



# VILLAGE OF CHAUNCEY ZONING CODE



Athens County, Ohio  
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# Article 1 - General Provisions

## Section 1.01 Title

The title of this Ordinance shall be "Zoning Code for Village of Chauncey, Ohio" and it shall be cited in all proceedings as "Zoning Code". The adopted map indicating the use zones shall be the "Zoning Map." An area that is zoned shall be referred to as "Zoning District."

## Section 1.02 Authority and Purpose

This Zoning Code is enacted pursuant to the authority vested in this Village of Chauncey, Ohio. The intent of this Zoning Code is to govern and regulate use of land within the Village to the broadest extent permitted by law while at the same time recognizing and protecting the rights of individuals to use their land as they deem best. The Zoning Code is enacted for the purpose of promoting the public health, safety, morals and general welfare of the residents of the Village of Chauncey, Ohio; to encourage the economic development of the Village, to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts; to facilitate the provision of public utilities and public services; to lessen congestion on public streets, roads, and highways; to provide for the administration and enforcement of the Zoning Code, the Ohio Revised Code, or common law rulings; and to prescribe penalties for violations of the zoning code.

## Section 1.03 Relationship to Other Legislation and Applicability

This Zoning Code is intended to be comprehensive legislation with respect to the use of land within the Village. Any prior ordinance inconsistent herewith are repealed to the extent of their inconsistency, remaining in full force and effect where such prior ordinance is consistent with the provisions of these regulations. To the extent any provision of this Zoning Code conflicts with a provision of any other Village ordinance or other law with respect to the use of land within the Village, the more restricted provision shall apply. The Village reserves the right at any time to alter, amend or add to these regulations. This Zoning Code shall not be deemed to repeal the code or ordinances of the Village, or any ordinances, resolutions or rules of the Village governing or regulating water, sanitary sewers, streets or storm sewers as are presently in effect.

## Section 1.04 Construction of this Document

The section of paragraph headings contained herein are added for convenience only. This Zoning Code shall be construed in accordance with the laws of the State of Ohio. The following rules shall be applied in the construction and application of this Zoning Code:

1. Compliance with the Constitution of the United States and with the State of Ohio was intended;
2. Compliance with state statutes insofar as they are mandatory was intended;
3. The titles of all sections of this Zoning Code are intended for identification only and in the event of a conflict between the title and the text of a section, the text shall control;

4. The word “shall” is mandatory; the word “may” is permissive;
5. In the event a word or phrase is not defined in this Zoning Code the word or phrase shall be presumed to be used in its ordinary dictionary definition;
6. In the event of a conflict between a general provision and a specific provision, the specific provision shall control;
7. Words used in the singular shall include the plural and words used in the plural shall include the singular.
8. Words used in the present shall include the future; and
9. The conjunction “and” means all connected items shall apply; the conjunction “or” means any of the connected items may apply singly or in combination; the phrase “either or” means that the connected items shall apply singly, but not in combination.

## Section 1.05 Severability

If any provision or section of this Zoning Code is declared invalid, unenforceable or unconstitutional by a court of competent jurisdiction with respect to the application of that provision or section to a parcel of land or an owner of that land, the invalidity, unenforceability or unconstitutionality shall not be deemed to affect the validity, enforceability or constitutionality of that provision or section as to any other parcel of land or any other owner of land. If any provision or section of this Zoning Code is declared invalid, unenforceable or unconstitutional, per se, by a court of competent jurisdiction, the declaration shall not affect any other provision or section of this Zoning Code or the Zoning Code as a whole. The balance of this Zoning Code shall remain in full force and effect and the provision or section declared invalid, unenforceable or unconstitutional shall be deemed to have never been enacted.

## Section 1.06 Applicability

This Zoning Code applies to all land and to every structure lying within the corporate limits of the Village of Chauncey, Ohio as those limits now exist or may hereinafter be extended by annexation except land owned by this Village. Land owned by the United States of America, the State of Ohio, Athens County, Dover Township, Athens City School District or any other political subdivision or any department or agency of any of them shall be subject to this chapter except to the extent expressly exempted by law.

## Section 1.07 Establishment of Districts

For determining the regulations of land and structures as imposed by this Zoning Code, the Zoning District is hereby divided into the following use zones:

- OS Open Space
- LLR Large Lot Rural – Very Low Density, includes Agriculture
- R-1 Residential (Single Family) Low Density Residential District
- R-2 Residential (One, Two, & Three Family) Medium Density Residential District
- R-3 Residential (Apartments, Multi-family) High Density Residential District
- B-1 Business District - Neighborhood Business District



- B-2 Business District - General Business District.

The use and area regulations shall be uniform in each zone. A use allowed in a more restricted zone is also allowed in any less restricted zone. The above list is ranked in order from most restrictive to least restrictive.

## Section 1.08 Exclusionary Nature of Zoning Code

This Zoning Code shall be deemed to be exclusionary in nature and any use of land not specifically allowed by this Code in a district or in any district shall be deemed to be a use which shall be excluded from the district or all districts.

## Section 1.09 Interpretation of Zoning Boundaries

Where uncertainty exists with respect to the boundaries of any of the aforesaid districts as shown on the official zoning districts map, the following rules shall apply; Boundaries as indicated on the official Zoning Map as approximately;

1. following the center lines of streets, highways, or alleys shall be construed to follow the center lines.
2. following platted lot lines shall be construed as following the lot lines.
3. following the corporation boundary line shall be construed as following the corporation boundary line.
4. following railroad tracks shall be construed to be midway between the main tracks.
5. following the center line of streams, rivers or other bodies of water shall be construed to follow the center lines.
6. parallel to or extensions of features indicated in divisions (A) through (E) above shall be so construed. Distances not specifically indicated on the official zoning districts map shall be determined using a scale shown on the map.

## Section 1.10 Establishment of the Zoning Map

The location of each of the zoning districts provided for in this Zoning Code are shown upon the official Zoning Map which is incorporated by reference and made a part of this Zoning Code. The official Zoning Map is identified by a certificate signed by the Mayor, Fiscal Officer and Village Administrator in the following form:

*THIS IS THE OFFICIAL ZONING DISTRICT MAP OF THE VILLAGE OF CHAUNCEY, ATHENS COUNTY, OHIO DULY ADOPTED BY THE COUNCIL OF THE VILLAGE IN ORDINANCE 2023-11 .*

## Section 1.11 Procedures for Administration

There is established the Office of Code Inspector to enforce the Zoning Code in accordance with the administrative provisions of the Zoning Code. No permit or license shall be issued by the Village Code Inspector for any use, building or purpose in conflict with the provisions of the Chauncey Zoning Code or any other village regulations, ordinances, or resolutions. Any permit or license, issued in conflict with this provision, shall be null and void.

The position of Village Code Inspector shall become a new, dedicated position. The Village Administrator shall act as Code Inspector in the absence of the Village Code Inspector. Compensation for the Village Code Inspector shall be set forth by Council by separate ordinance.

## Article 2 – Residential Districts

### Section 2.01 General Purpose of Residential Districts

Residential districts are established to provide a variety of residential uses and dwelling units. There are three residential districts; R1, R2, and R3. Each is intended to provide a different density of dwelling units from the others. Residential uses are intended to be separated from business uses so as to minimize potential conflicts that can occur between these different use types.

### Section 2.02 “R1” Residence District

#### Subsection 2.02(a) Specific Purpose (R1)

The R1 District provides for low density residential development with a minimum of non-residential intrusion. It allows only single family residential dwellings and accessory uses as specified in Section 6.01 and the Use Table in Table 1 Appendix 2.

#### Subsection 2.02(b) Principal Permitted Uses (R1)

1. Single Family Dwellings. One single family dwelling per lot of record is permitted. This includes modular homes meeting all the same applicable siting and construction requirements as a site-built home and considered real estate by the Athens County Auditor.
2. Any R1 District Principal Permitted Use (PP) as set forth in Table 1.

### Subsection 2.02(c) Permitted Accessory Uses (R1)

1. Any R1 District Permitted Accessory Use (PA) as set forth in Table 1 and Section 6.04, Accessory Uses.

### Subsection 2.02 (d) Conditionally Permitted Uses (R1)

1. Any R1 District Conditionally Permitted Use (CU) as set forth in Table 1.

### Subsection 2.02(e) Non-permitted Uses (R1)

1. Non-permitted uses are any uses not specifically permitted by this Code, including any uses that may be noxious or offensive by reason of the emission of odor, dust, smoke, gas, noise, or uses inconsistent to the character of the neighborhood are prohibited as set forth in Section 6.02 and Table 1.

### Subsection 2.02(f) Yard and Area Regulations (R1)

1. Front Yard
  - a. There shall be a setback of not less than fifteen (15) feet from the edge of the public right-of-way to the front line of the building and not less than ten (10) feet to the front line of a one story porch or any projection thereof excluding steps and open terraces.
  - b. For corner lots, the side of the primary structure's principal ingress and egress shall conform to the front setback requirement, and
  - c. For corner lots, the side of the primary structures secondary ingress and egress shall conform to the side setback requirement.
  - d. No vehicle shall be parked within the right-of-way and parking shall only be permitted on a driveway or in a parking area, accessed by a driveway, that meets the dimension requirements of section 6.12.
  - e. Area reserved for parking of vehicles shall occupy no more than 50% of total front yard.
2. Rear Yard
  - a. There shall be a rear yard having a depth of the larger of not less than ten percent (10%) of the depth of the lot or twenty (20) feet measured from the centerline of an alley or from the edge of the lot on which the primary residential structure sits. Setback regulations in Table 2, Section 6.13, Lot Area, Coverage, and Setback Regulations, hereinafter Table 2, apply.
3. Side Yard
  - a. There shall be a side yard on each side of a building of not less than eight (8) feet in width, provided however; that on a lot having a width of less than forty (40) feet, as shown by the last conveyance of record at the time of the passage of this Ordinance, there shall be a side yard on each side of a building of not less than ten percent (10%) of the width of the lot or in no case less than five (5) feet in width.

## Section 2.03 “R2” Residence District

### Subsection 2.03(a) Purpose (R2)

The R2 District provides for medium density residential development with a minimum of non-residential intrusion. The intent is to keep dwelling size on a house-size scale rather than an apartment complex scale. It allows two family and three family residential dwellings (duplexes and triplexes) and accessory uses as specified in Table 1.

### Subsection 2.03(b) Principal Permitted Uses (R2)

The R2 principal permitted uses shall be the same as those for R1, Subsection 2.02 (b), with the following additional principal permitted uses:

1. Any R2 District Principal Permitted Use (PP) as set forth in Table 1 of this Code.
2. Single Family Dwellings. This includes modular homes meeting all the same applicable siting and construction requirements as a site-built home and considered real estate by the Athens County Auditor.
3. Duplexes. This includes modular homes meeting all the same applicable siting and construction requirements as a site-built home and considered real estate by the Athens County Auditor.
4. Triplexes. This includes modular homes meeting all the same applicable siting and construction requirements as a site-built home and considered real estate by the Athens County Auditor.

### Subsection 2.03(c) Permitted Accessory Uses (R2)

Same as R1, Subsection 2.02(c) and additionally

1. Any R2 District Permitted Accessory Use (PA) as set forth in Table 1 of this Code.

### Subsection 2.03(d) Conditionally-permitted Uses (R2)

Same as R1, Subsection 2.02(d) and additionally

1. Any R2 District Conditionally Permitted Use (CU) as set forth in Table 1 of this Code.

### Subsection 2.03(e) Non-permitted Uses (R2)

Same as R1, Subsection 2.02(e).

### Subsection 2.03(f) Yard and Area Regulation (R2)

Same as R1, Subsection 2.02(f) plus the following: Two (2) parking spaces of a minimum dimension of 8' x 18' each must be provided per dwelling unit. A duplex requires four (4) parking spaces and a triplex requires six (6) parking spaces.

## Section 2.04 “R3” Residence District

### Subsection 2.04 (a) Purpose (R3)

The R3 District provides for high density residential development with a minimum of non-residential intrusion. It allows more than three family residential dwellings (apartments) and accessory uses as specified in Table 1.

### Subsection 2.04(b) Principal Permitted Uses (R3)

Same as R1, Subsection 2.02(b) and additionally:

1. Any R3 District Principal Permitted Use (PP) as set forth in Table 1 of this Code.
2. Multi-unit residential dwellings of more than three units each.

### Subsection 2.04(c) Permitted Accessory Uses (R3)

Same as R1, Subsection 2.02(c) and additionally:

1. Any R3 District Principal Accessory Use (PA) as set forth in Table 1 of this Code.

### Subsection 2.04(d) Conditionally Permitted Uses (R3)

Same as R1, Subsection 2.03(d) and additionally:

1. Any R3 District Conditionally Permitted Use (CU) as set forth in Table 1 of this Code.

### Subsection 2.04(e) Non-permitted Uses (R3)

Same as R1, Subsection 2.02(e).

### Subsection 2.04(f) Yard and Area Regulations (R3)

Same as R1, Subsection 2.02(f) plus the following: Two (2) parking spaces of a minimum dimension of 8' x 18' each must be provided per dwelling unit.

## Article 3 - Business Districts

### Section 3.01 General Purpose

Business districts are established to provide land conducive to operating a variety of businesses. There are two business districts, B1 and B2. The B1 District is named the Neighborhood Business District because it is intended to be more compatible with the residential and other non-business districts. The B2 District is named the General Business District because its uses are permitted to be larger and cover a wider variety of business uses, some of which are less compatible with residential and other nonbusiness districts.

## Section 3.02 “B1” Neighborhood Business District

### Subsection 3.02(a) Specific Purpose (B1)

The B1 Neighborhood Business District is established to provide land for professional offices and small, individual retail and service establishments which serve the daily needs of the people in residential areas and of the general public. Since such establishments are located in close proximity to the residential areas, the area requirements are more restrictive than those in the B2 General Business District. Other more intensive business uses such as processing, manufacturing, and assembly operations may be permitted in the B1 District as conditional uses.

### Subsection 3.02(b) Principal Permitted Uses (B1)

1. Any B1 District Principal Permitted Use (PP) as set forth in Table 1 of this Code.

### Subsection 3.02(c) Permitted Accessory Uses (B1)

1. Any B1 District Permitted Accessory Use (PA) as set forth in Table 1 of this Code.

### Subsection 3.02(d) Conditionally Permitted Uses (B1)

1. Any B1 District Conditionally Permitted Use (CU) as set forth in Table 1 of this Code.

### Subsection 3.02(e) Additional Regulations (B1)

1. Unless the property owner demonstrates clearly that a landscaped screening or obscuring fence is not needed to protect other properties in any way, or with the written agreement of the adjoining neighbors on a form to be provided by the Village Code Inspector, a six (6) foot high landscaped screening or obscuring fence approved by the Village Code Inspector along all sides of the property, except the front, which abuts a residential district, shall be required. The neighbor agreement is not binding on new neighbors who have the right to require full compliance with this Code. This landscaped screening or fence shall be constructed no closer than 0-5 feet to the property line (see Table 2) along the sides of property.
2. No loudspeakers shall be located outside of any building nor shall they be permitted to be used inside any building in such a manner that they are designed or intended to broadcast outside of the building.
3. One parking space, measuring 8 feet by 18 feet, per 200 square feet of gross floor area, shall be provided.
4. A planting strip at least three (3) feet in width shall be maintained adjacent to and parallel with the public street, except for a driveway access with a maximum pavement width of twenty (20) feet.

### Subsection 3.02(f) Non-permitted Uses (B1)

1. As set forth in 6.02 and Table 1 of this code

## Section 3.03 “B2” General Business District Subsection

### 3.03(a) Specific Purpose (B2)

The B2 General Business District is established to provide land for general business purposes including retail sales, offices, service and repair of goods and materials, light manufacturing, and raw material and parts assembling and manufacturing. The B2 General Business District is intended to be separated from residential and other nonbusiness uses whenever possible.

### Subsection 3.03(b) Principal Permitted Uses (B2)

1. Any B2 District Principal Permitted Use (PP) as set forth in Table 1 of this Code.
2. All B1 District Principal Permitted Uses.

