

**CURRENT ZONING ORDINANCE
OF
THE VILLAGE OF GLORIA GLENS PARK
MEDINA COUNTY, OHIO**

ORDINANCE NO. 1988-3
Adopted 8/1/88

AMENDMENTS:

ORDINANCE NO. 1988-8; Adopted 1/2/89
Section 902 – Zoning Permits Required
Section 903 – Zoning Permit Application
Section 1004 – Procedure for Appeals

ORDINANCE NO. 1990-1; Adopted 3/5/90
Section 503 – Parking of Vehicles other than Automobiles

ORDINANCE NO. 1990-4; Adopted 5/7/90
Deletes Section 503

ORDINANCE NO. 1994-9; Adopted 8/1/94
Amends Section 908 – Time for correction of violations per Zoning Inspector's Orders

ORDINANCE NO. 1997-007; Adopted 1/5/98
Eliminate Zoning Board, New Home Permits to be issued by Council, regulated
manufactured homes.

ORDINANCE NO. 2001-02; Adopted 4/4/01
Amending the last paragraph of Section 903, Zoning Permit Application, to clarify the
time for validity and expiration date of Zoning Permits.

ORDINANCE NO. 2008-05; Adopted 6/11/08
Adding Section 306(I) regarding Roof Pitch for residential structures.

ORDINANCE NO. 2009-03; Adopted 6/3/09
Amending Section 301 regarding Purpose; amending Section 308 regarding
establishment of Districts; adding Section 406 regarding P-1 Park and Recreation
District; adding Section 407 regarding P-2 Special Parks and Recreation District

CONTAINS ALL AMENDMENTS AS OF 6/30/09

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ARTICLE 1

TITLE, AUTHORIZATION, PURPOSE, AND EFFECTIVE DATE

SECTION 101 TITLE

This Ordinance shall be known as the “Zoning Ordinance of the Village of Gloria Glens Park, Medina County, Ohio,” and repeals all existing Zoning Ordinances and Building Codes, with the exception of Ordinance 1986-1 (Regulating Satellite Dish Antennas) and all Flood Damage Prevention Ordinances passed to meet National Flood Insurance Program Requirements.

SECTION 102 AUTHORIZATION

This Ordinance is authorized by the Ohio Constitution and Chapter 713 of the Ohio Revised Code.

SECTION 103 PURPOSE

This Ordinance is enacted to promote the public health, safety, convenience, comfort, prosperity, and general welfare of the inhabitants of the Village of Gloria Glens Park.

SECTION 104 EFFECTIVE DATE

This Ordinance shall be effective thirty (30) days after the date of its passage, as provided by law.

ARTICLE 2

INTERPRETATION

SECTION 201 INTERPRETATION OF PROVISIONS

In interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, rules, regulations, or resolution, or by private deed restrictions or covenants, the provisions of this Ordinance shall prevail.

SECTION 202 VALIDITY AND SEPARABILITY

It is hereby declared to be the legislative intent that, if any provision or provisions of this Ordinance, or the application thereof to any zoning lot, building, or other structure, or tract of land, are declared by a Court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such

decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective to the zoning lot, building, or other structure, or tract

of land immediately involved in the controversy. All other provisions of this Ordinance shall continue to be separate and fully effective, and the application of any such provision to other persons or situations shall not be affected.

ARTICLE 3

GENERAL REGULATIONS

SECTION 301 PURPOSE ¹ (Amended 6/3/09, Ord. No. 2009-03)

General regulations apply to all zoning districts. Where requirements of a general regulation and a district regulation differ, the more restrictive requirement shall prevail. Nothing in this Ordinance shall supersede, impair, alter or diminish any restrictions or rights created by deed covenants for any property in the Village.

SECTION 302 PERMITTED USES

- A. No building or other structure, including decks, shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building, structure, or land be used, designed, or arranged for any purpose other than that specifically permitted in the district in which the building or land is located.
- B. Uses which are omitted from this Ordinance as not being specifically permitted shall be considered prohibited until this Ordinance is amended to specifically include the use.
- C. The Zoning Board, with the approval of Council, shall have the power to permit any use comparable in character to any of the uses specifically listed under the permitted uses section of any district.
- D. No Zoning Permit will be required for minor interior repair or for alterations to or in dwellings or other buildings which do not involve changing bearing walls, structural parts, stairways, ingress, egress, or modifications to light and ventilation.

SECTION 303 REGULATIONS OF LOTS

- A. Lot Area – No parcel of land shall hereafter be so reduced or divided so as to provide less than the minimum lot size required in the zoning district in which such land is situated.
- B. Street Frontage – No principle residence shall be erected on a lot which does not abut on at least one (1) street.

