



Zoning Code

79 Elizabeth Street

Moscow, OH 45153

Revised March 2013

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PREAMBLE

An ordinance of the Village of Moscow, enacted in accordance with a comprehensive plan and the provisions of Chapter 713, Ohio Revised Code, dividing the Village into zones and districts, encouraging, regulating, and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting the recreational and public areas; providing for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk structures in relationship to surrounding properties; limiting congestion in the public right-of-ways; providing the compatibility of different land uses and the most appropriate use of land; providing for the administration of this ordinance defining the powers and duties of the administrative officers as provided hereafter, and prescribing penalties for the violation of the provisions in this Ordinance or any amendment thereto, all for the purpose of protecting the public health, safety, comfort and general welfare; and for the repeal thereof,

THEREFORE, BE IT ORDAINED by the Council of the Village of Moscow, State of Ohio:

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ARTICLE 1 TITLE, INTERPRETATION, AND ENACTMENT

100 TITLE

This ordinance shall be known and may be cited to as the "Zoning Ordinance of the Village of Moscow, Ohio."

110 PROVISIONS OF ORDINANCE DECLARED TO BE MINIMUM REQUIREMENTS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. Whenever the requirements of this ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

120 SEPARABILITY CLAUSE

Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

130 REPEAL OF CONFLICTING ORDINANCES AND EFFECTIVE DATE

All ordinances or resolutions or parts of ordinances or resolutions in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

AMENDMENT/REVISION DATES

February 1993, revised

July 1994, revised

April, 1995, revised

2010, revised

2013, revised

ARTICLE 2 DEFINITIONS

200 INTERPRETATION OF TERMS OR WORDS

For the purpose of this ordinance, certain terms or words used herein shall be interpreted as follows:

- (1) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (2) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (3) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- (4) The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- (5) The word "lot" includes the words "plot" or "parcel."

201 DEFINITIONS

ACCESSORY USE or ACCESSORY STRUCTURE: A use of a structure on the same lot with, and of a nature that is customarily incidental and subordinate to, the building or dwelling located thereon.

ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

AUTOMOTIVE REPAIR: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

AUTOMOTIVE, MOBILE HOME, TRAVEL TRAILER, and FARM IMPLEMENT SALES: The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

AUTOMOTIVE WRECKING: The dismantling or wrecking of used motor vehicles, mobile homes, trailers or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BASEMENT: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

BUILDING: Any structure designed or intended for the support, enclosure, shelter, or protection of person, animals, chattels, or property.

BUILDING, ACCESSORY: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

BUILDING, HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

BUILDING LINE: See Setback Line.

CLINIC: A place used for the care, diagnosis and treatment of sick, ailing, infirm, or injured persons, and those who are in need of medical and surgical attention, but who are provided with board or room or kept overnight on the premise.

CLUB: A building or portion thereof or premises owned or operated by a person for a social, literacy, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

COMPREHENSIVE DEVELOPMENT PLAN: A plan, or any portion thereof, adopted by the planning commission and the legislative authority of the Village of Moscow showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.

CORNER LOT: See Lot Types.

DENSITY: A unit of measurement; the number of dwelling units per acres of land.

Gross Density - the number of dwelling units per acre of the total land to be developed.

Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

DWELLING UNIT: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing and toilet facilities, all used by only one family and its household employees.

DWELLING: Any building or structure (except a house trailer or mobile home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

Single Family: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

Two-Family: A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

Multi-Family: A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.

Rooming House (Boarding House, Lodging House, Dormitory): A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

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

FLOOR AREA, RESIDENTIAL BUILDING (See Living Area):

FLOOR AREA, NON-RESIDENTIAL BUILDING (To Be Used in Calculating Parking Requirements): The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

FLOOR AREA, USABLE: Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

FOOD PROCESSING: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

GARAGE, PRIVATE: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:

- (1) Nor more than one space is rented for parking to person not resident on the premises;
- (2) No more than one commercial vehicle per dwelling unit is parked or stored;
- (3) The commercial vehicle permitted does not exceed two tons capacity.

GARAGE, PUBLIC: A principal or accessory building other than a private garage, used for parking or temporary storage of passenger automobiles, and in which no service shall be provided for remuneration.