### Subsection 3.03(c) Permitted Accessory Uses (B2)

1. Any B2 District Permitted Accessory Use (PA) as set forth in Table 1 of this Code.

### Subsection 3.03(d) Conditionally Permitted Uses (B2)

1. Any B2 District Conditionally Permitted Use (CU) as set forth in Table 1 of this Code.

### Subsection 3.03(e) Additional Regulations (B2)

1. Unless the property owner demonstrates clearly that a landscaped screening or obscuring fence is not needed to protect other properties in any way, a six (6) foot high landscaped screening or obscuring fence approved by the Village Code Inspector along all sides of the property, except the front, which abuts a residential district shall be required. This landscaped screening or fence shall be constructed no closer than 0-5 feet to the property line along the sides of property.
2. Raw materials, finished products, work in process, machinery or equipment may not be stored outside of an enclosed structure except in the side or rear yards. No storage shall be allowed on the areas required by Table 2 as rear and side setback/yard area. Any such materials must be hidden by an appropriate obscuring fence so that they are not visible from adjacent properties or the public street upon which the building is located. The area of outside storage shall not exceed 25% of the building area.
3. Night operation- No building customarily used for night operations, such as a bakery or bottling and distribution station shall have an opening, other than stationary windows or required fire exits, within one hundred (100) feet of any Residential Zone, nor shall any space used for loading or unloading commercial vehicles used in connection with such an operation be located within one hundred (100) feet of any Residential Zone.
4. Enclosed buildings- All business, services or processing shall be conducted wholly within a completely enclosed building, except for the sale of automobile fuel, lubricants, and fluids at service stations; loading and unloading operations; parking; and the outdoor display or storage of vehicles, materials and equipment to allow for recreation, entertainment, dining, and seasonal or community events.

5. No commercial building shall be constructed closer than forty (40) feet to any existing residence, or such further distance as shall protect the character of any adjacent Residential-Zoned District.
6. One parking space per 200 square feet of floor area used for public use shall be provided.
7. A planting strip at least three (3) feet in width shall be maintained adjacent to and parallel with the public street, except for a driveway access with a maximum pavement width of twenty (20) feet.
8. In addition to the planting strip in subsection 3.02(e)(4), above, for every four hundred (400) square feet of parking area, at least one shade tree shall be planted in a permeable space of at least one hundred (100) square feet containing a minimum linear dimension of five (5) feet.
9. Vehicular encroachment. Landscaped areas abutting parking spaces must be protected from vehicular encroachment by wheel stops, curbing or other means to prevent vehicles from damaging trees or other landscaping. Vehicles shall not encroach on landscaped areas.

#### Subsection 3.03(f) Non-permitted Uses (B2)

1. As set forth in Section 6.02 and Table 1 of this code

## Article 4 – “LLR” Large Lot Rural District

### Section 4.01 Specific Purpose (LLR)

The LLR District is intended to accomplish several purposes. Chauncey residential and business districts are surrounded by and abut large tracts of undeveloped lands that possess natural resources and open space values to Chauncey. On these lands are agricultural uses, very low density housing, forests, fields, and streams. The LLR District is intended to preserve the very low density aspect of these areas. It allows uses that are designed to preserve large tracts of open space and agricultural lands.

### Section 4.02 Principal Permitted Uses (LLR)

1. Any LLR District Principal Permitted Use (PP) as set forth in Table 1 of this Code.

### Section 4.03 Permitted Accessory Uses (LLR)

1. Any LLR District Permitted Accessory Use (PA) as set forth in Table 1 of this Code.

### Section 4.04 Conditionally Permitted Uses (LLR)

1. Any LLR District Conditionally Permitted Use (CU) as set forth in Table 1 of this Code.



## Section 4.05 Non-permitted Uses (LLR)

1. As set forth in Section 6.02 and Table 1 of this code

## Section 4.06 Yard and Area Regulations (LLR)

See Table 2, Lot Area, Coverage, and Setback Regulations, Section 6.13.

## Section 4.07 Additional Regulations (LLR)

1. All yards and structures used to house or keep small or large farm animals shall be maintained in a sanitary condition and in good repair to prevent the breeding of flies and the emission of deleterious and offensive odors.
2. Only one principal use shall be permitted on a lot, and such lot shall not be covered more than 20% by any structures.
3. New buildings to be used for other than agriculture purposes, including dwelling units beyond single family dwellings, shall be required to be rezoned to the appropriate classification and comply with the requirements of this Code.

# Article 5 – “OS” Open Space Districts

## Section 5.01 Specific Purpose (OS)

Open Space Districts are intended to be areas set aside from development for a variety of reasons including resource protection, scenic, cultural, recreational, and historic. They include such uses as parks, cemeteries, bike paths, native Indian mounds, and land laboratories. Open space land shall not be occupied by non-recreational buildings, roads, or road rights-of-way except as otherwise permitted. Land designated as open space shall be maintained as open space and may not be sold, subdivided, or developed except as otherwise provided. Open space areas shall be maintained so that their uses and enjoyment as open spaces are not diminished or destroyed.

## Section 5.02 Principal Permitted Uses (OS)

1. Any OS District Principal Permitted Use (PP) as set forth in Table 1 of this Code.
2. Agriculture including raising of crops, horticulture, floriculture, and viticulture.
3. Natural areas including woodlands, fields, waterways, floodplains, and wetlands.
4. Community garden plots for cultivation as gardens by residents of Chauncey.
5. Recreational areas designed for specific, active recreational uses such as playgrounds, tennis courts, swimming pools, ball fields, golf courses, and similar uses.
6. Greenways including bicycle paths, footpaths, and bridle paths.

## Section 5.03 Permitted Accessory Uses (OS)

1. Any OS District Permitted Accessory Use (PA) as set forth in Section 6.01 of this Code.
2. Accessory buildings clearly related to the principal use which do not include any activity conducted as a business except agriculture conducted on lots greater than one acre and not in a platted subdivision.

## Section 5.04 Conditionally Permitted Uses (OS)

1. Any OS District Conditionally Permitted Use (CU) as set forth in Table 1 of this Code.
2. Community Center.
3. Cemetery.

## Section 5.05 Non-permitted Uses (OS)

Any use not previously listed as a principal use or conditional use.

## Section 5.06 Yard and Area Regulations (OS)

Same as R1, Subsection 2.02(f) Yard and Area Regulations and requirements for R1 Districts in Table 2

# Article 6 – General District Regulations

## Section 6.01 District Use Table (see Appendix 2, Table 1)

As set forth in this Zoning Code, each District has uses that are either the Principal Permitted Use (PP), Permitted Accessory Use (PA), or Conditional Use (CU). Table 1 in Appendix 2 shows uses that fit into these categories in the various districts.

## Section 6.02 Prohibited Uses

1. Any use not specifically listed as either a Principal, Accessory, or Conditional Use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Code and/or the Zoning Map,, or upon a finding by the Board of Zoning Appeals that a use is substantially similar to a specified permitted or conditional use, as provided for in Section 6.03, Similar Uses.
2. No commercial vehicles with a gross weight greater than 14,000 pounds may be parked on a residential lot (R1) except for the purpose of making a delivery or pickup. Commercial vehicles, including trucks with two (2) or more axles with or without a trailer, buses, or large delivery vans are not permitted. Trailers over 14,000 pounds used for commercial purposes shall fall under this same prohibition.
3. Concerts (as defined in ORC 2917.40), gambling and landfills are determined to be inconsistent with the proper use of land within a Large Lot Rural (LLR) District.

4. All exterior property areas and premises shall be maintained in a clean, safe and sanitary condition free from any accumulation of rubbish or garbage including broken trash bags, loose garbage, overflowing containers or an accumulation of excessive waste in a trash storage area. No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates or debases the appearance of the neighborhood, adversely alters the appearance and general character of the neighborhood, creates a fire, safety, or health hazard, or is a public nuisance.
5. Notwithstanding any other provision of this Code the following uses are determined to be inconsistent with the proper use of land within the Zoning District, except for the B2 District, and only then when all necessary federal, state and local permits have been obtained prior to commencement of operations.
  - a. Asphalt manufacture
  - b. Brick or tile manufacture
  - c. Cement, plaster, or mortar manufacture
  - d. Creosote manufacture
  - e. Commercial fat rendering or production of animal or vegetable products by boiling or distillation, except for cottage foods per ORC code 3715.023
  - f. Garbage plants or incinerators
  - g. Gas and Oil wells, Hydraulic Fracturing and related activities
  - h. Junk (see Appendix 1 Definitions)
  - i. Junk or unlicensed motor vehicle stored outside any building or structure
  - j. Junk or Scrap Yard
  - k. Manufacture of fertilizer
  - l. Manufacture or storage of explosives including fireworks or matches
  - m. Paper, pulp, cardboard, building board manufacture
  - n. Pesticide manufacture
  - o. Petroleum refineries
  - p. Roofing material manufacture
  - q. Rubber manufacture or reclamation
  - r. Commercial scale slaughterhouses as defined by the State of Ohio
  - s. Solid waste, hazardous waste or radioactive waste disposal facilities
  - t. Commercial scale stockyards as defined by the State of Ohio
  - u. Waste Disposal plants or incinerators

## Section 6.03 Similar Uses

Within each District established by this Zoning Code and amendments thereto, uses of land or structures, which are compatible with each other, are permitted in the District. To the extent that new types of uses are created and are not addressed by this Zoning Code, this

Section provides the procedure by which the Board of Zoning Appeals may make a determination that a new use is similar to a use permitted in a district.

1. Determination. A proposed use may be permitted as a similar use when the Board of Zoning Appeals determines that such proposed use is in compliance with the following provisions:
  - a. The proposed use is not listed as a permitted use in any other district;
  - b. The proposed use conforms to and is consistent with the purpose statement of the proposed district more appropriately than in any other district;
  - c. The proposed use is of the same general character as the permitted uses in the district to which it is proposed or is similar to a specific use permitted in that district.
2. Assignment to Districts. If the Board of Zoning Appeals approves the proposed similar use, then the similar use shall be added to those that allow the principal or conditional use that is most similar, as identified in the Board of Zoning Appeals determination.

## Section 6.04 Accessory Uses

Except as otherwise expressly provided or limited in this Code, accessory uses are permitted in any district in connection with any principal use lawfully existing within such district provided such uses conform to all applicable requirements of this Code. In residential districts, this shall include activities which are in the nature of a hobby or recreation and not carried on with the intent to make a profit for the land occupant.

Accessory uses shall also include:

1. Off-street loading and parking facilities and the storage of goods used, produced, or offered for sale which shall be accessory uses in any business district only and subject to all regulations of the district where located.
2. Garage or other casual sales of personal property shall be considered an accessory use so long as they are limited to two times a year and for no longer than three days each time.
3. The storage of licensed motor vehicles or the parking of a trailer, recreational vehicle, bus or boat owned by residents shall be stored no closer to the street than the minimum front yard setback requirements of the district. Storage of any such items for non-residents of the premises whether or not a fee is charged, shall not be deemed an accessory use.
4. The keeping of dogs (family, hunting), cats, or other domesticated pets, but shall not allow the keeping of exotic or dangerous animals such as, but not limited to, lions,

tigers, bears, leopards, panthers, cougars, bobcats, wolves, foxes, apes, gorillas, crocodiles, or alligators.

5. Landscape structures, swing sets, jungle gyms, dumpsters and trash handling areas. Dumpsters and trash handling areas shall not be permitted in the front yard, exception for temporary dumpsters being used for construction or demolition purposes.
6. Satellite television reception equipment, electricity producing windmills or amateur radio antennae provided that such equipment shall be located in the side or rear yard of the residential use and meet the height requirements of Subsection 6.04(h).
7. In a Large Lot Rural District, the sale of fruits or vegetables grown on the premises where sold.

### Subsection 6.04(a) Accessory Buildings

1. An accessory building is a structure that is not the principal structure or building on the lot. An accessory building which is physically attached to the principal building shall be deemed a part thereof for all purposes of this Code. Accessory buildings and structures that meet the following requirements shall be permitted in all districts and, except as provided in this Section, shall not require issuance of a zoning certificate prior to placement or construction on the property. For the purposes of this Section, if the accessory structure is 200 sq. ft. or larger, a zoning certificate is required. Any storage building less than 200 sq. ft in area, not permanently attached to the ground, is not considered a structure and shall not require a Zoning Certificate, however, only one (1) such storage building may be placed on a lot without a zoning certificate. Any additional buildings shall be considered accessory structures as defined by this code and subject to the provisions of this section.
2. The following conditions shall also apply to all Accessory Buildings and/or Structures;
  - a. A garage or shed which is physically attached to the principal building shall be deemed a part thereof, and not an accessory, for all purposes of this Code.
  - b. The maximum height of an accessory detached garage shall not exceed the height of the primary structure.
  - c. The maximum height of any other accessory building shall not exceed the height of the primary structure.
3. Skid mounted accessory buildings with a bottom surface area less than 200 square feet shall be considered as permitted accessory structures.
4. Accessory buildings shall be located behind the main structure and shall not be permitted within any required minimum front yard in any zone except a storage building equal to or less than fifty (50) square feet in area, not permanently attached to the ground may be located not less than three (3) feet from any side and/or rear property lines.

5. A Conditional Use Permit is required for any portable or temporary carport in residential districts.
6. Accessory buildings are permitted in Large Lot Rural (LLR) Districts provided that they are clearly related to the principal use and do not include any activity conducted as a business except agriculture conducted on lots greater than one acre and not in a platted subdivision.
7. Prohibited Accessory Structures
  - a. Semi-tractor trailers used for storage (with or without wheels) are prohibited accessory structures in all districts.

### Subsection 6.04(b) Mobile Homes

Mobile homes are only permitted in licensed mobile home parks in R3 Districts. A manufactured home on a permanent foundation and considered real estate by the Athens County Auditor will be considered a dwelling for the purposes of this Code and is a permitted use in any district. Refer to Ordinance 2005-09-06 To Regulate The Placement And Use Of Manufactured Homes Within The Village of Chauncey.

### Subsection 6.04(c) Private Swimming Pools

A single, outdoor, in-ground, swimming pool of 650 gallons or more per dwelling unit is permitted as an accessory use to a residential structure provided that such swimming pool is for the private use of the residents of the dwelling unit or for their guests and provided that the pool does not occupy more than ten (10) percent of the lot area. Said pool shall be enclosed by a wall or fence with access provided from a controlled point which shall serve to exclude unauthorized persons from entrance into the pool area. The fence or wall:

1. Shall be no less than four (4) feet in height above ground and water level,
2. Shall have no more than two (2) inches of bottom clearance,
3. Shall be securely gated at a height no less than the height of the fence or wall, and
4. Shall have no greater than a four (4) inch space between vertical panels.

Additionally,

1. No pool shall violate any setback requirements as established for a permanent structure or building as set forth in Table 2 of this Code.
2. An above-ground swimming pool of 650 gallons or more shall be equipped with a gated deck fence and/or a ladder which is capable of being secured in the UP position or removed when not in use.

## Subsection 6.04(d) Trailer, Trailer Coach, or Mobile Home

No trailer, trailer coach or mobile home shall be used outside of a permitted trailer park or camp to provide living quarters or space for the conduct of business, except that a trailer, trailer coach, or mobile home may be used as a temporary accessory building during the construction of a principal building on the issuance of a zoning certificate by the Village Code Inspector. Recreational vehicles inhabited on a temporary basis shall not exceed consecutive or accumulated use beyond 45 days per calendar year.