SECTION 304 GENERAL REGULATION OF YARDS

- A. Open Area - Except as herein provided, every yard shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by this Ordinance. No required yard or other open space around one building shall be considered as a yard or open space for any other building, and no required yard or other required open space on an adjoining lot shall be considered as providing the yard or open space on the lot whereon a building is to be created or established.
- C. Yard Measurements
1. The minimum front yard depth shall be measured on the perpendicular from the street right-of-way line to the building setback line. All front and side street yards shall be measured from the right-of-way lines so established.
 2. The minimum side yard width and rear yard depth shall be measured on the perpendicular from the lot lines to the nearest point of any structure on the lot.
- D. Visibility at Intersections – On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two-and-one-half (2 ½) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of intersection.
- D. Fence, Hedge and Walls – In all districts, fences, hedges and walls may be constructed to a maximum height of six (6) feet in any required side or rear yard, and to a height of three (3) feet in any required yard abutting a street. Fences or walls required to surround and enclose public utility installations are not limited as to height in any zoning district. No fence, hedge or wall may be closer than one (1) foot to any lot line.
- If deed restrictions for any individual property within the Village limits fences on the property, the deed restriction shall apply. This subsection does not alter or affect any such deed restrictions.
- E. Accessory Buildings – Detached garages or other accessory buildings shall be located at least four (4) feet from side and rear property lines, and no closer to any existing building than four (4) feet.

SECTION 305 BUILDING HEIGHT

No structure shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the zoning district in which the structure is located, except that:

Radio, television and similar aerials, or masts and flagpoles may be erected to exceed not more than fifteen (15) feet in height above the limits of the zoning district in which it is located.

SECTION 306 GENERAL REGULATIONS OF STRUCTURES AND CONSTRUCTION

- A. Required Compliance – No building shall be erected, converted, enlarged, reconstructed, or structurally altered to:
1. exceed the maximum height;
 2. accommodate a prohibited use or house a greater number of families; or
 3. have narrower or smaller rear, front, or side yards, than are specified herein for the district in which such building is located.
- B. Principal Residence – No more than one principal residence shall be permitted on any lot unless otherwise specifically stated in this Ordinance.
- C. Garages -
1. Garages may only be constructed in association with a residence and on the lot containing the residence or a lot adjacent to the residence.
 2. The maximum size of all garages shall be thirty (30) feet wide by twenty-four (24) feet deep, with compliance with all setback requirements for structures contained in this Ordinance.
 3. Garages attached to a residence shall be of the same style and type of construction as the residence.
- D. Pole Structures – Due to periodic flooding and unstable ground conditions, no pole structures are permitted in that portion of the Village bounded by Beachside Boulevard, Playland Parkway and Pebblebrook Path, including those portions of those roads, Twilight Trail west of Pebblebrook Path, and all of Portage Path and Sunset Stream.
- E. Temporary Buildings – Temporary buildings or uses for purposes incidental to construction work shall be permitted provided such buildings or uses shall not be continued as permanent structures and are removed within thirty (30) days after completion of the work.
- F. Grading and Seeding – Proper grading and seeding from the street pavement shall be required of all residential lots and work shall be completed within thirty (30) days after construction of the structure, weather permitting. In the case of a grade of

greater than one (1) foot for twenty-five (25) feet of distance from existing pavement, a suitable drain shall be provided, subject to approval by the proper Village authority.

G. Temporary Parking

1. Immediate off-street parking facilities shall be installed within twenty-four (24) hours after foundation or footer digging has been completed.
2. Temporary parking facilities shall not require hard surface or permanent material, but may consist of gravel, stone or other suitable material that may be later used as base of a permanent driveway, or may be later removed.
3. Such temporary parking facilities may be located at any suitable place within the side-line and back-line set back of the property, not to interfere with the natural drainage and injurious to adjacent property owners.

H. Footers – Homes shall be constructed on solid block or brick foundations with ventilators on each wall. Foundation walls are to be not less than two (2) feet above finished grade line; same to extend thirty (30) inches below grade line. The footer must be a minimum of twenty-four (24) inches wide and twelve (12) inches thick of good concrete mix.

I. Roof Pitch – (Added by Ordinance No. 2008-05 adopted June 11, 2008)
For all new residential construction, the roof pitch of the roof of the main living or occupancy area of any new residential structure or of any addition or remodeled portion of an existing residential structure shall be no less than 4:12, meaning a minimum of four inches (4”) rise for each twelve inches (12”) of run of such roof.

SECTION 307 ANNEXATION (Amended 1/5/98, Ord. No. 1997-007)

A. On Application of Citizens

Upon receipt of written notice of the filing of a citizen’s annexation petition pursuant to Ohio Revised Code Section 709.03, the Clerk shall refer said notice to the Village Council. At the next regular meeting of Council, Council shall review the materials filed with the Clerk in regard to the proposed annexation.

Upon receipt of all materials necessary to make a determination of the issues, Council shall then accept or reject the Petition for Annexation by Resolution or Ordinance.

On Application of the Village

Council shall determine whether or not to begin annexation provisions under Ohio Revised Code Section 709.14 and initiate such proceedings as provided by Ohio law.

