

ZONING CODE FOR THE VILLAGE OF MENDON OHIO

CHAPTER 152: ZONING CODE

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GENERAL PROVISIONS

§ 152.001 SHORT TITLE.

This chapter shall be known and cited as the Zoning Code, as amended.

§ 152.002 INTENT AND PURPOSE.

(A) For the purpose of promoting the public health, safety, morals, comfort and general welfare, conserving the values of property, facilitating the provision of water, sewerage, schools and other public requirements, and lessening or avoiding congestion on public streets and highways, the Zoning Code is hereby provided as follows.

(B) Each permit, when applicable, shall comply with state and national regulations.

§ 152.003 DEFINITIONS.

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

ACCESSORY USE or STRUCTURE. A use or structure (such as a garage) incidental to the main use of the land or building. In buildings restricted to residence use, the office of a professional man, and workshops not conducted for compensation shall be deemed accessory uses. In commercial, institutional and industrial areas, parking lots are accessory uses.

AGRICULTURE. Agriculture shall include farming, dairying, pasturage, agriculture, horticulture, viticulture, animal and poultry husbandry and the processing and sale of agriculture products from land under same ownership.

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

AUTOMOTIVE SALES. The sale or rental of new or used motor vehicles or trailers.

BOARD. The Board of Zoning Appeals of THE VILLAGE OF MENDON OHIO

BOARDING HOUSE. A building arranged or used for lodging with or without meals, for compensation, by more than three non-transient individuals.

BUILDING. Any structure other than a boundary wall or fence.

BUILDING, FRONT LINE OF. The line of that face of the building nearest the front line of the lot. This face includes porches whether enclosed or unenclosed but does not include steps.

BUILDING, HEIGHT OF. The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

BUILDING, PRINCIPAL. A building in which is conducted the main or principal use of the lot on which the building is situated.

BUSINESSES.

(1) **CENTRAL BUSINESS.** Includes comparison and convenience shopping; professional, business, and financial services; public and semipublic uses and other activities of a comparable clean and compact nature which contribute to the economic and design of the area as determined by the Board.

(2) **HIGHWAY AND GENERAL BUSINESS.** Includes commercial uses requiring locations on major thoroughfares and at their intersections. Highway uses include motels, gas stations and

restaurants. General and service businesses include auto and farm implement sales and services, building trades and services, commercial recreation and other commercial uses which do not contribute to the design of unified commercial center.

BUSINESS SERVICES. Any activity conducted for gain which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes or businesses.

CELLAR. A story partly underground and having more than 50% of its clear height below the average level of the adjoining ground. A CELLAR shall not be considered a story for purposes of height measurement, or in determining the permissible number of stories or in computing floor area or in calculating living area.

CLINIC. An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together.

CLUB. A building or portion thereof or premises owned or operated by a corporation, association, person or 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.

COMMERCIAL ENTERTAINMENT FACILITIES. Any activity conducted for gain which is generally related to the entertainment field, such as motion picture theaters, carnivals, night clubs and similar entertainment activities.

COMMISSION. The Planning Commission of the VILLAGE OF MENDON OHIO

CONDITIONAL USE (SPECIAL EXCEPTIONS). A use which is subject to conditional approval by the Planning Commission. A CONDITIONAL USE may be granted by the Planning Commission only when there is a specified provision for such special exceptions made in this chapter. A CONDITIONAL USE is not considered to be a nonconforming use.

CONDOMINIUMS. A building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Both residential condominiums and commercial condominiums exist; however, for purposes of this chapter, residential are only heretofore defined. Commercial condominiums will be handled as any other commercial or business property.

CONDOMINIUMS ASSOCIATION. The community association which administers and maintains the common property and common elements of a condominium.

COUNCIL. The Village Council of THE VILLAGE OF MENDON OHIO

DISTRICTS, ZONING DISTRICTS. Administrative tracts designating the uses to which land can legally be utilized. Boundaries of the districts are shown on the "district map" which is part of this chapter.

DRIVE-IN COMMERCIAL USES. Any retail commercial use providing considerable off-street parking and catering primarily to vehicular trade such as drive-in restaurants, drive-in theaters, drive-up and carry-out stores, and similar uses.

DWELLING. Any building or portion thereof which is designated for or used for residential purposes.

DWELLING, MULTIPLE. A building used or designed as a residence for three or more families living independently of each other and doing their own cooking therein, including apartment houses, garden apartments and row houses.

DWELLING, SINGLE-FAMILY. A building designed for or occupied exclusively by one family.

DWELLING, TWO-FAMILY. A building designed for or occupied exclusively by two families.

ESSENTIAL SERVICES. The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies of underground gas, electrical or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants and other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

FAMILY. One or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises as distinguished from a group occupying a boarding house or hotel, as herein defined.

FAMILY HOME. A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for not more than eight persons with developmental disabilities.

FOOD PROCESSING. The preparation or processing of food products. Examples of activities included are bakeries and dairies.

FRONTAGE. All the property on one side of a street between two intersecting streets (crossing or terminating), measured at the setback building line or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street.

GARAGE, PRIVATE. An accessory building designed or used for the storage of motor-driven vehicles owned and used by the occupants of the building to which it is accessory. Not more than one of the vehicles may be a commercial vehicle of more than two-ton capacity.

GAS STATION, SERVICE STATION. Any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work, such as motor replacement, body and fender repair or spray painting.

GROUP HOME. A residential facility that provides room and board, personal care, habilitation services, and supervision in a family setting for at least nine but not more than 16 persons with developmental disabilities, per state regulations.

HIGHWAY, MAJOR. A street or road of considerable continuity and used primarily as a traffic artery for intercommunication among large areas.

HOME OCCUPATION. An accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small sign (not over four square feet in size) and in connection therewith there is not involved the keeping of a stock in trade. The office of a physician, surgeon, dentist or other professional person, including an instructor in individual musical instruments limited to a single pupil at a time who offers skilled services to clients, and is not professionally engaged in the purchase or sale of economic goods, shall be deemed to be home occupations; and the occupations of beauty operator, with not more than one paid assistant shall be deemed to be home occupations. Tourist homes, real estate offices, convalescent homes, mortuary establishments, and stores, trades or business of any kind not herein excepted shall not be deemed to be home occupations. Borderline cases shall be ruled on by the Board of Appeals.

HOTEL. A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in

contra-distinction to a boarding house or a lodging house which are herein separately defined.

INSTITUTION. Buildings or land occupied by a nonprofit corporation or a nonprofit establishment for public use.

JUNK STORAGE AND SALES (SALVAGE OPERATION). Any lot, land or structure, or part thereof, used primarily for the collection, storage and sale of waste paper, rags, scrap metal or discarded material, or for the collecting, dismantling, storage and salvaging of machinery or vehicles not in operating condition, and for the sale of parts thereof.

LAND USE PLAN. The long-range plan for the desirable use of land in the area as adopted by the Village Planning Commission; the purpose of such plan being, among other purposes, to serve as a guide in future development and zoning for the community.

LEGAL COUNSEL. An attorney representing a municipality.

LOADING SPACE. A space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks and having a minimum dimension of 12 by 45 feet and a vertical clearance of at least 14 feet.

LODGING HOUSE. Any building or portion thereof containing not more than four guest rooms which are used by not more than five guests where rent is paid in money, goods, labor or otherwise.

LOT. A parcel of land occupied or intended for occupancy by a use permitted in this chapter, including one main building together with its accessory buildings, the open spaces and parking spaces required by this chapter, and having its principal frontage upon a street or upon an officially approved place. A LOT may or may not be the land shown on a duly recorded plat.

LOT COVERAGE. Percentage of lot coverage shall be the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage.

LOT OF RECORD. Any lot which individually or as a part of a subdivision has been recorded in the Office of the Recorder of Deeds of the county.

LOT, MINIMUM AREA OF. The area of a lot computed exclusive of any portion of the right-of-way of any public thoroughfare.

LOT WIDTH. The width of a lot at the building setback line measured at right angles to its depth.

MANUFACTURING, GENERAL. Any manufacturing or industrial production which by the nature of the materials, equipment and process utilized are not objectionable by reason of odor, radiation, noise, vibration, cinders, gas fumes, dust, smoke, refuse matter or water-carried waste. Any manufacturing or industrial process permitted in an "M-2" District shall comply with the performance requirements of §§ 152.110 and 152.111, and the applicable regulation of the Ohio EPA.

MANUFACTURING, RESTRICTED. Any manufacturing or industrial production which by the nature of the materials, equipment and process utilized are to a considerable measure clean, quiet and free of any objectionable or hazardous element. Restricted industrial uses shall comply with the performance requirements specified in §§ 152.110 and 152.111, and the applicable regulation of the Ohio EPA, and shall include the industrial uses listed below and any other uses which are determined by the Board to be of the same restricted character: Drugs, sporting goods; processing and assembly of glass products, small household appliances, electronic products and parts for production of finished equipment; research and testing laboratories, printing and engraving plants, bakeries or dairies.

MINERAL EXTRACTION, STORAGE AND PROCESSING. Any mining, quarrying or processing of limestone sand, gravel or other mineral resources.

MOBILE HOME PARKS. An area manifestly designed to accommodate mobile homes in a safe, sanitary and desirable manner as described in § 152.076.

MOBILE HOME - TRAILER. Any vehicle or similar portable structure so designed or constructed as to permit occupancy for dwelling or sleeping purposes.

MORE RESTRICTIVE. In reference to a nonconforming use, the changing of a use to more nearly conform to the permitted use, thus increasing the requirements such as side yards, and the like, or generally increasing compatibility of a nonconforming use to the requirements of the district in which it is located.

MOTOR COURT or MOTEL. A building or group of buildings used for the temporary residence of motorists or travelers.

MOTOR VEHICLES. Any powered vehicle which is required to be licensed by the state.

NONCONFORMING USE. The use of land or a building, or portion thereof, which does not conform with the use regulations of the district in which it is situated.

OFF-STREET PARKING SPACE. Any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space has an area of not less than 180 square feet, exclusive of access drives or aisles.

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

PLANNING COMMISSION. The Planning Commission of the municipality.

PLANT CULTIVATION. The cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside of structures, such as greenhouses.

PROFESSIONAL ACTIVITIES. The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects, and engineers.

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 disposal services.

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

RECREATIONAL FACILITIES.

(1) **COMMERCIAL RECREATIONAL FACILITIES.** Recreational facilities open to the public, established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, carnivals and similar commercial enterprises.

(2) **NONCOMMERCIAL RECREATIONAL FACILITIES.** Private and semipublic recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses and other private noncommercial recreation areas and facilities or recreation centers including private community swimming pools.

RESIDENTIAL FLOOR AREA. The interior floor area of a dwelling, including stairways, halls and closets but not including basements, porches, garages, breeze ways or carports.

RETIREMENT COTTAGES. A detached dwelling unit containing less than 400 square feet of floor area as a sleeping or living unit.

RETIREMENT HOMES. Residential unit, designed to be occupied exclusively by retired persons.

ROOMING HOUSE. A building which has five or more rooms or suites of rooms which are offered for use, or are permitted to be used by roomers; or a building containing one, two, or three dwelling units, with five or more paying guests: the majority of whom are roomers, residing with a family in any one of such dwelling units.

SEMIPUBLIC USES. Churches, Sundays schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable or philanthropic nature.

SEWAGE DISPOSAL SYSTEM - GROUP. An approved sewage disposal system which provides for the combined collection and disposal of sewage from a group of residential, commercial or industrial buildings.

SEWAGE DISPOSAL SYSTEM - ON SITE. A septic tank installation on an individual lot which utilizes an anaerobic bacteriological process for the elimination of solid wastes and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

SIGN. Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.

(1) **SIGN, ACCESSORY.** 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.

