nursing home facilities that provide health services may include, if they comply with all the above criteria, nursing homes, convalescent homes, maternity homes, rest homes, homes for the aged and similar facilities.

76-102-66 NURSING HOME CONVERSION.

A "nursing home conversion" means a dwelling which is converted for the use of a nursing home and licensed by the State Board of Health.

76-102-67 PARKING LOT.

"Parking Lot" means a parcel land devoted to unenclosed parking space for five or more motor vehicles.

76-102-68 PARKING SPACE.

"Parking space" means a space other than on a street or alley designed for use or used for the temporary parking of a motor vehicle, and being not less than nine feet wide and eighteen feet long, exclusive of passageways.

76-102-69 PERSON.

"Person" means a corporation, firm, partnership, association, cooperative organization or any other group acting as a unit, as well as a natural person.

76-102-70 PLACE.

"Place" means an open, unoccupied space other than a street or alley, permanently reserved for use as the principal means of access to a butting property.

76-102-71 PLAT.

"Plat" means a map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

76-102-72 PRIVATE SCHOOL.

~~"Private school" means a private preprimary, primary, grade, high or preparatory school or academy or day nursery.~~

76-102-73 PROFESSIONAL OFFICE.

"Professional office" means the office of a member or members of a recognized profession as defined by the United States Bureau of the Census.

76-102-74 PROFESSIONAL OFFICE CENTER.

"Professional office center" means an architectural and functional grouping of professional offices and appropriate associated and accessory uses, which is the central feature of a site plan composed of building area, parking area, landscaped reservation and planting, and other land features appropriate for its use as a professional office enterprise, designed to serve residential neighborhoods, and which shall conform to the standards and requirements of this Zoning Code.

76-102-75 SHOPPING CENTER.

"Shopping center" means an architectural and functional grouping of retail stores, generally oriented around a supermarket or department store, and appropriate associated and accessory uses, which is the central feature of a site plan or development plan composed of building areas, parking areas, access streets and circulatory ways for vehicles and pedestrians, landscape reservations and planting and other land features appropriate for its operation as a business enterprise, designed to serve residential neighborhoods of communities and which shall conform to the requirements of this Zoning Code.

76-102-76 SIGN.

"Sign" means any writing, pictorial representation, emblem, flag or any other figures of similar character which is a structure or part thereof or is attached or painted on or in any manner represented on a building or structure and is used to announce, direct attention to or advertise, and is visible from outside a building. The word "sign" includes the word "billboard" but does not include the flag, pennant or insignia of any nation, state, city or other political unit, nor the flag, pennant or insignia of any political, educational, charitable, philanthropic, civic, professional, religious or like campaign, drive or event. "Sign" does not include any board, sign or surface used to

display any official notices issued by any court or public office or posted by a public officer in the performance of a public duty.

76-102-77 SIGN, ADVERTISING.

"Advertising sign" means a "sign" which directs attention to a business commodity, service or entertainment conducted, sold or offered elsewhere than on the lot where displayed or only incidentally on such lot.

76-102-78 SIGN, AREA OF.

"Area of a sign" means the total exterior surface computed in square feet of a sign having but one exposed exterior surface, and one-half the total of all the exposed exterior surface computed in square feet of a sign having more than one such surface.

76-102-79 SIGN, BUSINESS.

"Business sign" means a "sign" which directs attention to an activity business or profession conducted on the lot where displayed. A real estate sign advertising the sale, rental or lease of the lot on which it is maintained, institutional bulletin boards and a professional or announcement sign accessory to a home occupation, or a dwelling shall not be deemed a business sign.

76-102-80 SPECIAL SCHOOL.

"Special school" means any school which has as its primary purpose the instruction, care and rehabilitation of atypical or exceptional children or adults such that the usual statutory educational requirements expressly or implicitly do not apply.

76-102-81 STORY.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

76-102-82 STORY, HALF.

"Half story" means that portion of a building under a sloping, gable, hip or gambrel roof, the wall plates on at least two opposite exterior walls of which are not more than three feet above the floor level of such half story.

76-102-83 STREET.

"Street" means a public thoroughfare thirty feet or more in width between property lines, which affords the principal means of vehicular access to abutting property.

76-102-84 STRUCTURE.

"Structure" means anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something permanently located on the ground.

76-102-85 STRUCTURAL ALTERATION.

"Structural alteration" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

76-102-86 SWIMMING POOL, PRIVATE.

"Private swimming pool" means a swimming pool used only by the owner of the pool and friends as an accessory use at a private residence.

76-102-87 TOURIST HOME.

"Tourist home" means a dwelling in which overnight accommodations for not more than five transient guests are offered for compensation.

76-102-88 TRADE OR BUSINESS SCHOOL.

"Trade or business school" means:

- (a) A secretarial or business school or college that is neither publicly owned nor owned or conducted by or under the

- sponsorship of a religious, charitable or nonprofit organization; or
- (b) A school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hairdressing, drafting or industrial or technical arts.

76-102-89 USE.

"Use" means the employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

76-102-90 VARIANCE.

"Variance" means a modification of the specific requirements of this Zoning Code granted by the Board in accordance with the terms of this Code for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district. Such modification shall not include authorizing a use not among the uses specified by this Zoning Code as permitted in the district in which such property is located.

76-102-91 VISION CLEARANCE ON CORNER LOTS.

"Vision clearance on corner lots" means a triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three and twelve feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured fifteen feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended, at the corner of the lot.

76-102-92 YARD.

"Yard" means a space on the same lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided in this Zoning Code.

76-102-93 YARD, FRONT.

"Front yard" means the horizontal space extending across the full width of a lot, measured at ninety degrees to the front lot line, between the principal building and the front lot line, unoccupied other than by steps, walks and terraces and open, unroofed, unenclosed porches or other architectural appurtenances projecting not more than twenty-four inches from the building.

76-102-94 YARD, REAR.

"Rear yard" means the horizontal space extending across the full width of a lot, measured at ninety degrees to the rear lot line, between the principal building and the rear lot line, unoccupied other than by vehicle parking space, architectural appurtenances or accessory building which do not occupy more than thirty percent of the required rear yard.

76-102-95 YARD, SIDE.

"Side yard" means the horizontal space between the front and rear yards, measured at ninety degrees to the side lot line, between the principal building and the adjacent side lot line, unoccupied other than by architectural appurtenances projecting not more than twenty-four inches, and open or lattice-enclosed fire escapes or fireproof outside stairways projecting not over four feet from the building.

76-102-96 ZONE.

"Zone" means the same as "district".

76-102-97 ZONE MAP.

"Zone map" means a map entitled "Fletcher, Ohio, Zone Map", dated Oct 18, 1976 and any amendments thereto.

CHAPTER 76-103

DISTRICTS ESTABLISHED: ZONE MAP: VACATED OR ANNEXED AREAS

76-103-01 ESTABLISHMENT OF DISTRICTS.

For the purposes of this Zoning Code, the Village is hereby divided into six classes of districts, with the following names and designations:

<u>Name of District</u>	<u>Designation</u>
Single Family Residence District	R-1
Single and Two-Family Residence District	R-2
Multi-Family Residence District	R-3
Business and Commercial District	B-1
Industrial District	I
Suburban Residence District	S

76-103-02 DISTRICT BOUNDARIES, ZONE MAP.

The boundaries of these districts are hereby established as shown on a map entitled "Zone Map, Fletcher, Ohio," as revised dated (Oct. 18, 1976), which accompanies and is hereby incorporated into and made a part of this zoning code.

Where uncertainty exists as to the exact boundaries of any district as shown on the Zone Map, the following rule shall apply:

- (a) Unless otherwise indicated, the district boundary lines are the center of streets, parkways, alleys or railroad right-of-way, of such lines extended.
- (b) In subdivided areas, or where a district boundary subdivides a lot, the exact location of the boundary shall be determined by use of the scale of the Zone Map.
- (c) In the case of further uncertainty, the Board of Appeals shall interpret the intent of the Zone Map as to the location of the boundary in question.

76-103-03

PROCEDURE RELATING TO VACATED OR ANNEXED AREAS.

Whenever any street, alley, public way, railroad right of way, waterway or other similar area is vacated by proper authority, the districts adjoining each side of such street, alley, public way, railroad right of way, waterway or similar areas shall be extended automatically to the center of such vacation, and all area included in the vacation, and all area included in the vacation shall then and thenceforth be subject to all appropriate regulations of the extended districts.

Township zoning regulations in effect for territory annexed to or consolidated with the Village subsequent to the effective date of this zoning code, shall upon the effective date of such annexation or consolidation, remain in full force and effect for a period not exceed nine months. The Planning Commission shall recommend to the Village Council, within a period not to exceed six months from such date of annexation or consolidation, a zoning districting plan of such property in accordance with the provision of this Zoning Code.

CHAPTER 76-104

EFFECTS OF DISTRICTING AND GENERAL REGULATIONS

76-104-01 CONFORMANCE REQUIRED.

Except as hereinafter specified, no land, building, structure or premises shall hereafter be used, and no building or part thereof, or other structure shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located. Such regulations include, but are not limited to the following: the use of buildings, structures or land and their performance standards as defined herein in connection with such use; the height, size or dimensions of buildings or structures; the size or dimensions of lots, yards and other open spaces surrounding buildings; the provision, location, size, improvements and operation of off-street parking, loading and unloading spaces.

76-104-02 COMPLETION OF BUILDINGS.

Nothing contained in this Zoning Code shall require any change in the plans, construction, alteration or intended use of a building, the construction of which was actually begun, diligently prosecuted and which at the time of the passage of this Zoning Code has progressed to the point where the foundation was in and completed, and which entire structure was completed within one year of the passage of this Zoning Code.

76-104-03 BUILDING LINE ESTABLISHED.

Where twenty-five percent or more of the lots in block frontage are occupied by buildings, the average setback of such buildings shall determine the location of the building line, except that this requirement shall not apply to any business or commercial district. Building lines or building setback lines established in a recorded subdivision shall establish the dimension of front yards in such subdivision.

76-104-04 ACCESSORY BUILDINGS IN S AND R DISTRICTS.

(A) No accessory building or swimming pool shall be located closer to a side or rear lot line than three feet in any S or R district, except that adequate distance shall be required for the opening and closing of doors between accessory buildings and the rear lot line. Such building or pool shall be set back at least 20 feet from the front lot line. However, where the natural slope of the lot within the required front yard has an average slope, normal to the front lot line at every point along such line, of such degree or percent of slope that it is not practicable to provide a driveway with a grade of twelve percent or less to a private garage located in conformance with these requirements, such garage may be located within such front yard, not in any case not closer than six feet from the front lot line.

(B) Accessory uses such as public utility installations, walks, driveways, curbs, retaining walls, mail boxes, nameplates, lamp posts, bird baths and structures of a similar nature are permitted in any required front, side or rear yard. Open fences, latticework, screens, hedges or walls not more than seven feet in height, and private swimming pools surrounded by a fence at least five feet high may be located in the required side or rear yard, and a hedge, open fence or a wall maintained so as not to exceed three feet in height may be located in any front yard. Trees, shrubs, flowers or plants shall be permitted in any required front, side or rear yard, except that vision clearance on corner lots shall be provided when required.

(C) In any S or R district, no accessory building shall be used as a dwelling, except that the Board may authorize such use only for the domestic employees of residents of the principal building.

(D) In any S or R district, no accessory building or structure shall be erected or constructed prior to the erection or construction of the principal building, except for a temporary building incident to construction of the principal building.

(E) Setbacks for accessory building or corner lots be no closer than seven feet from side or rear line.

76-104-05. ACCESSORY USES IN THE BUSINESS OR INDUSTRIAL DISTRICTS.

Accessory uses in the Business and Industrial districts are permitted in the required front yard on lots where business is located.

76-104-06 VISION CLEARANCE.

Vision clearance as defined in Section 76-102-91 is required on all corner lots at the street corner.

76-104-07 MORE THAN ONE PRINCIPAL BUILDING.

In all districts permitting an industrial use, it is permissible to erect more than one principal building devoted to the industrial use.

76-104-08 EXISTING CONDITIONAL USES CONFORMING.

An existing use which is listed herein as a conditional use, in a district in which such conditional use may be permitted, is a conforming use. Any expansion of such conditional use involving the enlargement of buildings, structures and land area devoted to such use shall be subject to the requirements and procedures described for such conditional use in the Zoning Code.

CHAPTER 76-105

NONCONFORMING BUILDINGS AND USES

76-105-01 EXISTING NONCONFORMING USE.

Any building or use existing at the time of the enactment of this Ordinance may be continued even though such building or use does not conform with the provisions of this Zoning Code for the district in which it is located.

76-105-02 EXTENSION OF NONCONFORMING USES.

(A) An existing nonconforming use may be hereafter extended throughout those parts of the building which were manifestly arranged or designed for such use at the time of the enactment of this ordinance.