SECTION 308 ESTABLISHMENT OF DISTRICTS (Amended 6/3/09, Ord. No. 2009-03)

For the purpose of promoting the public health, safety, morals, convenience, comfort prosperity and general welfare of the Village of Gloria Glens Park, the following zoning district are hereby established:

- R-1 SINGLE FAMILY RESIDENTIAL DISTRICT
- P-1 PARKS AND RECREATION DISTRICT
- P-2 SPECIAL PARKS AND RECREATION DISTRICT

SECTION 309 SWIMMING POOLS

The owners of all swimming pools located within the Village of Gloria Glens, Ohio, shall construct and maintain fences of such type and description that will effectively deny ingress to all animals and persons not specifically admitted to said swimming pools by the owner thereof. Said fences shall be constructed so as to be not farther above the ground than four (4) inches and not be over six (6) feet and not less than four (4) feet in height. Said fences shall be equipped with locks so as to comply with the purposes of this Ordinance, and constructed no less than ten (10) feet from any building, no less than ten (10) feet from rear or side lot lines, and no less than twenty (20) feet from the front lot line.

SECTION 310 NUISANCES

- A. No weeds, underbrush or unsightly brush or growth shall be permitted to grow to a height exceeding twelve (12) inches. Owners permitting such violation will be notified by certified mail to correct such conditions. If such notice is unheeded, after fifteen (15) days, the Village will correct the existing conditions and bill the owner for the cost, which, if left unpaid, will be affixed to the owner's tax duplicate.
- B. All garbage, rubbish and refuse must be removed from the premises at least once a week.
- C. No poultry or livestock is to be kept on properties in the Village. No nuisances, or unsightly objects shall be permitted, erected or placed or suffered to remain on said premises, nor shall the premises be used in any way or for any purpose which may endanger the health or unreasonably disturb the peace and quiet of any occupants of adjoining premises.

SECTION 311 DRIVEWAYS

- A. Asphalt driveways shall have a compacted fill and have at least two (2) inch base material and at least one (1) inch top material. Concrete driveways shall have a compact fill and concrete not less than four (4) inches thick. Concrete used shall be not less than six and one-half (6 ½) sacks of concrete mix per yard. Where a

sidewalk runs through the driveway, the sidewalk and driveway portion from the sidewalk to the road, shall be not less than six (6) inch thick concrete. Sidewalks, other than before mentioned, shall be at least four (4) inch thick concrete.

- B. Culvert pipes shall be whatever is required for proper drainage, but not less than eight (8) inches in diameter and twelve (12) feet long. Placement of culverts shall not deter the natural flow of surface waters or create areas for water to freeze and form barriers to flow.
- C. Driveways shall be located according to the applicable district requirement.
- D. Common driveways serving two or more dwellings shall not be permitted under the applicable district regulations.

ARTICLE 4

DISTRICT REGULATIONS

(Amended 6/3/09, Ord. No. 2009-03 to add P-1 and P-2)

R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

SECTION 401 PURPOSE

This district is established to provide for new single-family residential development at a density desired in the Village. This density is intended to prevent:

- (1) excessive demands on sewage and water systems;
- (2) congestion of traffic on streets and highways;
- (3) inadequate access to buildings and facilities by fire fighting and other safety personnel;
- (4) devaluation of surrounding properties and aesthetically undesirable crowding by new construction with minimal surrounding yard space and lot size.

SECTION 402 PERMITTED USES

- A. Single-family dwelling.
- B. Accessory building incidental to the principle use which does not include any activity conducted as a business.
- C. Parking as regulated by Section 405 and Article 5.

SECTION 403 AREA AND HEIGHT REGULATIONS

- A. Minimum Lot Area – 4,800 square feet

- B. Minimum Lot Frontage at Street Right-of-Way – 60 feet
- C. Minimum Front Yard Depth – 20 feet from edge of Village street right-of-way; 50 feet from edge of county highway right-of-way. Corner lots shall maintain the required front yard setback from both streets.
- D. Minimum Side Yard Depth – 10 feet.
- E. Minimum Rear Yard Depth – 10 feet.
- F. Maximum Building Height – 30 feet.

SECTION 404 MINIMUM FLOOR AREA

Homes constructed within the Village shall comply with the following minimum first-floor living space requirements:

- (1) New homes constructed with no attached garage shall have a minimum of 1,300 square feet of first-floor living space.
- (2) New homes constructed with a single-car attached garage shall have a minimum of 1,200 square feet of first-floor living space.
- (3) New homes constructed with a two-car attached garage shall have a minimum of 1,100 square feet of first-floor living space.