(2) **SIGN, NON-ACCESSORY.** Any sign unrelated to a business or profession conducted, or to be a commodity or service sold or offered upon the premises where such sign is located.

(3) **SIGN, ADVERTISING.** A sign which directs attention to a business, profession, commodity or entertainment conducted, sold, or offered elsewhere than upon the same lot.

(4) **SIGN, BUSINESS.** A sign which directs attention to a business, professional commodity or entertainment conducted, sold, or offered upon the same lot.

(5) **SIGN, ILLUMINATED.** Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.

(6) **SIGN, LIGHTING DEVICE.** Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.

(7) **SIGN, PROJECTING.** Any sign which projects from the exterior of a building.

SPECIALIZED ANIMAL RAISING AND CARE. The use of land and buildings for the raising and care of fur-bearing animals such as rabbits and domestic pets; and the stabling and care of horses, animal kennels, pigeon raising and raising of any other domestic or laboratory animals or birds of a similar nature.

STORY. That portion of a building other than a cellar included between the surface of any floor and the surface of the floor next above it or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a STORY if it is used for living quarters or if

two-thirds of its volume is above the average level of the adjacent ground.

STREETLINE, RIGHT-OF-WAY LINE. 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.

STRUCTURAL ALTERATIONS. Any change which would tend to prolong the life of a supporting member of a structure such as bearing walls, columns, beams, or girders.

STRUCTURE. Anything constructed or erected, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground, including, but without limiting, the generality of the foregoing, advertising signs, billboards and backstops for tennis courts.

TOURIST HOME. A building other than a hotel where lodging is provided and offered to the public for compensation for not more than ten individuals, including the serving of breakfast.

TRAILER, MOBILE HOME. Any house car, house trailer, or similar mobile unit which may be used for dwelling or sleeping quarters.

TRAILER, SMALL UTILITY. Any trailer drawn by passenger automobile, used for the occasional transport of personal effects.

VARIANCE. A relaxation of requirements where such variation will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of actions of the applicant, a literal enforcement of this chapter would result in unnecessary and undue hardship.

YARD. An open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a YARD for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD, FRONT. A yard extending across the front of a lot between the side lot lines and being the minimum distance between the street right-of-way and the main building or any projection thereof, other than the projections of the usual uncovered steps, uncovered balconies, or uncovered porch.

YARD, FRONT CORNER LOTS. A yard located on a lot having frontage on more than one street.

YARD, REAR. A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projections of uncovered steps, or unenclosed porches.

YARD, SIDE. A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot and the side of the main building or any projections thereto.

ZERO LOT LINE. A development approach in which a building is sited on one lot with no side yard on one side.

ZONING CERTIFICATE. The document issued by the Village Zoning Inspector authorizing the use of the land or buildings.

ZONING DISTRICT MAP. The Zoning District Map or maps of the village together with all amendments subsequently adopted.

ZONING INSPECTOR. The Zoning Inspector or his authorized representative appointed by the

Village Council.

§ 152.004 INTERPRETATION AND CONFLICT.

In interpreting and applying the provisions of the chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this chapter to interfere with, or abrogate or annul any easements, covenants, or other agreements between parties, nor to interfere with, or abrogate or annul any ordinances, other than expressly repealed hereby, rules, regulations, or permits previously adopted or issued, and not in conflict with any of the provisions of this chapter, or which shall be adopted or issued, pursuant to law, regarding the use of buildings or land; provided, however, that where this chapter imposes a greater restriction upon the use of buildings or land, or upon the height or buildings, or requires larger open spaces or greater lot area per family, than are required by or imposed by such easements, covenants or agreements between parties, or by such ordinances, rules, regulations, or permits, the provisions of this chapter shall control.

§ 152.005 AMENDMENT TO ZONING PROVISIONS.

Whenever the public necessity, convenience, general welfare or good zoning practices require, the Council may, by ordinance, after receipt of recommendation thereon from the Planning Commission, and subject to the procedures provided by law, amend, supplement or change the regulations, district boundaries or classification of property, now or hereafter established by this chapter or amendments thereof. It shall be the duty of the Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Council.

§ 152.006 PROCEDURE FOR CHANGE IN ZONING DISTRICT; APPLICATION FEES.

(A) Procedure.

(1) Procedure for change in zoning districts. Applications for any change of district boundaries or classifications of property as shown on the zoning map shall be submitted to the Commission, at its public office upon such forms, and shall be accompanied by such data and information as may be prescribed for that purpose by the Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the Commission shall be accompanied by its motion pertaining to such proposed amendment.

(2) Names and addresses of adjacent property owners. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within 200 feet of any part of the property the zoning classification of which is proposed to be changed

(3) Public hearing by Commission. Before submitting its recommendation on a proposed amendment to the Council, the Commission shall hold a public hearing thereon, notice of which shall be given by publication in a newspaper of general circulation in the municipality at least 30 days before the date of the hearing. The notice shall state the place or places and times at which the proposed amendment to the ordinance, including text and maps, may be examined.

(4) Notice to property owners. In addition to the published notice as hereinbefore specified, the Commission shall give notice of time, place and purpose of public hearings to be held by it on proposed amendments or supplements, by mailing a postal card or letter notice not less than 20 days prior to the date of the hearing, to the owners of all properties lying within 200 feet of any part of the property proposed to be changed. The failure to notify, as provided in this section, shall not invalidate any recommendations adopted hereunder; it being the intention of this section to provide, so far as may be possible, due notice to the persons substantially interested in the proposed change that an application is pending before the Commission, proposing to make a change in the zoning district map or the regulations set forth in this chapter.

(5) Action of Commission. The Commission may recommend that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application be not granted. These recommendations shall then be certified to the Council within 30 days after the hearing.

(6) Public hearing by Council. After receiving from the Commission the certification of the recommendations on the proposed amendment, and before adoption of such amendment, the Council shall hold a public hearing thereon, at least 30 days notice of the time and place of which shall be given by publication in a newspaper of general circulation in the municipality once a week for two weeks. The notice shall state the place or places and times at which the proposed amendment to the ordinance, including text and maps, may be examined and other notices as required by state statutes or Planning Commission.

(7) Notice to property owners.

(a) In addition to the published notice as specified in this section, the Clerk shall give notice of the time, place and purpose of public hearings to be held by it on proposed amendments or supplements, by mailing a first-class mail notice not less than 20 days prior to the date of hearing to the owners of all properties lying within 200 feet of any part of the property proposed to be changed. The failure to notify as provided in this section shall not invalidate any recommendation adopted hereunder; it being the intention of this section to provide notice to the persons substantially interested in the proposed to make a change in the zoning map or the regulations set forth in this chapter.

(b) The Clerk of the Board of Zoning Appeals shall mail a registered letter to the applicant giving him or her notice of the date, time and place of the hearing and advising the applicant that he or she, or a representative, must appear at the hearing to have the appeal heard.

(8) Action of Council. After receiving from the Planning Commission certification of the recommendations on the proposed amendment and after holding the above public hearing, the Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the ordinance or the zoning map. No such ordinance, measure or regulation which differs from or departs from the plan or report submitted by the Commission, Board, or Officer shall take effect unless passed or approved by not less than three-fourths of the membership of the legislative authority.

(B) Application fees.

(1) At the time that an application for a change of zoning districts is filed with the Commission, as provided herein, there shall be deposited with the clerk, the sum of \$50 as a fee to cover investigation, legal notices and other expenses incidental to the determination of such matter, such fee to be for one lot or part of one lot. An additional fee of \$50 shall be deposited for each additional lot or part of an additional lot which may be included in the request, such additional lot or part of a lot to be adjacent to each other. Such sums so deposited shall be credited by the clerk to the general fund.

(2) In the event that the Planning Commission disapproves the application and the petitioners elects not to have the same certified to the Council, then a refund of \$30 plus an additional refund of \$5 for each additional lot or part of an additional lot which was included in the application should be made to the petitioner by the Director of Finance; provided that the Director of Finance is notified of such decision by the petitioner within 30 days from the time of the action by the Planning Commission.

(C) Zoning in newly annexed territory.

Upon receipt of notice of hearing of annexation petitions, the clerk shall forward copies to the Planning Commission. The Planning Commission shall then proceed to consider the appropriate zoning classification of the territory to be annexed in accordance with this section. The Planning Commission shall make its recommendation to the Council in a timely fashion such that the ordinance designating the zoning classification for the territory to be annexed shall become effective at the same time as the ordinance approving the annexation of the territory.

§ 152.007 NONCONFORMING USES.

(A) General regulations.

(1) Any lawful uses of buildings or land existing at the effective date of this chapter may be continued, even though such use does not conform to the provisions of this chapter. The nonconforming use of a building may be extended throughout those existing parts of the building which were arranged or designed for such use. No nonconforming building or structure shall be moved, extended, enlarged or altered and no nonconforming use of land shall be expanded, except when authorized by the Board in accordance with the provisions of § 152.153.

(2) Whenever the use of a building or land becomes nonconforming through a change in the amended zoning chapter or in the district boundaries, such use may be continued.

(3) A nonconforming use which is discontinued for a period of two years shall not again be used except in conformity with the regulations of the district in which it is located.

(4) A nonconforming use which has been damaged by fire, explosion, act of God or the public enemy to the extent of 51% or more of its reproduction value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than 51% of its reproduction value, a non-conforming use may be repaired or reconstructed, and used as before the time of damage, provided such repairs or reconstruction are started within one year of the date of such damage.

(5) Nonconforming trailer or mobile homes located on a lot in any district other than in an established mobile home park in an "R-1" District, once removed shall be replaced within 90 days with a greater value mobile home or trailer.

(6) It is not the intention herein to classify as nonconforming, a use or building allowed in a district as a conditional use under the regulations of this chapter.

(7) Any building arranged, intended or designed for a nonconforming use the construction of which has been started at the time of the passage of this chapter, but not completed, may be completed and put into such non-conforming use, provided it is done within one year after this chapter takes effect.

(8) Any building which is nonconforming solely because it does not comply with front yard setback requirements may be altered or extended from the side or back without a variance permit provided the alteration or extension conforms to all requirements under this chapter.

(B) Zoning certificate. A zoning certificate shall be required for all lawful nonconforming uses of land and building created by adoption of this chapter in accordance with the provisions of § 152.175.

DISTRICT AND MAPS

§ 152.015 DIVISION OF VILLAGE INTO DISTRICTS.

The municipality is hereby divided into districts under four general categories which shall be known as: Open Area Districts, Residential Districts, Business Districts and Industrial Districts.

§ 152.016 DISTRICT MAP ADOPTED.

(A) Boundaries of districts. The boundaries of the districts are shown upon the map which is made a part of this chapter, which map is designated as the "District Map." The district map and other information shown thereon are a part of this chapter. The original district map is properly attested and is on file with the office of the Village Administrator.

(B) Effective date of amendments. No amendment to this chapter which involves matter portrayed on the Official District Map shall become effective until after such change and entry has been made on the map. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except

in conformity with the procedures set forth in this chapter.

(C) Authority of map. The Official District Map, which shall be located in the office of the Village Administrator, shall be the final authority as to the current zoning status of land and water area, buildings and other structures.

(D) Annexed territory. All territory hereafter annexed to the village shall be automatically zoned as the district which represents its intended use.

§ 152.017 INTENTION OF BOUNDARY LINES.

(A) The district boundary lines on the map are intended to follow either centerlines of thoroughfares or railroads or lot lines. In the case of unsubdivided property, the district boundary lines will be determined by the use of the scale appearing on the zoning district map or by dimensions.

(B) Whenever any street, alley, or other public way is vacated by official action of the Council, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation.

§ 152.018 HIGHER USE.