## Subsection 6.04(e) Fences, Walls, Terraces, Stoops, and Hedges

1. Fences, Walls, and Hedges. No fence, wall or hedge four (4) feet or greater in height shall be erected without the issuance of a Certificate of Zoning Compliance and permit fees have been paid. Applications for such permit shall include plans and drawings showing the actual and accurate shape and dimensions of the property upon which the fence, wall or hedge is to be erected; the exact height, location, length, type of material and type of construction of such proposed fence or wall; the location of the buildings on the lot; or any such other information as deemed necessary for such permit.
2. Fencing, walls or hedges that are specifically designed and used for decorative and/or landscaping purposes may be located in front and/or to the side of the principal structure, provided such decorative and/or landscaping fences, walls or hedges shall not exceed forty eight (48) inches in height and shall not intrude on the road right of way.
3. Fencing, walls or hedges that are specifically designed and used for decorative and/or landscaping purposes may be located in the rear of the principal structure, provided such decorative and/or landscaping fences, walls or hedges shall not exceed ninety six (96) inches in height and shall be located within the landowner's property.
4. No fence, wall or hedge or other landscaping plantings or materials shall be located within any drainage easement, or apparent drainage course for any parcel or subdivision which would be detrimental to the public health safety and welfare.
5. No fence, wall, or hedge or other landscape plantings or materials shall be located in any public right of way. No fence, wall or hedge or other landscape plantings or materials shall be located so as to adversely affect the vision of drivers on the public streets or from driveways intersecting public streets. In addition, no fence, wall, hedge, plantings or landscape plantings or materials shall visibly obscure, hide, or screen fire hydrants, street address numbering, or other security or emergency service equipment, controls or components.
6. The height of a fence, wall, or hedge shall be measured from the established grade line to the highest point of the fence posts and finials. Any light fixture placed on a pier or post may not exceed a height of one (1) foot above the fence, wall, or hedge. The height may not be artificially increased by the use of mounding unless otherwise required by the zoning district regulations.

7. All fences and walls shall be structurally sound, safe, and properly finished at all times. Fences shall be designed, constructed, and finished so the supporting members thereof shall face the property of the owner of the fence. Ground areas between fences and property lines and between fences shall be kept properly maintained at all times.
8. Open fences, partially open fences, and hedges are permitted in any yard, or along the edge of any yard. Solid fences shall be permitted in the side and rear yards only.
9. Fences, walls or other landscaping equipped with or having barbed wire, spikes, sharp points or any similar device or an electrical charge sufficient to cause shock is prohibited, except for the Large Lot Rural District which must follow the minimum front yard setback. In addition, chicken wire, poultry wire or hex netting fence consisting of a galvanized or PVC coated material shall be prohibited. This section shall not be construed or applied to prohibit underground invisible fences installed for the purpose of confining pets to property.
10. Unless specifically noted, the provisions of this Code shall not apply to fences, terraces or walls less than two (2) feet in height above the average natural grade, nor to terraces, steps, or unroofed stoops not over three feet high above the level of the floor of the ground story. However, no fence or wall, regardless of height, shall extend beyond the building front setback line in accordance with this Zoning Code.

#### Subsection 6.04(f) Home Occupation

1. Home occupation is an accessory use of a person's residential property for a legitimate business, profession, trade, service or vocation, whether or not for profit, carried on within the main residence or an enclosed building.
2. The occupation is clearly incidental and secondary to the use of the property for residential occupancy and there shall be no substantial indication of the non- residential use of the premises which is visible or apparent as viewed from off the premises. There shall be no change in the outside appearance of the building or premises.
3. A home occupation shall be restricted to a lawfully built, fully enclosed structure and shall not be conducted in a manner as to give the outward appearance of a business.
4. A home occupation shall not create a public or private nuisance, including, but not limited to, noise, vibration, glare, fumes, odors, smoke, fire hazard, electrical, electronic, or electromagnetic interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment and/or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
5. A home occupation shall be limited to the provision of services and shall not include on-site sales.



6. Parking of customer's or client's vehicles shall not create a hazard or excessive congestion.
7. Outside storage or display of materials, equipment, or merchandise used in or produced in connection with the home occupation is prohibited.
8. Non-Resident Persons Engaged in Home Occupation.
  - a. Not more than one non-resident person engaged in the home occupation shall work at the subject property. Additional persons may be employed by or associated with the home occupation so long as they do not report to work or pick up/deliver at the subject property.
  - b. The subject property shall not be used as a gathering place for non-resident persons who work off-site from the home occupation.
9. No commercial vehicles, having dual axles, designed for the transportation of cargo, including tractor-trailers, shall be used for the delivery of materials to or from the premises in conjunction with the conduct of a home occupation.
10. No traffic shall be generated by such Home Occupation in greater volumes than would normally be expected in a residential neighborhood.
11. The storage, sale, or abandonment of waste paper, rags, scrap metal, discarded materials, construction debris, or the collecting, dismantling, storage, salvaging or abandonment of machinery, appliances, scrap metal or vehicles is specifically prohibited as a home occupation.
12. The following uses are examples of permitted home occupations provided they do not violate any provisions of this Ordinance:
  - a. Artistic endeavors including painting, sculpting, writing or composing;
  - b. Computer programming, data processing, software design, web site design or word processing;
  - c. Direct sale of consumer products or service;
  - d. Dressmaking, sewing, or tailoring;
  - e. Family Day Care, Type B;
  - f. Home cooking, baking, food preparation, exclusive of a catering service;
  - g. Home crafts such as rug weaving, lapidary work, or ceramics with kiln up to six cubic feet in size maximum;
  - h. Home office; and
  - i. Tutoring, including music instruction shall be limited to a maximum of two persons receiving instruction at any one time.

## Subsection 6.04 (g) Roof Mounted Solar Panels

Roof-mounted solar panels are a permitted accessory structure in all zoning districts, subject to the following requirements.

1. All solar panel installations shall comply with all applicable local and state building, electrical, plumbing, and NFPA codes and shall be maintained in good working order.
2. All roof mounted solar panels shall not extend higher than the peak of a sloped roof or higher than five (5) feet from the top of a flat roof. Requirements of the State of Ohio Fire Code must be adhered to regarding placement of panels and disconnects.

## Subsection 6.04 (h) Wind Turbines and Anemometers

One (1) wind turbine or wind turbine farm generator or anemometer or any parts thereof are permitted.

1. In the event of collapse all portions of the structure must be confined to the property.
2. There must be a minimum height from the bottom of the blade to the ground level of twelve (12) feet.
3. The principle structure, not including the blades, must not exceed thirty five (35) feet in height and the noise generated by the wind turbine may not exceed twenty (20) db as measured at the property line. In all zoning districts, anemometers used in conjunction with small weather stations are acceptable.

## Subsection 6.04(i) Signs Permitted

1. Residential Signs
  - a) In R1 districts, one sign of no more than two (2) square feet identifying the resident's name or house number.
  - b) In R1 districts, one sign of no more than two (2) square feet for a home occupation.
  - c) Commercial signs are hereby determined to be a non-residential use of land and no commercial signs except as expressly hereinafter permitted in this section shall be allowed in the R1, R2, or R3 Residential Districts.
  - d) One temporary sign per parcel advertising the sale, rental or lease of real estate provided the signs are located on the premises that are the subject of the sale, rental or lease, unlighted and no larger than four (4) square feet.
  - e) Free standing signs are not allowed in R1 and R2 Districts.
  - f) Illuminated signs are not allowed in R1, R2, or R3 Districts.
  - g) Signs identifying a group home or apartment building in an R3 District and of no more than thirty two (32) square feet.

- h) Condominium signs of no more than thirty two (32) square feet.
  - i) Signs identifying a complex or subdivision which does not exceed more than thirty two (32) square feet.
  - k) Garage, basement, porch or other casual sale signs of no more than four square feet and provided that no more than two (2) such sales are held per twelve (12) month period and the signs are present for no more than seven (7) days each time.
  - l) Construction project identification signs denoting the owner or developer, the architect, engineer or contractor and information concerning the project located on the premises where the construction is taking place and no larger than sixteen (16) square feet.
  - m) One (1) name place, name sign or bulletin board at the entrance to an institution, which shall not exceed twelve (12) square feet in area and six (6) feet in height.
  - n) One (1) temporary sign, not to exceed twelve (12) square feet in area regarding the lease, hire or sale of a building or premises.
2. Business Signs. In any Business District, each establishment shall be allowed the following signs:
- a) One wall sign, per wall which has frontage on a public or private street, with a maximum areas of forty (40) sq. ft. for each one thousand (1,000) sq. ft. of floor area open to the public, but in no event larger than three hundred (300) sq. ft.
  - b) In lieu of one wall sign stated in division (a) above, one projecting sign with a maximum area of twenty (20) sq. ft. per side for each one thousand (1,000) sq. ft. of area open to the public but in no event larger than one hundred fifty (150) sq. ft. per side.
  - c) In lieu of a wall sign or projecting sign, one pole or pylon sign with a maximum area of forty (40) sq. ft. per side for each one thousand (1,000) sq. ft. of floor area open to the public.
  - d) No pole sign shall be higher than twenty (20) feet from the ground.
  - e) No pole or pylon sign shall be located closer than twenty (20) feet to any adjoining property line or closer than ten (10) feet to the public right-of-way.
  - f) No sign shall be allowed to overhang a public street nor be located within six (6) feet horizontally or twelve (12) feet vertically of any electrical lines or appurtenance.
  - g) Special Event Signs: A temporary free-standing or window advertising sign announcing a special public or institutional event may be located upon the premises on which the event is to take place. Such sign may be used to advertise a grand opening, a seasonal event, or a community event. Such a sign shall not exceed thirty-two (32) square feet in area per side, and shall not be permitted to be displayed for more than thirty (30) days prior to the planned event, nor more than seven (7) days after said event. Such signs must include identification (name and address) of the person charged with the duty of removing said sign. Not more than two (two) such signs shall be allowed to be displayed on any one (1) lot or parcel of land at any time.
  - h) Sidewalk Signs: Free-standing temporary sandwich-board or A-frame signs advertising special offers may be placed on a sidewalk in front of a business

establishment. Provided that no such sign shall be located or placed in any roadway right-of-way or ingress/egress easement. Such signs shall be allowed only during the hours when a business establishment is open to the public, and shall be stored inside or removed from the site at all other times.

i) Vehicular signs: permanent or temporary free-standing directional signs, pavement markings, or other signs designed and intended only for the purpose of assisting, directing, or controlling vehicular or pedestrian traffic on the private property on which they are located are permitted, provided that such signs shall not exceed two (2) square feet of areas per side, Pavement marking required by public safety or regulations are exempt from this regulation.

j) All illuminated signs for commercial purposes, including digital signs displaying gasoline prices, shall be turned off between 11:00 P.M. and sunrise, EXCEPT that signs may be illuminated while the business facility is open to the public. All forms of exposed neon, flashing, rotating, moving, or digital lights (except for those specifically approved for displaying gas prices) shall be prohibited.

### Subsection 6.04(j) Non-domestic, Small Animals

The raising and keeping of non-domestic, small animals (chickens, ducks, and rabbits) and their associated structures on a non-commercial basis in a residential district is an appropriate conditional use provided that the raising and keeping of non-domestic, small animals is conducted in a way so as to not adversely affect the safety and general welfare of the citizens of the Zoning District. These regulations do not apply to LLR (farm) zoning districts.

1. A Conditional Use Permit shall be applied for and granted in advance of the housing of non-domestic, small animals.
2. The number of non-domestic small animals allowed shall be no more than the equivalent of twenty (20) animals per acre or, in the case of subdivision lots, no more than ten (10) animals total.
3. Roosters are expressly forbidden.
4. Chickens, ducks and rabbits may be slaughtered and butchered onsite only inside an accessory structure or otherwise out of public view. All waste must be bagged and disposed of with household trash to prevent nuisance and health hazards.
5. No animal shall be permitted to roam outside the coop or enclosed area.
6. Free Ranging is prohibited.
7. Odors shall not be perceptible at the lot line.
8. Noise shall not be perceptible at lot lines to the extent that it results in a public nuisance.

9. The pen or cage and enclosed area shall be maintained in a neat and sanitary condition with no noxious odors, unsanitary conditions, or other nuisances.
10. Feed shall be stored and dispensed in rodent-proof and predator-proof containers.
11. All stored manure shall be placed within a fully enclosed container.
12. Animals shall be kept for non-commercial purposes only, however the incidental sale of eggs is permitted.

### Subsection 6.04(k) Kennels

Dog Kennels are conditionally permitted (CU) in Large Lot Rural (LLR) Districts provided that no kennel shall be located closer than 300 feet from any adjoining property line, that such kennel complies with and is operated in compliance with all applicable law, and that no more than one dog per acre of property on which the kennel is located shall be kept in the kennel. No more than a maximum of six (6) dogs may be kept in any kennel and only one kennel shall be permitted on any parcel.

## Section 6.05 Recreational Vehicles

1. Recreational vehicles inhabited on a temporary basis shall not exceed consecutive or accumulated use beyond 45 days per calendar year.
2. Storage of Recreational Vehicles:
  - a. A maximum of two recreational vehicles may be stored outside of a building on any lot containing a dwelling unit. Such vehicles must be owned or leased by the property owner or property tenant.
  - b. All vehicles shall have current license plates, if required by law.
  - c. No recreational vehicle shall be parked or stored on any privately owned vacant property in a residential district.

## Section 6.06 Government Property Exemptions

The administrative authority of all governmental units (including city, township, county, state, and federal units) must make a reasonable attempt to ensure that their buildings and grounds conform to the regulations of the Zoning Code. When such authorities find they cannot conform to these regulations, they shall inform the Village Code Inspector, in writing, outlining the nature of and reasons for such non-conformance.

## Section 6.07 Nuisance

### Subsection 6.07(a) Grass & Weeds

Upon finding by the Village Code Inspector that noxious and/or invasive weeds, vines, or grasses are growing in excess of twelve (12) inches in height or are about to spread or mature seeds, the Village Code Inspector shall cause written or verbal notice to be served on the owner, lessee, agent, occupant, tenant or other person, firm, corporation or entity capable of holding title and having charge of such land, notifying them that said noxious and/or invasive weeds, vines or grasses are growing on such lands that they must be cut, destroyed or properly removed from the premises within five (5) days after the service of such notice. Provision of this subsection shall not apply to the Large Lot Rural District.

### Subsection 6.07(b) Trees & Shrubbery

Upon finding by the Village Code Inspector that trees, limbs, plants or shrubbery are obstructing the view of vehicular traffic on public streets, alleys or grounds, are obstructing pedestrian travel on public sidewalks, are obstructing light from a public street lamp, are so dead, decayed or broken as to pose a threat to life or property or where trees or limbs have already fallen and are causing a public nuisance, a written notice shall be served on the owner, lessee, agent, occupant, tenant or other person, firm, corporation or entity capable of holding title having charge of the land. The notice shall state that the trees, plants or shrubbery shall be cut, trimmed, pruned and removed within fifteen (15) days after service of the notice.

### Subsection 6.07(c) Litter & Rubbish

Upon finding by the Village Code Inspector that garbage, refuse, rubbish, special rubbish, litter, trees, branches, or shrubbery have been placed on lands within the Village in excess of seven (7) days constituting a detriment to public health, a written notice shall be served on the owner, lessee, agent, occupant, tenant or other person, firm, corporation or entity capable of holding title having charge of the littered land. The notice shall state that the garbage, refuse, rubbish, special rubbish, litter, trees, branches or shrubbery shall be collected and removed within fifteen (15) days after service of the notice.

### Subsection 6.07(d) Motor Vehicles

No person, firm or corporation shall keep, store, place or allow to remain any unlicensed motor vehicles or motor vehicles in an inoperative condition on any parcels of land within the corporate limits of the Village of Chauncey. The provisions shall not apply to an unlicensed motor vehicle, a motor vehicle in an inoperative condition, a motor vehicle unfit for further use, an automobile and/or automobile parts which are kept within an enclosed building. An exception is made for up to 2 project vehicles as long as they stored in a designated parking area on the property. In the event of a violation of this Section, the Village Code Inspector shall cause notice to be given to the owner of the lots and lands, occupant or person having charge of the premises upon which the violation occurs, to cease such violation within ten (15) days of such notice.

### Subsection 6.07(e) Littering in Public Ways

No person shall place or dispose of in any manner any garbage, waste, or peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, oil, or anything else of an unsightly or unsanitary nature along or near or on any public road, street, parkway, park drive, highway, ditch, or any land adjoining any public road of highway or ditch, unless directed to do so by public officials on special clean up days. The notice shall state that the litter be removed within fifteen (15) days after service of the notice.