SECTION 405 PARKING AND DRIVEWAYS

- A. Each dwelling shall have off-street parking for at least two automobiles in a garage or on a driveway or parking pad.
- B. All new dwellings shall have an asphalt or concrete driveway constructed in accordance with Section 311 of this Ordinance. All new driveways shall be asphalt or concrete and constructed in accordance with Section 311 of this Ordinance.
- C. All parking pads shall be asphalt or concrete and constructed in accordance with the requirements for driveways of Section 311 of this Ordinance.
- D. No new driveway or parking pad shall be located in front of any dwelling, unless it is leading to a garage, and no new driveway or parking pad shall be closer than two (2) feet to any rear or side lot line.
- E. Driveways shall have a minimum length of thirty-five (35) feet, except driveways leading to a garage that may not be less than twenty (20) feet.

PARKS AND RECREATION DISTRICT (P-1)

SECTION 406 P-1 PARK AND RECREATION DISTRICT

SECTION 406.1 PURPOSE

It is recognized by the Village Council that when the area that contains the Village was subdivided, a number of parcels of land owned by the village were set aside exclusively for parks and recreational purposes. It also is recognized by the Village Council that a number of parcels of land have been deeded to the Village through FEMA Flood Mitigation Buyouts for parks and recreational purposes. This use has been assured by restrictive covenants contained in the conveyances of these properties. The Village Council acknowledges that these restrictions have not been abandoned and remain in full force and effect.

To preserve the character of these parcels in accordance with their deed restrictions and this original plan, the P-1 Parks and Recreation District is created that contains these properties. This zoning restriction is intended to be compatible and in accord with the deed restrictions that also limit the use of these properties. It is the intent of the Village Council not to alter or abandon any of the specific deed restrictions that apply to these properties.

SECTION 406.2 PERMITTED USES

- A. Parks and recreation, subject further to all of the deed restrictions and restrictive covenants that apply to the individual parcels of property within this District.
- B. Parking for use of the District for park and recreational purposes in those areas designated by Ordinance of the Village Council, and subject to such further restrictions as may be established by Ordinance of Council.

SPECIAL PARKS AND RECREATION DISTRICT (P-2)

SECTION 407 P-2 SPECIAL PARKS AND RECREATION DISTRICT

SECTION 407.1 PURPOSE

It is recognized by the Village Council that when the area that contains the Beachfront, Island, Boat Ramp, Beach Parking Lot and Open Areas at the lakefront was acquired by the Medina County Park District the parcel of land was set aside exclusively for parks and recreational purposes for Village residents and their guests. This parcel is known as Parcel #043-25A-04-001. This use is assured by restrictive covenants, the rules and regulations of the Medina County Park District and the Lease Agreement of the property

between the Village and the Medina County Park District. The Village Council acknowledges that these restrictions have not been abandoned by the benefited property owner and remain in full force and effect.

To preserve the character of these parcels in accordance with their deed restrictions, lease agreements and this original plan, the P-2 Special Parks and Recreation District is created that contains these properties. This zoning restriction is intended to be compatible and in accord with the deed restrictions that also limit the use of these properties. It is the intent of the Village Council not to alter or abandon any of the specific deed restrictions that apply to these properties. This zoning restriction is also intended to be compatible and in accord with all Medina County Park District rules and regulations.

SECTION 407.2 PERMITTED USES

- A. Parks and recreation, subject further to all of the deed restrictions and restrictive covenants that apply to the individual parcels of property within this District, and the terms of the Lease Agreement of the property to the Village from the Medina County Park District.
- B. Parking for use of the District for park and recreational purposes in those areas designated by Ordinance of the Village Council, and subject to such further restrictions as may be established by Ordinance of Council.

ARTICLE 5

PARKING AND LOADING REGULATIONS

SECTION 501 OFF-STREET PARKING REGULATIONS

Off-street parking facilities shall be provided for every use or part thereof in all districts as prescribed in this Section. Where the parking requirements for a use are not specifically defined herein, or a use is not mentioned, the parking requirements for such use shall be determined by the Zoning Board, and such determination shall be based upon the requirements for the most comparable use specified herein and based on review and consultation with the applicant when necessary.

SECTION 502 MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED

See the specific requirements for each Zoning District set forth in Article 4.

SECTION 503 PARKING OF VEHICLES OTHER THAN AUTOMOBILES (Amended 1/8/90)

Section 503 is deleted by Ordinance No. 1990-4 (5/7/90).

ARTICLE 6

SIGN REGULATIONS

SECTION 601 SIGNS PERMITTED

The following are the only types of private signs permitted in the Village.

- A. Unlighted signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed nine (9) square feet in area. All such signs must be removed within fourteen (14) days after the property has been transferred, leased or rented.
- B. Signs denoting the name and address of the occupants of the premises, are not to exceed one (1) square foot in area.
- C. Signs directing or guiding traffic, but bearing no advertising, shall be permitted on any property, provided the area of each face of the sign does not exceed four (4) square feet, and that the sign is located so as not to be a hazard for vehicular traffic.
- D. One temporary real estate sign advertising the development of the premises or the opening of a new subdivision shall be permitted. Such sign shall be removed from the premises within fifteen (15) days of the completion of construction of the properties or units on the site. Such sign or construction sign shall not exceed nine (9) square feet in area, and shall be located no closer than ten (10) feet from the street right-of-way line. Other applicable yard requirements in the district in which the sign is located shall apply.
- E. Political signs, subject to the following:
No political sign shall be posted on any property without the permission of the property owner. No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be erected in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than twenty-one (21) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material with five (5) days following election day. Maximum size of such signs is six (6) square feet.

