

AN ORDINANCE TO AMEND THE SPENCER VILLAGE
ZONING ORDINANCE AND DECLARING AN EMERGENCY

Be it ordained, by the Council of the Village of Spencer,
Ohio, three-fourths of its members concurring herein as follows:

1. That Ordinance No. 165 and subsequent amendments
thereto, known as the Spencer Village Zoning Ordinance are hereby
further amended, jointly and severally, as follows:

A. Section XI, 11.7 is hereby repealed and in its place
the following is enacted:

"11.7 Lot Width. The minimum lot width shall be ninety
(90') feet for a single family dwelling and one hundred (100')
feet for a two family or multi-family dwelling."

B. There shall be added to the Spencer Village Zoning
Ordinance Section XI-A which shall read as follows:

SECTION XI-A

R-3 High Density Urban Residential District

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| 11 A.1 Purpose. | 11 A.4 Yard Requirements |
| 11 A.2 Uses. | 11 A.5 Building height. |
| 11 A.3 Lot Requirements. | 11 A.6 Off-street parking and loading |
| | 11 A.7 Procedures for making application |

11A.1 PURPOSE.

The purpose of the R-3 High Density Urban Residential District is
to encourage a relatively high density residential development in
areas generally adjacent to the built up sections of the community
or in areas of existing development of such density, and therefore
to provide a more orderly and efficient extension of public facilities.
The development is to consist of single-family, two-family and limited
multi-family dwellings not exceeding a density of eight dwelling units
per net acre, and only in areas served with centralized sewer and
water facilities.

11A.2 USES.

Within an R-3 High Density Urban Residential District, all buildings,
structures or premises shall be used, arranged to be used or designed
to be used only for one or more of the following uses:

(a) Permitted Uses.

(1) All uses permitted in R-1 and R-2 Residential Districts

(b) Conditionally Permitted Uses.

Conditional zoning certificates may be issued for uses
listed herein subject to approval of Spencer Village Council
as hereinafter provided for. Such conditional uses are as
follows:

- (1) Public and parochial schools.
- (2) Cemetery
- (3) Church and other buildings for the purpose of religious worship.
- (4) Governmentally owned and/or operated building or facility.
- (5) Public, institutionally or organizationally owned and/or operated recreational, instructional and meeting facilities, such as those developed and used by the YMCA-YWCA, Boy Scouts or various fraternal or community service groups.
- (6) Multi-family dwellings of the row house, town house and garden apartment types.
- (7) Institutions for human medical care: hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged and philanthropic institutions.
- (8) The following types of home occupations, provided they are conducted within a basically residential structure:
 - A. Professional offices such as those pertaining to but not limited to architecture, dentistry, engineering, law and medicine (for human care only).
 - B. Real estate and insurance offices.
 - C. Personal services such as barber and beauty shops, cleaning and laundry outlets, where no processing is done on the premises, and tailor shops.
 - D. The following uses provided that no more than 500 square feet of floor area in the dwelling are used for such purposes and provided that no noticeable odors, smoke, noise, dust, refuse, electromagnetic interference or other objectionable conditions are created outside the structure:
 1. Baking and canning of food products when conducted entirely within the dwelling.
 2. Fabrication and/or repair of goods, but not including the repair and/or servicing of automobiles or other vehicles, and the selling of goods produced on the premises.
 3. Limited retail uses such as small art supply shops, antique shops, gift shops, coffee shops, delicatessens, ice cream parlors, hobby shops, photo shops, clothing shops and other similar uses.
- (9) Child day care centers and nurseries.
- (10) Senior citizen housing subject to the following:
 - A. The area proposed shall be in single ownership, or if in several ownerships, the application shall be filed jointly by all of the owners of the properties included in the plan. The following conditions shall apply:
 1. The development shall be located within convenient walking distance of shopping community facilities.
 2. Each dwelling unit shall be occupied by a household in which the head is sixty-two years of age or older; except that one dwelling unit may be occupied by a custodian for the development without regard to age.
 3. The density of the development shall not exceed twelve dwelling units per acre.
 4. No dwelling unit in the development shall include more than two bedrooms.
 5. The minimum ground floor area for one bedroom units shall be 650 square feet of living area and minimum ground floor area for two bedroom units shall be 760 square feet of living area.

- (11) Institutions for higher education.
- (12) Public utility rights of way and pertinent structures.
- (13) Temporary buildings for uses incidental to construction work.

11A.3 LOT REQUIREMENTS.