(B) No building or premises containing a nonconforming use shall hereafter be extended unless such extension shall conform with the provisions of this ordinance for the district in which it is located, except as otherwise provided in the following section (C).

(C) After due notice and public hearing, the Board may permit the extension of a nonconforming building or use, upon the lot occupied by such use of building at the time of enforcement of this ordinance or on a lot adjoining or directly across an alley, provided such lot was under the same ownership as the lot in question at the time of the enactment of this ordinance, and where such extension is a necessary incident to the existing use, and provided that such extension or extensions shall not exceed in all seventy-five percent of the reproduction value of the existing buildings at the time of the first extension, and shall in any case be undertaken within ten years after the enactment of this ordinance.

76-105-03 DISCONTINUANCE: USE CEASED.

(A) No building or lot where a nonconforming use has ceased for more than six months or has been replaced by a use permitted in the district in

which such building or lot is located shall again be devoted to any use not permitted in such district.

(B) If no structural alterations are made other than those necessary for maintenance, a nonconforming use of the building may be changed to another nonconforming use of the same or more restricted classification. Whenever a nonconforming use is changed to a more restricted use, such use shall not thereafter be reverted to a less restricted use.

76-105-04 NONCONFORMING USE CREATED BY AMENDMENT.

The provisions of this chapter apply in the same manner to a use which may become a nonconforming use due to a later amendment to this Zoning Code.

76-105-05 RECONSTRUCTION OF DAMAGED BUILDINGS.

Any nonconforming building damaged more than seventy-five percent of its then fair market value above the foundations at the time of the damage by fire, flood, expansion, earthquake, war, riot or act of God or man shall not be reconstructed and used as before such calamity; if less than seventy-five percent damaged, it may be reconstructed or used, provided that such reconstruction or use is accomplished within twelve months of such calamity.

76-105-06 STRENGTHENING AND RESTORING SAFETY PERMITTED.

Nothing in this Zoning Code shall prevent the strengthening or restoring to a safe condition of any part of any building declared unsafe.

CHAPTER 76-106

R-1 SINGLE FAMILY RESIDENCE DISTRICT

76-106-01 PRINCIPAL USES.

No building, structure or land shall be erected, altered or used which is arranged or designed for other than one of the following uses, excepting nonconforming uses; single family dwelling, educational institutions, publicly owned or operated recreation facility.

76-106-02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Board and subject to the provision of Chapter 76-113.

Home occupations, church or temple, municipal or governmental building, private noncommercial recreation development, public utility building, physicians office or clinic, radio, television, or telephonic communication transmitting tower.

76-106-03 ACCESSORY USES.

Accessory uses, buildings and structures customarily incidental to any use in this section shall be permitted in conjunction with such use, including:

The keeping of domestic animals exclusively for the use and personal enjoyment of the occupants of the principal building but not including a kennel; gardening and the raising of vegetables and fruits exclusively for the use and personal enjoyment of the occupants of the principal building and not for commercial purposes; home occupation; private garage; private parking area; private swimming pool; real estate sign, temporary building for uses incidental to construction; shed or other similar out building for purposes of storage with a maximum footage of twelve feet by fourteen feet.

COUNCIL OF THE VILLAGE OF FLETCHER, OHIO
ORDINANCE NO. 77-7
AMENDMENT TO 76-106 OF FLETCHER ZONES CODE
ESTABLISHING MINIMUM REQUIREMENTS

WHEREAS, the Village of Fletcher, Ohio, by its Council finds it necessary to amend the comprehensive Zoning Code of this Village being Ordinance No. 76-1; and

WHEREAS, these amendments were properly considered and approved by the Fletcher Planning Commission as certified to this Council; and

WHEREAS, this Council finds that it is necessary to make such amendments as so to provide for an orderly and systematic plan of growth within the Village and to protect the health, safety, and morals and general welfare of the inhabitants therein.

BE IT THEREFORE ORDAINED by the Council of the Village of Fletcher, Ohio, that:

SECTION 1. That Chapter 76-106 shall be amended as follows:

76-106-04 LOT AREA, FRONTAGE AND YARD REQUIREMENTS

All dwellings in this district shall conform to the following minimum requirements:

A. Lot Area - 5,000 square feet;

B. Floor Area of Dwelling - 750 square feet; superseded by following on xx-xx-xxxx, ordinance yyyyyyy

B. Floor Area of Dwelling - 1000 square feet, effective xx-xx-xxxx, ordinance YYYYYYY;

C. Lot Width - 60 feet;

D. Front yard Setback - 25 feet or average setback upon the block;

E. Side Yard Setback - 6 feet;

F. Rear Yard Setback - 30 feet.

SECTION 2. That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

President of Council

Passed this 20th day of February, 1977.

ATTEST:

Clerk of Council

Mayor

COUNCIL OF THE VILLAGE OF FLETCHER, OHIO

ORDINANCE NO. 77-7

AMENDMENT TO 76-106 OF FLETCHER ZONING CODE
ESTABLISHING MINIMUM REQUIREMENTS

WHEREAS, the Village of Fletcher, Ohio, by its Council finds it necessary to amend the comprehensive Zoning Code of this Village being Ordinance No. 76-1; and

WHEREAS, these amendments were properly considered and approved by the Fletcher Planning Commission as certified to this Council; and

WHEREAS, this Council finds that it is necessary to make such amendments so as to provide for an orderly and systematic plan of growth within the Village and to protect the health, safety and morals and general welfare of the inhabitants therein.

BE IT THEREFORE ORDAINED by the Council of the Village of Fletcher, Ohio, that:

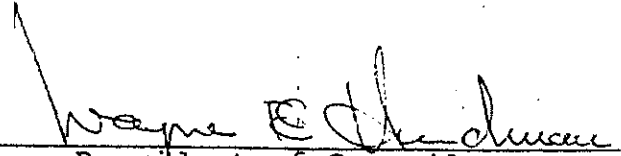
SECTION 1. That Chapter 76-106 shall be amended as follows:

76-106-04 LOT AREA, FRONTAGE AND YARD REQUIREMENTS

All dwellings in this district shall conform to the following minimum requirements:

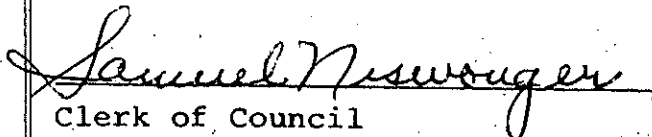
- 8/22/96
- A. Lot Area - 5,000 square feet;
 - B. Floor Area of Dwelling - ¹⁰⁰⁰~~750~~ square feet;
 - C. Lot Width - 60 feet;
 - D. Front Yard Setback - 25 feet or average setback upon the block;
 - E. Side Yard Setback - 6 feet;
 - F. Rear Yard Setback - 30 feet.

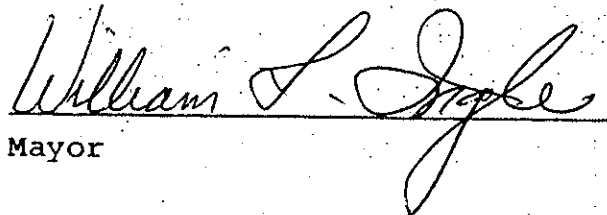
SECTION 2. That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.


President of Council

Passed this 20 day of Feb, 1977.

ATTEST:


Clerk of Council


Mayor

VILLAGE OF FLETCHER, OHIO

ORDINANCE 76-1

COMPREHENSIVE VILLAGE PLANNING
AND ZONING CODE

Enacted 18 day of October, 1976.

PLANNING COMMISSION

~~WILLIAM INGLE~~ *Beth Wyer*
~~EMMA PEARSON~~ *Meredith Schopen*
~~JOHN CARPENTER~~
~~ROLAND CECIL~~ *Sullivan Simpson Rita Hardman*
~~GLENN NETZLEY~~ *Witzgoe Dwan Jack LaSalle*

COUNCIL

Bruce Sampson
~~BONNIE A. SULLENBERGER~~
~~JAMES SILVERS~~
~~ROBERT BYERLY~~
~~BOB WYER~~
~~WAYNE HARDMAN~~
~~DALE MULLEN~~ *D. Bair*

WILLIAM INGLE, MAYOR

SAMUEL NISWONGER, CLERK

MICHAEL L. SMITH, VILLAGE SOLICITOR

CHAPTER 76-107

SINGLE AND TWO FAMILY RESIDENTIAL DISTRICT R-2

76-107-01 PRINCIPAL USES.

No building, structure or land shall be erected, altered or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 76-105:

Single-family dwelling;

Two-family dwelling;

Church or temple;

Educational institution; and

Publicly owned or operated recreation facility.

76-107-02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Board and subject to the provisions of Chapter 76-113.

Boarding or lodging house; tourist home provided the lot fronts on a Federal or State numbered highway;

Hospital; nursing home or nursing home conversion, home for the aged.

Municipal or governmental building;

Private noncommercial recreation facility;

Public utility building necessary for the furnishing of adequate service to the area, but not including a garage, general office, outdoor storage yard or warehouse; and

Radio, television or telephonic communication transmitting tower.

76-107-03

ACCESSORY USES.

Accessory uses, buildings and structures customarily incidental to any use in Section 76-107 shall be permitted in conjunction with such use, including:

The keeping of domestic animals exclusively for the use and personal enjoyment of the occupants of the principal building, but not including a kennel;

Gardening and the raising of vegetables and fruits exclusively for the use and personal enjoyment of the occupants of the principal building and not for commercial purposes;

Home occupation;

Private garage; private parking area;

Private swimming pool;

Real estate sign, name plate and institutional bulletin board subject to the provisions of Chapter 76-115; and

Temporary building for uses incident to construction.

COUNCIL OF THE VILLAGE OF FLETCHER, OHIO

ORDINANCE NO. 77-8

AMENDMENT TO 76-107 OF FLETCHER ZONING CODE

ESTABLISHING MINIMUM REQUIREMENTS

WHEREAS, the Village of Fletcher, Ohio, by its Council finds it necessary to amend the comprehensive Zoning Code of this Village being Ordinance No. 76-1; and

WHEREAS, these amendments were properly considered and approved by the Fletcher Planning Commission as certified to this Council; and

WHEREAS, this Council finds that it is necessary to make such amendments so as to provide for an orderly and systematic plan of growth within the Village and to protect the health, safety, and morals and general welfare of the inhabitants therein.

BE IT THEREFORE ORDAINED by the Council of the Village of Fletcher, Ohio, that:

SECTION 1. That Chapter 76-107 shall be amended as follows:

76-107-04 LOT AREA, FRONTAGE AND YARD REQUIREMENTS

All dwellings in this district shall conform to the following minimum requirements:

- A. All single-family dwellings in this district shall conform to the requirements of 76-106-04;
- B. Two-family dwellings

Lot Area - 7,000 square feet; superseded by following on xx-xx-xxxx, ordinance yyyyyy

~~1. Lot Area - 6,000 square feet, effective xx-xx-xxxx~~

2. Square Footage of Dwelling - 1,500 square feet; superseded by following on xx-xx-xxxx, ordinance yyyyyy

~~2. Square Footage of Dwelling - 2,000 square feet, effective xx-xx-xxx;~~

3. Lot Width - 60 feet;

4. Front Yard Setback - 25 feet or average setback upon the block;

5. Side Yard Setback - 6 feet;
6. Rear Yard Setback - 30 feet.

SECTION 2. That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

President of Council

Passed this 20th day of February, 1977.

ATTEST:

Clerk of Council

Mayor

COUNCIL OF THE VILLAGE OF FLETCHER, OHIO

ORDINANCE NO. 77-8

AMENDMENT TO 76-107 OF FLETCHER ZONING CODE
ESTABLISHING MINIMUM REQUIREMENTS

WHEREAS, the Village of Fletcher, Ohio, by its Council finds it necessary to amend the comprehensive Zoning Code of this Village being Ordinance No. 76-1; and

WHEREAS, these amendments were properly considered and approved by the Fletcher Planning Commission as certified to this Council; and

WHEREAS, this Council finds that it is necessary to make such amendments so as to provide for an orderly and systematic plan of growth within the Village and to protect the health, safety and morals and general welfare of the inhabitants therein.