SECTION 602 VIOLATIONS

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter or remove such sign so as to comply with this Ordinance. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Article 9 of this Ordinance. Political signs posted in violation of Section 601 of this Ordinance are subject to immediate removal by the Zoning Inspector.

ARTICLE 7

NON-CONFORMING USES

SECTION 701 REGULATIONS

The lawful use of any building or land existing at the effective date of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance provided the following conditions are met.

SECTION 702 ALTERATIONS, EXTENSION AND RESTORATION

A non-conforming building or structure may be altered, improved or reconstructed, but not enlarged or extended, provided such work does not exceed in aggregate cost fifty percent (50%) of the total replacement value of the building or structure. The extension of a lawful use to any portion of a non-conforming building or structure that existed prior to the enactment of this Ordinance shall not be deemed the extension of such non-conforming use.

Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding, and continued use of any non-conforming building or structure damaged by fire, collapse, explosion, or Acts of God, subsequent to the date of this Ordinance. Such uses may be rebuilt or restored provided the area is not increased or extended.

SECTION 703 DISPLACEMENT

No non-conforming use shall displace a conforming use.

SECTION 704 DISCONTINUANCE OR ABANDONMENT

Whenever a non-conforming use has been discontinued for a period of two years or more, such discontinuance shall be considered conclusive evidence of any intention to legally abandon the non-conforming use. At the end of the two-year period of abandonment the non-conforming use shall not be re-established, and any further use shall be in conformity with the provisions of this Ordinance.

SECTION 705 NON-CONFORMING TO NON-CONFORMING USE

A non-conforming use may not be changed to another non-conforming use unless the Zoning Board, on application, determines that the proposed use is less in conflict with the character and uses in the district than the existing non-conforming use.

ARTICLE 8

AMENDMENTS

SECTION 801 GENERAL (Amended 1/5/98, Ord. No. 1997-007)

Whenever the public necessity, convenience, general welfare, or good zoning practices require Village Council, may, by Ordinance, and subject to procedures provided by law, amend, supplement, change or repeal the regulation, restrictions, and boundaries of classification of property.

**SECTION 802 INITIATION OF ZONING AMENDMENTS
(Amended 1/5/98, Ord. No. 1997-007)**

Amendments to this Ordinance may be initiated in one of the following ways:

- A. By adoption of a resolution by Village Council.
- B. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

SECTION 803 CONTENTS OF APPLICATION

Application for amendments to this Ordinance shall contain at least the following information:

- A. Name, address and phone number of applicant.
- B. Proposed amending Ordinance, approved as to form by the Village legal advisor.
- C. Present use.
- D. Present zoning district.
- E. Proposed use.
- F. Proposed zoning district.
- G. A map showing property lines and owners, thoroughfares, existing and proposed zoning.
- H. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned.
- I. A fee as established by Village Council, according to Section 1004 of this Ordinance.

**SECTION 804 PUBLIC HEARING BY VILLAGE COUNCIL
(Amended 1/5/98, Ord. No. 1997-007)**

Council shall schedule a public hearing on the proposed change with notice as required by Section 713.12 of the Ohio Revised Code. A copy of the text and maps or plans of the proposed amendment shall be available for public inspection prior to the hearing as set forth in Section 713.12 of the Ohio Revised Code.

At the hearing Council shall either adopt, adopt with modification, or deny the proposed amendment in accordance with Ohio Revised Code Section 713.12.

ARTICLE 9

ENFORCEMENT

SECTION 901 ZONING INSPECTOR

A Zoning Inspector shall be employed to enforce this Zoning Ordinance. The term of employment, rate of compensation and other such conditions shall be set by the Village Council. For the purposes of enforcing this Ordinance, the Zoning Inspector shall have the powers of a police officer.

SECTION 902 ZONING PERMITS REQUIRED (Amended 1/5/98, Ord. No. 1997-007)

No building or other structure shall be erected, moved, added to, or structurally altered, internally or externally, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning Permits shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Inspector receives a written order from the Village Council deciding a variance or deciding an appeal.

Village Council shall have original jurisdiction to determine all applications for Zoning Permits for new residential construction, as well as applications for variances, appeals from decisions of the Zoning Inspector, and applications for amendment of this Zoning Ordinance. Applications for Zoning Permits for all other construction will be determined by the Zoning Inspector with appeal from the Zoning Inspector's decision to be as set forth in this Zoning Ordinance.

SECTION 903 ZONING PERMIT APPLICATION (Amended 1/5/98, Ord. 1997-007)

The Application will include the following information:

- A. A plot plan drawn to scale showing the exact dimensions of the lot to be built upon. A surveyor's location survey showing the lot lines and distances from proposed structures is required with all applications to build any new structure.