### Subsection 6.07(f) Exterior Maintenance of Property & Premise Conditions

Upon finding by the Village Code Inspector that an exterior property area which deteriorates or debases the appearance of the neighborhood, adversely alters the appearance and general character of the neighborhood, creates a fire, safety or health hazard or is a public nuisance and is placed on lands within the Village in excess of seven (7) days, includes, but is not limited to:

1. Broken or dilapidated fences, walls or other structures in disrepair
2. Inoperable appliances
3. Tires on or off a wheel or rim
4. Springs, bed frames, or upholstered furniture intended for interior use

A written notice shall be served on the owner, lessee, agent, occupant, tenant or other person, firm, corporation or entity capable of holding title having charge of the land. The notice shall state that the violation be removed within fifteen (15) days after service of the notice.

## Section 6.08 Rental Property Registration

It is the purpose of this Section to protect the public health, safety and welfare of the citizens of the Village of Chauncey to provide for the notification of owners of residential, commercial or industrial rental property, to protect an owner's investment in and value of real property, to identify and provide contact information for property owners and their agents, and to provide for the timely notification to owners and their agents of violation of measures, rules, regulations, ordinances and codes for the exterior premise condition of property and other minimum standards related to the occupancy of rental dwelling units, commercial and industrial business spaces, and their premises.

A certificate of registration requires an owner of rental property to register the property with the Village Code Inspector prior to occupancy by completing an application. If the rental property is owned by a corporation or business entity other than an individual or sole proprietor, the information must also include the name of an officer, partner, manager, trustee, or associate with whom contact may be made or to whom correspondence may be directed. A post office box will not be accepted as a physical address but should be listed if mailings are to be sent there instead of the physical address. An annual fee of \$50 is due by January 1 of each year, for each dwelling unit listed in the application. Failure to pay the fee shall result in a penalty of \$100.

## Section 6.09 Construction Period

1. Construction of a new building, repair, alteration or addition to an existing building shall commence within one (1) year from the date of issuance of the Zoning Certificate. Failure to start construction within this one-year period shall void the Zoning Certificate.
2. Construction of a new building, repair, alteration, or addition to an existing building shall be completed within two (2) years from the date of issuance of the Zoning Certificate after which a new Zoning Certificate must be obtained, provided, however, that any project or building originally contemplated to be constructed in phases or over a period exceeding two (2) years, may be completed in phases or during a period of time corresponding to a timetable on file with the Village Code Inspector.
3. Temporary buildings: A temporary building or buildings shall be removed upon the completion or abandonment of the construction work to build a permanent structure. Under no circumstance shall a temporary building remain erected for over one (1) year from the start of construction on the residential dwelling.

## Section 6.10 Lighting

All exterior lighting in any District shall be shielded so as not to shine directly, to be a nuisance, onto adjoining property.

## Section 6.11 Encroaching Doors

Every garage or portion of a main building used for garage purposes shall be equipped so that the doors when open or being opened will not project beyond any lot line of the lot on which such building is located and when said doors open to any alley the doors will not project into the alley traffic lane.

## Section 6.12 Parking Space Requirements and Dimensions

For the purpose of this Zoning Code, the following parking space requirements shall apply:

1. Each off-street parking space shall measure eight (8) feet in width by eighteen (18) feet in length.
2. Parking spaces for the physically handicapped shall measure twelve (12) feet in width by eighteen (18) feet in length. For every 25 spaces, there must be at least one (1) handicapped accessible space, labeled and signed as such.
3. No vehicle shall be parked within the right-of-way.
4. Driveways leaving the right-of-way and entering property shall be no more than twenty (20) feet in width.



5. Area reserved for parking of vehicles shall occupy no more than 25% of total front yard area.
6. All dimensions shall be exclusive of driveways, aisles and other circulation areas.

## Section 6.13 Number of Buildings Restriction

There shall be not more than one (1) principal dwelling structure and two (2) accessory structures on any Residential District lot. Multi-family dwellings in R2 Districts shall be limited to not more than one Multi-family dwelling and two (2) accessory structures per lot. R3 Districts may have more than one dwelling structure but cannot exceed the maximum lot coverage requirements in Table 2.

## Section 6.14 Dimension Requirements-Setback, Yard, and Lot-size

1. All buildings shall be situated on a parcel of property which meets the minimum building setback lines, frontage, and size requirements imposed within the zoning district wherein the property is located as set forth in Table 1.
2. The lot frontage of any lot shall be measured along the edge of the street or roadway.
  - a. For corner lots, the side of the primary structure's principal ingress and egress shall conform to the front setback requirement, and
  - b. For corner lots, the side of the primary structures secondary ingress and egress shall conform to the side setback requirement.
3. Multi-family dwellings shall be considered as one building for the purpose of determining front, side, and rear setback requirements. The entire group as a unit shall require one front, one rear, and two side yards as specified for principal buildings in the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as if it were on an individual lot.
4. In computing the depth of a rear yard or open court for any building where such yard or court opens onto an alley, the setback, as measured from the centerline of the alley, will be the greater of twenty (20) feet from the centerline of the alley or fifteen (15) feet from the edge of the public right-of-way.

## Section 6.15 Lot Area, Coverage, and Setback Regulations

Land coverage by principal and accessory buildings or structures on each lot shall not be greater than is permitted in the zone where such principal and accessory buildings are located. Setback regulations are applicable to all principal and accessory uses with the exception of parking for one vehicle which can begin at the edge of the right-of-way. Appendix 3b, Table 2, shows lot area, coverage, and setback requirements for the use districts.

## Section 6.16 Frontage on Public Streets

Each principal building shall front on a public street. Alleys, even if public, are not considered public streets.

## Section 6.17 Through Lots

Where a single lot under individual ownership extends from a public street to a public street, the side which has the principal egress will be deemed the property front.

## Section 6.18 Traffic Visibility, Corner Lots

In any Residential Zone on any corner lot, no fence, structure or planting shall be erected or maintained within twenty (20) feet of the corner (the point of intersection of the street lot lines), so as to interfere with traffic visibility across the corner.

## Section 6.19 Application of Regulations

Except as hereinafter otherwise provided:

1. No building or structure of any type shall be erected and no existing building shall be moved, altered, added to or enlarged, nor shall any land or building be designed, used or intended to be used for any purpose or in any manner other than as specified among the uses permitted in the zone district in which such building or land is located.
2. No building shall be erected, no existing building be altered, enlarged or rebuilt, nor shall any open space surrounding any building be encroached upon or reduced in any manner, except in conformity to the yard, lot area, and building location regulations permitted for the zone in which such building or open space is located.
3. No yard or other open space provided around any building for the purpose of complying with the provisions of the Zoning Code shall be considered as providing a yard or open space for any other building, and no yard or other open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

## Section 6.20 Existing Lots of Record in Residential Zones

A single-family structure may be constructed on any lot in any residential district if the lot is less than the minimum area required for building lots in the residential district in which it is located; provided the following conditions exist or are met:

1. No structure shall be erected on any nonconforming lot if adjacent to the lot in question there exists vacant land in the same ownership which would create a conforming lot if said vacant land were combined with the lot deficient in area.

2. Side Yard: No structure shall be constructed on a lot containing less than the required area unless the owner can demonstrate that the structure will have a minimum side yard of ten percent of the lot width but in no case less than five (5) feet on interior lots and eight (8) feet on the side yard adjacent to any street.
3. Front/Rear Yards: No structure shall be built on any lot of less than the required area unless the minimum front and rear yards for lots in the residential zone where said lot is located are maintained.
4. Regardless of lot size, off-street parking shall be provided in accordance with the provisions set forth herewith in Section 6.11 Parking Space Requirements and Dimensions of this Code.

## Section 6.21 Types of Lots

Figure 2, Section 6.21 shall be used as a reference for this code.

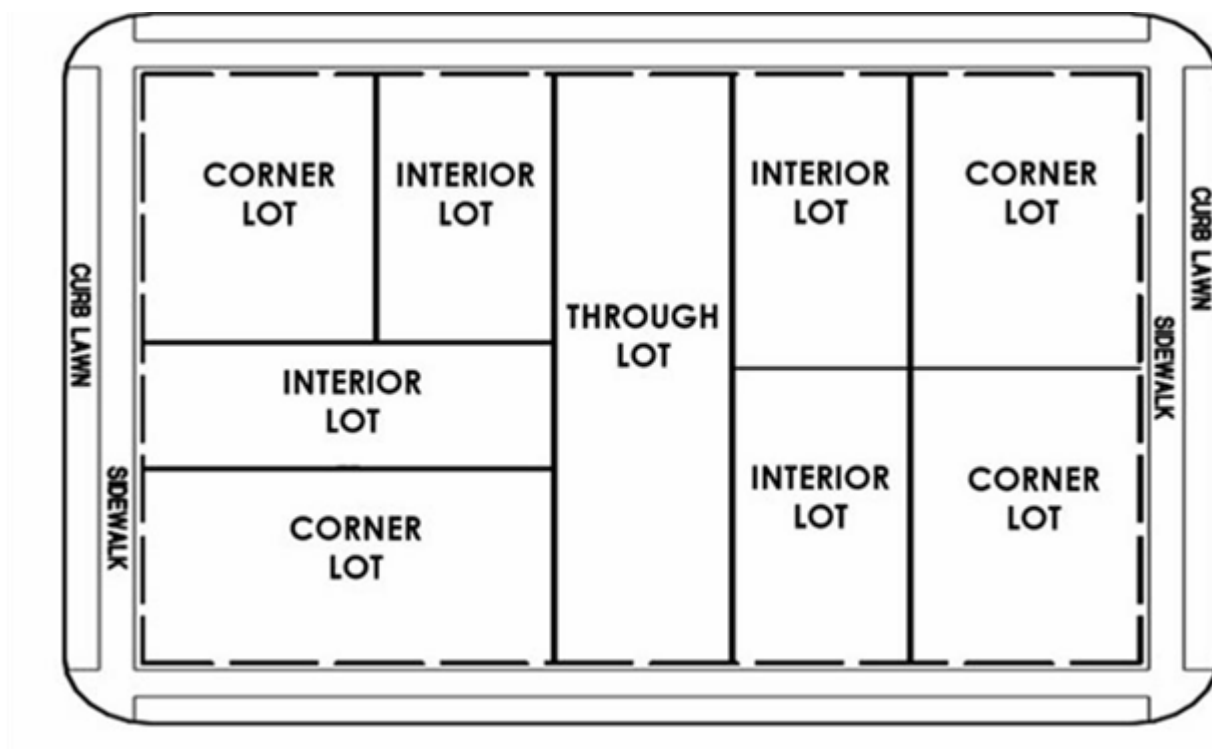


Figure 2 Lot Types

## Article 7 - Non-conforming Uses and Buildings

Any nonconforming use that legally exists at the time of the adoption of this code or any amendment thereto may be continued except as otherwise specified within this Section.

1. A nonconforming use may not be changed except to a more conforming use, and once changed to a more conforming use it may not thereafter be changed to a less conforming use.
2. Any non-conforming use that is discontinued for six (6) months or more shall be deemed to be expired and any further use shall be in conformity with the requirements of the zoning district.
3. In the event that any building or structure with a nonconforming use is damaged, destroyed or falls into disrepair to the extent of more than 50 percent of the county auditor's appraised value, exclusive of the foundation, it shall not be reoccupied for any use unless it conforms to all regulations of the Zoning Code.
4. In the event that any building or structure with a nonconforming use is damaged, destroyed or falls into disrepair to the extent of 50 percent or less of the county auditor's appraised value, exclusive of foundation, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of the zoning code and the following conditions:
  - a. A zoning permit pertaining to such restoration shall be applied for and issued within one (1) year of such destruction. The rebuilding shall be completed within one (1) year thereafter. An extension of time may be granted by the Village Code Inspector.
  - b. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.
  - c. On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-load bearing walls, fixtures, wiring, or plumbing, provided that the volume of the structure that existed when it became nonconforming shall not be increased.
  - d. Any newly created lot size requirement shall not apply to a lot which was separately owned or to a numbered lot in a subdivision which was duly recorded prior to the effective date of the resolution establishing such requirement, except that if such lot is contiguous to another lot or lots owned by the same person, and such person wishes to make a change that will increase the nonconformity, enough lots owned by the same person shall be merged and re-subdivided so as to conform to the requirements of the zoning district.
  - e. A non-conforming use may not be changed to any other non-conforming use. A nonconforming use, once changed to a conforming use, may not be changed back to a non-conforming use.

# Article 8 – Board of Zoning Appeals

## Section 8.01 Establishment

The Board of Zoning Appeals for the Village is hereby created. The BZA shall consist of five members who are electors of the Village appointed by the mayor, subject to confirmation by the Village Council for staggered terms of three years. Each member shall serve until their successor is appointed and qualified. If for any reason a member of the Board of Zoning Appeals becomes unable to fulfill their duties before the expiration of their term, the Mayor shall fill any such vacancy for the unexpired term.

## Section 8.02 Removal

Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other cause, by Council, upon written charges having been filed with Council and served upon the member so charged at least ten days prior to the hearing, either personally or by registered mail, or by leaving the same at this usual place of residence. After a public hearing has been held regarding such charges the member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by the mayor and shall be for the unexpired term.

## Section 8.03 Organization

1. The Board of Zoning Appeals shall organize, elect a Chairman, and adopt rules in accordance with the provisions of this Zoning Code. Meetings of the Board of Zoning Appeals shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in their absence, the Acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public.
2. The Board shall appoint the Chauncey Fiscal Officer as their Clerk who shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of Council and shall be a public record.
3. Three members of the Board shall constitute a quorum. The Board shall act by resolution, and the concurring vote of three members of the Board shall be necessary to reverse an order or determination of the Zoning Administrator, Planning Commission, or other administrative official or to decide in favor of any applicant in any matter over which the Board has original jurisdiction under this Zoning Code or to grant any variance from the requirements stipulated in this Zoning Code.

## Section 8.04 Powers of the BZA

The BZA may exercise only those powers expressly and specifically granted to it by the village council in accordance with the Ohio Revised Code. It has no authority to take any action with respect to any village or other public right-of-way. The Board of Zoning Appeals shall have the power to a) Hear and decide appeals, including Zoning Certificate appeals, filed as hereinbefore

provided, for relief from an alleged hardship or where it is alleged by the appellant that there is error in any order, requirement, decision, grant or refusal made by the Zoning Administrator, Planning Commission, or other administrative official in the interpretation of the provisions of this Zoning Code. Those who may appeal to the BZA for relief as set forth in this section shall include any applicant seeking relief under this zoning code from a decision of the Zoning Administrator, or any property owner of land adjacent to property granted some relief under this zoning code by the Zoning Administrator, or any property owner directly or substantially affected or damaged by a decision of the Zoning Administrator, or the Mayor, may file an appeal. b) Hear and decide all applications for a Conditional Use Permit as set forth in [Article 10](#) of this code. c) Hear and decide all applications for Variance as set forth in [Article 11](#) of this code.

The Applications within this code for an Administrative Appeal, Conditional Use Permit or Variance shall be fully completed as set forth prior to any considerations being taken by the BZA.

## Section 8.05 Hearings and Notification

1. The BZA shall fix a reasonable time for the hearing of an appeal or request for variance. Notice of the time and place of hearings shall be mailed, by first class mail, ten (10) days prior to the hearing, to the property owners within one hundred (100) feet of the property for which the appeal or variance has been requested. The notice shall be sent to the property owner listed on the current tax roll, list, or duplicate of the County and the address of the property if the address is a tax service. The notice of the hearing shall also be published in a paper of general circulation in the Village seven (7) days prior to the hearing. At this hearing, the party may appear in person or through legal counsel.
2. The hearings of the Board shall be public. However, the Board may go into executive session for discussion but not for vote on any case before it.
3. Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper. In the case of an adjourned hearing, persons previously notified, and persons already heard need not be notified of the time of resumption of such hearing unless the Board so decides.