BE IT THEREFORE ORDAINED by the Council of the Village of Fletcher, Ohio, that:

SECTION 1. That Chapter 76-107 shall be amended as follows:

76-107-04 LOT AREA, FRONTAGE AND YARD REQUIREMENTS
All dwellings in this district shall conform to the following minimum requirements;

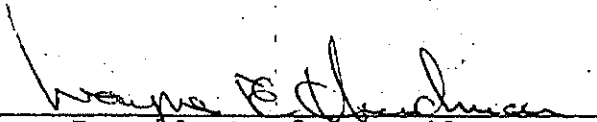
- A. All single-family dwellings in this district shall conform to the requirements of 76-106-04;
- B. Two-family dwellings
1. Lot Area - 8,000 square feet;
 2. Square Footage of Dwelling - ~~2,800~~⁵⁰ square feet;
 3. Lot Width - ~~60~~ feet;
 4. Front Yard Setback - 25 feet or average setback upon the block;

5. Lot Length - 100 feet

8/21/96

5. Side Yard Setback - 6 feet
6. Rear Yard Setback - 30 feet.

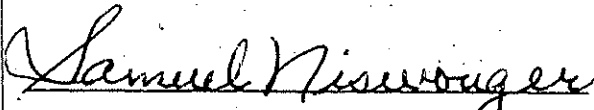
SECION 2. That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.



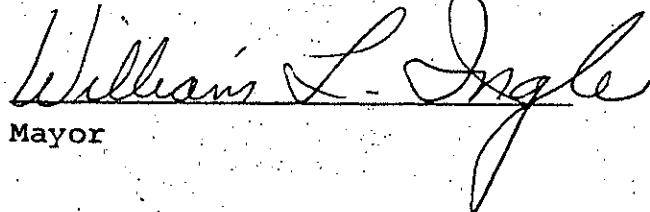
President of Council

Passed this 20 day of Feb, 1977.

ATTEST:



Clerk of Council



Mayor

CHAPTER 76-108

R-3 MULTI FAMILY RESIDENCE DISTRICT

76-108-01 PRINCIPAL USES.

No building, structure or land shall be erected, altered or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 76-105:

- Single-family dwelling;
- Two-family dwelling;
- Multi-family dwelling;
- Boarding or lodging house;
- Church or temple;
- Educational institution;
- Private Club or lodge;
- Private school, special school;
- Publicly owned or operated recreation facility;
- Public library or other public cultural facility.

76-108-02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Board and subject to the provisions of Chapter 76-113:

- Funeral home or mortuary;
- Hospital; nursing home or nursing home conversion; home for the aged;
- Municipal or governmental building;
- Private noncommercial recreation development;
- Professional office center;
- Public utility building necessary for the furnishing of adequate service

to the area, but not including a garage, outdoor storage yard or warehouse;

Tourist home provided the lot fronts on a Federal or State numbered highway.

The following uses on the ground floor of a multi-family dwelling containing a minimum of ten units and fronting on a street designated as a primary or secondary thoroughfare by the Comprehensive Master Plan adopted by the Planning Commission provided that not over five persons are engaged or employed in each such use:

Professional office.

76-108-03 ACCESSORY USES.

Accessory use, building and structures customarily incidental to any use in Sections 76-108 shall be permitted in conjunction with such use, including:

The keeping of domestic animals exclusively for the use and personal enjoyment of the occupants of the principal building, but not including a kennel;

Gardening and the raising of vegetables and fruits exclusively for the use of personal enjoyment of the occupants of the principal building and not for commercial purposes;

Home occupation;

Private garage;

Private parking area;

Private swimming pool;

Real estate sign, name plate, institutional bulletin board and business sign not over twenty-five square feet in area and attached flat against the building subject to the provisions of Chapter 76-115.

COUNCIL OF THE VILLAGE OF FLETCHER, OHIO

ORDINANCE NO. 77-9

AMENDMENT TO 76-108 OF FLETCHER ZONING CODE
ESTABLISHING MINIMUM REQUIREMENTS

WHEREAS, the Village of Fletcher, Ohio, by its Council finds it necessary to amend the comprehensive Zoning Code of this Village being Ordinance No. 76-1; and

WHEREAS, these amendments were properly considered and approved by the Fletcher Planning Commission as certified to this Council; and

WHEREAS, this Council finds that it is necessary to make such amendments so as to provide for an orderly and systematic plan of growth within the Village and to protect the health, safety and morals and general welfare of the inhabitants therein.

BE IT THEREFORE ORDAINED by the Council of the Village of Fletcher, Ohio, that:

SECTION 1. That Chapter 77-108 shall be amended as follows:

76-108-04 LOT AREA, FRONTAGE AND YARD REQUIREMENTS

All dwellings in this district shall conform to the following minimum requirements:

- A. Single-family dwellings in this district shall conform to the requirements of 76-106-04;
- B. Two-family dwellings in this district shall conform to the requirements of 76-107-04;
- C. Multi-family dwellings
 1. Square Footage of the Lot - 2,000 square feet per unit, minimum of 10,000 square feet
 2. Lot Width - 100 feet;
 3. Front Yard - Setback - 25 feet;

Maximum of 5 Units →

COUNCIL OF THE VILLAGE OF FLETCHER, OHIO

ORDINANCE NO. 77-9

AMENDMENT TO 76-108 OF FLETCHER ZONING CODE

ESTABLISHING MINIMUM REQUIREMENTS

WHEREAS, the Village of Fletcher, Ohio, by its Council finds it necessary to amend the comprehensive Zoning Code of this Village being Ordinance No. 76-1; and

WHEREAS, these amendments were properly considered and approved by the Fletcher Planning Commission as certified to this Council; and

WHEREAS, this Council finds that it is necessary to make such amendments so as to provide for an orderly and systematic plan of growth within the Village and to protect the health, safety and morals and general welfare of the inhabitants therein.

BE IT THEREOF ORDAINED by the Council of the Village of Fletcher, Ohio, that:

SECTION 1. That Chapter 76-108 shall be amended as follows:

76-108-04 LOT AREA, FRONTAGE AND YARD REQUIREMENTS

All dwellings in this district shall conform to the following minimum requirements:

- A. Single-family dwellings in this district shall conform to the requirements of 76-106-04;
- B. Two-family dwellings in this district shall conform to the requirements of 76-107-04;
- C. Multi-family dwellings
 - 1. Square footage of the Lot - 2,000 square feet per unit, minimum of 10,000 square feet;
 - 1A *Maximum of 5 lots; effective xx-xx-xxxx, ordinance yyyyyy*
 - 2. Lot Width - 100 feet;
 - 3. Front Yard - Setback - 25 feet;
 - 4.
 - 5. Rear Yard Setback - 25 feet;

6. Square Footage of the Dwelling;
- a. Efficiency unit - 350 square feet;
 - b. One bedroom - 500 square feet;

Two bedrooms - 600 square feet; superseded by the following on xx-xx-xxxx, ordinance yyyyyy.
Two bedrooms - 650 square feet, effective xx-xx-xxxx;

Three bedrooms - 700 square feet; superseded by the following on xx-xx-xxxx, ordinance yyyyyy.
Three bedrooms - 750 square feet, effective xx-xx-xxxx, ordinance yyyyyy;

Four or more bedrooms - 850 square feet. superseded by the following on xx-xx-xxxx, ordinance yyyyyy.
e. *Four or more bedrooms - 900 square feet, effective xx-xx-xxxx, ordinance yyyyyy,*

SECTION 2. That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

President of Council

Passed this 20th day of February, 1977.

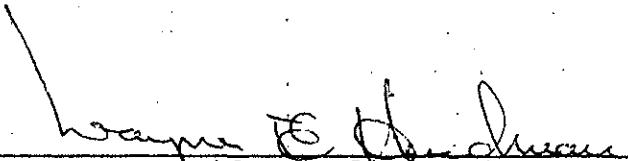
ATTEST:

Clerk of Council

Mayor

5. Rear Yard Setback - 25 feet;
6. Square Footage of the Dwelling:
 - a. Efficiency unit - 350 square feet;
(Room with Bath & Kitchenette)
 - b. One bedroom - 500 square feet;
 - c. Two bedrooms - 6⁵⁰0 square feet;
 - d. Three bedrooms - 7⁵⁰0 square feet;
 - e. Four ^{BEDROOMS} ~~or more bedrooms~~ - 8⁹⁰⁰50 square feet.

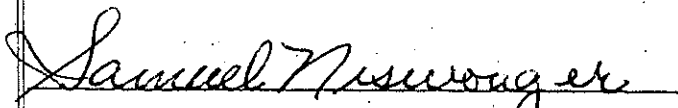
SECTION 2. That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.



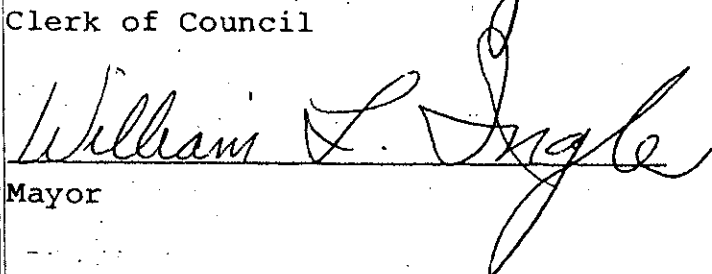
 President of Council

Passed this 20 day of Feb, 1977.

ATTEST:



 Clerk of Council



 Mayor

CHAPTER 76-109

BUSINESS DISTRICT -B-1

76-109-01 PRINCIPAL USES.

No building, structure or land shall be erected, altered or used which is arranged or designed for other than one of the following uses, except as provided in Chapter 76-105.

Any principal use permitted and as regulated in the R- District, except as modified herein;

The following retail business and service establishments:

Bakery;

Bank, including drive-in bank;

Savings and Loan;

Barbershop, beauty shop;

Business or professional office;

Drug stores;

Dry cleaning establishment;

Flower shop;

Grocery; meat market; fruit and vegetable store; supermarket; delicatessen;

Hardware store; paint store;

Newsdealer;

Postal station;

Public parking area;

Shoe repair shop;

Tailor and pressing shop;

Apparel shop, shoe store; millinery store, dressmaking establishment or tailor;

Appliance sales and/or service establishment;
Music store;
Bicycle repair shop;
Department store; variety stores; mail order office;
Furniture store;
Toy store;
Funeral home or mortuary;
Gift shop; artists supply store or art shop;
Antique shop;
Stationer or Office supply and equipment store;
Hotel or motel;
Indoor theatre;
Billiard room or pool hall;
Bowling lanes, but not within 100 feet of any S or R District;
Jewelry store;
Restaurant;
Trade or business school;
Photographic studio;
Dancing studio;
Radio or television broadcasting studio;
Commercial green house;
Commercial recreation facility;
Motor vehicle service station facility;
(Motor vehicle farm implement and service and public garage; but
body and fender work or painting of motor vehicles not within
300 feet of any S or R District;)
Warehouse for storage of merchandise and materials;
Trucking or motor freight terminal;

Caring, expressing or hauling establishment; provided that all such uses are located at least 1500 feet from any S or R District.

76-109-02 CONDITIONAL USES.

The following uses shall be permitted only if expressly authorized by the Board: any conditional use permitted and regulated in an R District; other business uses not expressly permitted nor expressly prohibited.

76-109-03 ACCESSORY USES.

Accessory uses, building and structures customarily incidental to any use permitted in this Chapter shall be permitted in conjunction with such use, including:

Any accessory use permitted and as regulated in the R- District except as modified herein:

Off-street parking facility;

Business signs;

Private garages;

Single family dwellings exclusively for the owner or operator of a principal or conditional use.

76-109-04 PROHIBITED USES.

No one shall be permitted or authorized to be established or maintained which is or may become hazardous, noxious or objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste; no use shall be permitted or authorized to be established or maintained which is connected with or dealing in the occupation, service or business of junk cars.

76-109-05 REQUIRED CONDITIONS.

All businesses, services or processing shall be conducted wholly within a completely enclosed building except for off-street parking, the

dispensing of fuels to motor vehicles, the display of motor vehicles, farm implements, the storage of lumber intended for retail sale, the exercising of animals, and such other outdoor display or storage of materials and equipment as may be authorized by the Board.

COUNCIL OF THE VILLAGE OF FLETCHER, OHIO

ORDINANCE NO. 78-2

ZONING AMENDMENT

WHEREAS, the Fletcher Village Planning Commission recently convened to consider amendments to the Comprehensive Zoning Code of Fletcher, Ohio concerning setback lines in a B-1 district; and

WHEREAS, a public hearing was held by the Fletcher Village Planning Commission on the 27th day of February, 1978 following due notice thereof to the Piqua Daily Call; and

WHEREAS, the Fletcher Village Planning Commission approved certain setback lines in a B-1 district; and

WHEREAS, such setback lines are included in this Ordinance as fully stated by the Village Planning Commission; the same having been certified by the Planning Commission to this Council on the 6th day of March, 1978; and

WHEREAS, the Village of Fletcher, Ohio finds that it would be in the best interests of the Village to approve the findings of the Fletcher Planning Commission as certified.

BE IT THEREFORE ORDAINED by the Council of the Village of Fletcher, Ohio, that:

SECTION 1. All lots within a B-1 zone of the Village of Fletcher, Ohio, shall conform to the following setback lines:

Rear--6 feet

Side--No limitation except where B-1 zone joins an R-1, R-2, R-3 or S district; in which case said side setback shall be six feet from such adjoining zone;

Front--Front setback line shall conform with the average setback of existing buildings in that block; if no buildings are within the block, then in such event, such setback shall be 25 feet.