(A) (1) For purposes of this section the districts shall be ranked from highest use to lowest use as follows:

R-1
R-2
R-3
B-1
B-2
M-1
M-2

(2) Subject to the procedure set forth in this section, any permitted use of a district shall be allowed as a permitted use in a lower use district, and any conditional use of a district shall be allowed as a conditional use of a lower use district, unless such conditional use is already a permitted use in the lower use district.

(B) Any party desiring to establish a higher use in a lower use district shall notify the Zoning Inspector. The Zoning Inspector shall then establish a hearing date with the Planning Commission and give at least 30 days public notice thereof in a newspaper of general circulation in the municipality and at least 20 days notice to parties having proprietary interest in land within 200 feet. At the hearing, any party may appear in person or by attorney.

(C) The Planning Commission shall permit the establishment of the higher use in the lower use district unless it is determined in the Planning Commission's discretion that the detriment of the proposed use outweighs the benefit when taking into consideration the interests of the village, the proposing party and any objecting party.

(D) In the event the proposed higher use is a conditional use in the lower use district the provisions in this chapter for the allowance or rejection of a conditional use shall be followed.

(E) In the event a higher use is permitted in a lower use district all higher use requirements must be followed.

(F) Districts S-1 and A-1 shall not be subject to this section.

§ 152.019 PERMITTED AND CONDITIONAL USES.

The permitted and conditional uses for each district are shown in **TABLE 1: PERMITTED AND CONDITIONAL USES**, which shall constitute this section of the zoning chapter. The interpretation of uses given in categorical terms shall be as defined in §§ 152.015 through 152.017. Uses not specifically listed or interpreted to be included categorically under this section and §§ 152.015 through 152.017 shall not be permitted except by amendment to the chapter.

SPECIFIC DISTRICT REGULATIONS

§ 152.030 OPEN AREA DISTRICTS.

(A) S-1 Special. For areas which are large public or semipublic holdings, areas suitable for noncommercial recreation, and areas subject to periodic flooding.

(B) A-1 Agriculture. For land which is level or gently rolling and is best reserved for agricultural and other rural purposes.

§ 152.031 RESIDENTIAL DISTRICTS.

(A) "R-1" Very low density. For low density residential development which may or may not have community water and sewerage services.

(B) "R-2" Low density residence. For relatively low density residential development which has group water and sewerage facilities developed.

(C) "R-3" Medium density residence. For medium density residential development which has ready access to most community facilities. Community water and sewerage facilities are required.

§ 152.032 BUSINESS DISTRICTS.

(A) "B-1" Central business district. For areas of the existing central business district which are structurally sound and functional plus additional areas which are logical for expansion of a unified and compact commercial core.

(B) "B-2" Highway and general business. Areas along major highways or thoroughfares which provide sales and services oriented to highway travelers; or general businesses including sale and services for automotive, farm machinery, building trades, and the like.

§ 152.033 INDUSTRIAL DISTRICTS.

(A) "M-1" Restricted industrial. For areas for light industries with restricted manufacturing operations, research facilities and offices of a restricted nature which will have little or no detrimental effects on neighboring land uses.

(B) "M-2" General industrial. For areas which, because of their access to transportation and community services, and relative isolation from other land uses, provide good sites for most types of general industry.

GENERAL REGULATIONS

§ 152.050 COMPLIANCE REQUIRED.

The regulations set forth by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided:

(A) No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

(B) No building or other structure shall hereafter be erected or altered in the following manners or in any other manner contrary to the provisions of this chapter:

- (1) To exceed the height;
- (2) To accommodate or house a greater number of families;
- (3) To occupy a greater percentage of lot area;
- (4) To have narrower or smaller rear yards, front yards, side yards or other open spaces;

(C) No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

§ 152.051 BASIC YARD, AREA AND HEIGHT REQUIREMENTS.

(A) Basic yard, area and height requirements for dwellings. The following schedule establishes minimum yard, area and height requirements for dwelling and structures accessory to dwellings by district: See **TABLE 2: BASIC YARD, AREA AND HEIGHT REQUIREMENTS FOR DWELLINGS**, which shall constitute this section of the zoning chapter.

(B) Basic yard, area, lot coverage and height requirements for all buildings other than dwellings. The following table establishes the yard, area, lot coverage and height requirements for all buildings except dwellings and structures accessory to dwellings, by districts: See **TABLE 3: BASIC YARD, AREA AND HEIGHT REQUIREMENTS FOR ALL BUILDINGS OTHER THAN DWELLINGS**, which shall constitute this section of the zoning chapter.

§ 152.052 FLOOR AREA REQUIREMENTS FOR DWELLINGS.

The floor area per family in dwellings erected on any lot shall not be less than that established by the following table. In determining floor areas, only the area used for living quarters shall be counted. Utility rooms, garages, carports, porches, laundry area, heater-rooms and basements are to be excluded.

MINIMUM FLOOR AREA PER EACH FAMILY UNIT (SQ. FT.)

DISTRICT	SINGLE AND TWO FAMILY DWELLINGS	EFFICIENCY APARTMENT	ONE-BEDROOM APARTMENT	TWO OR MORE BEDROOMS IN APARTMENT
A-1	900			
R-1	1,100			
R-2	1,000	500	650	800
R-3	99	900	650	800

§ 152.053 MINIMUM YARD REQUIREMENTS.

Business and Industrial buildings shall not be located nor conducted closer to any lot line of an "R" District than the distance specified in the following schedule, except as provided in § 152.054 of this chapter.

MINIMUM SIDE OR REAR YARD ABUTTING ANY "R" DISTRICT	USE
--	-----

10 feet	Access drives for nonresidential uses
10 feet	Churches, schools and public or semipublic buildings
10 feet	Recreation facilities, entertainment facilities, motels, trailers and mobile home parks, all commercial uses and billboards
100 feet	Outside sale or storage of building material or construction equipment, all industrial uses, except those listed below
500 feet	Auto and metal salvage operations; mineral extraction, storage or processing

§ 152.054 LANDSCAPING AND SCREENING.

For nonresidential uses abutting "R" Districts, landscaping and/or screening approved by the Board of Zoning Appeals shall be provided and maintained in good condition as a precondition to any and every nonresidential use of such abutting property. The Board of Zoning Appeals shall have original jurisdiction to reduce the minimum yard requirements stated in § 152.053 provided it finds, after considering the type of landscaping and/or screening required and the nature of the nonresidential use, that the reduction will not be detrimental to the abutting "R" District or the owners or occupants thereof.

§ 152.055 HEIGHT REGULATIONS.

(A) Institutional, industrial and apartment buildings with a height in excess of the minimum height specified in § 152.051 for such buildings may be permitted provided the required front, side and rear yards are increased by two feet for each foot of additional building height above the maximum specified in § 152.051, except that no building shall exceed a maximum height of 60 feet without prior approval of the Board of Zoning Appeals.

(B) The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar structures, elevator bulkheads, smokestacks, conveyors and flagpoles, except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

§ 152.056 EXISTING LOTS OF RECORD.

Subject to compliance with the remaining provisions of the section, a lot having a width less than that required by § 152.051(A) of this chapter, but having at least 80% of the minimum lot area required by § 152.051(A) and existing as such on the effective date of this chapter in any "R" district may be used for the erection of a single-family dwelling even though its area and width are less than the minimum requirements set forth herein. Each side yard shall be a minimum of six feet. Where two adjacent lots of record with less than the required area and width are held by one owner, the Board may require that the lot be combined and used for one main building. In either case, the prevailing setback shall be met. Where three or more contiguous unimproved lots of record with less than the required area and width are held by one owner, the Board may require replatting to fewer lots to permit compliance with minimum yard requirements.

§ 152.057 ARCHITECTURAL PROJECTIONS.

(A) Open structures. Open structures such as porches, canopies, balconies, platforms, carports, and covered patios, and similar architectural projections shall be considered a part of the building to which attached and shall not project into the required minimum front, side or rear yard.

(B) Marquees in B-1 and B-2 Areas. All overhangs or marquee on store fronts shall be nine feet above the sidewalk, and seven feet from the front building line; but in no case shall the marquee come within two feet of the face of the curb. In all cases the overhangs and marquee shall be continuous from building to building. In case of building line offsets of adjacent properties the Board of Appeals and Zoning Inspector will make the final decision as to the proper elevation and amount of overhang. Drainage from all overhangs or marquee shall be taken care of at the discretion of the Zoning Inspector.

§ 152.058 SET BACKS OF BUILDINGS ON PRINCIPAL STREETS AND HIGHWAYS.

Along any state highway, federal highway, or street, other than in a B-1 area, no building or accessory building shall be located within 60 feet of the existing right-of-way of such highway or any proposed right-of-way line on the municipalities thoroughfare plan, except that in an "R" District, if a then existing residential structure in an "R" District, within 100 feet on the same side of the street is closer, the setback line so established by the adjacent residential structure shall control. Where there is no officially established public right-of-way for a road open to the public, all buildings shall be set back at least 80 feet from the centerline of the traveled roadway.

§ 152.059 SPECIAL YARD REQUIREMENTS.

(A) (1) Lots having frontage on more than one street shall provide the required front yard along the major traveled street and meet two-thirds of the front yard setback requirements on the other street.

(2) In new residential subdivisions, lots having frontage on more than one street shall require that the front yard be along the major traveled street and shall also meet the front yard setback requirement on the other street.

(B) No accessory buildings shall be located in any front or side yard except under unusual circumstances where such activity shall not conflict with the intent and purpose of this chapter; or, where enforcement shall result in extreme hardship. Either exception shall require approval of the Board. Accessory buildings such as garages may be located in the rear yard provided such buildings are set back at least two feet from the side lot lines and two feet from the rear lot lines.

(C) No accessory uses or structures, off-street parking facilities or material or equipment storage shall be located in any front yard without approval of the Board.

§ 152.060 TRAFFIC VISIBILITY ACROSS CORNER LOTS.

In any district on any corner lot, no fence, structure or planting shall be erected or maintained within 30 feet of the "corner" at a height between two and one-half and ten feet above curb or street grade or so as to interfere with traffic visibility across the corner. CORNER for the purpose of the preceding sentence shall mean the point of intersection of the nearest boundaries of the traveled portion of the adjacent streets extended to meet each other at right angles.

§ 152.061 OFF-STREET PARKING REQUIREMENTS.

(A) General requirements. In all districts in connection with every industrial, business, institutional, residential, or other use, there shall be provided, at any time any building or structure is erected or is enlarged, or is altered in

any way which would provide for habitation by an increased number of people, the number of off-street parking spaces for automobiles set forth under division (B) of this section in accordance with the following requirements:

(1) Each off-street parking space shall have an area of not less than 180 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.

(2) There shall be adequate provision for ingress and egress to all parking spaces. Where a lot does abut on a public or private alley or easement of access, there shall be provided an access drive not less than eight feet in width in the case of a dwelling and not less than 20 feet in width in all other cases, leading to the parking or storage or loading or unloading spaces required hereunder.

(B) Number of spaces required. The number of off-street parking spaces to be provided shall not be less than in Table 4: Parking Space Requirements, which shall constitute this section of the zoning chapter.

(C) Interpretation. The following rules shall govern the determination of spaces required:

(1) FLOOR AREA. The gross floor area of the specified use.

(2) Fractional numbers shall be increased to the next whole number.

(3) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.

§ 152.062 SPECIAL PARKING PROVISIONS.

Every parcel of land hereafter used as a public, commercial or private parking lot for other than single family dwelling shall be developed and maintained in accordance with the following requirements.

(A) Screening and landscaping. Off-street parking areas for more than five vehicles shall be effectively screened on each side which adjoins or faces premises situated in any "R" District, or institutional premises, by a fence or hedge as determined by the Board of Appeals upon direct application for such determination. (Due consideration shall be given to adjacent property owners.)