GARAGE, SERVICE STATION: Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

- (1) Sales and service of spark plugs, batteries, and distributors parts;
- (2) Tire servicing and repair, but not recapping or regrooving;
- (3) Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like;
- (4) Radiator cleaning and flushing;
- (5) Washing, polishing, and sale of washing and polishing materials;
- (6) Greasing and lubrication;
- (7) Providing and repairing fuel pumps, oil pumps, and lines;
- (8) Minor servicing and repair of carburetors;
- (9) Adjusting and repairing brakes;
- (10) Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
- (11) Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
- (12) Provisions of road maps and other informational material to customers, provision of rest room facilities;
- (13) Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling station. A filling station is neither a repair garage nor a body shop.

HOME OCCUPATION: Any occupation conducted entirely within a dwelling unit and carried on by persons residing in the dwelling unit which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not involve any

extension or modification of the said dwelling which would alter its outward appearance as a dwelling.

HOTEL or MOTEL and APARTMENT HOTEL: A building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

INSTITUTION: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

JUNK BUILDINGS, JUNK SHOPS, or JUNK YARDS: Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

LIVING AREA: Living area is the horizontal area of a dwelling devoted to residential living purposes, including stairways, halls, and closets within the dwelling unit, but excluding porches and spaces used for a garage or carport. In multi-family dwellings, the area of laundry rooms, storage rooms, offices, elevators, stairways, and hallways shall be excluded from residential floor areas. All dimensions shall be measured between interior faces of walls.

LOADING SPACE, Off-Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

LOCATION MAP: See Vicinity Map.

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

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

LOT COVERAGE: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

LOT FRONTAGE: The front of a lot shall be construed as all lines that abut a street, excluding alleys. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets, excluding alleys, shall be considered frontage, and yards shall be provided as indicated under "Yards" in this section.

LOT LINE: The lines that describe the out boundary of a lot or parcel of land.

LOT, MINIMUM AREA: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

LOT MEASUREMENTS: A lot shall be measured as follows:

Depth: The distance between the mid-points 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.

Width: The distance between straight lines connecting 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 County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

LOT TYPES: Terminology used in this ordinance with reference to corner lots, interior lots and through lots is as follows. For the purposes of the following definitions, "street" shall exclude alleys:

Corner Lot: A lot located at the intersection of two or more streets.

Interior Lot: A lot with only one frontage on a street.

Through Lot: A lot other than a corner lot with frontage on more than one street.

MAINTENANCE and STORAGE FACILITIES: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

MANUFACTURING, HEAVY: Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances and such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

MANUFACTURING, LIGHT: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

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 four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet.

NON-CONFORMITIES: A building, structure or use of land existing at the time of enactment of this ordinance and which does not conform to the regulations of the district or zone in which it is situated.

NURSERY, 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.

OPEN SPACE: 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, and tennis courts, any other recreational facilities that the planning commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

PARKING SPACE, OFF-STREET: For the purpose of this ordinance an off-street parking space shall consist of an 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.

PERFORMANCE BOND or SURETY BOND: An agreement by a subdivider or developer with the Village for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

PERSONAL SERVICES: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of housing types and subordinate 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.

PROFESSIONAL ACTIVITIES: The use of offices and related spaces for such professional services are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

PUBLIC SERVICE FACILITY: The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

PUBLIC USES: Public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

PUBLIC WAY: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

QUASI-PUBLIC USE: Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

RECREATION FACILITIES: Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

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

SEAT: For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

SETBACK LINE: A line established by the zoning ordinance generally parallel with and measured by the lot line, defining the limits of a yard in which no building, other than accessory building, or accessory structure may be located above ground, except as may be provided in said ordinance.

SEWERS, SANITARY: A publicly operated sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

SIDEWALK: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

SIGN: Any device designated to inform or attract the attention of persons not on the premises on which the sign is located. (See Article 12 for complete definitions)

STORY: That part of a building between the surface of a floor and the ceiling immediately above.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, dwellings and mobile homes. Structure does not include the following:

- 1) Poles, frames, trellises and the like that are generally temporary and associated with gardening;
- 2) Flag poles;
- 3) Bird houses, bird feeders, bee hives, swing sets, play equipment and wood stacks;
- 4) Sidewalks and masonry patios (or of similar materials) not exceeding 8 inches above the existing grade;
- 5) Clothes lines and poles.

SUPPLY YARDS: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

SWIMMING POOL: A pool, pond, lake, or open tank containing at least 1.5 feet of water at any point and maintained by the owner or manager.