SECTION 2. This ordinance shall be in full force and effect

from and after the earliest period allowed by law.

Wayne E. Decker

President of Council

Passed this 20 day of March, 1978

ATTEST:

Samuel Nisonger
Clerk of Council

APPROVED:

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CHAPTER 76-110

INDUSTRIAL ZONE I-1

76-110-01 INDUSTRIAL USES.

No building, structure or land shall be erected, altered or used which is arranged or designed for other than one of the following uses, except as provided herein and in Chapter 76-105:

Any industrial use conducted entirely within an enclosed building of any size or which requires both buildings in open area for manufacturing, fabricating, processing, heavy repair, equipment, raw materials or manufactured product;

Advertising signs;

Commercial laundry or commercial dry cleaning establishments;

Contractors' storage yard or building material yard;

Experimental film or testing laboratory;

Lumber yard, including mill work, printing and publishing;

Public utilities buildings, including outdoor storage yard;

Warehouse for the storage of merchandise and materials or trucking or motor freight terminal or carting or expressing or hauling establishment;

Wholesale business or mail order house.

76-110-02 CONDITIONAL USES.

The following uses shall be permitted only with authorization by the Board subject to the provision of Chapter 76-113:

Any retail business;

Heliport;

Municipal governmental building;

Radio or television or telephonic communication transmitting tower.

76-110-03 ACCESSORY USES.

Accessory uses, buildings and structures customarily incidental to any use in Sections 76-110-01 and 76-110-02 shall be permitted in conjunction with such use including:

- Off-street parking facility;
- Private garage;
- Real estate signs;
- Business signs;
- Temporary building for uses to construction.

76-110-04 PROHIBITIVE USES.

Dwellings and residences of any kind and except for incidental accessory to a principal use, churches, schools, hospitals, clinics, nursing homes and other institutions for human care are prohibited; further, junk yards or scrap yards are prohibited; further, no metal processing plants shall be considered a proper principal or conditional use under this industrial district (metal processing being defined as any establishment or use whereby there is processing into metal from organic material).

76-110-05 REQUIRED CONDITIONS.

- (A) A tight planning screen effective at all times of the year and maintained to at least six feet in height shall be provided whenever a principal use abuts or adjoins any S, R or B district or any lot used for dwelling purposes.
- (B) Adequate sewage shall be maintained to control the waste of the industrial establishment; said industrial establishment shall provide Board of Health; certificate indicating said sewage plans are adequate.
- (C) Said industrial establishment shall only be erected, constructed

or altered in compliance with OSHA standards.

(D) Adequate off-street parking shall be established whereby there are at least one parking space per employee.

(E) Streets and gutters shall be established in conjunction with the construction of any industrial establishment hereinafter.

CHAPTER 76-111

PERFORMANCE STANDARDS

76-111-01 CONFORMANCE REQUIRED.

No land or structure, in any district, shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable fire, explosive, or other hazard, including potential hazards; noise or vibration; smoke, dust, odor or other form of air pollution; heat, cold, dampness, electrical or other substance, condition or element (referred to herein as "dangerous or objectional elements"); in such a manner or in such amount as to adversely affect the adjoining lots or surrounding area. However, any use permitted or not expressly prohibited by this chapter may be undertaken and maintained if it conforms to the provisions of this chapter.

76-111-02 ENFORCEMENT.

Whenever it is alleged by a person aggrieved or in the opinion of the Building Inspector or Mayor, that an existing or proposed new use of land or structure creates or is likely to create or otherwise produce dangerous or objectionable elements, the Board shall make a preliminary investigation of the matter and shall forward its report, together with all preliminary findings and evidence to the Village Council. In the event that the Board concurs in the allegations or opinion that there exists or are likely to be created such dangerous or objectionable elements, it shall request the Village Council to authorize the employment of a competent specialist or testing laboratory for the purpose of determining the nature and extent of such dangerous or objectionable elements and practicable means of assuring compliance with the provisions of this chapter.

Upon receipt of the findings and recommendations of such specialist or

laboratory, the Board may approve, partially approve, or disapprove the measures recommended therein and instruct the Building Inspector or Mayor to proceed with the enforcement of such measures in accordance with the provisions of Chapter 76-118.

The Village shall bear the costs of the various tests, consultant fees or other investigations which are required herein; provided, however, that the owner of the property under investigation shall reimburse the Village for all such expenses in the case of a proposed new use or in the event that the existing operation or use of the property is found to be in violation of the provisions of this chapter by the Board, or, if contested, by a court of competent jurisdiction. Such reimbursement shall be made within thirty days from the date of the final Board ruling or court judgment.

76-111.03 DEFINITIONS.

A. "Decibel" means a unit of measurement of the intensity or loudness of sound. Sound level meters are used to measure such intensities and are calibrated in decibels.

B. "Flash point" means the lowest temperature at which a combustible liquid under prescribed conditions will give off a flammable vapor which will burn momentarily using the closed cup method.

C. "Free burning" means a rate of combustion described by a material which burns actively and easily supports combustion.

D. "Intense burning" means a rate of combustion described by a material that burns with a high degree of activity and is consumed rapidly.

E. "Moderate burning" means a rate of combustion described by a material which supports combustion and is consumed slowly as it burns.

F. "Octave band" means a narrow range of sound frequencies which classify sounds according to pitch. In the octave band analyzer the audible sound spectrum is divided into eight octave band.

G. "Octave band analyzer" means an electrical device used with the sound level meter that sorts a complex noise or sound into the various octave bands.

H. "Particulate matter" means a finely divided liquid or solid material which is discharged and carried along in the air. This does not include water commonly called steam.

I. "Ringelmann number" means the number of the area on the Ringelmann Chart that most nearly matches the light-obscuring capacity of smoke. The Ringelmann Chart is described in the U.S. Bureau of Mines Information Circular 6888, on which are illustrated graduated shades of gray for use in estimating smoke density. Smoke below the density of Ringelmann No. 1 shall be considered no smoke or Ringelmann 0.

J. "Slow burning" or "incombustible" means materials which do not in themselves constitute an active fuel for the spread of combustion during an exposure for five minutes to a temperature of 1200 degrees fahrenheit.

K. "Smoke" means a suspension of fine particles, excluding water droplets, in a gaseous plume, which obscures more or less the transmission of light.

L. "Smoke unit" means the number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes. For the purpose of this calculation, a Ringelmann density reading shall be made at least once a minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed. The various products are then added together to give the total number of smoke units observed during the entire observation period.

M. "Vibration" means oscillatory motion transmitted through the ground.

76-111-04 SMOKE.

For new use, the emission of more than seventy smoke units per hour per stack and emissions in excess of Ringelmann No. 2 are prohibited, except that for one hour during any twenty-four hour period this rate may be increased to eighty smoke units per hour per stack up to and including Ringelmann No. 3 for the purposes of process purging, soot blowing and fire cleaning.

For a use existing at the time of the adoption of this chapter, the emission of more than ninety smoke units per hour per stack and emission in excess of Ringelmann No. 3 are prohibited, except that for a one-hour period during the twenty-four this rate may be increased to 120 smoke units per hour per stack, still at Ringelmann No. 3 for purposes of process purging, soot blowing and fire cleaning.

76-111.05 PARTICULATE MATTER.

The rate of emission of particulate matter from an individual process within the boundaries of any lot shall not exceed a figure of 0.06 pounds per 1000 pounds of effluent gas for a new use, or 0.20 pounds per 1000 pounds of effluent gas for a use existing at the time of the adoption of this chapter.

For both such new and existing uses, not more than fifty percent by weight of particles larger than forty-four microns (325 mesh) shall be allowed.

76-111.06 ODOR.

Any use, activity or operation which releases odors to the atmosphere shall be so controlled as to insure that it will produce no public nuisance or hazard at or beyond the nearest lot line.

76-111-07 FUMES AND GASES.

The emission of toxic or injurious fumes and gases shall be controlled so as to comply with the following:

A. The emission from any source shall not cause, at or beyond any lot line, concentrations of toxic and/or injurious fumes and gases in excess of the recommended standards of the American Conference of Governmental Hygienists;

B. The emission of any toxic gas or fumes across lot lines in such concentrations as to be detrimental to or endanger public health, safety and welfare or which shall cause injury or damage to property or business is prohibited.

76-111-07 HEAT AND GLARE.

No use, operation, activity or structure shall cause heat or glare in such a manner as to be a public nuisance at or beyond the lot line.

76-111-08 VIBRATION.

Any use creating intense earth-shaking vibration such as are created by heavy drop forge shall be set back from any R District boundary at least 250 feet, and at least 150 feet from any B District boundary.

Earth-shaking vibrations at the lot line shall not be in violations of this chapter as long as the vibration is not perceptible without the aid of instruments.

76-111-09 NOISE.

At no point 125 feet from the lot line shall the sound pressure level of any use (other than background noises produced by sources not under the control of this chapter) exceed the decibel limits in the octave bands designated below.

NEW USE

Octave Band Frequency (Cycles Per Second)	Maximum Permitted Sound Level (In Decibels)
0 to 75	95
76 to 150	70
151 to 300	65
301 to 600	59
601 to 1200	53
1201 to 2400	48
2401 to 4800	48
Above to 4800	41

USE EXISTING AT THE TIME OF
THE ADOPTION OF THIS CHAPTER

Octave Band Frequency (Cycles Per Second)	Maximum Permitted Sound Level (In Decibels)
0 to 75	90
76 to 150	70
151 to 300	66
301 to 600	62
601 to 1200	57
1201 to 2400	53
2401 to 4800	49
Above to 4800	45

Sound levels shall be measured with a sound level meter and associated

octave band analyzer or filter, manufactured in compliance with standards prescribed by the American Standards Association.

76-111-10 FIRE HAZARDS: FLAMMABLE LIQUID STORAGE.

The storage, utilization or manufacture of solid materials or products ranging from incombustible to moderate burning is permitted. The storage utilization or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted, provided the following conditions are met:

A. Such materials shall be stored, utilized or manufactured in such a manner and protected by such means as approved by the State Fire Marshal.

B. The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted in accordance with the following table (exclusive of storage of finished products in original sealed containers).

Distances shown are to nearest adjoining lot lines which may be built upon.

FLAMMABLE LIQUID STORAGE

Capacity of Tank (Gallons)	Class of Flammable Liquid	Distance (Feet)
0 to 275	III	0
276 to 750	III	5
0 to 750	I & II	10
751 to 12,000	III	10
751 to 12,000	I & II	15
12,001 to 24,000	I, II, III	15
24,001 to 30,000	I, II, III	20
30,001 to 50,000	I, II, III	25

Tanks in excess of 50,000 gallons, and those for storage of crude petroleum, shall be at a distance of three times the greatest dimension of the diameter or height of tank, except that distance shall not be less than twenty feet and need not exceed 350 feet.

1. A flammable liquid is defined as any liquid having a flash point below 140 degrees fahrenheit and a vapor pressure not exceeding 40 psia.

2. When flammable gases are stored, utilized or manufactured and measured in cubic feet, the quantity in cubic feet (at S.T.P.) permitted shall not exceed 300 times the quantities listed.

3. N.F.P.A. No. 321 Classes of Flammable Liquids Class I flash point below 100 degrees fahrenheit Class II flash point above 100 degrees but below 140 degrees fahrenheit.

Class III flash point above 140 degrees fahrenheit.

CHAPTER 76-112

CONVERSION OF DWELLINGS

76-112-01 GENERAL REQUIREMENTS.

The conversion of any building into a dwelling or the conversion of any dwelling to accommodate an increased number of dwelling units shall be permitted only within a district in which a new building for similar occupancy would be permitted under the Zoning Code, and only when the resulting occupancy will comply with the requirements governing new construction in such district with respect to minimum lot size, lot area per dwelling, floor area, dimensions of yards and other open spaces and off-street parking. No existing structure may be converted for use by more than four families.

76-112-02 BOARD AUTHORIZATION.

Any conversion which would result in one or more dwelling units containing less than 500 square feet of gross floor area shall be permitted only upon authorization by the Board.

CHAPTER 76-113
CONDITIONAL USES

76-113-01 GENERAL REQUIREMENTS.

The conditional uses listed in the regulations governing each of the several districts and their accessory buildings and uses may be permitted by the Board in such districts in accordance with the procedure set forth in this chapter.

76-113-02 PROCEDURE.

Upon receipt of an application for a building permit and a development plan for a conditional use by the Mayor or Building Inspector, it shall be referred to the Board. A copy of each application and plan shall be referred concurrently to the Commission. The Board shall then proceed with a hearing in accordance with the procedures outlined in Chapter 76-116.

76-113-03 HEARING AND BOARD REQUIREMENTS.