(B) Minimum distance and setbacks. No part of any parking area for more than five vehicles shall be closer than 20 feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If located on the same lot with a main building, the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than five feet to any established street or alley right-of-way. The fence or hedge required in division (A) of this section shall be set back from each street, as determined by the Board of Appeals upon direct application therefor.

(C) Joint use. Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, approved by the Village Legal Counsel and accepted by the Board of Zoning Appeals shall be filed with the application for a zoning certificate.

(D) Other locations. Parking spaces may be located on a lot within 300 feet other than that containing the principal use with the approval of the Board of Appeals, provided a written agreement, approved by the Village Legal Counsel and accepted by the Board of Appeals, shall be filed with the application for a zoning certificate.

(E) Surfacing. Any off-street parking area for less than two vehicles shall be graded for proper drainage and shall be a properly stoned surface, free of dust and mud. Any off-street parking area for more than two vehicles shall be graded for proper drainage and surfaced so as to provide a blacktop or concrete surface. A design drawing of the parking area must be submitted for approval before a zoning permit will be issued.

(F) Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any "R" District.

(G) Disabled vehicles. The parking of a disabled vehicle within a residential district for a period of more than

two weeks shall be prohibited; except that such vehicle may be stored in an enclosed garage or other accessory building provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

(H) Parking and keeping of vehicles.

(1) It shall be unlawful to park or keep any unlicensed or disabled motor vehicle or any part thereof, except as provided in § 152.077, in any district except by permission of the Planning Commission, for a period of more than 14 days, whether or not consecutive, unless the vehicle is stored in an enclosed garage or other accessory building.

(2) It shall be unlawful to park or keep any unlicensed or disabled motor vehicle, except as provided in § 152.077, in any district for a period of more than 14 days, whether or not consecutive, unless the vehicle is stored in an enclosed garage or other accessory building.

§ 152.063 OFF-STREET LOADING REQUIREMENTS.

(A) In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or less, which is to be occupied by manufacturing, storage, warehouse, retail store, wholesale store, market, hotel, hospital, mortuary, dry cleaning or other uses similarly requiring the receipt or distribution by vehicle or material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space, plus one additional such loading space for each additional 20,000 square feet or major fraction thereof of gross floor area.

(B) Each loading space shall be not less than 12 feet in width, 45 feet in length, and 14 feet in height.

(C) Subject to the limitations in § 152.053, completely unenclosed loading spaces may occupy all or any part of any required yard or court space.

PROVISIONS FOR RESIDENTIAL USES

§ 152.075 USE AND DEVELOPMENT PLANS.

(A) Process. An authorized agency of the village, state or federal government or the owner or owners of any tract of land in an "R" District may submit to the Council a plan for the use and development of all of the tract of land for residential and allied purposes. The development plan shall be referred to the Planning Commission for study and report and for public hearings. Notice and publication of such public hearings shall conform to the procedures prescribed in §§ 152.075 through 152.082 and §§ 152.095 through 152.99 for hearings or changes and amendments. If the Commission approves the plans these shall be submitted to the Council for consideration and action. The approval and recommendations of the Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed community development project meets with the following conditions:

(1) The property adjacent to the area included in the plan will not be adversely affected.

(2) The plan is consistent with the intent and purpose of this chapter to promote public health, safety, morals, and general welfare.

(3) The use of the land shall be similar to the uses permitted in the district in which the plan is located.

(4) That the average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the proposed district in which the development is located.

(B) Approval of plans. If the Planning Commission and Council approve the non-conforming plans, a zoning certificate may be issued, even though the use of the land, the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which the project is located.

(C) Zero lot line concept. All zero lot line buildings shall be no more than a two-family unit. The design of the unit shall be submitted for approval by the Planning Commission prior to the issuance of a zoning permit. Each unit

shall meet the fire code requirements of the state. The architectural style and color selection shall be uniform for both units. Should alterations be needed a joint agreement between both owners shall be secured and approved by the Planning Commission.

§ 152.076 MOBILE HOME PARKS.

(A) Except as permitted in § 152.077 of this chapter: No mobile home, trailer or similar portable residence structures whether left to remain on wheels or set on a fixed foundation shall be permitted to be used for habitation in the municipality except in a Mobile Home Park in an "R-3" Residence District. Such park:

(1) Shall contain a minimum of four acres.

(2) Shall provide an adequate supply of municipal water.

(3) Shall provide an adequate system of collective sanitary sewers, sewage treatment and disposal and refuse pick-up areas. These areas must be screened or fenced in on a hard surface area with adequate containers.

(4) Shall provide a clearly defined minimum lot area of 3,000 square feet with a minimum lot width of 40 feet and 300 feet of floor area for each mobile home or trailer.

(5) Shall provide a minimum of 20-feet clearance between the individual mobile homes or trailers and a 50-foot setback from any property line bounding the mobile home park.

(6) All mobile home spaces shall abut upon a dustless surface driveway of not less than 20 feet in width, which shall have unobstructed access to a private or public street.

(7) A safe, usable developed recreation area shall be conveniently located in each mobile home park and shall not be less than 10% of the gross area of the tract.

(8) Shall conform to all village and State Health Department and Ohio E.P.A. requirements.

(9) Mobile home parks shall be effectively screened on all sides by means of walls, fences or plantings except where the area is sufficiently removed from other urban uses as determined by the Board. Walls or fences shall be a minimum of four feet in height without advertising thereon. In lieu of such wall or fence, a strip of land not less than ten feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four feet in height may be substituted.

(10) Maintenance responsibilities: refer to § 152.081.

(B) All mobile homes must be properly skirted.

Penalty, see § 152.999

§ 152.077 PARKING AND MAINTENANCE OF RECREATIONAL EQUIPMENT.

It shall be unlawful to park or keep recreational equipment such as mobile homes, house trailers, camping trailers, pick-up campers, boat trailers, boats, snowmobiles, snowmobile trailers, and similar items in any residential district except as follows:

(A) In a mobile home park meeting the requirements of § 152.076 of this chapter.

(B) In an enclosed building.

(C) By the owner of the equipment upon the unenclosed portion of the premises of the owner of the equipment, subject to the following conditions:

(1) The equipment shall not be inhabited (except for occasional emergency sleeping room) or used for the conduct of any commercial enterprise.

- (2) No more than two piece of each type of such equipment and never more than two pieces of such equipment shall be parked upon the unenclosed portion of the premises at any one time.
- (3) The equipment shall be parked at least three feet behind the front house line (exclusive of porches, porticos and similar projections) of the house on the property and at least three feet away from the side and rear lot lines of the property, except that for loading and unloading purposes the equipment may be parked in the driveway for a period of not more than 48 hours, and subject to the stipulation that in cases of unusual circumstances such as topography, irregular shape of lot, location of buildings and unique hardship the owner may appeal for a variance of these set backs. After a hearing, a variance may be granted by the Board of Zoning Appeals should they find that such variation will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this chapter or the public interest.

(4) The equipment shall have no permanent connections to electric, water, gas, or sewer facilities.

(5) The equipment shall be kept in good repair and shall carry a current year's license and/or registration.

(6) Under no circumstances shall the area underneath or around the equipment be used as storage.

(D) By visitors at least one of whom is the owner of the equipment or lessee of the equipment from other than the owner of the premises, upon the unenclosed portion of the premises of the persons being visited, subject to the following conditions:

(1) The visitors shall not park or inhabit their equipment on the premises more than two separate times in any year nor more than 14 consecutive days at any one time and there shall be an interval of three months between each of the two permissible separate times that their equipment is so parked or inhabited.

(2) No more than two piece of each type of such equipment and never more than two pieces of such equipment shall be parked upon the unenclosed portion of the premises at any one time.

(3) The equipment shall not be parked or inhabited upon any unenclosed portion of the premises except in the rear and side yards of the premises so long as parked or inhabited at least three feet away from the side or rear yard boundaries of the premises; provided, however, the Zoning Inspector shall be authorized to permit temporary parking and/or habitation on the driveway in the front yard so long as he first finds that weather conditions and lack of access prevents parking and/or habitation in the rear or side yards of the premises.

Penalty, see § 152.999

§ 152.078 SWIMMING POOLS.

(A) Private swimming pools. A private swimming pool, including farm ponds, shall be any pool, lake or open tank not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than one and one-half feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet, shall be allowed in any "B" or "R-1" District except as an accessory use and unless it complies with the following conditions and requirements:

(1) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.

(2) It may not be located, including any walks or paved areas or accessory structures adjacent thereto, closer than ten feet to any property line of the property on which located.

(3) The swimming pool, or the entire property on which it is located, shall be so walled or fenced so as to prevent uncontrolled access by children from the street or from adjacent properties. The fence or wall to be not less than five feet in height and maintained in good condition, with a gate and lock.

(B) Community or club swimming pools. A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club for use and enjoyment by members of the association or

club and their families. Community and club swimming pools are permitted in all districts, but shall comply with the following conditions and requirements:

- (1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- (2) The pool and accessory structures there to including the areas used by the bathers, shall not be closer than 100 feet to any property line of the property on which located.
- (3) The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The fence or wall shall not be less than six feet in height and maintained in good condition.

§ 152.079 FENCES AND PLANTING SCREENS.

Fences, plant material and similar screening devices up to three feet in height are permitted in yards fronting on the public street. These same screening devices up to six feet in height are permitted in the remaining yards.

Penalty, see § 152.999

§ 152.080 CONVERSION OF EXISTING DWELLINGS.

In an "R-2" or "R-3" District a residence may be converted to accommodate an increased number of dwelling units provided:

- (A) If the building is to be altered on the outside, the yards shall not be reduced to less than the yard dimensions required by the zoning regulations for new structures in that district.
- (B) The lot area per family is equal to the lot area requirements for new multifamily structures in that district.
- (C) The number of square feet of living area per family unit is not less than that which is required for new construction in that district.

Penalty, see § 152.999

§ 152.081 MAINTENANCE RESPONSIBILITIES.

(A) Definitions.

OCCUPANT. The occupant of a dwelling unit in any dwelling structure shall be responsible for maintaining in a clean and sanitary condition that part of the dwelling unit, dwelling structure or premises which he occupies and controls.

OWNER. The owner of every dwelling as defined herein shall be responsible for the maintenance thereof in good repair and safe condition as required by the terms of this chapter. The OWNER shall also be responsible for maintaining in a clean and sanitary condition the shared or common areas of the premises.

(B) General maintenance requirements. All dwelling structures and all parts thereof shall be maintained in good repair and shall be capable of performing the function for which such structure or part of any feature thereof was designed or intended to be used.

(C) Maintenance of foundations.

- (1) All foundations of every dwelling structure shall be maintained structurally sound and in good repair.
- (2) All foundations of every dwelling structure shall be maintained in such conditions as to prevent the accumulation of moisture within the space enclosed within such foundations.
- (3) All openings into the foundations of every dwelling structure shall be protected against the entrance or rodents.

(D) Maintenance of roofs, gutters and downspouts. All roofs of every dwelling structure shall be maintained weathertight and shall be equipped with gutters and downspouts.

(E) Maintenance of exteriors of dwelling structures and secondary or appurtenant structures.

(1) All exterior parts of every dwelling structure, including exterior walls, parapet walls, decorative additions, chimneys, and all other exterior structures, either above or below the roof line, shall be maintained in a safe condition, weather-tight, and so as to resist decay or deterioration for any cause.

(2) Any dwelling structure or secondary or appurtenant structure whose exterior surface is bare, deteriorated, ramshackle, tumbledown, decaying, disintegrating or in poor repair must be repaired or razed.

(a) All buckled, rotted or decayed walls, doors, windows, porches, floors, steps, railings, trim and their missing members must be replaced and put in good condition.

(b) All replacements must match and conform to original design or be replaced completely.