## Section 8.06 Decisions of the BZA

The BZA shall decide all applications and appeals within 30 days after the final hearing thereon. Upon approval of the minutes of the final hearing, a written copy of its decision shall be transmitted to and be binding upon both the applicant and the Zoning Administrator and shall be incorporated in the permit, whenever a permit is authorized by the BZA.

## Section 8.07 Payment of Fees (Administrative Appeal)

Village Council has established a fee of One Hundred Dollars (\$100.00) that is to be deposited with each application to the BZA for an Administrative Appeal. See Appendix 2c for Fee Schedule.

## Section 8.08 Appeal to the Court

Those aggrieved by the finding of the Board of Zoning Appeals and subsequent action may appeal such decision to the Athens County Court of Common Pleas, as provided in [R. C. § 2506.01](#). Such appeal petition shall be presented to the court within 30 days after the day upon which written notification of the BZA's decision is transmitted to the applicant or appellant.

## Article 9 – Zoning Certificate

### Section 9.01 Purpose

A Zoning Certificate ensures that property improvements are consistent with the Village's Zoning Code to promote the health, safety, morals, comfort or general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements.

### Section 9.02 Zoning Certificate Required

It shall be unlawful for an owner to use or to permit the use of any structure, building or land or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate has been issued by the Village Code Inspector.

Unless exempted by this Code, a zoning certificate shall be required before:

1. Construction or structural alteration of any building or structure, including accessory buildings.
2. Occupying or using land or a building, or changing the use of land or of a building, in whole or in part, for a different use;
3. Changing a nonconforming use to a different use. No permit for excavation, construction or reconstruction shall be issued by the Zoning Administrator unless the plans, specifications and the intended use conform to the provisions of this chapter. A zoning certificate issued for the construction of a new building or the alteration of an existing building shall be void unless construction be commenced within one (1) year after date of issuance and unless construction be completed within two (2) years after date of issuance.

### Section 9.03 Procedure for Zoning Certificate

The Village Code Inspector shall act upon all applications on which they are authorized to act by the provisions of this Zoning Code within thirty (30) days after these are filed in full compliance with all the applicable requirements as specified in this code. They shall either issue a Zoning Certificate within the ten (10) days or shall notify the applicant in writing of their refusal of such permit and the reasons therefore. Failure to notify the applicant in case of such refusal within the ten (10) days shall entitle the applicant to submit their request to the Board of Zoning Appeals. Two copies of an application provided by the Village for a Zoning Certificate shall be signed by the

owner of the land or structure for which the certificate is sought, or by their agent, attesting to the truth and exactness of all information supplied in the application.

The application shall also contain the following additional information as applicable:

1. Plans in duplicate drawn to scale showing the actual dimensions and shape of the lot to be built upon; the exact dimensions and locations of existing buildings on the lot, if any, and the location and dimension of the proposed building and/or alteration.
2. Such other information as may be requested by the Village Code Inspector to determine conformity with this Zoning Code and to provide for the enforcement thereof.

## Section 9.04 Payment of Fees

See Appendix 2c for fee schedule.

## Section 9.05 Appeal to the BZA

Those aggrieved by the finding of the Zoning Administrator and subsequent action of the village may appeal such decision to the Chauncey Board of Zoning Appeals (BZA), as provided in Section 8.04. Such appeal petition shall be presented to the Zoning Administrator within 30 days after the day upon which written notification of the Zoning Administrator's decision is mailed to the applicant or appellant.

## Section 9.06 Penalty

Failure to obtain a Zoning Certificate shall be a violation of this Zoning Code and punishable under Section 13.04.

# Article 10 – Conditional Use Permit

## Section 10.01 Explanation and Purpose

A Conditional Use is a use permitted, but only if special conditions are imposed upon that use to make that use less severe, unpleasant or harmful to neighboring properties.

Conditional uses are uses of land specifically permitted within a zoning district but only with the approval of the Board of Zoning Appeals, following a review of the use and its potential impact on its surroundings and a review of additional conditions which may mitigate those impacts.

The intent of the procedure for authorizing a conditional use is to set forth the development standards and criteria for locating and developing a conditional use in accordance with the nature of the surrounding area, conditions of development and with regard to appropriate plans. These uses are generally consistent with the purpose of the zoning district in which they are located but, due to unique operational characteristics, may not be desirable or compatible in all locations within the district. This article establishes the procedure for Conditional Use Permits and the general



standards that must be met for all conditional uses. The Board of Zoning Appeals (BZA) may authorize those permitted conditional uses listed in the various zoning districts within the Zoning Code, Table 1, including additional, more specific conditions, as prescribed.

## Section 10.02 Procedure for Conditional Use Permit

1. Authorization. Specifically listed conditional uses are provided within the zoning district regulations in recognition that such uses, although often desirable, will more intensely affect the surrounding area in which they are located than the principal permitted uses of such zoning district.
2. Application for Conditional Use. Any person owning or having an interest in property may file an application to use such property for one or more of the conditional uses listed in Table 1. An application for conditional use permit shall be filed with the Village Code Inspector who shall review each with the applicant before transmitting the same to the BZA for further action. The applicant, or their agent, shall file a conditional use application on forms provided by the Village Code Inspector. The completed application form shall also be accompanied by two copies of a map and sketch plan showing:
  - a. The boundaries and dimensions of the lot.
  - b. The size and location of existing and proposed improvements, including, but not limited to, buildings, structures, facilities, signs, lighting, accessways, walks, off-street parking spaces, loading berths and landscaping.
  - c. The proposed use of all parts of the lot and improvements.
  - d. The relationship of the conditional use requested to the standards set by this Zoning Code.
3. Standards for Conditional Use. The BZA shall not grant a conditional use unless it can, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusions 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 will 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 necessary facilities have been or are being provided;
  - e. Adequate measures have been or will be taken to provide ingress and egress so designed 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 this Zoning Code and applicable to such conditional use will be met.
4. Additional Conditions. In granting a conditional use the BZA may impose additional conditions upon the premises benefited by the conditional use as may be necessary to comply with the standards set forth in subsection (3), Standards for Conditional Use,

hereof, to reduce or minimize potential injurious effects of such conditional use upon neighboring properties, and to carry out the general purpose and intent of this Zoning Code.

5. Decision on Conditional Use. The concurring vote of at least three (3) members of the BZA in attendance at the public hearing shall be necessary to grant a conditional use.
  - a. In cases where the board concurs with the written recommendations and findings of the Village Code Inspector, recommendations and findings shall constitute the written decision of the BZA.
  - b. In cases where the BZA's decision differs from the written recommendation and findings of the Village Code Inspector, the BZA shall draft, approve, and record written recommendations and findings based on its decision to the secretary of the board. Such written recommendations and findings shall be read aloud by the president of the board at the same meeting in which they are formally submitted.

## Section 10.03 Public Hearing Procedure

1. When a zoning application is filed, a public meeting will be scheduled so that members of the public have an opportunity to voice opinions concerning the application.
2. Applicant(s) should attend the public hearing and be prepared to answer questions relevant to the application.
3. The BZA may render a decision the same date as the public hearing or may continue the matter for further review.
4. In granting a conditional use, the BZA may impose additional and appropriate conditions, safeguards, and restrictions upon the premises benefited by the conditional use as may be necessary to comply with the Standards for Conditional uses established in Section 11.02(3).
5. A conditional use granted by the BZA shall terminate at the end of one year from the date on which the Board grants the conditional use, unless within such one-year period, a zoning certificate is obtained.

## Section 10.04 Revocation of Conditional Use Permit

Village may revoke a Conditional Use Permit for failure to comply with the conditions of the permit. Upon a finding of failure to comply by the Village Code Inspector, the Village shall notify the holder of the permit either by certified mail, or by direct service by the Village Code Inspector, of its intent to revoke the permit and the holder's right to appeal that decision to the Board of Zoning Appeals. All such requests to appeal the revocation of a conditional use permit shall be made in writing and delivered in person to the Chauncey Village Hall or by certified letter and shall be received by the Village within fifteen (15) days of the holder's receipt of the Village's notice. If a request to appeal is not received within the required time, the Village may revoke the permit without a hearing. The authority to revoke a permit is in addition to any other means of zoning enforcement provided in this Zoning Code.

## Section 10.05 Payment of Fees

Each application for conditional use shall be accompanied by a fee of fifty (\$50) dollars. See Appendix 2c for Fee Schedule.

## Section 10.06 Appeal to the Court

Those aggrieved by the finding of the Board of Zoning Appeals and subsequent action may appeal such decision to the Athens County Court of Common Pleas, as provided in §2506.01 ORC. Such appeal petition shall be presented to the Court within 30 days after the day upon which written notification of the 's decision is mailed to the applicant or appellant.

# Article 11 – Variances

## Section 11.01 Purpose

The purpose of a variance is to provide limited relief from the requirements of this Zoning Code in those cases where strict application of a particular requirement will create a practical difficulty or unnecessary hardship prohibiting the use of land in a manner otherwise allowed under this Code. It is not intended that variances be granted merely to remove inconveniences or financial burdens that the requirements of this Code may impose on property owners in general. Variances are intended to address extraordinary, exceptional, or unique situations that were not caused by the applicant's act or omission. An extraordinary condition or situation is one that does not ordinarily exist elsewhere in the Zoning District.

## Section 11.02 Procedure for Variance

An application for a variance may be made by any person aggrieved, including a tenant. Such application shall be filed with the Village Code Inspector, on a special form provided by the Village, who shall transmit the same to the Board of Zoning Appeals. The Board of Zoning Appeals will consider the matter at one of its regular meetings or a special meeting called concerning the variance request.

## Section 11.03 Conditions for Variance

Variances from the regulations of this Code shall not be granted unless the Planning Commission makes specific findings of fact, based directly on the evidence presented to it, which support conclusions that the standards and conditions imposed in this Zoning Code, if applicable, have been met by the applicant:

1. Practical difficulty because of undue hardship—Because of exceptional or extraordinary conditions pertaining to a specific piece of property, as stated below, a literal enforcement of these regulations will result in practical difficulty or undue hardship that is unnecessary to the achievement of public purposes, such as a lot that;

- a. Is exceptionally narrow
  - b. Is exceptionally shallow
  - c. Is exceptionally unusual in shape
  - d. Has exceptional topographical conditions, or
  - e. Is located immediately adjacent to a property that has an extraordinary condition or situation that makes it impossible or extremely impracticable to accomplish the project for which the variance is being sought.
2. Exceptional circumstances—There are exceptional or extraordinary circumstances or conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties or classes or uses in the same zone.
  3. Preservation of equal property rights—Literal interpretation of these regulations would deprive the applicant of rights commonly enjoyed by other properties in the same zone and the same vicinity, while a granting of the requested variance will not confer on the applicant any special privilege that is denied to other properties in the same zone and the same vicinity.
  4. Minimum variance—The variance granted is the minimum variance required to make possible the reasonable use of the property.
  5. Absence of detriment—The authorizing of such variance will not be of substantial detriment to adjacent property and will not materially impair the purpose of the Zoning Code or the public interest.
  6. Not of a general nature—The condition or situation of the specific piece of property, or the intended use of said property, for which variance is sought, one or the other or in combination, is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such condition or situation.

## Section 11.04 Terms of Variance

No order of the Board of Zoning Appeals granting a variance shall be valid for a period longer than 12 months from the date of such order unless the use is commenced within such period. Any variance which results in the construction of a new building, or the repair, alteration or addition to an existing building shall be bound by the construction period as noted in this Code.

## Section 11.05 Payment of Fees

Village has established a fee of one hundred dollars (\$100) that shall be paid upon filing an application for variance for the residential, large lot rural, and open space districts. Village has established a fee of two hundred and fifty dollars (\$250) that shall be paid upon filing an application for variance for the business districts. See Appendix 2c for Fee Schedule.

## Section 11.06 Appeal to the Court

Those aggrieved by the finding of the Board of Zoning Appeals and subsequent action may appeal such decision to the Athens County Court of Common Pleas, as provided in §2506.01 ORC. Such

appeal petition shall be presented to the court within 30 days after the day upon which written notification of the BZA's decision is mailed to the applicant or appellant.

## Article 12 – Amendment

### Section 12.01 Purpose

The regulations imposed, and the districts created under this Zoning Code may be amended from time to time by ordinance duly enacted by the Village Council, after receipt of recommendations thereof from the Planning Commission. No such amendment shall be adopted except in accordance with the procedures specified in this Zoning Code and subject to the procedures provided by law.

### Section 12.02 Procedure

All proposed amendments to this Zoning Code may be initiated in any one of the following manners:

1. By filing an application with the Planning Commission Clerk, on a form provided by the Village and signed by the owner of the land, or their agent, seeking an amendment to the text of this Zoning Code or a change of the use district, which shall be filed by motion of the Planning Commission. A filing fee as set forth in Section 12.06 is to be submitted with each application.
2. By motion of the Village Council directed to the Planning Commission and requesting a recommendation concerning an amendment to the text of this Zoning Code or a change of the use district of any parcel of land within the village.
3. By motion of the Planning Commission directed to Village Council recommending an amendment to the text of this Zoning Code or a change of a use district of any parcel of land.

### Section 12.03 Recommendation by the Planning Commission

After reviewing each application or motion the Planning Commission shall recommend one of the following:

1. Recommend that the rezone or amendment to the text be heard in accordance with Section 12.04 of this code; or
2. Recommend that the rezone or amendment to the text be heard in a form modified by the Commission from the application or motion as originally submitted in accordance with Section 12.04 of this code.; or
3. Recommend that the application for the rezone or amendment to the text be denied.

All recommendations of the Planning Commission shall be concurred by at least three members of the Commission. The failure of the Commission to make a recommendation in the time provided herein shall be deemed to be a recommendation in favor of the amendment or rezone.

All recommendations of the Planning Commission shall, to the extent possible, endeavor to preserve the character of adjacent zoning districts.

All recommendations shall also be forwarded to the applicant, as applicable.

## Section 12.04 Public Hearing and Notice

If the recommendation of the Planning Commission is to proceed with the application or motion, the Commission shall set a time for a public hearing on the proposed rezone or amendment

1. Notice of the public hearing shall be given by the Planning Commission per the following:
  - a) If the proposed rezone or amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicates, written notice of the hearing shall be mailed by the Clerk of Council by first class mail at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment.
  - b) Notices shall include the time and place of the public hearing, a summary of the proposed rezone or amendment and a statement that the opportunity to be heard will be afforded to any person interested.
2. During the thirty (30) days prior to the public hearing, the text of the proposed rezone or amendment, maps or plans, if applicable, shall be on file for public examination in the office of the Clerk of Council or in such other office as is designated by the Village Council.
3. At the conclusion of the public hearing(s), the Planning Commission shall;
  - a) Recommend that the rezone or amendment to the text be adopted by Council.
  - b) Recommend that the rezone or amendment to the text as modified be adopted by Council.
  - c) Recommend that the rezone or amendment to the text be rejected by Council.
4. The Planning Commission may recess such hearings from time to time, and, if the time and place of the continued hearing is publicly announced at the time of the adjournment, no further notice shall be required.

## Section 12.05 Public Hearing and Notice

1. After all provisions of 12.04 have been met, the proposal shall be placed before the Village Council in the form of an amendment to this code.
2. Prior to taking any action on the proposed amendment, the Village Council shall hold a public hearing, for which notice, if applicable, shall be served as set forth in 12.04 at a subsequent regular or special council meeting to permit additional public comment.

3. At the conclusion of the public comment period, the Village Council's action shall either:
  - a) Adopt the recommendation of the Planning Commission;
  - b) Deny the recommendation of the Planning Commission; or,
  - c) Adopt some modification thereof
4. Any amendment which differs in any respect from the recommendation of the Planning Commission may be adopted only by a three-fourths vote of Village Council. Any amendment which is in all respects in accordance with the recommendations of the Planning Commission may be adopted by a majority vote of Council. All amendments shall go into effect in 30 days of adoption unless the legislation adopting the same is declared to be an emergency measure, in which case the amendments shall go into immediate effect.
5. If a proposed rezone or amendment is not adopted by the Village Council within sixty (60) days after the latest recommendation of the Planning Commission is submitted, such proposed rezone or amendment shall be deemed to have been defeated and denied and shall not thereafter be passed without additional proceedings as provided for in this Zoning Code.