Private Pool: Exclusively used without paying an additional charge for admissions by the residents and guests of a single household, a multi-family

development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

Community Pool: Operated with a charge for admission, a primary use.

STREET: A public or private right-of-way, other than a driveway, intended as the principal means of vehicular access to property.

Alley: A type of street used primarily for vehicular service access to the back or side of properties abutting on another street.

THROUGH LOT: See Lot Types.

TRANSPORTATION, DIRECTOR OF: The Director of the Ohio Department of Transportation.

UNIT: See Dwelling Unit.

Unit, Efficiency: A dwelling unit consisting of one bathroom and one other room which constitutes the entire living area of said unit.

Unit, One (1) Bedroom: A dwelling unit consisting of two rooms (unless one is distinctly separated and equipped as a kitchen and in such case it shall be three (3) rooms), plus at least one bathroom.

Unit, Two (2) Bedroom: A dwelling unit consisting of three rooms (unless one is distinctly separated and equipped as a kitchen and in such case, it shall be four (4) rooms), plus at least one bathroom.

Unit, Three (3) Bedroom: A dwelling unit consisting of four rooms (unless one is distinctly separated and equipped as a kitchen and in such case, it shall be five (5) rooms) plus at least one bathroom.

USE: The specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

VARIANCE: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, or his predecessors in title, a literal enforcement of the regulations would result in unnecessary and undue hardship.

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.

VICINITY MAP: A drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

WALKWAY: A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road or not.

YARD: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, however, that accessory structures, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements within specific districts and those limiting obstruction of visibility. Location of yards and lot lines on a parcel are determined as follows:

Front Yard and Front Lot Line: On any lot type, all sides of the lot which abut a street, excluding alleys, shall be considered the front yard and front lot line.

Side and Rear Yards and Lot Lines: The side and rear yards and lot lines on a lot shall be determined according to lot type, and are as follows:

Interior Lots: The side of the lot most opposite the front lot line shall be the rear lot line, and any remaining lot lines shall be considered side lot lines.

Corner Lots: The side yard and side lot line should be that side, other than the front lot line, which is the longest lot line, and any sides roughly parallel to that line shall also be considered side yards and side lot lines. The remaining lot lines and yards, if any, shall be considered rear yards and rear lot lines.

Through Lots: All yards and lot lines are not front yards and front lot lines shall be considered side yards and side lot lines.

ZONING PERMIT: A document issued by the Zoning Administrator authorizing the use of lots, structures, uses of land and structures and characteristics of the uses

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ARTICLE 3 ENFORCEMENT

300 ZONING PERMITS REQUIRED

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit issued by the Zoning Administrator. Zoning permits shall be issued only in conformity with the provisions of this ordinance unless the Zoning Administrator receives a written order from the Board of Zoning Appeals deciding an appeal, or variance or from Village Council, approving a Planned Unit Development District, as provided by this ordinance.

301 CONTENTS OF APPLICATION FOR ZONING PERMIT

The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall contain language that clearly states that the permit shall expire, or may be revoked, if work has not begun within one year from the date of issue of the permit or the project is not substantially completed within two and one-half (2 ½) years of the date of issue of the permit. At a minimum, the application shall contain the following information:

- 1) Name, address, and phone number of applicant;
- 2) Name and address of property owner (if different from applicant);
- 3) Address of property;
- 4) Existing use;
- 5) Proposed use;
- 6) Plans in duplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of all existing and proposed buildings and structures on the lot; complete floor plan and elevations of all proposed structures; location, size, and details of all signage (if applicable); location, quantity, and size of parking spaces (if applicable);
- 6) Legal description of property;
- 7) Such other information as may be necessary to determine conformance with and provide for the enforcement of this ordinance.

302 APPROVAL OF ZONING PERMIT

Within thirty (30) days after the receipt of an application, the Zoning Administrator shall either approve or disapprove the application in conformance with the provisions of this ordinance. One copy of the plans shall be returned to the applicant after the Zoning Administrator shall have marked such copy either as approved or disapproved and

attested to same by his signature on said plans. One copy of plans, similarly marked, shall be retained by the Zoning Administrator. The Zoning Administrator shall issue a permit to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this ordinance.