Upon such hearing, if the Board finds that:

- (a) The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, morals or general welfare;
- (b) The conditional use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, or not substantially diminish and impair property value within the neighborhood;
- (c) The establishment of the conditional use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district;
- (d) Adequate utilities, access roads, drainage and other facilities have been or are being provided;
- (e) Adequate measures have been or will be taken to provide ingress and egress so designed as to minimize traffic congestion in the public streets and

- (f) The conditional use will be located in a district where such use is permitted and that all requirements set forth in the Zoning Code and applicable to such conditional use will be met,

the Board shall direct the Mayor to issue the building permit for such conditional use; otherwise the Board shall direct the Mayor to reject the application. The findings of the Board and its order to the Mayor shall be in writing.

76-113-04 FAILURE TO COMMENCE OR COMPLETE CONSTRUCTION.

Any person, to whom is issued a building permit for a conditional use, who fails to commence construction within twelve months after such permit is issued, or who fails to carry to completion the total development plan thereof within three years after such construction is begun, whichever is later, or who fails to conform to the provisions of the development plan and supporting data finally approved by the Board and upon the basis of which such building permit was issued, may be required by the Board, upon written petition of any person deeming himself aggrieved, to show cause why such approval should not be withdrawn and such building permit revoked.

76-113-05 AMENDED BUILDING PERMIT.

The holder of a building permit for a conditional use may apply to the Board at any time for an alteration, change, amendment or extension of the application or development plan upon which such permit was based.

- (a) Upon receipt of such application, the Board shall proceed as in the case of original applications for a building permit for a conditional use.
- (b) In the event the Board shall approve and order such application or development plan changed, altered, amended or extended, it shall so notify the Mayor who shall issue an amended building permit accordingly.

76-113-06 ADDITIONAL CONDITIONS.

The Board may impose other conditions for a conditional use in

addition to those prescribed herein if, in the Board's judgment additional conditions are necessary for the protection of the public health and for reasons of safety, comfort and convenience.

If the nature of the conditional use involves more than one such use, the applicant may apply for a building permit for the conditional use which most closely relates to the primary use, provided that the requirements of the related uses will also be met.

76-113-07 AIRPORTS AND HELIPORTS.

- (a) The minimum lot area for an airport shall be eighty acres; for a heliport, one acre.
- (b) No portion for an airport or a heliport shall be permitted closer than 200 feet to a residential use.
- (c) Airport areas accessible to the public shall be enclosed by a six-foot wire mesh fence.
- (d) Portions of an airport abutting a residential use shall be buffered by a tight screen planting, effective at all times and at least six feet high by six feet wide. Portions of a heliport abutting a residential use shall be enclosed by a four-foot wire mesh fence.
- (e) Plans for exterior business signs and outdoor artificial lighting shall be subject to approval by the Board. Advertising signs shall be prohibited; all other exterior signs shall conform to the provisions of Chapter 76-117.
- (f) Except as provided herein, yard and height regulations for buildings and structures shall be those designated for a conditional use in the district in which the airport or heliport is proposed to be located. However, a hanger or other building used to store aircraft may be built to a height not exceeding fifty feet provided the otherwise designated side and rear yard requirements are increased one foot for each two feet the height exceeds that permitted in such district.

76-113-08 CEMETERY.

- (a) The minimum lot area shall be forty acres.
- (b) The yard and height regulations for buildings and structures shall be those designed for a conditional use in the

district in which the cemetery is proposed to be established.

- (c) A plan of landscape development shall be submitted and may be combined with the development plan.
- (d) Portions of a cemetery abutting a residential use shall be buffered by a tight screen planting, effective at all times, and at least six feet high by six feet wide.
- (e) Plans for exterior signs identifying the entrance to the cemetery and for the direction of visitors and traffic as well as plans for outdoor artificial lighting shall be subject to approval by the Board. All other types of exterior signs shall be prohibited.

76-113-09

HOSPITAL, NURSING HOME OR NURSING HOME CONVERSION,
HOME FOR THE AGED.

- (a) The minimum lot area for a hospital shall be three acres; for a nursing home or home for the aged 15,000 square feet but not less than 750 square feet per person cared for or occupant and for a nursing home conversion 15,000 square feet but not less than 750 square feet per person cared for.
- (b) The minimum front yard depth, side yard width and rear yard depth for a hospital shall be, respectively, sixty feet, thirty feet each side and forth feet; the minimum yard dimensions for a nursing home or nursing home conversion and a home for the aged shall be those designated for a conditional use in the district in which such facility is proposed to be established.
- (c) The minimum setback from the center line of an interior street of a nursing home conversion shall be forth feet
- (d) The gross floor area of the principal building(s) for a nursing home or home for the aged shall be over 1000 square feet.
- (e) A plan of landscape development shall be submitted and may be combined with the development plan.
- (f) Portions of a nursing home or home for the aged and a nursing home conversion abutting a residential use shall be buffered by a tight screen planting, effective at all times and at least six feet high by six feet wide.
- (g) The maximum height of a building for a hospital shall be sixty-feve feet, provided that the otherwise designated side and rear yard requirements are increased one foot for each three feet the height exceeds that permitted in the district in which the hospital is

proposed to be established. The maximum height of a building for a nursing home conversion and home for the aged shall be that designated for a conditional use in the district in which such facility is proposed to be established,

- (h) Plans for exterior signs identifying the facility and for outdoor artificial lighting shall be subject to approval by the Board. All other types of exterior signs shall be prohibited.

76-113-10

PRIVATE NONCOMMERCIAL RECREATION DEVELOPMENT.

- (a) The minimum lot area for a stadium and for an artificial lake shall be three acres; for other recreation developments that designated for a conditional use in the district in which such development is proposed to be established.
- (b) The minimum side yard width and rear yard depth shall be, respectively, forty feet each side and forty feet; the minimum front yard depth shall be that designated for a conditional use in the district in which the development is proposed to be established.
- (c) A plan of landscape development shall be submitted and may be combined with the development plan.
- (d) The portions of an artificial lake accessible to the public shall be enclosed by a six-foot wire mesh fence.
- (e) Those portions of a development abutting a residential use or lot shall be buffered by a tight screen planting, effective at all times and at least six feet high by six feet wide.
- (f) Plans for exterior signs identifying the development and the direction of traffic and users as well as plans for outdoor artificial lighting shall be subject to approval by the Board. All other types of exterior signs shall be prohibited.
- (g) The maximum height of a structure for a stadium shall be twenty-five feet; for any other development that designated for a conditional use in the district in which the development is proposed to be established.

76-113-11

PRIVATE AND SPECIAL SCHOOLS.

- (a) ~~The lot area, yard and height regulations shall be those designated for a conditional use in the district in which the school is proposed to be established.~~
- (b) ~~The floor area of a private school shall be over 1000 square feet.~~
- (c) ~~All play areas shall be enclosed by a four-foot wire mesh fence.~~

- (d) Plans for exterior signs identifying the school and for the direction of pupils, visitors and traffic as well as plans for outdoor artificial lighting shall be subject to approval by the Board. All other types of exterior signs shall be prohibited.

76-113-12 PROFESSIONAL OFFICE CENTER.

- (a) The lot area, yard and height regulations shall be those designated for a conditional use in the district in which the center is proposed to be established.
- (b) A building in connection with an office center shall be set back at least forty feet from the center line of an interior road.
- (c) For an office center, a plan of landscape development shall be submitted and may be combined with the development plan.
- (d) Those portions of an office center abutting a residential use shall be buffered by a tight screen planting, effective at all times, at least six feet high by six feet wide.
- (e) Plans for exterior business signs and outdoor artificial lighting shall be subject to approval by the Board. Advertising signs shall be prohibited; all other exterior signs shall conform to the provisions of Chapter

76-113-13 PUBLIC OR COMMERCIAL SANITARY FILL OR REFUSE DUMP.

- (a) The minimum lot area for a refuse dump shall be three acres.
- (b) A refuse dump shall be permitted not closer than 200 feet to a residential use.
- (c) Those portions of a sanitary fill abutting a residential use shall be enclosed by a four-foot wire mesh fence; those portions of a refuse dump accessible to the public shall be enclosed by a six-foot wire mesh fence.
- (d) The maximum height of a structure shall be 2-1/2 stories.

76-113-14 RADIO, TELEVISION OR TELEPHONIC COMMUNICATION TRANSMITTING TOWER.

- (a) A tower shall not be permitted closer than 200 feet to a

residential use.

- (b) Plans for outdoor artificial lighting shall be subject to approval by the Board. Exterior signs of any type shall be prohibited, except those required by other regulations or laws.
- (c) The maximum height of a structure shall be that designated by the appropriate State or Federal agency.

76-113-15 TOURIST HOME.

- (a) The lot area, yard and height regulations shall be those designated for a conditional use in the district in which the home is proposed to be established.
- (b) Plans for exterior business signs and outdoor artificial lighting shall be subject to approval by the Board. Advertising signs shall be prohibited; all other exterior signs shall conform to the provisions in Chapter 76-117

76-113-16 MOTOR VEHICLE SERVICE STATION, MOTOR VEHICLES SALES AND SERVICE, PUBLIC GARAGE.

- (a) Lot area, yard and height regulations shall be those designated for a conditional use in the district in which the facility is proposed to be established.
- (b) No motor vehicle service station, motor vehicle sales and service establishment or public garage shall have an entrance or exit for vehicles within 200 feet along the same side of a street of any educational institution, school, public playground, church, hospital, public library or institution for dependents or for children, except where such use is in another block or on another street which the lot in question does not abut.
- (c) No motor vehicle service station or public garage shall be permitted where any gasoline pump, oil draining pit or visible appliance for any such purpose, other than filing caps, is located within ten feet of any street lot line or within twenty-five feet of any S or R District, except where such pit or appliance is within an enclosed building.

CHAPTER 76-114

APARTMENT COMPLEXES

76-114-01 DEFINITIONS.

- (a) "Apartment complex" means more than one multi-family dwelling unit on a single lot or tract of land under single ownership.
- (b) "Apartment complex plan" means a plan or plat submitted with an application for a building permit for an apartment complex showing the proposed development of the lot, parking areas, landscaping, open spaces and other related data.

76-114-02 REGULATIONS.

(a) Apartment Complexes Permitted.

More than one multi-family dwelling may be placed on a single lot or tract in those districts where multi-family dwelling units are permitted. The lot or tract shall contain no more than four acres.

(b) Lot Area and Size.

The lot area, lot area per dwelling unit and floor area per dwelling unit shall be the same as required for the district in which the apartment complex is to be constructed.

(c) Yard Requirements.

The side yard, rear yard and minimum lot width requirements for the lot or tract as a whole shall be the same as required in the district in which the complex is to be constructed. The side yard, rear yard and front yard shall be the same as set forth in Chapter 76-102 of this Zoning Code, no matter how the buildings are placed on the tract or lot.

(d) Height Requirements.

The height requirements shall be the same as the requirements for the district in which the complex is to be constructed.

(e) Accessory Uses.

Accessory uses allowed shall be the same as allowed in the district in which the complex is to be constructed.

(f) Lighting.

All walkways, entrances, parking areas, steps and other exterior public areas shall be well lighted to insure safety in the area. However, the lighting shall be so placed and directed so that the glare or beam is directed away from streets, adjoining property and apartment dwelling windows.

(g) Landscaping.

There shall be at least a four-foot strip of grass, trees, shrubs or other aesthetically pleasing material between all drives or parking areas and principal buildings. Additional area shall be required for necessary manmade screening. Parking areas and other public areas shall be screened to insure privacy to the users of the adjoining property and the apartment dwellers.

(h) Open Areas.

Open areas for play and relaxation may be required by the Planning Commission when it deems such areas are necessary. These areas shall be so designed to be usable for play and relaxation.

(i) Building Placement.

No principal buildings shall be closer than twenty feet from another principal building. Where principal buildings are over two stories or twenty-five feet in height, the distance between buildings shall increase one foot for each foot in additional height of each building.

Accessory buildings under twenty-five feet may be as close as ten feet to each other but no closer than fifteen feet to the principal buildings.

Where more than two buildings are proposed, the buildings shall be located so that no more than two buildings are in a straight unbroken line.

(j) Other.

Other zoning regulations not in contradiction with this section shall apply to apartment complexes.

76-114-03 APARTMENT COMPLEX PLAN REQUIRED; CONTENTS.