- (a) Minimum lot area:
 - (1) Single-family dwellings: 8,000 square feet.
 - (2) Two-family dwelling: 13,000 square feet.
 - (3) Multi-family dwelling: 5,000 square feet for each dwelling unit.
- (b) Minimum lot width at building line:
 - (1) Single-family dwelling: 90 feet
 - (2) Two-family dwelling: 100 feet
 - (3) Multi-family dwelling: 100 feet
- (c) Maximum lot depth: five times the lot width at the building line.
- (d) Minimum lot frontage: forty (40) feet
- (e) Minimum usable open space: at least thirty percent of the actual lot area shall be devoted to usable open space.
- (f) Maximum lot coverage: twenty-five percent

11A.4 YARD REQUIREMENTS.

- (a) Minimum front yard depth: thirty (30) feet.
- (b) Minimum rear yard depth: ten (10) feet.
- (c) Minimum side yard width: ten (10) feet.

11A.5 BUILDING HEIGHT

Maximum building height shall be twenty-five (25) feet or two stories.

11A.6 OFF-STREET PARKING AND LOADING.

As required by Section IX, 9.1a7

11A.7 PROCEDURES FOR MAKING APPLICATION.

Any application for a conditional zoning certificate for any land or structure use permitted under this Zoning Ordinance shall be submitted in accordance with the following procedures:

- (a) Submission to the Village Clerk. Any application shall be made to the Village Clerk and submitted to the Village Council in appropriate form for that purpose. Each application shall be accompanied by the payment of a \$25.00 fee which shall not be refundable. In addition, the Village Council, where appropriate, may refer an application to qualified consultants for a report if it deems the proposed use may cause the emission of dangerous or objectionable elements or require special study. The cost of such report shall be at the expense of the applicant, and the report shall be furnished to the Village Council as soon as it is practicable. Where deemed advisable by Spencer Village Council or the Spencer Planning Commission, additional inspections may be required and the cost of such inspections shall be at the expense of the developing entity.
- (b) Data Required with Application.
 - (1) Appropriate form completed by the applicant.
 - (2) Site plan, plot plan or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings, their uses and the acreage or area involved, including that for parking.

- (3) Complete plans and specifications for all proposed development and construction, and where appropriate, reclamation.
- (4) A statement supported by substantiating evidence regarding the requirements enumerated in Section 11A.8.
- (c) Review by Village Council. The Village Council shall review the proposed development, as presented on the submitted plans and specifications in terms of the standards established in this Zoning Ordinance. Such review by the Village Council shall be completed and made public within forty-five days of the date of submission.
- (d) Hearing. After adequate review and study of any application, the Village Council shall hold a public hearing or hearings upon every application after at least one publication in a newspaper of general circulation in the community at least ten days prior to the date of the hearing. Such notice shall indicate the place, time and subject of the hearing.
- (e) Issuance and Revocation of Conditional Zoning Certificates: Only upon conclusion of hearing procedures relative to a particular application, and adequate review and study, may the Village Council issue a conditional zoning certificate. The breach of any condition, safeguard or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of this Zoning Ordinance.
- (f) Reapplication. No application for a conditional zoning certificate which has been denied wholly or in part by the Village Council shall be resubmitted until the expiration of one year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration as determined by the Village Council. At the expiration of one year from the date of the original application, each reapplication shall be accompanied by the required fee.
- (g) Termination. The conditional zoning certificate shall become void at the expiration of one year after date of issuance unless the structure or alternation thereof is started.

11A.8 BASIS OF DETERMINATION

- (a) Village Council Duties. The Village Council shall establish beyond reasonable doubt that the general standards and the specific standards pertinent to each conditional use indicated herein are satisfied by the completion and operation of the proposed development. The Village Council may also impose such additional conditions and safeguards deemed necessary for the general welfare, for the protection of individual property rights and for the insuring that the intent and objectives of this Zoning Ordinance will be observed.
- (b) General Standards. The Village Council shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use on the proposed location:
 - (1) Will be harmonious with and in accordance with the general objectives or with any specific objectives of this Zoning Ordinance.
 - (2) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area.

- (3) Will not be hazardous or disturbing to existing or future neighboring uses;
 - (4) Will not be detrimental to property in the immediate vicinity or to the community as a whole;
 - (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures and refuse disposal; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide such services adequately;
 - (6) Will be in compliance with State, County and City regulations;
 - (7) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
- C. The zoning map of the Village of Spencer is hereby amended to be in accordance with the new zoning map attached hereto and made a part hereof.

2. That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare of the Village of Spencer and for the particular reasons that provisions for R-3 Zoning and Conditional Zoning uses are needed at the earliest possible date to promote Senior Citizen Housing in the Village and maintain orderly overall growth of the Village, and therefore this ordinance shall be in full force and effect from and after its passage.