303 SUBMISSION TO DIRECTOR OF TRANSPORTATION

Before any zoning permit is issued affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Administrator shall give notice, by registered mail to the Director of Transportation that he shall not issue a zoning permit for one-hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Administrator that he shall proceed to acquire the land needed, then the Zoning Administrator shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Administrator that acquisition at this time is not in the public interest or upon the expiration of the one-hundred twenty (120) day period or any extension thereof agreed upon the Director of Transportation and the property owner, the Zoning Administrator shall, if the application is in conformance with all provisions of this ordinance, issue the zoning permit.

304 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire and shall be revoked by the Zoning Administrator; written notice thereof shall be given to the person who submitted the application by mailing a copy of such revocation to said applicant. If the work described in any zoning permit has not been substantially completed within two and one-half (2 ½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Administrator; written notice thereof shall be given to the person who submitted the application by mailing a copy of such revocation to said applicant, together with notice that further work as described in the revoked permit shall not proceed unless and until a new zoning permit has been obtained.

310 CERTIFICATE OF OCCUPANCY

It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Zoning Administrator stating that the proposed use or occupancy of the building or premises is lawful and meets all applicable conditions of this code.

311 TEMPORARY CERTIFICATE OF OCCUPANCY

A temporary certificate of occupancy may be issued by the Zoning Administrator for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

312 RECORD OF ZONING PERMITS AND CERTIFICATES OF OCCUPANCY

The Zoning Administrator shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished upon request by any person.

320 FAILURE TO OBTAIN A ZONING PERMIT or CERTIFICATE OF OCCUPANCY

Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this ordinance and punishable under Section 350 of this ordinance.

330 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, PERMITS, AND CERTIFICATES

Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this ordinance and punishable as provided in Section 350 of this ordinance.

340 COMPLAINTS REGARDING VIOLATION

Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint shall state fully the causes and basis thereof and shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate the complaint, and shall take action thereon as provided by this ordinance.

350 PENALTIES FOR VIOLATION

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this ordinance shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days, or both, and in addition shall pay all costs and expenses involved in the prosecution of the violation. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, sub-contractor, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation hereof.

360 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Village Council shall by separate ordinance establish a schedule of fees, charges and expenses and a collection procedure for zoning permits, amendments, appeals, variances, plan approvals, and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Administrator, and may be altered or amended by Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE 4 NON-CONFORMITIES

400 INTENT

Within the districts established by this ordinance or amendments that may later be adopted there exist lots, uses of land, structures, and uses of structures and land in combination which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

410 INCOMPATIBILITY OF NON-CONFORMITIES

Non-conformities are declared by this ordinance to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

420 AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

430 SINGLE NON-CONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the

effective date of adoption or amendment of this ordinance notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Articles 9 and 10 of this ordinance other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Sections 540 through 549.

431 NON-CONFORMING LOTS OF RECORD IN COMBINATION

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots with no building do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance. Said lots or combination of lots shall not be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this ordinance.

440 NON-CONFORMING USES IF LAND

Where, at the time of adoption of this ordinance lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

- 1) No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land that was occupied at the effective date of adoption or amendment of this ordinance.
- 2) No such non-conforming use or uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use or uses at the effective date of adoption or amendment of this ordinance.
- 3) If any such non-conforming uses of land are discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), any subsequent use of such land shall conform to the

regulations specified by this ordinance for the district in which such land is located.

- 4) No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

450 NON-CONFORMING STRUCTURES

Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise unlawful, subject to the following provisions:

- 1) No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity except in conformity with Section 830.3(C) of this ordinance, but any structure or portion thereof may be altered to decrease its non-conformity;
- 2) Should such non-conforming structure or non-conforming portion of structure be destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this ordinance;
- 3) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

460 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION

If a lawful use involving individual structures, or of a structure and land in combination exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- 1) No existing structure devoted to a use not permitted by this ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered, except in changing the use of the structure to a use permitted in the district in which it is located;
- 2) Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance but no such use shall be extended to occupy any land outside such building;

- 3) If no structural alterations are made, any non-conforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this ordinance;
- 4) Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
- 5) When a non-conforming use of a structure, or structure and land in combination is discontinued or abandoned for more than one (1) year (except when governmental action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
- 6) Where non-conforming uses status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

470 REPAIRS AND MAINTENANCE

On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

ARTICLE 5 ADMINISTRATION

500 OFFICE OF ZONING ADMINISTRATOR CREATED

A Zoning Administrator designated by the Mayor shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the Mayor may direct.