## Section 12.06 Public Hearing and Notice

Village Council has established a fee of One Hundred Dollars (\$100.00) that is to be deposited with each application for a Zoning Code Amendment.

## Section 13 – Penalties and Remedies

### Section 13.01 Violation of Zoning Code

1. In the event of any violation of this Chauncey Zoning Code, the Village Code Inspector shall serve notice of violation in accord with this Article and shall take enforcement actions in accordance with this Article. In addition to being a violation of this Zoning Code, any Buildings erected, altered, razed or converted, or uses carried on in violation of any provision of the Chauncey Zoning Code are declared to be a nuisance per se. The Village Code Inspector may request a court of competent jurisdiction to order such nuisance abated. Upon proof by the Village of violation the owner or agent in charge of such building or land shall be adjudged guilty of said violation and therefore of maintaining a nuisance per se, and the Court shall order the violation to be remedied and shall issue an order to abate the said nuisance. These remedies shall be in addition to any fines or penalties assessed per Section 13.04 below, and in addition to any other remedies provided for under Section 13.03 below.
2. Any violation of this Chauncey Zoning Code shall constitute a violation regardless of whether that violation is committed by any person, firm, or entity, including without limitation the following: by the property title owner(s) of record, by the person(s) having the right of possession, by the person(s) in actual possession or occupancy of the

property, by the person(s) who engage in construction or physical activity which actually violates the Zoning Code. In addition, should it not be reasonably practicable to identify the above persons, or if it is not reasonably practicable to serve notices of violation upon them, then the Village may pursue the violation as an in-rem matter against the property itself, and pursue the remedies available as such. In such cases, service of notice by posting the notice at the property itself shall constitute sufficient notice for purposes of this Zoning Code.

3. In addition, any excavator, contractor, or subcontractor excavating or erecting any building or structure in violation of any village ordinances or excavating or erecting any building or structure for which a building permit is required, and for which the owner or lessee causing the building or structure to be erected shall have failed to procure or receive a building permit as required by this Zoning Code shall be subject to a similar penalty, and subject to the similar remedies hereunder, as the owner or lessee of the property who is causing the structure or building to be erected.

## Section 13.02 Violation Notification Procedure

### 1. First notice of violation.

a) The Village Code Inspector shall issue a first notice of violation, by regular U.S. Mail, posting in a prominent place on said premises, or served personally, to the record title owners(s), person(s) having the right of possession, the person(s) having actual possession of the premises, or the person(s) who engage in construction or physical activity, in violation of any section or division of the Chauncey Zoning Code.

b) The first notice of violation shall identify the date of the violation, the property on which the violation is occurring, the nature of the violation, the corrective action to be taken, and the timeframe within which to complete such action. If no timeframe is specified in the notice of violation, then the timeframe for completion shall be not longer than 30 days.

### 2. Second notice of violation.

a) If the enforcing officer determines that the violation of the same section of this code as cited in the first notice of violation, as provided for in division (a), has not been fully remedied within the prescribed time frame provided for in division (a)(2) of this section, or if it reoccurs within 12 months of the first notice, the Village Code Inspector shall send a second notice of violation, by U.S. Certified Mail, Return Receipt Requested posting in a prominent place on said premises, or served personally, to the record title owners(s), person(s) having the right of possession, the person(s) having actual possession of the premises, or the person(s) who engage in construction or physical activity, in violation of any section or division of the Chauncey Zoning Code. If no timeframe is specified in the notice of violation, then the timeframe for completion shall be not longer than 30 days.

b) The second notice of violation shall identify the date of the violation, the property on which the violation is occurring, the nature of the violation, the corrective action to be taken, and the timeframe within which to complete such action.

c) After the expiration of the second notice's timeframe provided for in division (b)(2) of this section, the Chauncey Zoning Code may commence appropriate legal action or refer the matter to the Village Solicitor for appropriate legal action.



3. Continuation of violation.
  - a) If a person has received a first notice of violation of any section of the Chauncey Zoning Code and the person commits another violation of the same section of this code within 12 months of receiving the first notice of violation, the second violation may be considered a continuing violation and an enforcing officer may issue a second notice of violation.
  - b) If a person has received a first and second notice of violation of any single section of the Chauncey Zoning Code and the person commits another violation of the same section of this code within 12 months of receiving second notice of violation, the third and any subsequent violation(s) may be considered a continuing violation and the Village Code Inspector may commence appropriate legal action or refer the matter to the Village Solicitor for appropriate legal action

## Section 13.03 Remedies

1. Remedies
  - a) If any building or land is used, altered, constructed, enlarged, located, erected, reconstructed, changed, renovated, or maintained, or any such action proposed, in violation of the provisions of the Chauncey Zoning Code or any amendment or supplement thereto, the Village Code Inspector, the Mayor, the Village Council, or the Village Solicitor, in addition to other remedies provided by law, are hereby empowered or authorized to institute appropriate legal action or proceedings to prevent, restrain, correct, or abate, or otherwise remedy, such unlawful use, alteration, construction, enlargement, location, erection, reconstruction, change, renovation, or maintenance, and to prevent the occupancy of said building, structure, or land, in violation of this Zoning Code, or to prevent any illegal act, conduct business, or use, in, on, or about such premises.
  - b) Failure to obtain a Zoning Certificate shall be a violation of this Zoning Code and shall be remediable under this section and punishable under 13.04.
  - c) All use, alteration, construction, enlargement, location, erection, reconstruction, change, renovation, or maintenance of property subject to this Zoning Code shall conform to that which is described in the application for Zoning Certificate, and attached plans, permits and certificates. A Zoning Certificate issued on the basis of plans and applications approved by the Village authorize only the arrangement set forth in such approved plans and applications or amendments thereto, and no other arrangement. Any use, alteration, construction, enlargement, location, erection, reconstruction, change, renovation, or maintenance not in compliance with that authorized shall be deemed a violation of this Zoning Code, and remediable under this section and punishable as provided in Section 13.04.
2. Other Action. Nothing herein contained shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violation.
3. Affected Parties. The owner or tenant of any building, structure, premises or part thereof, and any architect, engineer, surveyor, builder, contractor, agent or other person who commits, participates in, assists in or maintains a violation may be found guilty of a

separate offense and suffer the penalties, and be subject to the remedies, herein provided.

4. Failure to Comply. In case any person refuses to comply with an order issued pursuant to the above provisions, in addition to the penalties provided by this Zoning Code, the Village may institute appropriate civil proceedings to enforce compliance with the order. In such civil proceedings the Village shall collect the costs and attorney fees incurred by the Village for enforcement of this Zoning Code. Appropriate action or proceedings shall include, at the election of the Village Council, Mayor, Village Code Inspector or Solicitor, injunctive relief in the form of Temporary Protection Order, Preliminary Injunction, and Permanent Injunction, Declaratory Judgment Action, Action for Damages, Action to Declare and abate a nuisance, and any other relief available as provided by law. In any such action or proceeding the Village shall be awarded and shall collect the litigation costs and attorney fees incurred by the Village in the said actions or proceedings. The work of the Solicitor in those actions or proceedings shall be included in the litigation costs and attorney fees incurred by the Village.

## Section 13.04 Penalty

In addition to, or separate from the remedies or legal action provided for in Section 13.03, or otherwise, the Village Code Inspector may issue a citation. It is not a condition precedent to the issuance of a citation that the Violation Notice procedure of Section 13.02 is performed or completed.

1. Code violation penalties. Whoever violates any provision of this Zoning Code is guilty of the following offenses and shall be subject to the following penalties:
  - a) A first offense shall constitute a minor misdemeanor and shall be fined at \$100.00.
  - b) A second offense, (whether or not of the same section of this Zoning Code, occurring not later than two years after the previous offense) shall constitute a misdemeanor of the **FOURTH** degree. The Court shall impose upon the offender a fine of not less than \$250.00. The Court may impose an appropriate sentence of imprisonment.
  - c) A third offense (whether or not of the same section of this Zoning Code, occurring not later than two years after the first offense) shall constitute a misdemeanor of the **THIRD** degree. The court shall impose upon the offender a fine of not less than \$500. The Court may impose an appropriate sentence of imprisonment.
  - d) A fourth offense (whether or not of the same section of this Zoning Code, occurring not later than two years after the previous offense), shall constitute a misdemeanor of the **SECOND** degree. The court shall impose upon the offender a fine of not less than \$750. The Court may impose an appropriate sentence of imprisonment.
  - e) For a fifth offense and each subsequent offense (whether or not of the same section of this Zoning Code, occurring not later than two years after the previous offense), a misdemeanor of the **FIRST** degree. The court shall impose upon the offender a fine of not less than \$1,000 or shall impose a sentence of imprisonment for not more than 30 days or may impose both such a fine and sentence of imprisonment.
  - f) A separate offense shall be deemed committed upon each day during which a violation occurs or continues. When charging or citing offenses, one citation or charging

instrument may state multiple or separate violations; a separate citation shall not be required by any court for each separate violation charged.

# Appendix 1 Definitions

For the purpose of this Code the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Accessory building.** A subordinate structure or building, detached from, but located on the same lot, as the principal structure or building, the use of which is incidental and accessory to that of the principal structure, building, or use.

Accessory structures include, but are not limited to detached residential garages, storage sheds and barns, attached carports and picnic shelters.

**Accessory use.** A use or structure subordinate to the principal use of a building or to the principal use of land and which is located on the same lot serving a purpose customarily incidental to the use of the principal building or land use.

**Adult Family Home.** A residence or facility, as defined and regulated in §5123.19 ORC, which provides accommodations for three to six unrelated adults and provides supervision and personal care services to at least three of the unrelated adults.

**Adult Group Home.** A residence or facility, as defined and regulated in §5123.19 ORC, which provides accommodations for seven to sixteen unrelated adults and provides

supervision and personal care services to at least three of the unrelated adults.

**Agriculture.** Any agriculture use as defined in §519.01 ORC, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

**Alley.** A public or private way which affords only a secondary means of access to abutting properties.

**Apartment.** A room or suite of rooms used as a single-family dwelling including bath and culinary accommodations, located in a building in which are four or more such rooms or suites.

**Assisted Living Facility.** A special combination of housing, supportive services, personalized assistance, and health care designed to respond to the individual needs of those who need help with activities of daily living.

**Automobile Repair.** The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, and steam cleaning of vehicles.

**Automobile Service Station or Filling Station.** A place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises.

**Bed and Breakfast (BNB).** A private residence, where rooms are set-aside for overnight guests and whose paid accommodations include breakfast.

**Building.** A structure that has a roof supported by columns or walls. When separated by a division wall without an opening, each portion of such building

shall be deemed a separate building.

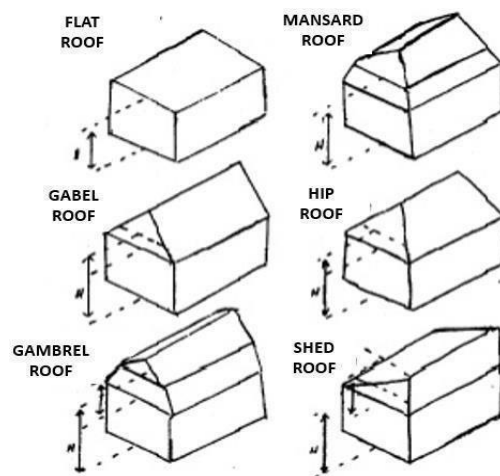
**Building Area** (For Zoning Certificate Dimensions Only). The maximum horizontal projected area of a building and its accessories, excluding open porches, steps, and terraces.

**Building, Front of.** The portion of a building line or a yard line, adjacent to the street line affording principal access to the building.

**Building, Rear of.** That portion of a building line or a yard line, opposite to the front line of a building whether or not affording service access to the building.

**Building, Principal.** A building in which is conducted the main or principal use of the lot on which said building is situated.

**Building Height.** The vertical distance measured from the average elevation of the finished grade at the front of the building to (a) the highest point of a flat roof; (b) the deck line of a mansard roof; (c) the average height between the eaves and ridge for gable, hip, and gambrel roofs; or (d) the average height between high and low points for a shed roof. (See Illustration)



**Bulk Controls.** Standards and controls that establish the maximum size of buildings and structures on a lot and the buildable area within which the building can be located, including coverage, setbacks, height, floor area ratio, and yard requirements.

**Campground.** An area of land on which two or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

**Carport.** A carport is a covered vehicle parking space, for not more than two vehicles, which is not completely enclosed by walls or doors and located on the same lot as a dwelling. A carport does not necessarily have to be attached to the main building.

**Cemetery.** Land used or intended to be used for the burial of the human or animal

dead and dedicated for cemetery purposes, including crematories, mausoleums and mortuaries if operated in connection with, and within the boundaries of, such cemetery.

**Church or Place of Religious Worship.** An institution that people regularly attend to participate in or hold religious services, meetings, and other religious related activities.

**Clinic.** A building designed and used for the diagnosis and treatment of human patients that does not include overnight care facilities.

**Club.** Buildings or facilities owned or operated by a corporation association or persons for a social, educational, or recreational purpose; but not primarily for profit or to render a service that is customarily carried on as a business. This does not include student related organizations.

**Community Center.** A place, structure, area or other facility used for and providing religious, fraternal, social, and/or recreational programs generally open to the public and designed to accommodate and serve significant segments of the community.

**Comprehensive Plan.** Means the long-range plan and any updates thereto, describing the desirable use of land as adopted by Village Council; the purpose of such Plan being, among other purposes, to serve as a guide in future development and zoning for the Village of Chauncey, Athens County.

**Conditionally Permitted Use.** A use which is subject to conditional approval by the Board of Zoning Appeals, upon such conditions as the Village may require. A conditional use may be granted by the BZA only when there is a specific provision for such special exceptions made in this Zoning Code. A conditional use is not considered to be a nonconforming use.

**Conditional use permit.** A permit approved by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the zone.

**Condominium.** A form of real property ownership in which a declaration has been filed submitting the property to the condominium form of ownership pursuant to §5311 ORC and under which each owner has an individual ownership interest in a unit with the right to exclusive possession of that unit and an undivided ownership interest with the other unit owners in the common elements of the condominium property.

**Day Care Center.** A facility operated for the purpose of providing care, protection, and guidance to individuals during part of a twenty-four-hour day. This term includes nursery schools, preschools, adult day care centers, child day care centers, or other similar uses. Day care center does not include public or private educational facilities or any facility offering care to individuals for a full twenty-four-hour period.

**Density.** Dwelling units per acre.

**District or Zoning District.** The administrative tracts designating the uses for which land can be legally utilized. Boundaries of the districts or zones are

shown on the zoning map.

**Domestic animals.** Those animals commonly accepted as domesticated household pets. Domestic animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, rats, mice, chinchillas, ferrets, domesticated rabbits, fish, arthropods, and nonpoisonous or nonvenomous reptiles or amphibians.

**Drive-Through Facility.** An establishment that encourages or permits customers to receive services or obtain goods while remaining in their motor vehicles.

**Driveway.** An improved surface connecting a public road to a parking area.

**Duplex.** A room or suite of rooms used as a single-family dwelling including bath and culinary accommodations, located in a building in which are two such rooms or suites, separated by a common wall.

**Dwelling.** Any building or portion thereof, which is designed or used primarily for residents' purposes, including condominiums but excluding hotels, motels, boarding houses, lodging houses, and tourist dwellings. An attached garage shall be considered a part of the dwelling. A dwelling shall possess a kitchen and a bathroom.

**Dwelling Unit.** An individual residence within a dwelling. A single family dwelling is one dwelling unit and a duplex is two dwelling units.

**Easement.** Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of the owner's property. A grant of one or more of the property rights by the property owner to and/or for specific use by the public, a corporation, or another person or entity.