PASSED:

, 1979


Mayor

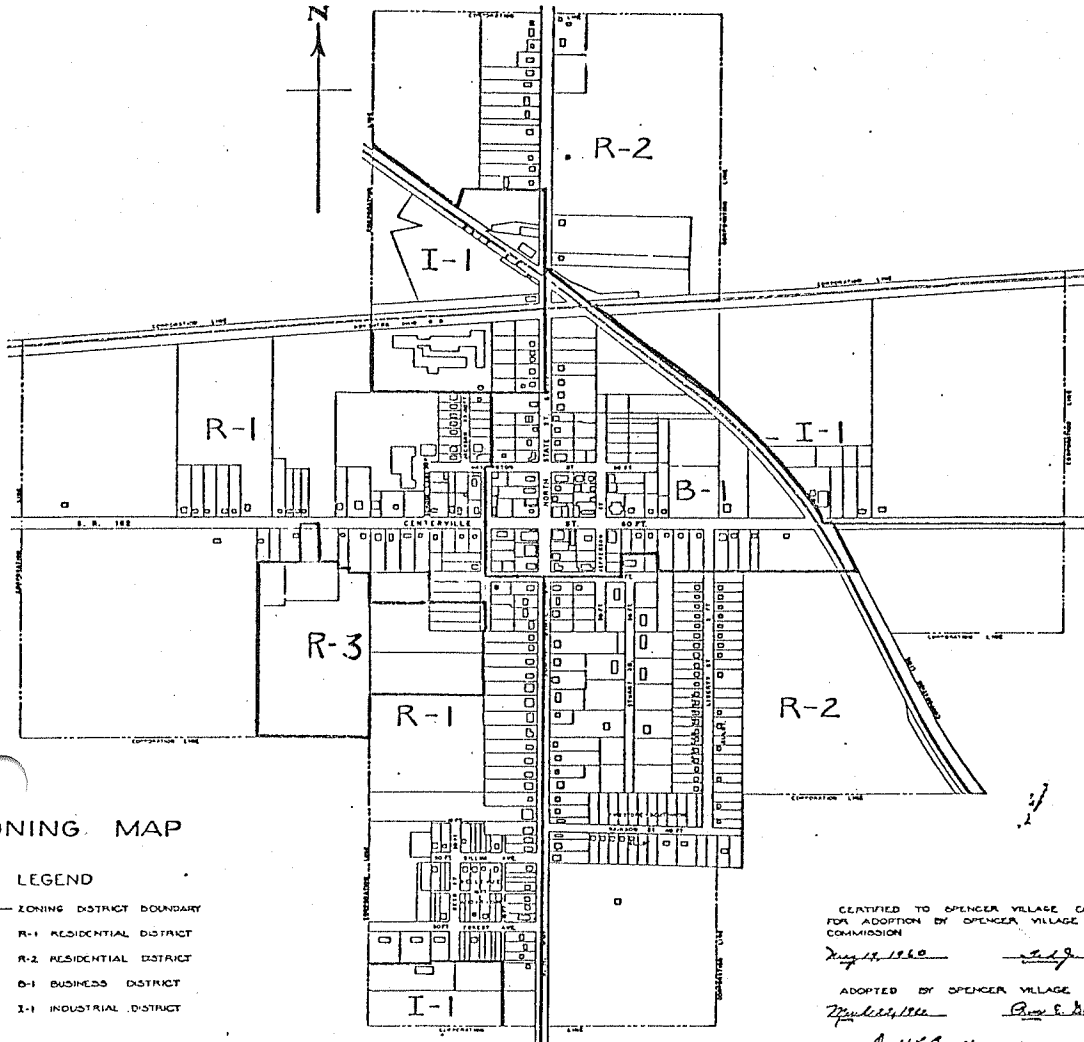
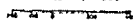
ATTEST:


Clerk

SECTION 1B
MEDINA COUNTY

SPENCER TWP.
OHIO

SCALE 1" = 200'



LEGEND

- ZONING DISTRICT BOUNDARY

R-1 R-1 RESIDENTIAL DISTRICT

R-2 R-2 RESIDENTIAL DISTRICT

B-1 B-1 BUSINESS DISTRICT

I-1 I-1 INDUSTRIAL DISTRICT

R-3 R-3 HIGH DENSITY URBAN
RESIDENTIAL DISTRICT

CERTIFIED TO SPENCER VILLAGE COUNCIL
FOR ADOPTION BY SPENCER VILLAGE PLANNING
COMMISSION

May 19, 1960

ADOPTED BY SPENCER VILLAGE COUNCIL

22nd Sept 1862

OLIVER A. H. BROWN

PREPARED BY COMMUNITY ASSISTANCE DIVISION
THE COUNTY REGIONAL PLANNING COMMISSION
COSTS PAID AND FUNDED BY THE
COUNTY GOVERNOR AND BOARD OF
JUNE 28 OF JULY 1980