501 DUTIES OF ZONING ADMINISTRATOR

For the purpose of this ordinance, the Zoning Administrator shall have the following duties:

- 1) Upon finding that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation;
- 2) Order discontinuance of illegal uses of land, buildings, or structures;
- 3) Order removal of illegal buildings or structures or illegal additions or structural alterations;
- 4) Order discontinuance of any illegal work being done;
- 5) Take any other action authorized by this ordinance to ensure compliance with or to prevent violations(s) of this ordinance. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

509 PLANNING COMMISSION HEREBY CREATED

A Planning Commission for the Village is hereby created and exists under the authority of Ohio Revised Code Section 713.01 and shall consist of five members made up of the following:

- 1) Mayor
- 2) One member of the Village Council to be elected thereby for the remainder of his term as such member of the Council, and
- 3) Three citizens of the Village to be appointed by the Mayor for terms of six (6) years each, except that the term of one of the members of the first commission shall be for four (4) years and one for two (2) years. All such members shall serve without compensation.

Said commission shall have all the powers conferred in Section 735.15 of the Ohio Revised Code.

510 PROCEEDINGS OF PLANNING COMMISSION

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission 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 a public record and be immediately filed in the office of the Commission.

511 DUTIES OF PLANNING COMMISSION

For the purpose of this ordinance the Commission shall have the following duties:

- 1) Initiate proposed amendments to this ordinance;
- 2) Review all proposed amendments to this ordinance and make recommendations to the Village Council, as specified in Article 6;
- 3) Review all planned unit developments and make recommendations to the Village Council as provided in Article 8.

520 BOARD OF ZONING APPEALS CREATED

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Mayor each for a term of five (5) years, except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4), and five (5) year terms. Each member shall be a resident of the Village. Members of the Board may be removed from office by the Village Council, for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Mayor for the unexpired term of the member affected.

521 PROCEEDINGS OF THE BOARD OF ZONING APPEALS

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The board 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 a public record and be immediately filed in the office of the Board.

522 DUTIES OF THE BOARD OF ZONING APPEALS

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Administrator from whom the appeal is taken. The concurring vote of three (3) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Administrator, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation in the application of this ordinance. For the purpose of this ordinance the Board has the following specific responsibilities:

- 1) To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Administrator;
- 2) To authorize such variances from the terms of this ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done;
- 3) Decide upon the exact location of the boundary or boundaries of districts as shown on the official zoning map should there be a dispute as to their actual location;
- 4) To grant permits for uses in industrial districts.

530 DUTIES OF ZONING ADMINISTRATOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL

It is the intent of this ordinance that all questions of interpretation and enforcement shall first be presented to the Zoning Administrator, and that such questions shall be presented to the board only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this ordinance that the duties of the Village Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance the Village Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law, and of establishing a schedule of fees

and charges as stated in Section 360 of this ordinance. Nothing in this ordinance shall be interpreted to prevent any official of the Village from appealing a decision of the Board to the Courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

540 PROCEDURE AND REQUIREMENTS FOR APPEALS AND VARIANCES

Appeals and variances shall conform to the procedures and requirements of Sections 541-549, inclusive, of this ordinance. As specified in Section 522, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

541 APPEALS

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Administrator and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Administrator shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

542 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a Court of record. The restraining order shall be issued only on application to the appropriate body, with written notice to the Zoning Administrator from whom the appeal is taken, and upon a showing of due cause.

543 VARIANCES

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. No non-conforming use of neighboring

lands, structures, or buildings in the same district and no permitted or non-conforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this ordinance would result in unnecessary hardship.

544 APPLICATION AND STANDARDS FOR VARIANCES

A variance from the terms of this ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Administrator and the Board of Zoning Appeals containing:

- 1) Name, address, and telephone number of applicant(s);
- 2) Legal description of property;
- 3) Description of nature of variance requested;
- 4) A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures or buildings in the same district.
 - b. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - c. That special conditions and circumstances do not result from the actions of the applicant.
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, or buildings in the same district.
- 5) Complete listing of names and addresses of all adjoining landowners including those across rights-of-way.
- 6) A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection 4 of this section have been met by the applicant.

545 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with the ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appealed variance is granted, shall be deemed a violation of this ordinance and punishable under Section 350 of this ordinance.

546 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after the receipt of an application for an appeal or variance from the Zoning Administrator or an applicant.

547 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing required in Section 546, notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

548 NOTICE TO PARTIES IN INTEREST

Before holding the public hearing required in Section 546, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest including adjoining landowners. The notice shall contain the same information as required of notices published in newspapers as specified in Section 547.