An apartment complex plan shall be submitted with application for a building permit. The Planning Commission must review and approve the

Apartment Complex Plan before the building permit is issued. Review shall take place within forty-five days upon submission of the application for a building permit. The Plan will contain:

- (a) The accurate dimensions and size of the site area as well as the topography of the site and adjoining lands at two-foot contour intervals;
- (b) The location and dimensions of all existing and proposed streets, courts and pedestrian walkways within and abutting the site, as well as the location, size and means of ingress and egress of all proposed off-street loading and parking areas. The location and arrangements of the parking spaces shall also be shown;
- (c) The location, size and height of all existing and proposed buildings and structures within the site and on adjoining lands, as well as the existing or proposed use of such building or structure, including the number of dwelling units to be accommodated in each;
- (d) The location, size and means of access of proposed play and relaxation areas;
- (e) The location, dimensions or other relevant particulars concerning features of the comprehensive master plan affecting the site;
- (f) The proposed plans for providing electrical, gas, sewer and water utility services, including connections to existing service lines and existing and proposed easements;
- (g) A landscaping plan showing the location of screen planting, buffer areas, manmade screening and other features which will enhance the site;
- (h) An exterior lighting plan showing the location of lighting features, their type, and proposed output; and
- (i) Such other information as is required by Chapter 76-118 and such other information as may be required by the Commission in order that it may determine the appropriateness of the proposed project for the community in which it is intended to be developed.

CHAPTER 76-116

BOARD OF APPEALS

76-116-01 ESTABLISHMENT; MEMBERSHIP; TERM.

A board of Appeals is hereby established. Such Board shall consist of five members, appointed by Council, at least one of whom shall be a member of the Village Planning Commission. One shall be appointed for one year, one for two years, one for three years, one for four years, and one for five years, and their successors shall be appointed for five years each. The term of the Village Planning Commissioner shall expire at the same time as his term on such Commission. A member appointed to fill a vacancy shall serve for the unexpired term.

76-116-02 HEARINGS; ORGANIZATION; RULES.

The hearings of the Board of Appeals shall be made public. However, the Board may go into executive session for discussion but not to vote on any case before it. The Board shall organize annually and elect a President, Vice-President and Secretary. The Board of Appeals shall act by resolution in which three members must concur. 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 Code, all of which rules and regulations shall operate uniformly in all cases, and shall furnish a copy of the same to the Mayor. All of its resolutions and orders shall be in accordance therewith.

76-116-03 POWERS AND DUTIES.

The powers and duties of the Board of Appeals shall be as follows:

- (a) The Board shall, in accordance with the provisions herein contained, hear and determine appeals from any refusal of a building permit by the Mayor where such refusal is for noncompliance with the provisions

of this Zoning Code, and may review any order or decision of the Mayor relating to the requirements of this Zoning Code.

- (b) The Board shall hear the intervention of any interested parties who reside in the Village, including the owner of property adjacent to, in the rear of or across the street from a lot or property in question, regarding a decision of the Mayor or his representative.
- (c) The Board shall have the power to hear and decide on permits for conditional uses, development plans or other uses upon which the Board is required to act under this Zoning Code.
- (d) The Board shall have the power to subpoena witnesses, administer oaths and punish for contempt and may require the production of documents under such regulations as it may establish.
- (e) The Board shall, in accordance with rules and regulations which may be adopted by it, determine all questions concerning the exact location of district boundary lines.
- (f) The Board may permit residence in an accessory building located in the rear of a principal building and with no immediate street frontage only for domestic employees of residents of the principal building.
- (g) The Board may grant conditional and temporary permits for undeveloped sections of the Village for a reasonable period of time for buildings and uses not permitted in this Zoning Code in the districts in which they are located, but which are promotive of the development of sections in such districts.
- (h) The Board may permit the extension of a use or building within the same lot existing at the time of the enactment of this Zoning Code into a contiguous, more restricted district, but not more than twenty-five feet beyond the dividing line of the districts. In borderline cases the Board may recommend to the Village Planning Commission the redistricting of any lot or part thereof where, in its opinion, it will cause no hardship and where the intent and purpose of this Zoning Code are not impaired.
- (i) The Board may permit the projection of a building in front of the setback building line or into a rear yard or side yard only to an extent necessary to secure a building or structure practicable in construction and arrangement for an exceptionally narrow, shallow or irregular lot or for exceptional topography so existing at the time of enactment of this Zoning Code.

- (j) The Board may permit the extension of a nonconforming use as provided in Chapter 6

76-116-04 INTERPRETATION OF CODE; VARIANCES.

Where the strict application of any provision of this Zoning Code could result in undue hardship upon the owner of specific property, or where there is a reasonable doubt as to any provision of this Zoning Code or the Zone Map as applied to such property, The Board, upon receipt of a request by such owner, may modify such strict application or interpret the meaning of this Zoning Code so as to relieve such hardship. However, such modification and interpretation shall remain in harmony with the general purpose of this Zoning Code, so that the public health, safety, convenience, comfort, prosperity or general welfare will be conserved and substantial justice done.

No variance in the application of the provisions of this Zoning Code shall be made by the Board relating to buildings, land or premises not existing or to be constructed unless after a public hearing, the Board finds:

- (a) That there are exceptional or extraordinary circumstances or conditions applicable to the property or to the intended use that do not apply generally to the other property or class of use in the same vicinity and district.
- (b) That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity and district but which is denied to the property in question.
- (c) That the granting of such variance will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and district in which the property is located.
- (d) That the granting of such variance will not alter the land use characteristics of the vicinity and district, diminish the marketable value of adjacent land and improvements or increase the congestion in the public streets.

76-116-05

FILING FEES FOR APPEAL.

Any petition, application or appeal on which the Board is required to act shall be accompanied by a filing fee of ~~ten dollars~~ ^{\$ 25.00} (~~\$10.00~~), which shall be paid to the Mayor, and no part of it shall be returnable to the petitioner, applicant or appellant.

CHAPTER 76-117

DISTRICT, CODE AND MAP CHANGES; HEARINGS

76-117-01 ZONE MAP CHANGES.

In accordance with the provisions of Ohio R. C. 713.10, Council may from time to time amend or change by ordinance the number, shape or area of districts established on the Zone Map or the regulations set forth in this Zoning Code, but no such amendment or change shall become effective unless the ordinance proposing such amendment or change is first submitted to the Village Planning Commission for approval, disapproval or suggestions and such Commission shall have been allowed a reasonable time, not less than thirty days, for consideration and report.

76-117-02 PLANNING COMMISSION HEARING.

Before submitting its recommendations and report to Council, the Village Planning Commission shall hold a public hearing on the proposed amendment or change, and shall give notice of the time and place of such hearing to all property owners who, in the opinion of the Commission, may be affected by such amendment or change, in accordance with such rules of procedure as it may establish.

76-117-03 COUNCIL PUBLIC HEARING.

Council shall hold a public hearing before the adoption of the proposed amendment or change, in accordance with the provisions of Ohio R.C. 713.12. At least thirty days' notice of such amendment or change, stating the time and place of the hearing thereon, and that opportunity will be afforded to any person interested to be heard, shall be given publication in a daily newspaper of general circulation in the Village, provided that if the proposed amendment or change intends to rezone or redistrict ten or less parcels of land as listed

on the tax duplicate, written notice of the hearing shall be mailed by the Village Clerk to the owners of the property within and contingent to and directly across the street from the parcel or parcels. Such notice shall be mailed by first-class mail at least twenty days before the date of the public hearing and shall be mailed to the addresses of such owners appearing on the Miami County Auditor's current tax list or the Treasurer's mailing list and to such other lists that may be specified by Council.

76-117-04 FAILURE TO NOTIFY; EFFECT.

Failure to notify as hereinabove provided shall not invalidate an ordinance, provided such failure was not intentional, and the omission of the name of any owner or occupant of property who may, in the opinion of the Planning Commission, be affected by such amendment or change, shall not invalidate any ordinance passed hereunder; it being the intention of this section to provide so far as may be for notice to the persons substantially interested in the proposed change that an ordinance is pending before Council proposing to make a change in the Zone Map or the regulations set forth in this Zoning Code.

76-117-05 PETITION FOR CHANGE IN ZONING.

Any person desiring a change in zoning of property shall accompany the petition for such change in zoning, or the ordinance introduced for the purposes of changing such zoning, with a statement giving the names and addresses of the owners of all properties lying within the block where the proposed change is to be made and within 200 feet of any part of the property proposed to be changed.

76-117-06 FILING FEES FOR AMENDMENT.

Any petition for an amendment to this Zoning Code, except by the

CHAPTER 76-118

ENFORCEMENT AND PENALTY

76-118-01 ENFORCEMENT.

The provisions of this Zoning Code shall be enforced by the Mayor or Building Inspector. Appeal from the decisions of the Mayor or Building Inspector may be made to the Board of Appeals as provided herein.

76-118-02 BUILDING PERMIT; FILING PLANS.

Within the Village, no structure or improvement or use of land may be altered, changed, placed, erected or located on platted or unplatted lands unless the structure, improvement or use and its location conform to this Zoning Code and a building permit and/or Certificate of Occupancy for such structure, improvement or use has been obtained from the Mayor or Building Inspector. Every application for a building permit shall be accompanied by building plans and a plot plan drawn to scale in accordance with this Zoning Code, and showing the lot number, fronting street, the actual shape and dimensions of the lot to be built upon, the exact size and location on the lot of existing buildings and structures and the line within which the proposed building or structure shall be erected or altered, the existing or intended use of each building or part of a building, the number of families or housekeeping units the building is designed to accommodate and such other information in regard to the lot and neighboring lots and their use as may be necessary to determine and provide for the enforcement of the provisions of this Zoning Code. All building permits filed shall be accompanied with a ~~\$10.00~~ ^{25.00} filing fee.

76-118-03 CERTIFICATE OF OCCUPANCY.

- (a) No owner shall use or permit the use of any building or premises or part thereof, hereafter created, erected,

PENALTY.

Whoever violates any provision of this Zoning Code shall be fined not more than fifty dollars (\$50.00). Each day's violation shall constitute a separate offense. *This is superseded by following on xx-xx-xxxx, ordinance yyyyy*

Whoever violates any provision of this Zoning Code shall be fined not more than one hundred dollars (\$100.00). Each day's violation shall constitute a separate offense. *Effective xxxxxxxxxxxx, ordinance yyyyy.*

changed, converted or enlarged, wholly or partially, in its use or structure until a Certificate of Occupancy has been issued by the Mayor or Building Inspector. Such Certificate of Occupancy shall show that such building or premises or a part thereof, and the proposed use thereof, are in conformity with the provisions of this Zoning Code. It shall be the duty of the Mayor or Building Inspector to issue a Certificate of Occupancy, provided he is satisfied that the building or premises and the proposed use thereof conform to all of the requirements of this Zoning Code and such other codes or ordinances which are in effect in the Village.

- (b) Under such rules and regulations as may be established by him, the Mayor or Building Inspector may issue a temporary Certificate of Occupancy for a part of a building.
- (c) Upon written request from the owner or tenant, the Mayor or Building Inspector shall issue a Certificate of Occupancy for any building or premises existing at the time of the enactment of this Zoning Code, certifying after inspection the extent and kind of use made of the building or premises and whether or not such use conforms to the provisions of this Zoning Code.

76-118-04 MAYOR TO INSTITUTE ACTION.

In case any building or structure is or is intended to be erected, constructed, reconstructed, altered or converted, or any building, structure or premises is or is intended to be used in violation of or contrary to provisions of this Zoning Code, the Mayor is hereby authorized, in addition to other remedies set forth in the statutes of the State and in this Zoning Code, to institute an action to enjoin, or any other appropriate action or proceeding to prevent erection, construction, reconstruction, alteration, conversion or use.

76-118-05 PENALTY.

Whoever violates any provision of this Zoning Code shall be fined not more than ^{\$100.00 Per day} ~~fifty dollars (\$50.00)~~. Each day's violation shall constitute a separate offense.

CHAPTER 76-119

SUBDIVISION REGULATIONS

76-119-01 DEFINITIONS.

In this chapter, the following words and terms shall mean:

- (a) "Alley" means a strip of land, publicly or privately owned, less than twenty-one feet in width between property lines, which provides public vehicular access to adjacent properties.
- (b) "Building setback line" means the line indicating the minimum horizontal distance between the street line and buildings or any projection thereof, other than steps, unenclosed balconies and unenclosed porches.
- (c) "Crosswalkways" means a right of way, publicly or privately owned, ten feet or more in width, which cuts across a block in order to improve pedestrian access to adjacent streets or properties.
- (d) "Cul-de-sac", as distinguished from the unplanned "dead-end" street, means a short, minor street, having but one end open for motor traffic, the other being permanently terminated by a vehicular turn-around or back-around.
- (e) "Easement" means a grant of a property owned of the use, for a specific purpose, of a strip or parcel of land to the general public, a corporation or a certain person.
- (f) "Freeway" means a strip of public land devoted to movement over which the abutting property owners have no right of light, air or access.
- (g) "Improvements, public" means any of the following: street pavement, with curbs and gutters, sidewalks, crosswalks, street trees, water mains, sanitary sewers, storm sewers and other utilities, with appurtenant construction.

(h) "Lot" means a portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.

(i) "Lot, double frontage" means a lot, opposite ends of which both abut on streets.