(c) All exterior wood or exterior unfinished surfaces must be sealed and painted or surface covered with other approved protective coating or treated to prevent rot and decay and conform and match the existing paint or surface covering and original design or replacement thereof. All exterior walls and surfaces must be properly protected against the weather where such are defective or lack weather protection, including lack of paint or surface covering or have weathered due to lack of proper protective covering.

(3) Any dwelling structure or secondary or appurtenant structure whose exterior surface is deteriorated, decaying, disintegrating or whose exterior surface has weathered with dirt and grime or has been impaired through peeling or flaking of the paint or other protective coating shall be repaired or repainted or resurfaced.

(a) All exterior surfaces shall be replaced or repaired in good condition preparatory to repainting or coating.

(b) All bare exterior surfaces which are flaking or crumbling shall be replaced or sealed in a good and workmanlike manner.

(c) All new or repaired bare surfaces shall be painted or coated.

(d) All exterior surfaces weathered with dirt and grime or which are peeling or flaking shall be painted or covered with approved protective coating or surface.

(4) Presentation of evidence that all exterior surfaces have, not more than five years prior to the date of inspection, been properly prepared and painted with at least one coat of good exterior paint or covered with other approved protective coating or surface shall be prima facie evidence of the exterior being in good condition.

(F) Infestation by pests. All dwelling structures and the premises thereof shall be maintained free from sources of breeding, harborage and infestation by insects, vermin or rodents.

(G) Exterior property areas. No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of the premises any condition which deteriorates or debases the appearance of the neighborhood; or creates a fire, safety or health hazard; or which is a public nuisance; including but not limited to the following:

(1) Broken or dilapidated fences, walls or other structures.

(2) Broken, uneven, or improperly maintained walks or drives.

(3) Out of use or non-usable appliances, dilapidated automobile parts.

(4) Rugs, rags, or other materials hung on lines or in other places on the premises, which materials are not

being used for general household or housekeeping purposes; broken, dilapidated or unusable furniture, mattresses, or other household furnishings; plastic materials, paints, miscellaneous coverings, and/or any other materials, including those described in this section of the chapter, placed at or on the premises in such manner as to be patently unsightly, grotesque or offensive to the senses.

(H) Secondary or appurtenant structures. All secondary or appurtenant structures such as sheds, barns, garages, and the like, shall either be maintained in good repair and free from health, accident and fire hazards or shall be removed from the premises.

Penalty, see § 152.999

§ 152.082 DISH ANTENNAS AND NON-MOBILE ANTENNAS.

(A) Any dish antenna or non-mobile antenna in any residential district shall either be mounted on the roof of the residence or in the rear yard of the property.

(B) Any antenna mounted in the rear yard or side yard shall be no closer than six feet to any property line.

(C) No dish antenna or non-mobile antenna shall be mounted in the yard unless a permit is issued by the Zoning Inspector permitting such placement.

(D) Antennas may be placed on the roof without a permit, but dish antennas mounted on the roof shall be no larger than six feet in diameter.

Penalty, see § 152.999

RESIDENTIAL PUBLIC AND INSTITUTIONAL PLANNED DEVELOPMENT OPTION

§ 152.095 PURPOSE.

A special district S-1 shall be used to preserve or to create areas with specific functional residential needs. These specific residential functional needs shall include:

(A) Residential areas designed for special population groups or housing types. Flexibility in design to create a sound living environment in districts containing multiple-family housing, condominium housing, housing for the elderly, public housing, and the like, is encouraged. Institutional and public services may be incorporated into the district.

(B) Residential planned area, whose individual activities can be designed to relate functionally to each other, to provide adequate parking and circulation to provide adequate points of ingress and egress while protecting adjacent activities from adverse effects of the district.

(C) Public and institutional activities which can, by orderly location and arrangement of facilities, be more efficient, more accessible to the public, and can promote higher quality of visual and functional design.

§ 152.096 PLAN REQUIRED.

(A) Any authorized agency of the municipal, county, state, or federal government, or the owner or owners of any tract of land may submit an application to the Planning Commission for establishment of the district contained in this section the uses and purposes set forth. The application may be accompanied by the site plan set forth in this provision and may be approved at the same time as the zoning change to establish the district. The procedure for zone change shall be the same as for any other district, but either at the time the zone change is requested from the Planning Commission or at such later time. Before a zoning certificate is issued for new construction, alterations, or change of use, the site plan must be approved as set forth in this section.

(B) The plan submitted shall be composed of the following elements and subject to the following conditions:

(1) The site plan shall consist of the location and design of all buildings, drives, and parking areas. Shown on the plan shall be all building heights, setbacks, and screening as proposed.

(2) A traffic and circulation plan shall show the location and design of all entrances and exits to the site, circulation drives, and parking areas, showing the number of proposed parking spaces. Counts of traffic on all streets adjoining the site shall be listed and a forecast of traffic volumes generated by the site shall be made by competent experts.

(3) All setback, screening, and bulk-density requirements may be modified if approved by the Planning Commission and City Council.

(4) Within the limits of the site, buildings may be placed anywhere and not subject to specific limitations.

(5) The site shall have adequate access from public thoroughfares and shall provide interior circulation and access to buildings and parking areas. The design and location of driveways, access points, building locations and parking spaces shall be subject to the review and approval of the Planning Director and Engineer.

(6) The site shall drain surface water to an approved watercourse or pipe enclosure as reviewed and approved by the Street Superintendent and Village Engineer. In larger site developments, retention facilities maybe required.

(7) Additional reasonable requirements concerning protection of adjoining activities, ingress-egress control, setbacks, lighting, signs, and drives may be set by the Planning Commission or Council.

Penalty, see § 152.999

§ 152.097 FEES.

In order to partially defray the costs processing a S-1 Residential Planned Development site plan a fee of \$300 must accompany the site plan. This fee is non-refundable and will be deposited in the general fund.

§ 152.098 SITE PLAN REQUIREMENTS.

(A) Site bench mark. This shall be referenced to U.S.G.S. datum.

(B) Existing elevations on site and on adjacent properties. This information shall be sufficient to indicate directions of drainage flow.

(C) Proposed elevations.

(1) Finished grade at the proposed building(s).

(2) Parking areas, drives, and street or alley improvements.

(D) Locations and sizes of all existing utilities (water lines, storm sewers, and sanitary sewers, and the like) and appurtenances thereto.

(E) Locations and sizes of any existing water and sewer service connections.

(F) Locations and sizes, types of material, and elevations of proposed sewers and water lines.

(G) Drawings shall show all right-of-way lines, property lines, and easements.

(H) All drawings shall be prepared on reproducible paper.

(I) All plans shall be drawn to engineer's scale, not to exceed 1:100.

(J) The drawing shall be prepared by a registered engineer or architect. The name of the engineer or architect shall be included on the drawing. The name of the surveyor shall also be included.

(K) All parcels of land intended to be dedicated or temporarily reserved for public use, or reserved in the deeds

for the common use of property owners shall be indicated.

(L) The layout of proposed streets, alleys, and easements as well as the location and accurate dimensions of proposed lots shall be included.

(M) All drawings must include a north arrow and legend that indicates existing and proposed sewers, waterlines, and elevations.

(N) A note shall indicate that all construction and materials shall meet the requirements of the village.

(O) Five copies of the drawing shall be supplied.

(P) The complete site plan, incorporating all requirements listed, must be submitted at least ten working days before the scheduled Planning Commission meeting at which the Planning Commission will initially consider the complete site plan. Submission can only be made to the Planning Director or Village Administrator. Council cannot consider a site plan without planning commission first considering the site plan. Complete site plans not filed on or before ten working days prior to this date cannot be considered by the Planning Commission at that regular meeting. Site plans not incorporating all the requirements listed in this section cannot be considered by the Planning Commission regardless of submission date.

§ 152.099 REVIEW AND APPROVAL OF SITE DEVELOPMENT PLAN.

(A) Application for establishment of a S-1 special district zone shall be in accordance with the procedures set forth in §§ 152.075 through 152.082 and §§ 152.095 through 152.099.

(B) Application for approval of a site development plan, together with the required information, shall be submitted to the Planning Commission by the Planning Director. Council shall not take action on a site plan without it first being considered by the Planning Commission. Within 30 days of submission to the Planning Commission, the Planning Commission shall review the plan and send its report, together with any recommendations or alterations, to the Village Council. After receiving the Planning Commission's recommendation, at its next meeting, the Council shall schedule a public hearing on the site plan, giving 20 days notice thereof, which notice shall be published once in a newspaper of general circulation. All adjoining property owners, as determined from available utility records, within 200 feet of the parcel being discussed will also be notified by First Class Mail of the requested change in zoning. This public hearing on the site development plan can be held at the same time as a rezoning or establishment of a S-1 special district. Also the failure of the village to notify as provided in this section shall not invalidate any recommendation adopted by either Board hereunder. After holding the public hearing, Council shall consider the plan, together with the report of the Planning Commission, and approve or reject the same by ordinance. Council may approve a plan that was disapproved by the Planning Commission, or may approve a plan without accepting the Planning Commission's recommendations, or may approve a plan with its own modifications without resubmission to the Planning Commission; provided that 3/4 of the full membership of a Council concur. Rejection of a site plan or approval, with the Planning Commission's recommendation, shall require a majority of the full membership of Council.

(C) Even though a S-1 special district zoning has been approved for a site, no zoning certificate shall be issued for improvements or construction until adoption of the site development plan by Council.

PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES

§ 152.110 PERFORMANCES REQUIREMENTS.

(A) Requirements. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this chapter may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the following performance requirements:

(1) Fire hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance

which is compatible with the potential danger involved.

(2) Radioactivity or electrical disturbance. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

(3) Noise. Noise which is objectionable as determined by the Board due to volume, frequency or beat shall be muffled or otherwise controlled. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

(4) Vibration. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

(5) Smoke. Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by the U.S. Bureau on Mines. Smoke of a density of No. 2 on the Ringleman Chart shall be permitted for a period of up to eight minutes in each hour.

(6) Odors. No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

(7) Air pollution. No pollution of air by fly ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause excessive soiling.

(8) Glare. No direct or reflected glare shall be permitted which is visible from any property outside an "M-1" District or from any public street, road or highway.

(9) Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

(10) Water pollution. Pollution of water shall be subject to the requirements and regulations established by the Ohio Environmental Protection Agency.

(B) Enforcement provisions.

(1) Submission of statements and plans. The Zoning Inspector or Board of Zoning Appeals, prior to the issuance of a zoning certificate, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

(2) Measurement procedures. Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, N.Y., the Manufacturing Chemists' Association, Inc., Washington D.C., and the United States Bureau of Mines.

Penalty, see § 152.999

§ 152.111 BUSINESS OR INDUSTRIAL DISTRICT SIGNS.

(A) Any free-standing sign shall not be over 40 feet in height, shall have its base located off the street right-of-way line, shall be at least 14 feet above the sidewalk, but in no case shall the sign come within two feet of the face of the curb. Any sign which is not at least 14 feet above the sidewalk but which complies with all other requirements may be located not less than ten feet from the established right-of-way line of any street or highway provided such sign does not obstruct traffic visibility.

(B) Signs painted on buildings are permissible under the following conditions:

(1) The entire wall shall be surfaced in the same type of material properly prepared to accommodate the

sign.

(2) The size of the sign shall be determined by the area of the sign. Height shall be from the top of the highest letter to the bottom of the lowest letter; and width shall be from the farthest point on each end.

(3) There shall be no intrusion or extrusions within the sign area, such as doors, windows, exhaust fans, and the like.

(C) All signs are subject to the Building Maintenance Code.

Penalty, see § 152.999

§ 152.112 MINERAL, CLAY, SAND AND GRAVEL EXTRACTION, STORAGE AND PROCESSING.
The extraction, storage and processing of minerals, clay, sand and gravel shall be conducted in accordance with the requirements of this section.