- B. A full view site plan showing front, side and rear views of the intended construction. This requirement may be waived by the Zoning Inspector in cases of minor construction.
- C. The location, dimensions, height, and bulk of the structure to be erected.
- D. The intended use.
- E. The proposed number of sleeping rooms, dwelling units, occupants and other uses.
- F. The yard, open area, and parking space dimensions and locations.
- G. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Ordinance.
- H. Name and mailing address of applicant.

The application shall be submitted to the Zoning Inspector. The Zoning Inspector shall review the application and inspect the building site, if necessary. If the application is for construction other than new residential construction, and the application complies with the requirements of this Ordinance, the Zoning Inspector shall issue a Zoning Permit to the applicant if the application is accompanied by the proper fee. If the application is for new residential construction, the Zoning Inspector shall transmit the application and all materials submitted therewith to the Village Council for consideration at its next regular or special Council Meeting, provided the application is accompanied by the proper fee. The Village Council will make a decision on the application when, to its satisfaction, all needed materials, information and documents have been submitted to Council for a proper determination of the application.

ALL PROPOSED NEW STRUCTURES OR CHANGES IN DIMENSION OF EXISTING STRUCTURES MUST BE STAKED OUT ON LOCATION, AND ON AN ON-SITE INSPECTION MUST BE DONE BY THE ZONING INSPECTOR BEFORE A PERMIT WILL BE ISSUED. THE STRUCTURE MUST COMPLY WITH THE STAKED DIMENSIONS.

(Last Paragraph amended 4/4/01 by Ord. No. 2001-02, as follows)

The Zoning Permit shall be valid for a period of six (6) months after the date of issuance. Construction must be started within said six-month period and, once started, must be completed within one (1) year of the date of start. In the event construction is not started during the six-month period of validity of the Permit, the Permit shall become void at the end of the six-month period. In that event, a new application and Permit shall be required for the construction. The new Permit shall then be governed by the time limits of this Paragraph.

SECTION 904 PERFORMANCE BOND (Amended 1/5/98, Ord. No. 1997-007)

A performance bond or other financial guarantee may be required as a condition of issuance of a Zoning Permit by the Village Council if diversion of surface waters appears likely through construction or landscaping to assure installation of surface drainage, or, in any case, to assure installation of parking areas, drives and landscaping. The amount of the bond is to be set by the Village Council, and shall be in an amount equal to the cost of the construction of the improvements based on an estimate approved by the Village Council and shall be for a period not to exceed one year and providing for the complete construction of the improvements within that period.

**SECTION 905 SCHEDULE OF FEES, CHARGES AND EXPENSES
(Language added 9/6/88)**

The Village and Council shall, by Ordinance, establish a schedule of fees, charges and expenses for amendments, appeals, applications for Zoning Permits and variances, and other matters pertaining to the administration and enforcement of this Ordinance requiring investigations, inspections, legal advertising, postage and other expenses. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any application or appeal, except an appeal may be dismissed by Council for failure to pay fees, expenses and charges.

The following shall be the fees, charges and expenses for the listed procedures and matters of the Zoning Ordinance:

Application for Zoning Permit (Section 903).....	\$ 30.00
Application for Amendment (Section 803).....	\$ 50.00
Application for Variance (Section 1003).....	\$ 50.00
Charge for copy of Zoning Ordinance.....	\$ 10.00

Any other charges and expenses, such as legal advertising and postage, which are required in the processing of any application or appeal, shall also be paid by the Applicant.

SECTION 906 VIOLATIONS

Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance are declared to be a nuisance per se.

**SECTION 907 INSPECTION AND CORRECTION OF VIOLATIONS
(Amended 1/5/98, Ord. No. 1997-007)**

It shall be the duty of the Zoning Inspector to see that any building erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance is inspected and the Zoning Inspector shall declare each violation a nuisance and, in writing, (with a copy delivered to the Village Council), order correction of all conditions which are found to be in violation of this Ordinance.

SECTION 908 CORRECTION PERIOD (Amended 8/1/94, Ord. No. 1994-9)

All violations of any provision of the Zoning Ordinance shall be corrected immediately upon issuance of a written order by the Zoning Inspector, unless a longer period for correction of violation is specified by the Zoning Inspector in the written order, and in that event, the violation shall be corrected within that period. Any violations not corrected in accordance with the order may be prosecuted.

SECTION 909 PENALTIES

Any person, firm, or corporation violating any provisions of this Zoning Ordinance, or supplements or amendments thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined not less than FIFTY DOLLARS (\$50.00) nor more than FIVE HUNDRED DOLLARS (\$500.00). Each day's continuance of a violation of this Ordinance shall be deemed a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

**SECTION 910 COMPLAINTS REGARDING VIOLATIONS
(Amended 1/5/98, Ord. No. 1997-007)**

Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector.