(j) "Master Plan" means the comprehensive plan (which may consist of several maps, data, etc.) made and adopted by the Planning Commission indicating the general locations recommended for main thoroughfares, parks and other public open spaces, public building sites, routes for public utilities and zoning districts.

(k) "Parkway" means a motorway of considerable continuity, having a right of way of varying width, the adjacent land being predominantly dedicated for park purposes, thus limiting or excluding access to and from abutting properties.

(l) "Protective covenant" means a restriction on the use of all private property within a subdivision, to be set forth on the plat and incorporated in each deed, for the benefit of the property owners, and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

(m) "Right of way" means the width, between property lines, of a road, street, parkway, alley, crosswalkway or easement.

(n) "Subdivision" means the division of any parcel of land, including frontage along an existing street or highway, into two or more lots for the purpose, whether immediate or future, of transfer of ownership or for building development, including all changes in street or lot lines, provided, however, that divisions of land for agricultural purposes, in parcels of more than ten acres, not involving any new streets or easements of access, shall be exempted

(o) "Superblock" means a block of exceptionally large size in both dimensions with access to interior building sites (usually for multiple housing) being provided by cul-de-sacs, branching inward from surrounding thoroughfares. One or more common open spaces are usually included within a superblock.

(p) "Thoroughfare, main" means a street of considerable continuity which serves or is to serve as a major trafficway for communication, and is designated as such on the Master Plan or main thoroughfares.

(q) "Thoroughfare, secondary" means a street which serves, or is proposed to serve as a trafficway for a neighborhood, and as a feeder to a main thoroughfare or parkway.

(r) "Zoning" means regulation by districts of the height, area and use of buildings, the land and the density of population.

76-119-02 APPROVAL OF PLATS; INFORMAL CONSIDERATION.

No person proposing to make or have made a subdivision within the territorial limits of the Village or within a three-mile radius of the Village shall make any contract for the sale of, or shall offer to sell such subdivision or any part thereof, or shall proceed with any construction work on the proposed subdivision, including grading, which may affect the arrangement of streets, until he has obtained from the Planning Commission and Council the final approval of the final plat of the proposed subdivision.

All engineering and surveying work required must be made by or under the supervision of a registered engineer or surveyor in accordance with the provisions of the Engineers and Registration Act of the Ohio Revised Code.

While the plan is still in sketch form, the subdivision shall consult with the Village Planning Commission to determine conformity to and compliance with:

- (a) Official Thoroughfare Plan.
- (b) Subdivision rules and regulations.
- (c) Village Master Plan.
- (d) Zoning, where applicable.
- (e) Improvement requirements.

76-119-03 GENERAL PROCEDURE.

Application by the owner or his agent for approval of a plan of subdivision of land shall be made at the office of the Building Inspector. The plan of subdivision shall be submitted in four copies and shall be such as to meet the minimum requirements contained below. The preliminary plat shall be submitted for consideration at least two weeks prior to a regular scheduled meeting of the Planning Commission.

The Planning Commission shall pass upon the preliminary plat within thirty-five days, and if approving, shall so indicate and, if disapproving, shall express its disapproval and its reason therefor.

Preliminary approval of the subdivision plan shall be noted on the plat and certified by the chairman of the Planning Commission on authorization by the Commission. Also noted shall be the date on which the Commission granted preliminary approval and the date of written notification to the subdivider or his agent specifying the conditions, if any, of the commission's approval.

Preliminary approval shall constitute approval of the proposed widths and alignments of streets and the dimensions and shapes of lots. Approval of the final, record plat will be considered only after the requirements for final plat approval as specified herein have been fulfilled and after all other specified conditions have been met.

The final or record subdivision plat shall be prepared and submitted to the Commission by the owner of the property or his authorized representative within one year after the approval of the preliminary plat; otherwise, the

approval of the preliminary plat shall be come null and void, unless an extension of time is applied for and granted by the Commission.

76-119-04 APPROVAL OF PLATS; FINAL PLAT.

(a) The subdivider may then, if approved, make a final plat of the subdivision and file the same with the Village Planning Commission for final approval. The final plat shall be accompanied by:

- (1) A certificate of title, showing the ownership of all lands to be dedicated to public use, and that the title therefore is free and unencumbered.
- (2) The subdivider shall construct the subdivision in accordance with plats, plans and specifications as approved by the Village Planning Commission.
- (3) Should a subdivider abandon a plat after final acceptance but prior to the beginning of any construction work, grading and improving, and prior to the sale of any lots therein, such subdivider may apply to Council and the Planning Commission for vacation of such plat.

(b) Nothing contained herein shall prevent a subdivider from obtaining approval of subdividing an area in excess of ten acres and dedicating the same by sections. An overall preliminary plan, however, must first be approved by the Village Planning Commission.

(c) After final approval of plats within the Village by the Planning Commission, the clerk of the Commission shall certify such final approval to Council, and Council shall then give its approval or disapproval of such plat. Upon approval by Council, the subdivider shall proceed to complete all improvements on the plat as provided in subsection (a) (2) hereof.

(d) The final plat, as approved by the Village Planning Commission and Council, shall be filed in the office of the Recorder of Miami County.

PRELIMINARY PLAT SPECIFICATIONS.

The preliminary plat of a subdivision is not intended to serve as a record plan. Its purpose is to show on a map all facts needed to enable the Planning Commission to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest.

Sheet sizes shall be multiples of six inches in any direction (final plat not exceed twenty-four inches by thirty-six inches).

The following graphic and descriptive items are required to be shown on a preliminary plat:

(a) Items Pertaining to Title.

- (1) Proposed name of subdivision. The name shall not duplicate or too closely approximate, phonetically or otherwise, the name of any other subdivision or street in the Village.
- (2) Location by outlot or inlot.
- (3) Name and address of developer.
- (4) Scale of the plan (not smaller than one inch equals one hundred feet, preferably one inch equals fifty feet).
- (5) Date.
- (6) North point.

(b) Existing Items Pertaining to Plan.

- (1) Boundaries of the proposed subdivision indicated by a heavy solid line, and the approximate acreage comprised therein.
- (2) Location, widths and names of all existing or platted streets indicated as to dedicated, undedicated, constructed or unimproved, official thoroughfares or other public ways; railroad and utility rights of way, easements, parks and other public open spaces, permanent buildings, section and corporation lines, within or adjacent to the tract.
- (3) Existing sewers, water mains, culverts or other underground items located within the tract or immediately adjacent thereto, with pipe sizes.

- (4) Names of adjacent subdivisions and owners of adjoining parcels of unsubdivided land (shown by dashed lines).
- (5) Topographic map of such proposed subdivision shall be submitted with the preliminary plat, showing two-foot contour intervals, on all land within and fifty feet adjacent to the plat.

(c) Proposed Items Pertaining to Plan.

- (1) Preliminary layout of streets, including names and widths of proposed streets, and widths of alleys, crosswalkways and easements.
- (2) Layout, numbers and approximate dimensions of lots.
- (3) Parcels of land intended to be dedicated or temporarily reserved for public use, and the conditions of such dedication or reservation.
- (4) Building setback lines, along all streets, with dimensions.
- (5) Indication as to proposed use of lots, designating the type of residential buildings with number of proposed dwelling units, and the type of business or industry, so as to reveal whether the proposed use will affect the flow of traffic, fire hazards or congestion of people.
- (6) A typewritten copy of the protective covenants and restrictions.

(d) Centerline Profile and Drainage Plan.

The preliminary plat shall be accompanied by a tentative centerline profile for each street shown thereon and by a plan for surface drainage of the tract proposed to be subdivided.

(e) Planning Commission Review.

The Planning Commission shall give careful study to the preliminary plat, taking into consideration the requirements of the community and the best possible use of the land to be subdivided, together with its prospective character, whether residential, business or industrial. Attention shall be given to street widths, arrangement and circulation; surface drainage and sanitation; lot sizes and arrangements and to such neighborhood and

community requirements as those of parks, school and playground sites and main thoroughfare widths and locations. Prior to action, the property proposed for subdivision shall be viewed in the field or an appropriate aerial photographs by the Planning Commission or its authorized representatives.

Such modifications of the original layout that may be required by the Commission as conditions of preliminary approval shall be noted on four copies of the preliminary plat. One modified copy shall be returned to the subdivider; one copy shall be retained by the Commission; if the proposed subdivision is within the corporate limits of the Village, one copy shall be filed with the Building Inspector; if the proposed subdivision is outside the corporate limits of the Village, one copy shall be filed with the County Health Department and one copy with the County Engineer.

76-119-06 FINAL PLAT.

(a) Specifications.

The final plat is the map produced for purposes of recording. It shall be submitted at a scale of at least one inch to 100 feet. One reproducible linen tracing, or approved equal, measuring twenty-four by thirty-six inches shall be filed with the Building Inspector. The final plat with construction plans, shall be submitted at least two weeks prior to a regularly scheduled meeting of the Planning Commission.

If the final plat is drawn in two or more sections, each section shall be accompanied by a key map showing the location of the several sections.

The final plat shall conform to the preliminary plat as approved by the Commission and shall show:

- (1) The full plan of development, including street and alley lines, lot lines, building lines and areas to be dedicated to street, park and other public purposes.

- (2) North point and scale.
 - (3) Lengths of tangents, radii, acres and chords, and central angles for all centerline curves on streets.
 - (4) Points of tangency, lengths of chords and arcs, radii and central angles, all where applicable, at each street intersection.
 - (5) Location of all monuments within the land to be subdivided, which monuments shall be referenced to at least three permanent coordinated monuments (where such exist within a reasonable distance to the land to be subdivided).
 - (6) The name of the subdivision, the name of the owner of his agent and the name of the certifying engineer or surveyor.
 - (7) A certificate by the engineer or surveyor making such plat, to the effect that the plat is correct.
 - (8) A list of any protective covenants which are to apply to the area to be developed.
- (b) Endorsement of Approval.

Upon approval of a final plat, such approval shall be indicated by a statement to that effect on the print of the final or record map with the signature of the chairman of the Planning Commission.

(c) Effect of Approving and Recording Final Plat.

Approval of the final plat by the Planning Commission and either Council or the appropriate responsible governing body and subsequent filing of such plat in the office of the Miami County Recorder of Deeds shall be deemed an acceptance of the proposed dedication of all streets and other public areas shown on the plat, and recording the final plat shall have the effect of transferring:

- (1) Proposed public areas other than streets in fee simple to the Village or to the County in areas located outside the Village's corporate limits;
- (2) Proposed streets in fee simple to the Village in areas encompassed by the corporate limits;
- (3) Proposed streets in fee simple to Miami County in areas outside the corporate limits.

(d) Construction Plans.

Final plat shall be accompanied with a complete set of construction plans for the entire subdivision showing street grades, all utilities, drainage, typical section etc. Five sets of these plans shall be filed with the Building Inspector. A complete set of "as built" reproducible plans shall be submitted to the Building Inspector when the public improvements are approved by the Village or other approving authority.

76-119-07 SUBDIVISION STANDARDS.

The subdivider shall observe the following requirements and principles of land subdivision:

(a) Plat Conformity.

The plat shall conform to such plan or plans for the Village, Township, and County, or portions thereof, as shall have been prepared and adopted by the Planning Commission.

(b) Street Widths.

All street or roads which are designed to become parts of the major street or road system of the Village and County, as shown on the Commission's plan or plans, shall be coterminous with adjoining links in such system and at the same or greater widths. The minimum acceptable width of street rights of way shall be fifty feet. Greater street right of way width may be required where deemed by the Commission to be necessary to the public safety, welfare, health or convenience.

(c) Street Grades.

Except in unusual circumstances, street grades shall not exceed four percent on major streets or thoroughfares, or ten percent on residential or access streets. Horizontal curvature of streets shall not exceed fourteen degrees.

(d) Lot Widths and Depths.

Lots shall be of such width and depth as to permit conformance with the Zoning Code and other Village, Township or County regulations.

(e) Angle of Side Lot Lines.

In all rectangular lots, and so far as possible in all other lots, side lot lines shall be at right angles or radial to the streets on which the lots face.

(f) Street Improvement and Access.

All intersecting or cross streets in a subdivision must be improved to meet the standards on both sides of the center line and to the full depth of the corner lots facing the street being developed, unless otherwise approved by the Planning Commission.

Appropriate access to any subdivision in the form of standard Village streets must be provided by a developer in instances where development is not immediately contiguous to a developed area.

In an instance where a subdivision is proposed along an existing paved street and such street does not meet standards, the developer must improve the portion of the street adjoining the lots to be developed by installing curb and gutter, sidewalks, widening the street surface and making other improvements as required by the Building Inspector. In the event that both sides of the street are to be included in the subdivision, the entire street adjoining the subdivision must be improved in accordance with standards required by the Building Inspector.

(g) Final Approval Requirements; Bond.