(A) Extraction, storage and processing of minerals of all types shall be permitted in districts as specified in the use regulations of §§ 152.018 and 152.019 of this chapter.

(B) The performance requirements of § 152.110 shall be met.

(C) Mineral extraction, storage or processing shall not be conducted closer than 500 feet from any "R" District; nor closer than 100 feet from any structure used for human occupancy in any district.

(D) Buildings and structures for which no future use is contemplated and for which no other acceptable use is practicable or feasible shall be demolished and removed.

(E) Excavated areas shall be regraded to remove abrupt and precipitous slopes and barren areas shall be planted with suitable materials to adequately control erosion. Where such grading is impracticable because of rock formations, the excavated area shall be enclosed by a fence six feet in height which shall be maintained in good condition.

Penalty, see § 152.999

§ 152.113 JUNK STORAGE AND SALES.

(A) Junk storage and sales shall be permitted only in an "M-2" District after permission has been granted by the Board of Zoning Appeals.

(B) Junk storage and sales shall be effectively screened on all sides by means of walls, fences or plantings. Walls or fences shall be a minimum of eight feet in height with no advertising thereon. In lieu of such wall or fence, a strip of land not less than 15 feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six feet in height may be substituted. Storage or materials shall not exceed the height of the screening.

Penalty, see § 152.999

§ 152.114 TEMPORARY BUILDINGS.

Temporary buildings and construction trailers used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary buildings shall be removed upon completion of the construction work.

Penalty, see § 152.999

§ 152.115 OPEN STORAGE AND DISPLAY OF MATERIAL AND EQUIPMENT.

(A) The open storage and display of material and equipment incident to permitted or conditional uses in "B" or "M" Districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any "R" District by means of walls, fences and plantings. Walls or fences shall be a

minimum of four feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than ten feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four feet in height at the time of planting may be substituted.

(B) The temporary open storage of contractor's equipment and material shall be permitted on the site upon which buildings or structures are being erected or installed for the duration of the construction period. Storage of such equipment and material beyond the date of completion of the project shall be subject to a special permit authorized by the Board of Zoning Appeals.

Penalty, see § 152.999

§ 152.116 MAINTENANCE RESPONSIBILITIES.

(A) Definitions. For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

OCCUPANT. The occupant of a commercial or industrial building shall be responsible for maintaining in a clean and sanitary condition that part of the building which he occupies and controls.

OWNER. The owner of every commercial and industrial building shall be responsible for the maintenance thereof in good repair and safe condition as required by the terms of the chapter. The OWNER shall also be responsible for maintaining in a clean and sanitary condition the shared or common areas of the premises.

(B) General requirements. All commercial and industrial buildings and all parts thereof shall be maintained in good repair and shall be capable of performing the function for which such structure or part of any feature thereof was designed or intended to be used.

(C) Maintenance of foundations.

(1) All foundations of every commercial and industrial building shall be maintained structurally sound and in good repair.

(2) All foundations of every commercial and industrial building shall be maintained in such condition as to prevent the accumulation of moisture within the space enclosed within such foundations.

(3) All openings into the foundations of every commercial and industrial buildings shall be protected against the entrance of rodents.

(D) Maintenance of roofs, gutters and downspouts. All roofs of every commercial and industrial building shall be maintained weather-tight and shall be equipped with gutters and downspouts.

(E) Maintenance of exteriors of commercial and industrial buildings and secondary or appurtenant structures.

(1) All exterior parts of every commercial and industrial building including exterior walls, parapet walls, decorative additions, chimneys, and all other exterior structures, either above or below the roof line, shall be maintained in a safe condition, weather-tight, and so as to resist decay or deterioration from any cause.

(2) Any commercial or industrial building or secondary or appurtenant structure whose exterior surface is bare, deteriorated, ramshackle, tumbledown, decaying, disintegrating or in poor repair must be repaired or razed.

(a) All buckled, rotted or decayed walls, doors, windows, porches, floors, steps, railing, trim and their missing members must be replaced and put in good condition.

(b) All replacements must match and conform to original design or be replaced completely.

(c) All exterior wood or exterior unfinished surfaces must be sealed and painted or surface covered with other approved protective coating or treated to prevent rot and decay and conform and match the existing paint

or surface covering and original design or replacement thereof. All exterior walls and surfaces must be properly protected against the weather where such are defective or lack weather protection, including lack of paint or surface covering or have weathered due to lack of proper protective covering.

(3) All commercial or industrial building or secondary or appurtenant structure whose exterior surface is deteriorated, decaying, disintegrating or whose exterior surface has weathered with dirt and grime or has been impaired through peeling or flaking of the paint or other protective coating shall be repaired or repainted or resurfaced.

(a) All exterior surfaces shall be replaced or repaired in good condition preparatory to repainting or coating.

(b) All bare exterior surfaces which are flaking or crumbling shall be replaced or sealed in a good and workmanlike manner.

(c) All new or repaired bare surfaces shall be painted or coated.

(d) All exterior surfaces weathered with dirt and grime or which are peeling or flaking shall be painted or covered with approved protective coating or surface.

(4) Presentation of evidence that all exterior surfaces have, not more than five years prior to the date of inspection, been properly prepared and painted with at least one coat of good exterior paint or covered with other approved protective coating or surface shall be prima facie evidence of the exterior being in good condition.

(F) Infestation by pests. All commercial and industrial buildings and the premises thereof shall be maintained free from sources of breeding, harborage and infestation by insects, vermin or rodents.

(G) Exterior property areas. No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of the premises any condition which deteriorates or debases the appearance of the neighborhood; or reduces property values in the neighborhood; or creates a fire, safety or health hazard; or which is a public nuisance; including but not limited to the following:

(1) Broken or dilapidated fences, walls or other structures.

(2) Broken, uneven, or improperly maintained walks or driveways.

(3) Out of use or non-usable equipment, dilapidated motor vehicles or parts thereof.

(4) Materials placed at or on the premises in such a manner as to be patently unsightly, grotesque or offensive to the senses.

(H) Secondary or appurtenant structures. All secondary or appurtenant structures such as sheds, barns, garages, and the like, shall either be maintained in good repair and free from health, accident and fire hazards or shall be removed from the premises.

Penalty, see § 152.999

SIGNS

§ 152.125 SIGNS REGULATED.

No sign shall be permitted in any district except as hereinafter provided; provided, that nothing in this subchapter shall be construed as prohibiting the display of political signs of a reasonable size in any district.

Penalty, see § 152.999

§ 152.126 GENERAL REQUIREMENTS.

(A) Signs not exceeding 12 square feet in area and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted on any property.

- (B) Announcement or professional signs for home occupations and professional activities where permitted shall not exceed four square feet in any district including the "R" districts.
- (C) Bulletin boards and signs for a church, school, community or other public or semipublic institutional building shall be permitted provided the area of such bulletin board or sign shall not exceed 15 square feet in area.
- (D) Wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed 20 square feet.
- (E) No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.
- (F) Temporary signs not exceeding in the aggregate 50 square feet, announcing special events or the erection of a building, the architect, the builders, contractors, and the like, may be erected for the period of 60 days, plus the construction period.
- (G) No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs.
- (H) All signs are subject to the building maintenance code and § 152.081.

Penalty, see § 152.999

§ 152.127 BUSINESS OR INDUSTRIAL DISTRICT SIGNS.

In a business or industrial district, each business shall be permitted one wall sign (parallel to building wall), one marquee sign (hanging under marquee), and either one projecting sign (perpendicular to building wall) or one free-standing sign subject to the following restrictions and exceptions:

- (A) The area of all permanent advertising signs for any single business enterprise shall be limited according to the widths of the building or part of building occupied by such enterprise. For the purpose of this section, width shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either frontage may be used in determining maximum area of the sign. The area of all permanent advertising signs for any single business enterprise may have an area equivalent to one and one-half square feet of sign area for each lineal foot of width of a building, or part of a building, occupied by such enterprise, but shall not exceed a maximum area of 500 square feet. When figuring area allowed for projecting and free standing signs, the square footage of one side only shall be considered; also that the rear of the building be treated same as the front.
- (B) Projections of wall signs shall not exceed two feet measured from the face of the main wall of the building.
- (C) Marquee signs shall not exceed 18 inches in width (up and down dimension) and 48 inches in length (parallel to sidewalk dimension) and shall be hung not less than seven feet four inches above the sidewalk surface.
- (D) No part of a projecting sign shall come within two feet of the face of the curb.
- (E) All wall and projecting signs shall be at least ten feet above the pavement or sidewalks on one story buildings and be above the floor of the second story in two or more story buildings.
- (F) Only indirect illumination shall be permitted on illuminated signs.
- (G) In lieu of a wall sign, a sign may be erected which is coincident with the face of the marquee which has letters above the marquee having a height not in excess of 18 inches.
- (H) Free-standing signs shall not be over 40 feet in height, shall have its base located off the street right-of-way line, shall be at least 14 feet above the sidewalk; but in no case shall the sign come within two feet of the face of the curb.

Penalty, see § 152.999

§ 152.128 SETBACK REQUIREMENTS.

Except as provided above, signs and out door advertising structures where permitted shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such district except for the following modifications:

- (A) For every square foot by which such sign or outdoor advertising structure exceeds 80 square feet, such setback shall be increased by one-half foot but need not exceed 100 feet.
- (B) At the intersection of any state or federal highway with a major or secondary street, the setback of any sign or outdoor advertising structure shall not be less than 100 feet from the established right-of-way of each highway or street.
- (C) Real estate signs and bulletin boards for a church, school or any other public or semipublic, religious or educational institution may be erected not less than ten feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

Penalty, see § 152.999

§ 152.129 SPECIAL YARD PROVISIONS.

The following special provisions shall be observed in the erection or placement of signs and outdoor advertising structures.

- (A) No such sign or advertising structure shall be permitted which faces the front or side lot line of any lot in any "R" District within 100 feet of such lot line, or which faces any public parkway, public square or entrances to any public park, public or parochial school, library, church, or similar institution, within 300 feet thereof.
- (B) Signs and advertising structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except no sign or advertising structure shall be erected or placed closer than within 50 feet to a side or rear lot line in any "R" District.

Penalty, see § 152.999

§ 152.130 ILLUMINATION.

The following provisions shall be observed in the illumination of signs and advertising structures:

- (A) All signs and advertising structures except as hereinafter modified may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.
- (B) No illumination involving movement or causing the illusion of movement by reason of the lighting arrangement or other devices shall be permitted.

Penalty, see § 152.999

§ 152.131 PERMITS REQUIRED.

- (A) A separate permit shall be required for the erection of signs regulated in this chapter, except that no permit shall be required for marquee signs, temporary real estate signs with an area of 12 square feet for the sale or lease of property, small announcement signs with an area of less than four square feet, and portable signs, no more than one per business, which do not exceed four feet by eight feet. No signs shall block visibility from parking lots or street corners and all signs shall be removed upon the completion of their usage by the person, persons, or firm responsible for the posting of the signs, or by the property owner. For the purposes of this section, portable signs shall be considered signs which are capable of being moved.

SIGNREMOVAL DATE

Property sale or lease	14 days after sale or lease
Open House	72 hours after open house is completed
Construction or Contractual Signs	30 days after construction, or when new signs are up (whichever is first)
Business Signs	30 days after last day of business at location of sign
Portable Signs	Can be placed or used for 14 days in any one calendar year

(B) Each application for a sign permit shall be accompanied by a drawing showing the design proposed, the size, character and color of letters, lines and symbols, method of illumination; the exact location of the sign in relation to the building and property, the details and specifications for construction. A fee of \$10 shall accompany each application for a sign permit.

(C) Garage sale, political and other personal signs do not require a permit, but the signs must be removed 48 hours after the event.