549 ACTION BY BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Section 546, the Board of Zoning Appeals shall approve, approve with supplementary conditions as specified in Section 545, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure. Appeals from Board decisions shall be made in the manner specified in Section 530.

ARTICLE 6 AMENDMENT

600 PROCEDURE FOR AMENDMENT OR DISTRICT CHANGES

This ordinance may be amended utilizing the procedures specified in Sections 602 through 612, inclusive, of this ordinance.

601 GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may by ordinance after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

602 INITIATION OF ZONING AMENDMENTS

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

- 1) By adoption of a motion by the Planning Commission;
- 2) By adoption of a resolution by Village Council;
- 3) By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

603 CONTENTS OF APPLICATION

Applications for amendments to the Official Zoning Map adopted as part of this ordinance by Section 700 shall contain at least the following information:

- 1) Name, address, and telephone number of applicant;
- 2) Proposed amending ordinance, approved as to form by the Village Law Director;
- 3) Present use;
- 4) Present zoning district;
- 5) Proposed use;
- 6) Proposed zoning district;
- 7) A vicinity map at a scale approved by the Zoning Administrator showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Administrator may require;
- 8) A list of all property owners and their mailing addresses who are within, contiguous to, or directly across from the parcel(s) proposed to be rezoned and all others that may have a substantial interest in the case, as determined

by the Zoning Administrator, except that addresses need not be included where more than ten (10) parcels are to be rezoned;

9) A statement on how the proposed amendment relates to the comprehensive plan;

10) A fee as established by Village Council, according to Section 360. Applications for amendments proposing to amend, supplement, change, or repeal portions of this ordinance other than the Official Zoning Map shall include items (1), (2), (9) and (10) listed above.

604 TRANSMITTAL TO PLANNING COMMISSION

Immediately after the adoption of a resolution by the Village Council or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Planning Commission.

605 SUBMISSION TO DIRECTOR OF TRANSPORTATION

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Planning Commission shall give notice, by registered or certified mail to the Director of Transportation. The Planning Commission may proceed as required by law; however, the Village Council shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Village that he shall proceed to acquire the land needed, then the Village shall refuse to approve the rezoning. If the Director of Transportation notifies the Village that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Village Council shall proceed as required by law.

606 RECOMMENDATION BY PLANNING COMMISSION

Within sixty (60) days from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested, or it may

recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

607 PUBLIC HEARING BY VILLAGE COUNCIL

Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than sixty (60) days from the receipt of the recommendation from the Planning Commission.

608 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Notice of the public hearing required in Section 607 shall be given by Village Council by at least one (1) publication in one (1) or more newspapers of general circulation in the Village. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

609 NOTICE TO PROPERTY OWNERS BY VILLAGE COUNCIL

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be made 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 from such area proposed to be rezoned or redistricted. Such notice will be mailed to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by Village Council. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 608.

610 ACTION BY VILLAGE COUNCIL

Within thirty (30) days after the public hearing required by Section 607, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than three-fourths of the full membership of Village Council. No such ordinance shall be passed unless it has been fully and distinctly read on three different days except that such ordinance may become legislation if three-fourths of the members of Village Council vote to dispense with this rule.

611 EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the ordinance there is presented to the Village Administrator a petition, signed by a number of qualified voters residing in the Village equal to not less than ten percent (10%) of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village Council to submit the zoning amendment to the electors of the Village for approval or rejection at the next general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters, it shall take immediate effect.

612 ANNEXATION

All land annexed to the Village subsequent to the adoption of this ordinance shall remain subject to the previous County or Township zoning district until such time as the Official Zoning Map is amended according to the provisions of this Article. All land annexed to the Village which, prior to annexation, is not subject to County or Township zoning, shall remain unzoned until the Official Zoning Map is amended according to the provisions of this Article.

ARTICLE 7 PROVISIONS FOR OFFICIAL ZONING MAP

700 OFFICIAL ZONING MAP

The districts established in Article 8 of this ordinance as shown on the Official Zoning Map, together with all explanatory matter thereon, are hereby adopted as part of this ordinance.

710 IDENTIFICATION OF THE OFFICIAL ZONING MAP

The Official Zoning Map shall be identified by the signature of the Mayor attested by the Village Clerk and bear the seal of the Village.