No subdivision shall be granted final approval unless the following improvements either have been constructed or approved, plans prepared and their execution guaranteed by a good and sufficient surety or performance

bond with corporate surety, a copy of which shall be filed with the Planning Commission.

(1) Within the corporate limits.

Grading street right of way, paving roadways at the designated width, constructing curbs and gutters, constructing sidewalks where required and installing facilities for water supply, sewage collection and surface drainage, in all conformance with standards specified by the Building Inspector.

(2) Outside the corporate limits.

Grading within right of way, paving roadways at the designated width, constructing curbs and gutters and sidewalks where required, storm and surface drainage, shall all be in conformance with standards specified by the Building Inspector.

Installing facilities for water supply systems used for drinking and culinary purposes shall be designed, located, constructed and operated in accordance with specifications and regulations of the Miami County Board of Health and the Ohio Environmental Protection Agency.

A permit shall be required for the construction and operation of all private water systems and sources. All plans and specifications shall be prepared in accordance with the specifications of the Miami County Board of Health and all construction shall be supervised and approved by the Miami County Board of Health prior to placing the system in operation. All related inspection costs shall be paid for by the developer. All wastewater disposal systems shall be designed, located, constructed and operated in accordance with the specifications and regulations of the Miami County Health Department and the Ohio Environmental Protection Agency.

A permit shall be required for the construction and operation of all wastewater disposal systems including on-site disposal and private central wastewater collection and treatment facilities. All plans and specifications shall be prepared in accordance with the specifications of the Miami County Board of Health and all construction shall be supervised and approved by them and the Building Inspector prior to placing the system in operation. All related inspection costs shall be paid for by the developer.

No final plat shall receive approval by the Planning Commission until the completion of the above specified improvements shall have been certified

to the Commission by the Building Inspector, provided, however, the final plat for land may be approved when the subdivision owner or owners have filed with the Commission a surety or performance bond with the corporate surety, satisfactory to the Mayor as valid and enforceable, and in an amount sufficient to cover the cost of such improvements as estimated by the Building Inspector. Such bond shall assure either the performance of the specified work, or payment of the specified sum to the Village if such improvements have not been installed within two years after the date the bond is drawn.

(h) Setback lines.

Building or setback lines of a depth approved by the Planning Commission shall be established for all lots and shown on the record plat, if such setback is greater than that required by the Zoning Code or if the land to be subdivided has no zoning classification.

(i) Access to public ways.

No subdivision showing reserved strips controlling the access to public ways will be approved, except where the control and disposal of land comprising such strips are definitely placed within the jurisdiction of the Village or the Board of County County Commissioners, as the case may be, under conditions meeting the approval of the Planning Commission.

76-119-08 STREETS; GENERAL REQUIREMENTS.

(a) Official Thoroughfare Plan.

Streets shall conform in effect to the official Village plans where existent.

(b) Continuation of Existing Streets.

Proposed streets shall provide for continuation or completion of any existing streets (constructed or recorded) in adjoining property, at equal or greater width, and in similar alignment, unless variations are recommended by the Planning commission.

(c) Circulation.

The street pattern shall provide ease of circulation within the subdivision as well as convenient access to adjoining streets, thoroughfares or unsubdivided, as may be required by the Planning Commission. In a case where a street will eventually be extended beyond the plat but is temporarily dead-ended, an interim turn-around may be required.

(d) Street Intersections.

Street intersections shall be as nearly at right angles as possible.

(e) Length of Cul-de-sacs.

Cul-de-sacs shall not be longer than 600 feet unless topography necessitates a greater length.

(f) Street Names.

Streets that are extensions of or obviously in alignment with existing named streets shall bear the names of the existing streets.

The names of new streets shall be subject to the approval of the Planning Commission and shall not duplicate existing street names, except as provided above.

(g) Physical Features.

In general, streets shall be platted with appropriate regard for topography, creeks, wooded areas and other natural features which would lend themselves to attractive treatment.

(h) Half Streets.

Dedication of half streets will be discouraged. Where there exists a dedicated or platted half street or alley adjacent to the tract to be subdivided the other half shall be platted, if deemed necessary by the Planning Commission.

(i) Alleys.

Alleys may be required in business areas and industrial districts

for adequate access to block interiors and for off-street loading and parking purposes. Except where justified by extreme conditions, alleys will not be approved in residential districts. Dead-end alleys are prohibited.

(j) Utility Easements.

Easements for utilities shall be provided along rear or side lot lines or along alleys, if needed.

(k) Neighborhood Plan.

If any overall plan has been made by the Planning Commission for the neighborhood in which the proposed subdivision is located, the street system of the latter shall conform in general thereto.

(l) Unsubdivided Portion of Plat.

Where the plat to be submitted includes only part of the tract owned by the subdivider, the Planning Commission may require topography and a sketch of a tentative future street system of the unsubdivided portion.

(m) Railroads.

If a railroad is involved, the subdivided plan should:

- (1) Be so arranged as to permit, where necessary, future grade separations at highway crossings of the railroads.
- (2) Border the railroad with a parallel street at a sufficient distance from it to permit deep lots to back onto the railroad, or form a buffer strip for park, commercial or industrial use.
- (3) Provide cul-de-sacs at right angles to the railroad as to permit lots to back thereon.

76-119-09 DIMENSIONAL STANDARDS.

(a) Typical Street Standards.

The Planning Commission will determine the maximum dimension standards for road rights of way and pavement widths. The minimum street requirements shall be as follows:

(1) Main Thoroughfares.

Eighty feet right of way. The pavement within the Village and within one mile of the corporate limits of the Village shall not be less than fifty-two feet with the curb and gutter installed. The pavement from one mile to three miles of the corporate limits of the Village shall not be less than twenty-four feet, curb and gutter as determined by the Planning Commission.

(2) Multi-family and condominium developments.

Sixty feet right of way. The pavement within the Village and within one mile of the corporate limits of the Village shall not be less than thirty-six feet with curb and gutter installed. The pavement from one mile to three miles of the corporate limits of the Village shall not be less than twenty-four feet, curb and gutter as determined by the Planning Commission.

(3) Business and industrial developments.

Sixty feet right of way. The pavement within the Village and within one mile of the corporate limits of the Village shall not be less than forty feet with curb and gutter installed. The pavement from one mile to three miles of the corporate limits of the Village shall not be less than twenty-four feet, curb and gutter as determined by the Planning Commission.

(4) Typical one-family and two-family detached house developments.

Fifty feet right of way. The pavement within the Village and within one mile of the corporate limits of the Village shall not be less than thirty feet with curb and gutter installed. The pavement from one mile to three miles to the corporate limits of the Village shall not be less than twenty-four feet, curb and gutter as determined by the Planning Commission.

(5) Cul-de-sac streets.

Terminal radius right of way shall be a minimum of forty-five feet. Minimum turn-around pavement shall have a radius of thirty-three feet.

(6) Alleys.

Sixteen and one-half feet right of way.

(7) Crosswalks.

Ten feet right of way; four feet sidewalk.

(8) Easements.

Ten feet width, five feet on each side of the lot line, where practical.

(b) Grades.

- (1) Minimum grades on any street or road shall be 0.4 percent for purposes of drainage.
- (2) Maximum street grades, except in unusual circumstances shall not exceed four percent on major streets and thoroughfares, or ten percent on residential or access streets.

(c) Street Alignment.

As approved by the Planning Commission.

76-119-10 IMPROVEMENTS.

All improvements required under these rules shall be constructed in accordance with the specifications and under the supervision of the Building Inspector, Miami County Board of Health and the Ohio Environmental Protection Agency.

(a) Street Grading.

Streets and alleys shall be completed to grades which have been officially determined or approved by the Building Inspector. All streets shall be graded to the full width of the pavement, and adjacent side slopes graded to a slope not steeper than three to one.

(b) Curbs and Gutters.

Curbs and gutters, where required, shall be of a type to be approved by the Building Inspector.

(c) Surfacing and Paving.

The type and strength of street paving and surfacing shall be done to the satisfaction of the Building Inspector and shall be commensurate with the volume, character and general circulation requirements as determined by

Development Plan 76-102-27 pg 7

near lot line - pg 25

no closer than 3 ft.

20ft. from front line.

fence no more than 7 ft

side lot, 7ft. side line

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the Building Inspector. In the event that a street in excess of standard Village specifications is required in a residential area within the Village, the Village will finance that portion of cost in excess of the equivalent cost of a standard thirty-foot Village street.

(d) Utilities.

All underground utility lines and connections thereto will be made before any pavement courses, curb and gutter or sidewalks are placed. Trenches under pavements, curb and gutter or sidewalks will be backfilled with granular material to meet Village specifications.

(e) Water Mains.

Within the Village, the subdivider shall install water mains according to Village specifications. In the event that pipe in excess of six inch standard pipe is required, the Village will pay the cost in excess of the equivalent cost of installing six inch pipe. The subdivided shall provide Fire Hydrant to be installed every 600' on each street.

(f) Street Trees.

It is recommended that street trees be planted ^{8' from right-of-way} as a part of the subdivision development. All street tree planting, including size, species and location, should be approved by the Planning Commission.

(g) Monuments and Stakes.

Permanent monuments shall be accurately set and established at the intersection of all outside boundary lines of the plat at intersections of these boundary lines with all street lines, at least at diagonally opposite corners of each street intersection, and the beginning and end of all curves, at points on curves where the radius of direction changes and at such other points as are necessary to definitely established all lines of the plat (except those outlining individual lots).

Monuments shall be concrete, not less than three feet long and four inches square, or round at the top with appropriate cross marks, or other type as approved by the Building Inspector.

Permanent iron pins, at least eighteen inches long and three-quarters of an inch in diameter, or some other suitable permanent marker, shall be placed at all corners of each lot within the Village.

(h) Sanitary Sewers.

Within the Village the subdivider shall install sewer tile.

(i) Storm Sewers.

Storm sewers will be installed by the developer in accordance with plans approved by the Building Inspector and under inspection by the Village. No storm sewers will be approved until the Building Inspector is satisfied with the work. Storm sewers must include 12 inch pipe on tile.

(j) Sidewalks.

Within the Village and within one mile of the corporate limits of the Village, sidewalks shall be required in all new subdivisions, except in those where lots exceed an average of 25,000 square feet. In such instances, sidewalks shall be required where deemed necessary by the Planning Commission. From one mile to three miles of the corporate limits of the Village, sidewalks shall be required where deemed necessary by the Planning Commission.

76-119-11 SUBDIVISIONS WITHIN 3 MILES OF VILLAGE LIMITS.

No plat of a subdivision of land within three miles of the corporate limits shall be recorded until it has been submitted for approval by the Planning Commission and such approval is endorsed in writing on the plat.

76-119-12 MAINTENANCE BOND.

Once all the required public improvements have been constructed in

the subdivision, and prior to the release of the performance or surety bond, the subdivider shall post with the Village a maintenance bond in the amount of ten percent of the actual public improvement costs. No public improvements shall be approved by the Village until the subdivider shall post an approved maintenance bond will extend for one year from actual date that the Village approves the public improvement.

CHAPTER 76-120
SUBURBAN DISTRICT

76-120-01 PRINCIPAL USES.

No building, structure or land shall be erected, altered, or used which is arranged or designed for other than one of the following uses:
Single family dwelling, educational institutions, publicly owned or operated recreational facility.

76-120-02 CONDITIONAL USES.

There shall be no conditional uses authorized by the Board in a suburban district.

76-120-03 ACCESSORY USES.

Accessory uses, buildings and structures customarily incidental to any use of this section shall be permitted in conjunction with such use, including:

The keeping of domestic animals exclusively for the use and personal enjoyment of the occupants of the principal building but not including a kennel;

Gardening and the raising of vegetables and fruits exclusively for the use and personal enjoyment of the occupants of the principal building and not for commercial purposes;

Private Garage;

Private Parking Area;

Private Swimming pool;

Real Estate Sign;

Temporary Building for uses incidental to construction;

Shed or other similar out building for purposes of storage with a maximum footage of 12 feet by 14 feet.

76-120-04 NATURAL SCHEME.

All development including the erection of buildings and other uses shall be accomplished pursuant to the standard set forth in Chapter 76-119 and further requiring any use or construction to conform to the natural scheme of the land with maximum effort directed towards the protection of existing trees and other natural foliage and further protecting water ways and the natural slope and topography of the real estate in question.

APPROVED AND RECOMMENDED by The Village Planning Commission
of Fletcher, Ohio, this 12th day of April, 1976.

PLANNING COMMISSION

William Ingle
William Ingle

Emma Pearson
Emma Pearson

John L. Carpenter
John Carpenter

Roland Cecil
Roland Cecil

Glenn Netzley
Glenn Netzley

Passed this _____ day of _____, 1976.

President of Council

Attest:

Clerk

Approved:

William L. Ingle
Mayor