Penalty, see § 152.999

§ 152.132 EXEMPTIONS.

(A) Public notices, traffic control signs and other official signs and notices are exempt from the provisions of this section.

(B) Due to the difficulty in standardizing requirements for signs and due to the difficulty of many parties to technically comply with these requirements, the Zoning Board of Appeals shall have the discretion to permit the erection of signs which do not technically comply with these requirements without the obtaining of a variance. In determining whether a technical noncompliance should be waived the Zoning Board of Appeals shall use reasonable judgment and take into consideration the interests of the village and the applicant and the effect of the proposed sign upon the aesthetics of the area.

BOARD OF ZONING APPEALS

§ 152.150 ORGANIZATION AND PROCEDURE.

(A) Appointment. There is hereby established a Board of Zoning Appeals which shall consist of five electors appointed by the Mayor and approved by Council. Council, by a majority vote of its members, shall choose a successor to fill any vacancy. The five electors first appointed shall serve for terms of one, two, three, four, and five years, respectively; thereafter appointments shall be for five year terms, beginning January 1. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Council and shall be the respective unexpired term. The members of the Board of Zoning Appeals may receive such compensation as the Council provides.

(B) Hearings, rules, and the like.

(1) The hearings of the Board of Zoning Appeals shall be public. However, the Board may go into executive session for discussion, but at all times, hearings shall conform to the open meeting requirements of R.C. § 121.22. The Board shall organize annually and elect a President, Vice President and Secretary. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this chapter.

(2) The Board shall hear any owner of property adjacent to the lot for which the granting of any zoning permit is pending, and shall also hear any other parties having substantial interest as determined by the Board.

(C) Quorum. The majority of the members of the Board of Zoning Appeals shall constitute a quorum. Any

decision of the Board must be approved by a vote of at least a majority of all the members of the Board.

(D) Minutes and records. 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 officials' actions, all of which shall be immediately filed in the office of the Village Administrator and shall be a public record.

(E) Witnesses, oaths, and the like. The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents, under such regulations as it may establish.

(F) Department assistance. The Board may call upon the various departments of the municipality for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

§ 152.151 APPLICATION.

An application, in cases in which the Board has original jurisdiction under the provisions of this chapter, may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Inspector who shall transmit same to the Board. A fee of \$75 shall be paid to the Zoning Inspector at the time notice of appeal is filed, which the officer shall forthwith pay over to the Director of Finance to the credit of the general revenue fund.

§ 152.152 APPEALS.

(A) An appeal to the Board may be taken by any person aggrieved or by an officer of the municipality affected by any decision of the Zoning Inspector. Such appeal shall be taken within 20 days after the decision, by filing with the Zoning Inspector and with the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

(B) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of equity, after notice to the officer from whom the appeal is taken and on due cause shown.

(C) The Board may, in conformity with the provision of this chapter, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken.

§ 152.153 HEARINGS.

(A) The Board shall fix a reasonable time for the hearing of an appeal, give at least 30 days public notice thereof in a newspaper of general circulation in the municipality and at least 20 days notice to parties having proprietary interest in land within 200 feet and decide upon the appeal within a reasonable time after it is submitted. Each application or notice of appeal shall be accompanied by the fee hereinafter specified. At this hearing, any party may appear in person or by attorney.

(B) (1) The hearings of the Board shall be public. However, the Board may go into executive session for discussion, but all hearings shall conform to the open meeting requirements of R.C. § 121.22.

(2) The Clerk of the Board of Zoning Appeals shall mail a registered letter to the applicant advising him of the date, time and place of the hearing and further, that he or a representative must appear to have the appeal heard.

(C) 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 to be served upon such other property owners as it decides may be substantially interested in the application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time or

resumption of the hearing unless the Board so decides.

(D) The Board of Appeals, in its discretion, may dispense with the 30 days public notice required in § 152.153(A) of this chapter when the application for variance is limited to relief from rear yard and/or side yard requirements of this chapter in "R" Districts and/or is limited to relief from the prohibition of improvements to an existing dwelling and/or structures accessory thereto which are nonconforming uses in the district where located; provided, however, that the Board shall not dispense with the public notice unless there is first filed with the application for variance a written consent to the relief requested by all of the owners of all of the property abutting the property with respect to which the application for variance is filed.

§ 152.154 DECISION OF THE BOARD.

(A) The Board shall decide all applications and appeals within ten days after the final hearing thereon.

(B) A certified copy of the Board's decision shall be transmitted to all parties in interest. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.

(C) A decision of the Board shall not become final until the expiration of five days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

(D) The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises; and to that end, shall have all powers of the Zoning Inspector from whom the appeal is taken. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of the county, on the ground that the decision was unreasonable or unlawful.

§ 152.155 POWERS AND DUTIES.

The Board of Zoning Appeals shall have the following powers and it shall be its duty:

(A) To hear and decide appeals where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this chapter or any amendments thereto.

(B) In hearing and deciding appeals, the Board shall have the power to grant an exception in the following instances:

(1) Permit the extension of a district where the boundary line of a district divides a lot or tract held in a single ownership at the time of the passage of this chapter.

(2) Interpret provisions of this chapter in such a way as to carry out the intent and purpose of the plan, as shown upon the map fixing the several districts, accompanying and made a part of this chapter where the street layout actually on the ground varies from the street layout as shown on the map aforesaid.

(3) Permit the reconstruction of a nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy, to the extent of more than 51% of its fair market value where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly.

(4) Waive or reduce the parking and loading requirements in any of the districts whenever the character or use of the building is such as to make unnecessary the full provision of parking or loading facilities, or where such regulations would impose an unreasonable hardship on the use of lot, as contrasted with merely granting an advantage or a convenience.

(5) Permit land within 300 feet of a multiple dwelling to be improved for the parking spaces required in connection with a multiple dwelling, but only when there is positive assurance that such land will be used for such purpose during the existence of the multiple dwelling.

(6) Determine whether an industry should be permitted within the "M-1" or "M-2" Industrial District because of the methods by which it would be operated and because of its effect upon uses within surrounding zoning districts.

(7) The substitution for a nonconforming use existing at the time of enactment of this chapter, of another nonconforming use, if no structural alterations except those required by law or ordinance, are made; provided, however, that in an "R" District, no change shall be authorized to any use which is not a permitted or conditional use in any "B" District.

(8) Temporary structures and uses. The temporary use of a structure or premises in any district for a purpose of use that does not conform to the regulations prescribed elsewhere in this chapter for the district in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A zoning certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a 12-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

(9) Permit the remodeling or repairing of a building, which building's use is nonconforming, where the Board determines that such remodeling or repairing is in the best interest of the village.

§ 152.156 VARIANCES.

(A) The Board shall have the power to hear and decide appeals and authorize such variances from the provisions or requirements of this chapter as will not be contrary to the public interest. In authorizing a variance, the Board may attach conditions and require such guarantee or bond as it may deem necessary to assure compliance with the objectives of this chapter. On appeal where there is unnecessary hardship, the Board may grant a variance in the application of the provisions of the zoning chapter only if all of the following findings are made:

(1) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions generally created by the provisions of the zoning chapter in the neighborhood or district in which the property is located.

(2) That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning chapter and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

(3) That such unnecessary hardship has not been created by the appellant.

(4) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use of development of adjacent property, nor be detrimental to the public welfare.

(5) That the variance if authorized, will represent the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.

(B) The Board shall have the authority to grant an extension or permit completion of a building devoted to a nonconforming use upon a lot occupied by such building, or on a lot adjoining, provided that such lot was under the same ownership as the lot in question on the date such building became nonconforming, and where such extension is necessary and incidental to the existing use of such building; provided, however, that the floor areas of such extension shall not exceed in all 100% of the floor area of the existing building or buildings devoted to a nonconforming use and provided further that such extension or extensions shall be undertaken within five years of the date when the use of such building became nonconforming.

§ 152.157 CONDITIONAL USES.

(A) Under the authorization granted in R.C. Ch. 713 to hear and decide special exceptions to the terms of this section, the Planning Commission shall have the power to decide applications for conditional uses in those cases specified in §§ 152.018 and 152.019 of this chapter. In considering such applications the Planning Commission

shall give due regard to the nature and condition of all adjacent uses and structures, and may impose such requirements and conditions as the Planning Commission may deem necessary for the protection of adjacent properties and the public interest, including specific limitations as to future expansion.

(B) The following basic standards shall apply to conditional uses in any "S" or "R" District:

(1) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout and its relation to streets giving access to it shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection with it will not be hazardous, inconvenient or conflict with the normal traffic on residential streets, both at the time and as the same may be expected to increase with any prospective increase in the population of the area, taking into account convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street intersections, and the general character and intensity of development of the area.

(2) The location and height of buildings, the location, nature, and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.

(C) The following basic standards shall apply to conditional uses in any "B" or "M" District:

(1) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout, and its relation to streets giving access to it shall be such that vehicular traffic to and from the use will not be more hazardous than the normal traffic of the district, both at the time and as the same may be expected to increase with increasing development of the municipality, taking into account vehicular turning movements in relation to routes of traffic flow, relation to street intersections, sight distances, and relation to pedestrian traffic.

(2) The nature, location, size and site layout of the use shall be such that it will be a harmonious part of the business or industrial district in which it is situated, taking into account prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationships of one type of use to another, and characteristic groupings of uses in a commercial or industrial district.

§ 152.158 PERFORMANCE REQUIREMENTS.

(A) The Board shall have the power to authorize issuance of a zoning certificate for uses that are subject to performance requirements as set forth in this chapter.

(B) The application for a zoning certificate for a use subject to performance requirements shall be accompanied by a plan of the proposed construction or development; a description of the proposed machinery, processes and products; and specifications for the mechanisms and techniques to be used in meeting the performance requirements.

(C) The Board may refer the application to one or more expert consultants qualified to advise as to whether a proposed use will conform to the performance requirements. The costs of such services shall be borne by the applicant, and a copy of any reports shall be furnished the applicant.

§ 152.159 INTERPRETATION OF DISTRICT MAP.

Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the zoning map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this chapter. In case of any questions as to the location of any boundary line between zoning districts, a request for interpretation of the zoning district map may be made to the Board and a determination shall be made by the Board.

ADMINISTRATION AND ENFORCEMENT

§ 152.170 ZONING INSPECTOR.

(A) It shall be the duty of the Village Zoning Inspector (also known as the Planning Director), who shall be appointed by the Council, to enforce this chapter. It shall also be the duty of all officials and employees of the

municipality to assist the Zoning Inspector by reporting to him upon new construction, reconstruction, or land uses or upon seeming violations.

(B) Appeal from the decision of the Zoning Inspector may be made to the Board of Appeals, as provided in §§ 152.150 through 152.159.

(C) The duties of the Village Zoning Inspector shall be assumed by the Village Administrator if he is incapacitated due to illness or vacation.

§ 152.171 ZONING CERTIFICATE.

(A) 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 shall have been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided he is satisfied that the structure, building or premises, and the proposed use thereof conform with all the requirements of this chapter. No permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this chapter.

(B) Upon written request from the owner or tenant, the Zoning Inspector shall issue a zoning certificate for any building or premises existing at the time of enactment of this chapter certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this chapter. No charge shall be made for issuing a zoning certificate in accordance with this division.

(C) 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 year after date of issuance and unless construction be completed within two years after date of issuance; provided, however, that the Board of Appeals shall for just cause be authorized to extend either or both of the time periods upon written application therefor. Every such zoning certificate already issued shall be subject to the same provisions except that the time period shall run from the effective date of this section.

Penalty, see § 152.999

§ 152.172 WHEN CERTIFICATE IS REQUIRED.

A zoning certificate shall be required for any of the following; except as herein provided:

(A) Construction or structural alteration of any building, including accessory buildings.