720 INTERPRETATION OF DISTRICT BOUNDARIES

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

- 1) Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;
- 2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
- 3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
- 4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
- 5) Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village, unless otherwise indicated.

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ARTICLE 8 DISTRICTS

800 DISTRICTS

The following districts are hereby created: Recreation and Conservation, Residence A, Residence B, Local Business, General Business, and Industrial. These districts are shown on the Zoning Map which is a part of the zoning ordinance and are of such shape and area as has been found to be best suited to carry out the intent of the ordinance.

810 RECREATION and CONSERVATION DISTRICT

The following uses and no others shall be permitted in the Recreation and Conservation District:

- 1) Agricultural uses;
- 2) Publicly owned and/or operated parks and/or recreation areas;
- 3) Private recreational uses other than those publicly owned and/or operated such as golf courses, country clubs, and camping areas.

810.1 ACCESSORY USES

Customary accessory buildings and uses shall be permitted. All accessory structures on any lot, with the exception of fences, must be located behind the front building line of the principal structure of said lot.

810.2 CONDITIONAL USES – MARINAS and WATER RELATED ACTIVITIES

No building or permit shall be issued for the following uses or any customary accessory buildings or uses until and unless the location of such use shall have been applied for and approved of by the Zoning Board of Appeals:

- A) Boat harbors
- B) Boat marinas

810.3 ACCESSORY USES – MARINAS and WATER RELATED ACTIVITIES

The following uses shall be permitted as accessory uses in connection with any boat harbor or marina and primarily intended to serve only persons using the boat harbor or marina:

- A) Boat fueling, service, and repair
- B) Sale of boat supplies
- C) Grocery Store
- D) Restaurant
- E) Clubhouse and lockers if afloat
- F) Public boat landing and launching facilities

- G) Dockage facilities
- H) Off-street parking facilities and temporary parking of boats and trailers, including spaces large enough to accommodate parked automobiles pulling a boat.

810.4 ADDITIONAL DEVELOPMENTAL CONTROLS

The following controls shall apply:

- A) All uses permitted and conditional uses permitted in this District that require a building permit are also required to obtain a certificate of approval from the Clermont County Building Inspection Department. This approval will certify that the type and manner of construction shall not cause flood hazards, soil erosion, or adverse changes in the natural drainage courses or unnecessary destruction of natural features.
- B) Dwellings for permanent residence, including cabins, rooming houses, and mobile homes are not permitted in this District.
- C) Off-street parking shall be provided for any use within this District, according to the provisions of this Section and Article 11 of this ordinance.
- D) No outdoor storage of any material (useable or waste) shall be permitted in this District except within enclosed buildings as approved by the Clermont County Building Inspection Department.
- E) No motor vehicle that is inoperable, mobile home, or trailer that is useable or unusable shall be stored or used for storage of any items therein on any lot or parcel in this District.

810.5 GENERAL PROVISIONS

The following provisions are set forth for all uses in this district.

- | | |
|--------------------------------|----------------------------|
| A) Trash Collection Areas | Article 10, Section 1006 |
| B) Fence and Wall Restrictions | Article 10, Section 1010.3 |
| C) Height Restrictions | Article 10, Section 1010.6 |
| D) Parking Requirements | Article 11 |
| E) Signage | Article 12 |

810.6 AREA and HEIGHT REGULATIONS for the R-C District

810.6 AREA and HEIGHT REGULATIONS

Any publicly-owned or operated lot or structure within the Recreation and Conservation district shall not be subject to these area and height limitations, except that the height and setbacks of such structures must comply with the visibility at intersections requirements of Section 1010(2) and may not encroach on public right-of-way.

No privately owned or operated building on any lot within the Recreation and Conservation District shall be erected or structurally altered hereafter except in accordance with the following regulations:

A. LOT REQUIREMENTS

- | | |
|----------------------|--------------|
| 1. Minimum Lot Area | One (1) acre |
| 2. Minimum Lot Width | 150 Ft. |

B. YARD REQUIREMENTS

No structure or building may be erected or constructed within the public right-of-way.