The Zoning Inspector shall record properly such complaint, immediately investigate and take action as provided by this Ordinance and notify the Mayor of the Village of the complaint and the action taken.

SECTION 911 MANUFACTURED HOUSES (Added 1/5/98, Ord. No. 1997-007)

A. For Application for Zoning Permits for all manufactured houses, the procedure and requirements of Section 903 and the other terms of this Zoning Ordinance shall apply and, in addition, the applicant must further provide the following:

- (1) The original Letter of Certification issued by the Ohio Board of Building Standards for the unit(s), which must correspond to the unit(s) insignia number(s) stamped in red.
- (2) A Road Use Permit for transport of the unit(s) on Village roads.
- (3) A Soil Certification if the same is stated to be required on the plans of the house.
- (4) Performance bonds for the hauler of the unit(s), the crane company, if applicable, and the main construction in such amount and in such form as prescribed by Village Council.

- B. Construction may not be commenced until the requirements of this Section and Section 903 have been met to the satisfaction of the Village Council.
- C. The Village Zoning Inspector must receive all permits and certifications required hereunder no less than five (5) days prior to entry of the unit(s) into the Village.

ARTICLE 10

APPEALS AND VARIANCES

SECTION 1001 AUTHORITY AND JURISDICTION **(Amended 1/5/98, Ord. No. 1997-007)**

The Village Council is hereby authorized to act as the Administrative Board empowered to hear and determine all applications for variances from the specific requirements of this Ordinance, pursuant to Section 713.11 of the Ohio Revised Code.

The Village Council shall act as the Board of Zoning Appeals to hear and determine appeals from the decisions of the Zoning Inspector in regard to the issuance of Zoning Permits within his or her jurisdiction.

SECTION 1002 STANDARDS FOR VARIANCES **(Amended 1/5/98, Ord. No. 1977-007)**

The Village Council may authorize, upon application, and in specific cases, variances from the specific requirements of this Ordinance where, owing to special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, or for such other reasons as are allowed under Ohio law.

SECTION 1003 APPLICATION FOR VARIANCE AND PROCEDURE **(Amended 1/5/98, Ord. No. 1997-007)**

Written application for a variance must be submitted to the Village Council with a copy of the application provided to the Zoning Inspector by the applicant. Every application shall contain the following:

- A. Name, address and phone number of the applicant.
- B. Legal description of the property for which the variance is sought.
- C. Description of the specific nature of the variance requested.
- D. A narrative statement stating the reasons why the requested variance meets the standards for variances set forth in Section 1002 of this Ordinance.

- E. The proper fee for application as established pursuant to Section 904 of this Ordinance.

Within thirty (30) days after the receipt of an application for a variance the Village Council shall hold a public hearing and determine whether or not the variance shall be granted or denied. Written notice of the date, time and location of the hearing will be sent by certified U.S. mail to the applicant at the address stated in the application and by regular mail to all adjoining property owners (including those directly across a street or right-of-way, from the applicant's property at their addresses shown on the tax duplicate, at least ten (10) days before the date of the hearing.

In granting any variance the Village Council may prescribe reasonable conditions for the variance that are in conformity with the spirit of this Ordinance. Violation of any such conditions that are made a part of the variance shall be deemed a violation of this Ordinance and shall be enforceable and punishable as provided in Article 10 of this Ordinance.

SECTION 1004 PROCEDURE FOR APPEALS (Amended 1/5/98, Ord. No. 1997-007)

A. Filing of Appeal

An appeal from a decision of the Zoning Inspector will be taken by any person aggrieved by the decision or by any officer of the Village. Such appeal shall be taken by filing a Notice of Appeal specifying the decision appealed from and the specific grounds upon which the appeal is being taken with the Village Council within twenty (20) days after the decision. The proper fee of this Ordinance must accompany the Notice of Appeal filed with Village Council or the appeal will be subject to dismissal by Council. Upon the filing of an appeal, the Zoning Inspector shall transmit all appropriate documents and records relating to the decision to the Village Council.

B. Hearing

Village Council shall hold a public hearing upon the appeal within thirty (30) days after receipt of the Notice of Appeal. Written notice of the date, time and location of the hearing will be sent by certified U.S. mail to the applicant at the address stated in the application and by regular mail to all adjoining property owners (including those directly across a street or right-of-way from the applicant's property at their addresses shown on the tax duplicate at least ten (10) days before the date of the hearing.

C. Action by Village Council

Within ten (10) days after the hearing required above, the Village Council shall either affirm or reverse the decision from which the appeal is taken. In any decision granting an appeal, zoning permit or variance, the Village Council may prescribe reasonable conditions and safeguards that are in conformity with the spirit of this Ordinance which shall become a part of the decision. Violation of any such

conditions and safeguards shall be deemed a violation of this Ordinance and shall be enforceable and punishable as provided in Article 10 of this Ordinance.

Appeal from the decision of the Village Council where it is sitting as a Board of Zoning Appeals as provided in this Article may be made to the appropriate court as provided by law.