**Educational facilities.** Buildings or structures used to teach students.

Educational facilities may include primary schools, elementary schools, middle schools, high schools. Educational facilities shall not include colleges, vocational schools, and other similar uses.

**Family.** Two or more persons related by blood, marriage or adoption or not more than three unrelated individuals occupying a dwelling unit as an individual housekeeping organization.

**Fence.** An artificially constructed barrier of any material or combination of materials erected to enclose, screen, or separate areas.

**Fence, Open.** A fence constructed for its functional, ornamental, or decorative effect and, when viewed at right angles, have more than 50% of its vertical surface area open to light and air. Example varieties include chain link (vinyl coated or painted), split rail, or wrought iron.

**Floriculture.** The cultivation and management of ornamental and especially flowering plants.

**Food Processing.** The preparation of food products for retail sale on the premises.

**Foster Family Home.** A residential facility that provides room and board, personal care, habilitation services and supervision in a family setting for not

more than five (5) developmentally disabled persons pursuant to §5119 ORC and §5123 ORC.

**Foster Home.** A private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children non-secure care, supervision, or training twenty-four (24) hours a day. “Foster home” does not include care provided for a child in the home of a person other than the child’s parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. “Family Foster Homes”, “Specialized Foster Homes” and “Treatment Foster Home” as defined in §5013 ORC are types of foster homes.

**Frontage.** That part of a lot or lots, which abuts upon a street between two (2) consecutive intersecting streets.

**Funeral Home.** A building or part thereof used for human funeral services. Such building may contain space and facilities for:

- a) Embalming and the performance of other services used in preparation of the dead for burial;
- b) The performance of autopsies and other surgical procedures; and
- c) The storage of caskets, funeral urns and other related funeral supplies including the storage of funeral vehicles but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

**Garage, Private.** A separate or a subordinate portion of the main dwelling enclosed on all sides and designed or used for the storage of not more than three automobiles or incidental personal property owned and used solely by the occupants of the dwelling to which it is accessory. A private garage shall not be used as a dwelling.

**Garage, Public.** A building or portion of a building in which four or more vehicles are, or are intended to be housed under arrangements made with patrons for renting or leasing such space and accommodation. No repair work will be done in a public garage.

**Garage, Repair.** A building designed and used for the storage, care, repair, or refinishing of motor vehicles including both minor and major mechanical overhauling, paint and body work. (also, see “Service station”)

**Government Offices and Facilities.** A building or land used and/or controlled exclusively for governmental or public purposes by any department or branch of government including township, federal, state, county, or other recognized public entity. Such use may include, but is not limited to, village offices, public works, libraries, post offices, and other uses not defined separately within this Code. Government and public use shall not include schools or other educational facilities as defined elsewhere in this Zoning Resolution.

**Grade, Established.** The grade at the inside line of the sidewalk as fixed by the Village Zoning Inspector.



**Group Home.** A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine (9) but not more than sixteen (16) developmentally disabled persons pursuant to §5119 ORC and §5123 ORC.

**Health/Recreation Facility.** An indoor facility including uses such as game courts, exercise equipment, locker rooms, Jacuzzis and/or sauna and pro shop.

**Hedge.** A fence or boundary formed by closely growing bushes or shrubs.

**Home occupation.** An accessory use of a person's residential property for a legitimate business, profession, trade, service or vocation, whether or not for profit, carried on within the main residence or an enclosed building.

**Horticulture.** the science and art of growing fruits, vegetables, flowers, or ornamental plants.

**Hospital and/or Clinic.** A facility providing physical or mental health services, outpatient or inpatient accommodations, and medical or surgical care of the sick or injured. This land use category shall also include urgent care centers or clinics that can receive ambulance service.

**Hotel.** A transient hotel, extended stay hotel, or residential hotel. Hotel includes any structure consisting of one or more buildings containing any combination of more than five guestrooms that are each approved by the state building official having jurisdiction and the state fire marshal as meeting the requirements for transient sleeping rooms or extended stay temporary residence dwelling units, or as having features of such sleeping rooms and dwelling units within the same room, and such a structure is specifically constructed, kept, used, maintained, advertised, and held out to the public to be a place where transient sleeping accommodations or temporary residence is offered for pay to persons, but such structure does not otherwise meet the definition of a transient hotel or an extended stay hotel as defined in this Zoning Resolution. Hotel does not include agricultural labor camps, apartment houses, apartments or other similar places of permanent personal residence, lodging houses, rooming houses, or hospital or college dormitories. (also, see "Motel") (§3731.01(a)(1)ORC).

**Industry.** Operations involved in the manufacture, production, or conversion of materials into articles of use.

**Inoperable Motor Vehicle.** Any motor vehicle, including a licensed collector's vehicle or licensed historical vehicle, which for a period of thirty (30) days or more remains in any of the following conditions:

- a) Does not display a valid registration sticker or license plate; or
- b) is wrecked, partially wrecked, dismantled, partially dismantled, discarded or incapable of operation under its own power.
- c) "Dismantled or partially dismantled" means any motor vehicle from which some parts have been removed or are missing.

d) “Incapable of operation” means any motor vehicle which is unable or apparently unable to move under its own power.

**In-rem.** A lawsuit against an item of property, not against a person.

**Junk.** Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or disposition.

**Junk Motor Vehicle.** Any motor vehicle meeting all of the following requirements:

- a) Three (3) years old or older;
- b) Extensively damaged, such damage including, but not limited to any of the following: a broken window or windshield, missing tire(s), wheel(s), motor or transmission;
- c) Inoperable;

**Junkyard.** The use of more than twenty-five (25) square feet of any land, building, or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials including, but not limited to, used lumber, used glass, discarded motor vehicles, paper, rags, rubber, cordage, barrels, and similar materials, are sold, stored for more than fifteen (15) days, bought, exchanged, baled, packed, sorted, disassembled, dismantled, or handled.

**Kennel.** Any lot or premises on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, or sold for profit and which offers provisions for medical treatment.

**Laundry, Self-service.** A business that provides home-type washing, drying and/or ironing machines for hire on the premises to be used by customers.

**Libraries, Museums, Galleries, and Cultural Centers.** A use providing for display, performance, or enjoyment of heritage, history, or the arts. This use includes but is not limited to: museums, arts performance venues, cultural centers, or interpretive sites, but does not include commercially operated theaters.

**Livestock.** Generally accepted outdoor farm animals including, but not limited to, cows, goats, horses, pigs, barnyard fowl, etc. Livestock shall not include dogs, cats, and other household pets.

**Loading/Unloading Zone, Off-Street.** An off-street space or berth for the loading or unloading of freight carriers on the same lot as the structure they serve.

**Lodging Establishment.** An establishment located within the Zoning District kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for a consideration to guests, in which one or more rooms are used for the accommodation of such guests, whether such rooms are in one or several structures. This includes but is not limited to hotels, motels, bed & breakfasts (including Airbnb), cabins, condominiums, vacation homes, rooms in residences being rented to guests for sleeping accommodations, owner-occupied residences, accessory dwelling units, and non-owner- occupied residences.

**Lot.** Land occupied or to be occupied by a building and its accessory buildings together

with such open spaces as are required under this resolution and having its principal frontage upon a street or officially approved place.

**Lot, Corner.** A lot abutting on and at the intersection of two (2) or more streets.

**Lot, Depth of.** The mean horizontal distance between the front lot line and the rear lot line.

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

**Lot Area.** The area of a horizontal plane bounded by the vertical planes through front, side and rear lot lines.

**Lot Coverage.** Determined by dividing all area of a lot that is occupied or covered by the total horizontal projected surface of all buildings, including covered porches and accessory buildings, by the gross area of that lot. Lot coverage does not include:

- a) A fence that is less than one foot in width that has not been constructed with a footer;
- b) A wood mulch pathway;
- c) Landscaping.

**Lot Frontage.** The front of a lot shall be construed to be the portion nearest the street which is used for emergency vehicles. For purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and the yards shall be provided as indicated under "yards" in this section.

**Lot Lines.** Lines bounding a lot.

**Lot Measurements.** A lot shall be measured as follows:

- a) Depth: The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- b) Width: The distance between straight lines connecting the front and rear lot lines at each side of the lot, measured at the building setback line.

**Lot of Record.** A lot which is part of a subdivision recorded in the office of the Athens County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

**Maintenance and Storage Facilities.** Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

**Manufactured Home.** A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with federal construction and safety standards established by the Secretary of Housing and Urban Development (HUD) and has a permanent label or tag affixed to it certifying compliance with all applicable federal construction and safety standards. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured Home Park** (§4781 ORC). Any lot upon which three (3) or more manufactured homes are located for residential use, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended to be used as a part of the facilities of such park. (also, see “Mobile Home Park”)

**Medical and Dental Office.** A use providing medical, psychiatric, or surgical service for sick or injured persons exclusively on an out-patient basis, including emergency treatment, diagnostic services, training, administration, and services to outpatients, employees, or visitors. The term "clinic" includes immediate care facilities, where emergency treatment is the dominant form of care provided at the facility.

**Metes and Bounds.** A way of describing land by listing the compass directions and distances of the boundaries.

**Mobile Home.** Any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of 4,500 pounds and an overall length of 30 feet, and not in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (§4781 ORC).

**Modular Home.** A building unit or assembly of closed construction that is fabricated in an off- site facility and that meets the siting and construction codes regulated by state and local agencies, the same way in which site-built homes are regulated.

**Mobile Home Park.** Any site or tract of land under single ownership upon which three (3) or more (§4781 ORC) mobile homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, building structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. (also, see “Manufactured Home Park”)

**Motel.** A building or group of detached or connected buildings designed or used primarily for providing sleeping accommodations for motor vehicle transient guests and having a parking space next to a sleeping room. An automobile court or a tourist court with more than one (1) unit or a motor lodge shall be deemed a motel. (also, see “Hotel”)

**Motor Home.** A self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food and for sleeping.

**Non-domestic small animals.** Chickens, ducks, and rabbits.

**Nonconforming Use.** A building, structure or premises legally existing and/or used at the time of adoption of the Zoning Resolution, or any amendment thereto, and which does not conform with the use regulations of the zone in which it is located.

**Nursing Home.** A home or facility for the care and treatment of babies, children, pensioners, or elderly people.

**Nursery, Plant Materials.** Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

**Offices.** Establishments providing executive, management, administrative, or professional services including, but not limited to, real estate, architecture, legal, travel, medical, dental, employment, advertising, design, engineering, accounting, and similar uses.

**Open Spaces.** An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, tennis courts and any other recreational facilities that the commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

**Open Space Zone.** A zone within the Zoning District that includes a variety of land uses that are predominantly natural environmental features designed for environmental preservation, cultural preservation, scenic, or recreational purposes. These zones may include but are not limited to parks, outdoor education facilities, water bodies, cemeteries, fields, woodlands, and playgrounds.

**Overlay zone.** A zone that encompasses one or more underlying zones and that imposes additional requirements above those required by the underlying zone.

**Parcel.** A lot of record.

**Parcel (lot) Split.** The division of a parcel into smaller parcels for further development.

**Parks, Playgrounds, and Recreational Facilities.** Any park or recreational facility that requires grading of the land, construction of facilities, lighting, or is developed for ball fields, tennis courts, swimming pools, skate parks, disc golf, golf courses and other active sports facilities with the exception of bike and hike trails. The principal use and activities of an active park, playground, and recreational facility are generally located outdoors although the use may include some enclosed structures that are accessory to the principal use.

**Parking area.** Any public or private area, under or outside of a building or structure, designed and used for parking motor vehicles and bicycles including parking lots, garages, and legally designated areas of public interest with or without payment of fee.

**Parking area, Private.** A parking area for the exclusive use of the owners, tenants, lessees, or occupants of the lot on which the parking area is located or their customers, employees, or whomever else they permit to use the parking area.

**Parking Space, Off-street.** For the purpose of the Zoning Resolution, an off-street parking space shall consist of any area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a

public street or alley and maneuvering room but shall be located totally outside of any street or alley right-of-way.

**Permanent foundation.** A permanent masonry, concrete, or footing or foundation approved by the manufactured homes commission pursuant to §4781 ORC to which a residential dwelling, industrialized unit, manufactured home or mobile home may be affixed.

**Permanently sited manufactured home.** A manufactured home that meets the following criteria:

- a) The structure is affixed to a permanent foundation and is connected to appropriate facilities;
- b) The structure, excluding any additions, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area, excluding garages, porches or attachments, of at least nine hundred (900) square feet.
- c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch (6") minimum eave overhang, including appropriate guttering;
- d) The structure was manufactured after January 1, 1995;
- e) The structure is not located in a manufactured home park or an R3 district as herein defined.

**Permitted Accessory Use.** A permitted use of land, within a particular zone or district, that is not a Principal Permitted Use, but is a secondary use or an accessory use.

**Person.** An individual, partnership, corporation, club or association, church, or governmental entity.

**Planned Unit Development.** An area of land in which a variety of housing types and/or commercial and industrial facilities are accommodated in a preplanned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision such as building design principles, and landscaping plans.

**Principal Permitted Use.** The main use of land permitted within a particular zone or district as distinguished from a secondary or accessory use. In this Zoning Resolution, Principal Permitted Uses are limited to those identified as such in Appendix 2, Table 1, Use Table.

**Professional activities.** The use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

**Quasi-public use.** Churches, Sunday schools, parochial schools, private colleges/universities, hospitals, and other facilities of an educational, religious, charitable,

philanthropic, or nonprofit nature.

**Recreation facilities.** A place designed and equipped for the conduct of sports and leisure- time activities.

**Recreation Vehicle.** Any vehicle used for recreational purposes, including but not limited to, all- terrain vehicles, boats, boat trailers, jet skis, motorcycles, motor homes, travel trailers, truck campers, fifth wheel campers and trailers, and snowmobiles.

**Recreational Vehicle.** Recreational vehicle shall mean a vehicle that is:

- a) Built on a single chassis;
- b) 400 square feet or less when measured at the largest horizontal projection;
- c) Designed to be self-propelled or permanently towable by a light duty truck; and
- d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Religious place of Worship.** An institution that congregations of people regularly attend to participate in or hold religious services, meetings, and other activities, including buildings in which the religious services of any denomination are held.

**Remodel.** To construct an addition or alter the design or layout of a building or make substantial repairs or alterations so that a change or modification of the entrance facilities, toilet facilities, or vertical access facilities is achieved. Any change, addition, substantial repair or improvement to the design or layout of an existing structure including, but not limited to modifications of egress or emergency escape facilities, plumbing facilities where a plumbing permit is required in accordance with the state building code, electrical or plumbing facilities where a licensed contractor is required in accordance with the state building code or where the value of improvements requires notification of the Athens County Auditor in accordance with §5713.17 ORC.

**Residential Uses.** Places where persons live or reside and are associated with dwelling units as defined in this Zoning Resolution.

**Restaurants.** An establishment where food and drink are prepared, served, and consumed primarily within the principal building.

**Roadside Stand.** A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which such a stand is located.

**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 area, viaducts, and bridges.

**Row house or Townhouse.** A one-family dwelling unit, with a private entrance, which is part of a structure whose dwelling units are attached horizontally in a linear arrangement and having a totally exposed front and rear wall to be used for access, light, and ventilation.

**Satellite earth station antenna.** A parabolic or dish-shaped antenna or any other apparatus or device that is designed for the purpose of receiving radio waves.

**School.** Any public or private educational facility including, but not limited to, child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, intermediate schools, junior high schools, middle schools, high schools, vocational schools, secondary schools, continuation schools, and special education schools.

**Self-Storage Facilities.** A building or group of buildings in a controlled access compound that contains equal or varying sizes of individual, compartmentalized, and controlled access stalls

or lockers for the storage of residential or commercial customer's goods or wares. Such facilities do not include sales, service, or storage of hazardous materials.

**Service station.** Any premises where gasoline and other petroleum products are sold and/or light maintenance activities such as engine tune-ups, lubrication, minor repairs, and carburetor cleaning are conducted.