- | | |
|---|--------|
| 1. Front (measured from right-of-way) | 50 Ft. |
| 2. Side, Principal and Accessory Structures | 25 Ft. |
| 3. Rear, Principal Structure | 50 Ft. |
| 4. Rear, Accessory Buildings | 25 Ft. |

C. MAXIMUM HEIGHT

- | | |
|------------------------|--------|
| 1. Principal Structure | 25 Ft. |
|------------------------|--------|

820 RESIDENCE "A" DISTRICT

The following uses and no others shall be permitted in Residence "A" District:

- A) Single-family dwellings
- B) Accessory uses, buildings or other structures customarily incidental to any aforesaid permitted use, including private garages and stables, where such stables are situated at least one thousand (1,000) feet distant from every lot line, provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk giving access to such activity or any billboard, sign or poster other than hereinafter authorized. The keeping or boarding of farm animals other than horses as provided above is expressly prohibited in this district.
- C) Gardening, the raising of vegetables or fruits and the keeping of domestic animals exclusively for the use or personal enjoyment of residents of the premises and not for commercial purposes, provided that any heating plan and any stable in which horses are kept shall be located not less than one thousand (1,000) feet from every lot line.
- D) Summer houses and living quarters of persons employed on the premises without kitchen facilities and not rented or otherwise used as a separate dwelling.
- E) Private swimming pools, exclusively for the use of the residents and guests.
- F) Real estate signs and small announcements or professional signs subject to the provisions of Article 12.
- G) Temporary building for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- H) Off-street parking shall be provided for any use within the District, according to the provisions of this Section and Article 11 of this ordinance.
- I) Home Occupations.

820.1 ACCESSORY STRUCTURES

Customary accessory buildings shall be permitted. All accessory structures on any lot, with the exception of fences, must be located behind the front building line of the principal structure of said lot.

820.2 GENERAL PROVISIONS

The following provisions are required for all uses in this district. Refer to the specific section (as noted) for each item

A) Home Occupations	Article 10, Section 1003
B) Private Swimming Pools	Article 10, Section 1002
C) Temporary Buildings	Article 10, Section 1004
D) Parking and Storage of Certain Vehicles	Article 10, Section 1005
E) Visibility at Corner Lots	Article 10, Section 1010.2
F) Front Yard Fence and Wall Restrictions	Article 10, Section 1010.3
G) Architectural Projections	Article 10, Section 1010.5
H) Height Regulations	Article 10, Section 1010.6

820.3 AREA and HEIGHT REGULATIONS for the R-A District

820.3 AREA and HEIGHT REGULATIONS

A. LOT REQUIREMENTS

- | | |
|---|---------------|
| 1. Minimum Lot Area | 8,712 Sq. Ft. |
| 2. Minimum Lot Width (at building line) | 66 Ft. |

B. MINIMUM YARD REQUIREMENTS

No structure or building may be erected or constructed within the public right-of-way.

- | | |
|--|---------------------------|
| 1. Front (measured from right-of-way) | 15 Ft. (New Construction) |
| Front setbacks for additions to existing principle structures shall be determined by the existing front building line. | |
| 2. Rear, Principal Structure | 15 Ft. |
| 3. Rear, Accessory Structure | 5 Ft. |
| 4. Side | 5 Ft. |

C. HEIGHT REQUIREMENTS

- | | |
|-------------------------|--------|
| 1. Principal Structure | |
| a. Stories | 2 ½ |
| b. Height | 35 Ft. |
| 2. Accessory Structures | |
| a. Stories | 1 ½ |
| b. Height | 20 Ft. |

D. FLOOR AREA (Minimum requirements)

- | | |
|---|---------------|
| 1. Living Area, Single Family Residence | 1,400 Sq. Ft. |
| 2. Total Area | 1,600 Sq. Ft. |

The minimum total floor area may include attached enclosed garages, in addition to the living area square footage; however, no reduction in minimum residential floor living area, as defined in Article 2, is permitted. Basement areas may be included in the total floor area, provided such areas are finished as residential living areas.

820.4 GRANDFATHER CLAUSE

As of the date of the adoption of Section 820.3D, any existing Residential "A" structure that does not meet the requirements of Section 820.3D shall be exempt from said section if the structure is damaged or destroyed by casualty and the owner thereof elects to rebuild or repair to the original condition. Said rebuilding or repair must be completed within eighteen (18) months. Failure to complete said rebuilding or repair will be construed as an abandonment of said structure and said property will be subject to Section 820.3D of this ordinance.

820.5 EXCEPTIONS

Existing lots of record not meeting all of the requirements of this Section shall nonetheless conform to set-back, side and rear yard dimensions. Variances may be granted on a case-by-case basis when such conformance creates practical difficulties.