(B) Change in use of an existing building or accessory building to a use of a different classification.

(C) Occupancy and use of vacant land.

(D) Change in the use of land to a use of a different classification.

(E) Any change in the use of a nonconforming use.

(F) A zoning certificate shall be required for all lawful nonconforming uses of land or buildings created by adoption of this chapter or any amendments.

§ 152.173 APPLICATION AND ISSUANCE OF ZONING CERTIFICATE.

(A) Written application shall be made for a zoning certificate for the construction of a new building or the alteration of an existing building. The certificate shall be issued within ten days after a written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this chapter.

(B) Written application for a zoning certificate for the use of vacant land, or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of this chapter, the certificate therefor shall be issued within 15

days after the application for same has been made.

(C) Every application for a zoning certificate shall be accompanied by a plot plan in duplicate, and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started, and all dimensions shown on filed plans shall be based on an actual survey.

(1) Each plan shall show:

- (a) The street providing access to the lot and the exact location of the lot in relation to the nearest cross-street;
- (b) The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties;
- (c) The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon;
- (d) The location and size of the proposed structure, and/or the proposed enlargement of the existing structure;
- (e) Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this chapter.

(2) Each plan shall bear statements declaring:

- (a) That no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure;
 - (b) Which abutting land was formerly that of the owner of the land involved in the application, and, if any, the approximate date of title transfer.
- (3) Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered engineer or surveyor.
- (4) Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.
- (5) A file of such applications and plans shall be kept in the office of the Zoning Inspector.

(D) The Zoning Inspector shall not issue a zoning certificate for any application requiring site plan review by the Planning Commission, namely:

- (1) Community development projects (§ 152.075);
- (2) Mobile home parks (§ 152.076), unless the proposed site plan has been approved by the Planning Commission and any necessary zone changes are passed by Council.

§ 152.174 FEE FOR ZONING CERTIFICATE.

(A) Fees.

Single Family Dwelling	\$5	
Accessory Building, Signs or Fences, or Single Dwelling Additions		5
Two-family dwelling	5	
Multiple Dwelling	5	
Each additional family unit in excess of three	5	
Maximum fee for multiple dwelling shall not exceed	5	
Commercial, Industrial or Institutional and Mobile Home Park		5
Commercial Alterations up to \$10,000		5

(1) The fee for the application for a certificate for the use of land, not involving structures, including changes in the use of land shall be \$200

(2) The fee for zoning variations shall be \$75

(B) The Zoning Inspector and/or Secretary of Planning Commission shall forthwith deposit all fees with the Director of Finance who shall credit such fees to the credit of the general revenue fund of the municipality.

(C) Every zoning certificate shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all zoning certificates shall be kept on file in the Office of the Zoning Inspector or his agent, and copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected.

§ 152.175 CERTIFICATE FOR NONCONFORMING USES.

A zoning certificate shall be required for all lawful nonconforming uses of land or buildings created by adoption of this chapter. Application for such certificate for a nonconforming use shall be filed with the Zoning Inspector by the owner or lessee of the building or land occupied by such non-conforming use within one year of the effective date of this chapter. It shall be the duty of the Zoning Inspector to issue a certificate for a lawful nonconforming use but failure to apply for such certificate for a non-conforming use or refusal of the Zoning Inspector to issue a certificate for such nonconforming use shall be evidence that the nonconforming use was either illegal or did not lawfully exist at the effective date of this chapter. No charge shall be made for issuing a zoning certificate in accordance with this section.

§ 152.176 ZONING PERMIT SYSTEM; FLOOD DAMAGE PREVENTION PROVISIONS.

(A) The Zoning Inspector shall review all zoning permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must:

(1) Be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure;

(2) Use construction materials and utility equipment that are resistant to flood damage;

(3) Use construction methods and practices that will minimize flood damage.

(B) The Planning Commission shall review subdivision proposals and other proposed new developments to assure that:

(1) All such proposals are consistent with the need to minimize flood damage;

(2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage;

(3) Adequate drainage is provided so as to reduce exposure to flood hazards.

(C) The Village Administrator shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters, and required on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

§ 152.998 VIOLATIONS; AFFECTED PARTIES.

In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is or is proposed to be used in violation of this chapter or any amendment or supplement thereto, the Zoning Inspector, the Village Legal Counsel, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

§ 152.999 PENALTY.

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use, any building or land in violation of any regulation in or any provisions of this chapter or any amendment or supplement thereto adopted by the Council. Any person, firm or corporation violating any regulation thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be fined not more than \$500, imprisoned not more than six months, or both. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or uses continue, may be deemed a separate offense. The contractor shall be liable when making improvements.

TABLE 1: PERMITTED AND CONDITIONAL USES

DISTRICT	PERMITTED USES	CONDITIONAL USES REQUIRING BOARD OR COMMISSION APPROVAL
S-1 Special district	Parks Public uses Essential uses Accessory uses Noncommercial recreational facility Plant cultivation Conservation and highway interchange areas	Semipublic uses Public service facility Commercial recreational facility Cemetery Airports Sand and gravel extraction Residential public and institutional Planned development option
A-1 Agriculture district	Single-family dwelling Agriculture and forestry Public uses Public service facility essential services Accessory uses Noncommercial recreational facilities	Commercial recreational facilities Institutions Specialized animal raising and care Commercial billboards Home occupations Sand, gravel, topsoil extraction Semipublic uses
R-1 Very low density residence district	Single-family dwelling Public service facility Essential services Accessory uses Plant cultivation	Noncommercial recreational facilities Cemetery Home occupations Animal and poultry husbandry Agriculture Public uses Semipublic uses
R-2 Low density residence district	Single-family dwelling Two-family dwelling Essential services Accessory uses Plant cultivation	Public service facility Professional activities Home occupations Multiple-family dwelling Noncommercial recreational facilities Public uses Semipublic uses Condominiums, residential
R-3 Medium density residence district	Single-family dwelling Two-family dwelling Multiple-family dwelling Essential services Accessory uses	Noncommercial recreational facilities Nursery school Child care clinic Professional activities Home occupations Mobile home parks Nursing home Conversion of dwelling to apartments Mortuaries Public uses Semipublic uses Zero lot line concept (two-family dwelling) Tourist home Condominiums, residential
B-1 Central business district	Retail business Personal services Business services Offices and banks Restaurants Social activities Commercial entertainment facility Semipublic uses Public service facilities Essential services Accessory uses Public uses Professional activities	Gasoline service stations Drive-in banks Automotive sales and repairs Printing and publishing Hotels and motels

B-2 Highway and general business district	Retail business Personal services Business services Offices and banks Gasoline service stations Restaurants and taverns Motels and hotels Commercial entertainment facilities Entertainment facilities Essential services Accessory uses Public and semipublic uses Professional activities Automotive sales and repairs Farm implement sales and service Mortuaries	Outdoor advertising Wholesale business Printing and publishing Animal hospitals and clinics Bakeries and dairies Commercial recreational facilities
M-1 Restricted industrial district	Restricted manufacturing Printing and publishing Research and testing facilities Offices Public service facilities Essential services Accessory uses	Outdoor advertising Food processing Restaurants
M-2 General industrial district	Public service facilities General manufacturing Manufacturing, sales and storage of building materials Transport and trucking terminals Wholesale business Warehouse Grain elevators and feed mills Essential services Accessory uses	Restaurants Outdoor advertising Junk storage and sales Sand and gravel extraction Agriculture Oil and gas wells Livestock auctions and sales

TABLE 2: BASIC YARD, AREA AND HEIGHT REQUIREMENTS FOR DWELLINGS

District	Minimum Lot Width (in ft.):	Minimum Lot Area (per family):	Minimum Yard Width (in feet): Front Yard	Minimum Yard Width (in feet): Rear Yard	Minimum Side Yard Width (in feet): One Side	Minimum Side Yard Width: Sum of Both Sides (in feet)	Maximum Height of Buildings: Stories	Maximum Height of Buildings: Feet
A-1	150	1 acre	60	60	25	60	2.5	35
R-1	90	15,000 sq. ft.	40	40	12	20	2.5	35
R-2								
Single-family	80	10,000 sq. ft.	30	30	10	25	2.5	35
Two-family	120	7,500 sq. ft.	30	30	10	25	2.5	35
Multi-family	160	5,000 sq. ft.	30	40	20	50	2.5	35
Condominiums, residential	160	5,000 sq. ft.	30	40	20	50	2.5	35
R-3								
Single-family	70	7,500 sq. ft.	30	25	10	20	2.5	35
Two-family	90	5,500 sq. ft.	30	25	10	25	2.5	35
Multi-family	120	4,000 sq. ft.	30	25	15	30	3	40
Condominiums, residential	120	4,000 sq. ft.	30	25	15	25	3	40
Mobile homes: See § 701 for all requirements								

R-1: Group Water and Sewer

R-2: Combined Sewage Disposal System and Water Facilities Required

R-3: Combined Sewage Disposal System and Water Facilities

**TABLE 3: BASIC YARD, AREA AND HEIGHT REQUIREMENTS FOR ALL BUILDINGS
OTHER THAN DWELLINGS**

District	Minimum Lot Width (in ft.):	Minimum Lot Area:	Minimum Yard Depth (in feet): Front Yard	Minimum Yard Depth (in feet): Rear Yard	Minimum Side Yard Width (in feet): Each Side	Maximum Percentage of Lot Coverage	Maximum Height of Buildings: Stories	Maximum Height of Buildings: Feet
A-1	250	3 acres	60	60	50	15	3	45
S-1	250	3 acres	60	60	50	15	3	45
R-1	200	2 acres	60	60	50	15	2	35
R-2	150	1 acre	50	50	30	20	3	45
R-3	150	1 acre	50	50	30	20	3	45
B-1	None	None	None	10	None	85	3	45
B-2	150	30,000 sq. ft.	60	20	30	50	2	35
M-1	200	1 acre	50	40	30	60	3	45
M-2	200	1 acre	50	40	30	60	3	45

ORDINANCE NO. 2002-3

**AN ORDINANCE AMENDING ORDINANCE NO. 2000-04
REGARDING THE ZONING CODE OF THE VILLAGE OF MENDON, OHIO,
AND DECLARING AN EMERGENCY**

WHEREAS, Ordinance No. 2000-04 of the Ordinances of the Village of Mendon, Ohio establishes a Zoning Code for the Village of Mendon, Ohio.

WHEREAS the public necessity, convenience, general welfare and good zoning practices require that the zoning regulations be amended with regard to the definition of recreational facilities in light of the development of a commercial campground within the Village corporation limits.

WHEREAS upon recommendation of the Planning Commission, the Council of the Village of Mendon, Ohio hereby amends the definition of recreational facilities in Ordinance 2000-04 to include the provision for a campground.

WHEREAS, the Village of Mendon declares that an emergency exists to provide for the proper zoning of the commercial campground in that the construction of the campground is underway, thereby necessitating the immediate action of Council for the preservation of health, safety and welfare of the Village of Mendon, Ohio.

BE IT THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF MENDON, OHIO THAT:

SECTION 1: Section 152.003, Definitions, shall be amended with regard to the definition of "recreational facilities" to include the term "campground". Hereafter, the definition of "recreational facilities" on Page 9 shall read as follows:

Recreational Facilities.

(1) Commercial Recreational Facilities. Recreational facilities open to the public, established and operated for a profit, such as commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, carnivals, campground, recreational facilities, and similar commercial enterprises.

(2) Noncommercial Recreational Facilities. Private and semiprivate recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses and other private noncommercial recreational areas and facilities or recreation centers including private community swimming pools.

SECTION 2: This Resolution is deemed to be an emergency measure and shall take effect and be in force immediately from and after its passage for the preservation of the public peace, health and safety of the citizens of the Village of Mendon, Ohio.