**Setback Line.** A line established by the Zoning Resolution, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than an accessory building or structure may be located above ground, except as may be provided in said Zoning Resolution.

**Sewers, Central or Group.** An approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

**Sewers, On-site.** A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

**Sexually-Oriented Business.** An adult arcade, adult bookstore, adult video store, adult cabaret, adult motion picture theater or adult theater.

**Short-Term Rental** means a dwelling unit, or portion thereof, that is offered or provided to a guest by a short-term rental owner or operator for a fee for fewer than thirty consecutive nights. They are commonly referred to as vacation rentals. They are a form of tourist or transient accommodations. Short-term rental units may be whole house rentals, apartments, condominiums, or individual rooms in homes. For the purpose of administration and enforcement of this title, the terms "overnight rental," "nightly rental," and "vacation rental" are interchangeable with short-term rentals. Subleasing or subletting of units for short-term rental is prohibited if the underlying zone prohibits such use.

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

**Sign.** Any visual communication, display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the



like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

- a) "Sign, on-premises." Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
- b) "Sign, off-premises." Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is offered.
- c) "Sign, illuminated." Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
- d) "Sign, lighting device." Any light; string of lights, or group of lights located or arranged so as to cast illumination on a sign.
- e) "Sign, projecting." Any sign which projects from the exterior of a building.

**Social Clubs and Fraternal Organizations.** A building or portion thereof or premises owned or operated by a corporation, association, or group of persons for a social, educational, or recreational purpose, but not primarily for profit or to render a service which is customarily carried on as a business.

**Solar Farm.** An installation or area of land in which a large number of solar panels are set up in order to generate electricity.

**Solar Panel.** A photovoltaic panel or collector device, including any accessory equipment and mounting structures or hardware, which relies upon solar radiation as an energy source for the generation of electricity or heating.

**Solar Panel, Free Standing.** A solar panel that is not attached to a principal structure as an accessory structure and is mounted on a structure attached to the ground.

**Solar Panel, Roof Mounted.** A solar panel attached to the roof of a principal structure.

**Special District.** A zoning district created to meet the needs of an area experiencing unusual problems, or one that is designed to meet special needs.

**Street.** Any roadway or public way dedicated to public use, except an alley.

**Street Line.** A lot line bordering a street, park or other public way other than an alley line.

**Street Wall.** The main wall or front line of a building nearest to and facing a street including sun-parlors and roofed porches, open or closed, but excluding open steps or entrance ways.

**Structurally Altered.** Any change in the supporting members of a building such as bearing walls, columns, beams, girders, or in the dimension or configurations of the roof or exterior walls.

**Structure.** Anything constructed or erected, the use of which required a permanent location on the ground or attached to something having a permanent location on the

ground, including advertising signs, billboards, pergolas, farmers roadside stands, TV dishes and/or satellite dishes (disc), but not including fences or walls used as fences.

**Subdivision.** The division of a lot, tract, or parcel of land into two or more lots, tracts, parcels, or other divisions of land for sale, development, or lease.

**Swimming pool.** A pool, pond, lake, or open tank containing a depth of at least 1.5 feet of water at any point and maintained by the owner or manager, designed for human use.

- a) "Private." Exclusively used without paying any additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel; and accessory use.
- b) "Community." Operated with a charge for admission

**Temporary Building.** A building for use incidental to construction work that may be erected in any of the zoned districts herein established, and which shall be removed once construction is completed.

**Thoroughfare, Street, or Road.** Any vehicular way that:

- a) Is an existing federal, state, county, or municipal roadway; or
- b) Is shown upon a plat approved pursuant to law; or
- c) Is approved by other official action; or
- d) Is shown on a plat duly filed and recorded in the office of the county recording officer prior to the appointment of a planning board and the grant to such board of the power to review plats; includes the land between the street lines, whether improved or unimproved.

**Trailer, House.** see "Mobile Home" or "Manufactured Home"

**Trailer, Travel.** see "Recreational Vehicle"

**Trailer Park or Mobile Home Park.** A tract or parcel of land open to the public upon which spaces for trailers or mobile homes are provided for a consideration, whether for overnight, by the day, the week, the month, or longer.

**Triplex.** A room or suite of rooms used as a single-family dwelling including bath and culinary accommodations, located in a building in which are three such rooms or suites, separated by common walls.

**Use.** The purpose or activity for which land or buildings are arranged, designed, or for which lands or buildings are occupied or maintained.

**Use Zone.** An area depicted on the Zoning Map which allows for a certain type of land use, examples being residential, business, and open space.

**Variance.** An administrative exception to zoning requirements that should be granted only when a property owner would have a unique and unusual hardship, created by the physical characteristics of the land, if the Zoning Code is strictly and literally applied in their case.

**Veterinary Animal Hospital or Clinic.** A place used for the care, grooming,

diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

**Violation.** The failure of a structure or other development to be compliant with this Zoning Resolution as approved.

**Viticulture.** The cultivation or culture of grapes especially for wine making.

**Wall.** A continuous vertical brick, stone, or masonry structure that encloses or divides an area of land.

**Wireless Telecommunications Antenna.** The physical device through which electromagnetic, wireless telecommunication signals, authorized by the Federal Communications Commission, are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

**Wireless Telecommunications Facility.** A facility consisting of the equipment and structures involved in receiving telecommunications or radio signals from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

**Wireless Telecommunications Tower.** A structure intended to support equipment used to transmit and/or receive telecommunications signals, including monopoles, and guyed and lattice construction steel structure.

**Yard.** An open unoccupied space on the same lot with a building, extending along the entire length of the street or rear or interior lot lines.

**Yard, Front.** A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.

**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 principal building.

**Yard, side.** A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

**Zoning Inspector.** The Zoning Inspector is the person designated by this Zoning Code to administer and enforce zoning regulations.

**Zoning District.** The Village of Chauncey corporation limits for which regulations governing the use of buildings and premises, the height of buildings, development standards, yards, lot areas, and other standards are uniform.

**Zoning Map.** The map or drawing indicating boundaries of parcels and tracts of land within the Zoning District of Village of Chauncey, Athens County for the purpose of identifying uses for which those lots and parcels can be legally utilized.

**Zoning Certificate.** A document signed by the Zoning Inspector, as required in the Zoning Resolution, as a condition precedent to the commencement of a use, or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, that the owner acknowledges that such use, structure, or construction complies with the provisions of the Zoning Code or

authorized variance provided by the Board of Zoning Appeals.

## Appendix 2 Tables

### Appendix 2a Use Table (Table 1)

**PP – Principle permitted      PA – Permitted Accessory      CU – Conditionally permitted Use**

<b>RESIDENTIAL</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>B1</b>	<b>B2</b>	<b>LL R</b>	<b>OS</b>
Bed and Breakfast Short term rental	CU?	CU	CU	PP	PP	CU	
Boarding House			CU	PP	PP		
Condominium			PP	PP	PP		
Detached garage, shed, barn or outbuilding	PA	PA	PA	PA	PA	PA	
Home Occupation	PP	PP	PP			PP	
Mobile Home (only in a mobile home park)			CU				
Nursing Home			CU	C U	PP		
R-1 (one dwelling, single family) (see Note 2)	PP	PP	PP	PP	PP	PP	
R-2 (duplex or triplex) (see Note 2)		PP	PP	PP	PP		
R-3 (4 or more-unit apartments) (see Note 2)			PP	PP	PP		

<b>ACCESSORY USES</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>B1</b>	<b>B2</b>	<b>LL R</b>	<b>OS</b>
Accessory uses as regulated in Section 6.04	PA	PA	PA	PA	PA	PA	PA
Portable or temporary carport	CU	CU	CU	C U	PA	PA	PA
<b>AGRICULTURAL</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>B1</b>	<b>B2</b>	<b>LL R</b>	<b>OS</b>
Agriculture or Keeping of Livestock						PP	
Fruit store and vegetable market				PP	PP	PP	
Greenhouse				PP	PP	PP	
Keeping of non-domestic small animals (chickens, ducks, and rabbits)	CU	CU	CU			PA	
Nursery (with a retail structure)				PP	PP	CU	
Nursery (without a retail structure)				PP	PP	PP	
Sale of farm products grown on premises						CU	
Stables						PA	
Temporary building	PA	PA	PA	PA	PA	PA	
Vegetable and Flower Gardens	PA	PA	PA	PA	PA	PA	

<b>BUSINESS. OFFICE BASED (non-residential based)</b>	<b>R1</b>	<b>R2</b>	<b>R3</b>	<b>B1</b>	<b>B2</b>	<b>LL</b>	<b>OS</b>
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						R	
Advertising Agency				PP	PP		
Answering Service				PP	PP		
Cable TV Office				PP	PP		
Professional Office (Attorney, Architect, Engineer, Insurance, Real Estate, etc.)				PP	PP		
BUSINESS, RETAIL AND SERVICE	R1	R2	R3	B1	B2	LL R	OS
Antique Shop				PP			
Auction House				PP	PP		
Automotive, tractor and truck sales				PP	PP		
Automotive & miscellaneous repair services				PP	PP		
Banks, Credit Unions, Savings and Loans				PP	PP		
Bed and Breakfast	CU?	CU	CU	PP	PP	CU	
Beauty shop			CU	PP			
Clothing, Apparel and Accessory store				PP			
Convenience store with or without Gasoline				PP	PP		
Department store				PP			
Drive thru Carryout				CU	PP		
Drug store				PP			
Fast Food Restaurant				CU	PP		
Florist				PP			
Funeral Home and Mortuaries			CU	PP			
General Merchandise				PP			
Grocery store				PP	PP		
Hardware store				PP	PP		
Home furnishings and equipment				PP	PP		
Kennel, Veterinary Clinic, or hospital				CU	PP	CU	
Laundromat or Dry Cleaner				PP			
Medical Cannabis Dispensary				CU	CU		
Motel and Hotel establishments				PP	PP		
Restaurant, Cafe, Soda Fountain store			CU	PP	PP		
Retail bakeries				PP			

ENTERTAINMENT	R1	R2	R3	B1	B2	LL R	OS
Adult bookstore				CU			
Amusement Arcade				PP	PP		
Bar, Lounge or Club				CU	PP		
Billiard room				PP	PP		
Microbreweries				CU	PP		
Sexually Oriented Business					CU		

Theaters, not including outdoor				PP	PP		
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TABLE 1 (continued)

HEALTHCARE / MEDICAL	R1	R2	R3	B1	B2	LL R	OS
Adult Day Care Center			CU	PP	PP		
Adult Family / Group Home		CU	CU	PP	PP		
Assisted Living Facility / Nursing Home		CU	CU	PP	PP		
Certified Foster Home ORC 5103.0318	PP	PP	PP	PP	PP		
Child Care, home operated, 1 to 6 children	CU	CU	PP	PP	PP		
Child Care, home operated, 7 to 12 children		CU	CU	PP	PP		
Medical Offices and Clinics				PP	PP		
Residential Health Care Facilities			CU	PP	PP		

INDUSTRIAL	R1	R2	R3	B1	B2	LL R	OS
Bottling operation				CU	PP		
Processing, Manufacturing, Assembly operations				CU	PP		
Storage and Transfer facilities				CU	PP		
Truck terminal				CU	PP		
Warehouse				CU	PP		
Wholesale storage and Distribution Facilities				CU	PP		
Wireless Communication Facilities or Towers				CU	CU	C U	

PUBLIC, COMMUNITY, & RECREATIONAL	R1	R2	R3	B1	B2	LL R	OS
Athletic field				PP	PP	C U	P P
Church, Synagogue, Temple for religious purposes	CU	C U	PP	PP	PP		
Community Center			CU	PP	PP		CU
Community Fire House	PP	PP	PP	PP	PP	C U	
Fraternal and Social Organizations				PP	PP		
Fraternity or Sorority House			PP	PP	PP		
Golf Course				PP	PP	C U	
Government Offices	CU	C U	CU	PP	PP		
Library	CU	C U	CU	PP	PP		
Museums				PP	PP		
Parks & primarily outdoor recreational uses	PP	PP	PP	PP	PP	PP	PP
Primarily indoor recreational uses				PP	PP		
Public or Private School /see Note 11	CU	C U	PP	PP	PP	C U	
Swimming Pool, Private	PA	PA	PA	CU	CU	C U	

Utility & Public service buildings and uses	CU	C U	CU	CU	PP		
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#### NOTES

- 1 Public or private schools certified by the State of Ohio and offering courses in grades kindergarten through high school.
- 2 Residential unit(s) in conjunction with a commercial establishment are permitted provided no residential unit is located on the ground/first floor of the structure.

#### Appendix 2b Lot Area, Coverage, and Setback Requirements (Table 2)

Zoning District & Use Type	Min. lot area (ft <sup>2</sup> )	Min/ lot area per dwelling unit (ft <sup>2</sup> )	Min. lot frontage (ft)	Max. lot coverage (%)	Min. front yard setback (ft) R/W edge/center <sup>1</sup>	Min side yard setback (ft)	Min. rear yard setback (ft) Right of way edge/R of W Center/Alley Centerline <sup>3</sup>
R1	8,000	8,000	50	30	15/45	8 (5) <sup>2</sup>	15/35/20
R2							
1 family	6,000	6,000	50	30	15/45	8 (5) <sup>2</sup>	15/35/20
2 family	7,000	3,500	50	35	15/45	8 (5) <sup>2</sup>	15/35/20
3 family	9,000	3,000	50	40	15/45	8 (5) <sup>2</sup>	20/40/25
R3	1,000	1,500	60	40	15/45	8 (5) <sup>2</sup>	30/50/35
B1	8,000		50	N/A	25/45	10 <sup>4</sup>	30 <sup>5</sup>
B2	20,000		70	N/A	25/45	10 <sup>4</sup>	30 <sup>5</sup>
LLR	5 acres		N/A	N/A	25/45	15 <sup>5</sup>	30 <sup>5</sup>

<sup>1</sup> Edge of right-of-way/centerline of right -of-way

<sup>2</sup> Side yard setback for lots less than 40 ft. wide: five (5) feet for interior lots and eight (8) feet if side yard fronts on a public street.

<sup>3</sup> Edge of right-of way/centerline of right-of-way/centerline of alleyway if rear is on an alley

<sup>4</sup> A 25-foot setback shall be required and not used for any other purpose on the side abutting residential district.

<sup>5</sup> Lesser of 30 feet or 20% of lot depth.



### Appendix 2c Fee Schedule (Table 3)

<b>Zoning Certificate Fees (Article 9 Section 9.04)</b>	<b>Fee</b>
Single Family Residence – up to and including 3 units	\$50.00
Additions to single family residential	\$25.00
Residential Accessory Uses (deck, shed, garage, storage building)	\$25.00
New Multi-family (4+ units), Commercial or Industrial structures and/or Accessory Buildings or additions	\$50.00 Plus \$0.02 per Sq/Ft area outside dimensions of foundation. Not to exceed \$600
Recreational, Institutional, Governmental and Miscellaneous structures and/or Accessory Buildings or additions	\$25.00 Plus \$0.01 per Sq/Ft area outside dimensions of foundation. Not to exceed \$125
In-Ground Swimming Pool	\$25.00
Certificate of Use and Compliance	\$10.00
<b>Conditional Use Permit Fee (Article 10 Section 10.05)</b>	
Conditional Use Permit Fee	\$50
<b>Variance Fee (Article 11 Section 11.05)</b>	
Application for Variance Business	\$250.00
Application for Variance Residential	\$100.00
<b>Amendment Fee (Article 12 Section 12.06)</b>	
Application for Zoning Code amendment	\$100.00
<b>Penalty Fees (Article 13 Section 13.04)</b>	
<b>First Offense:</b> Minor Misdemeanor	\$100.00
<b>Second Offense:</b> Misdemeanor of FOURTH degree	\$250.00
<b>Third Offense:</b> Misdemeanor of THIRD degree	\$500.00
<b>Fourth Offense:</b> Misdemeanor of SECOND degree	\$750.00
<b>Fifth Offense:</b> Misdemeanor of FIRST degree	\$1000.00