SECTION 1005 STAY OF PROCEEDINGS (Amended 1/5/98, Ord. No. 1997-007)

The filing of an appeal shall stay all action and proceedings in furtherance of the action appealed from, unless the Village Council determines that stay would cause imminent peril to life or property or unnecessary hardship. In such case, the Village Council may order that the stay imposed by this Section shall not apply, in whole or in part.

ARTICLE 11

DEFINITIONS

(Amended 1/5/98, Ord. No. 1997-007)

For the purpose of this Ordinance, certain words and terms are hereby defined. The word “person” includes a firm, association, organization, partnership, trust company or corporation, as well as individual; words in the present tense include the future and the future includes the present; the singular number includes the plural and the plural the singular; the word “lot” includes the word “plot,” “tract” or “parcel” of land, as the sense may require it; the term “erected” means constructed, altered, moved, or repaired; and the words “shall” and “must” are always mandatory. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged or designed to be used or occupied”; the word “district” is synonymous with the word “zone”; and the term “building inspector” is synonymous with the term Zoning Inspector.

Accessory Building or Use: A subordinate building or use customarily incidental to the main building or use, not used or intended for use conflicting with the main building or use, and located on the same lot or lot adjoining to the lot containing the main building or use.

Alterations, Structural: Any change in the supporting members of a building such as bearing walls, columns, beams, joists, rafters or girders.

Basement: A story having more than one-half of its height below average grade.

Building: Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals or property.

Building Height: The vertical dimension measured from the average finished grade at the front of the building to the highest point of the roof.

Building, Principle: The building on a lot used to accommodate the primary use to which the premises are devoted.

Building Setback Line: A line parallel to the street right-of-way line at such distance from the street right-of-way line as required by the minimum front yard depth in the district in which it is located.

District: An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements, height limitations, and the like.

Dwelling: Any building or structure (except a house trailer, mobile home, or other vehicle which may be used as a residence) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Dwelling, Single-Family: A detached building designed and used exclusively for occupancy by one family.

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over two persons.

Garages: A detached accessory building or portion of a principle building for the parking or temporary storage of automobiles, boats, non-commercial trailers or other permitted vehicles of the occupants of the premises.

Grade, Finished: The average level of the finished surface of the ground adjacent to the exterior walls of the building.

Height: See “Building Height”.

Living Space: The area within a dwelling constituting year-round, permanent enclosed spaces for living, dining, cooking, bathing and sleeping, and adjoining storage closets; excluding decks, patios, porches and garages.

Lot: For the purposes of this Ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Lots shall have frontage on an improved public street and may consist of:

1. A single lot of record.
2. A portion of a lot of record.
3. A combination of complete lots of record, or complete lots of record and portion of lots of record, or of portions of lots of record.

Lot, Minimum Area Of: The area of a lot is computed exclusive of any portion of any right-of-way existing or planned for any public street.

Lot, Corner: A lot abutting two or more streets which intersect at an angle of 135 degrees or less.

Lot, Depth: The mean horizontal distance between the right-of-way line of the street and the rear lot line.

Lot Frontage at Street Right-of-Way: The distance between the side lot lines of a lot at the street right-of-way line of the lot. See “Street” and “Street Right-of-Way Line.”

Lot Lines: The lines defining the limits of a lot.

Lot of Record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of this County; or a parcel of land, the deed to which was of record on or prior to actual date of this Ordinance.

Lot, Width: The horizontal distance measured between the side lot lines along the building setback line.

Non-Conforming Use: The use of any building, structure, or land which lawfully existed on the effective date of this Ordinance which does not conform to the Use Regulations of the district in which it is located.

Residence, Principle: The building on a lot used for a dwelling.

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

Sign: Any object or lettering or symbol thereon which attracts or is intended to attract attention for identification, directional, or advertising purposes.

Single-Family Unit: Same as “Dwelling Unit.”

Street: A dedicated and constructed through public road or public roadway within the Village corporate limits.

Street Right-of-Way Line: the line between a lot, tract, or parcel of land and a contiguous dedicated and constructed public street. Where the lot, tract, or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of the land used for street purposes.

Structures: Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including signs and billboards.

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

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided accessories, ornaments and furniture may be permitted in any yard; subject to height limitations and requirements limiting obstruction of visibility.

1. Yard, Front: A yard extending between side lot lines across the front of a lot and from front lot line to the front of the principle building.
2. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principle building.
3. Yards, Side: The yards extending from the principle building to the side lot lines on both sides of the principle building between the lines establishing the front and rear yards.

Zone: Synonymous with “District.”

Zoning Permit: A document issued by the Village authorizing the use of lots, the use of land and the use of structures, and the characteristics of the use. Same as Zoning Certificate.

Zoning Ordinance: The complete zoning text that contains the specific regulations for both private and public uses within each use district of the Village, and the Zoning Districts Map that indicates graphically the location and extent of district or zone boundaries.