

ORDINANCE NO. 2022-17

AN ORDINANCE RESTATING THE ZONING ORDINANCE FOR THE VILLAGE OF
DEGRAFF, OHIO AND DECLARING AN EMERGENCY

WHEREAS, the Village of DeGraff, Ohio adopted Ordinance No. 804, attached hereto and incorporated herein as **Exhibit A**, on August 10, 1970.

WHEREAS, the Village of DeGraff, Ohio repealed and replaced Ordinance No. 804, and all ordinances or parts of ordinances in conflict with a particular un-numbered zoning ordinance, attached hereto and incorporated herein as **Exhibit B**, which was adopted by the Village of DeGraff on September 22, 1981 (hereinafter referred to as the "Zoning Ordinance").

WHEREAS, the Village of DeGraff, Ohio passed Ordinance 81-27, which established a fee schedule, attached hereto and incorporated herein as **Exhibit C**.

WHEREAS, the Village of DeGraff, Ohio passed Ordinance No. 04-15, which attempts to modify certain provisions of the Zoning Ordinance, but mistakenly refers to Ordinance No. 81-27. Ordinance No. 04-15, attached hereto and incorporated herein as **Exhibit D**, was adopted by the Village of DeGraff on December 14, 2004

WHEREAS, the Village of DeGraff, Ohio seeks to organize and clarify its zoning ordinances through Ordinance by passing this Amended Zoning Ordinance, which shall incorporate Exhibits A through D herein, in addition to **Exhibits E and F**, which consist of a zoning map and Official Schedule of District Regulations.

NOW, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF DEGRAFF, OHIO:

SECTION I: This Ordinance shall be known and may be cited to as the "Zoning Ordinance of the Village of DeGraff, Ohio."

SECTION II: This Ordinance shall attach and incorporate, in their entirety, the documents identified herein as **Exhibits B, D, E, and F**, which shall henceforth consist of the entirety of the contents and/or provisions of the Zoning Ordinance of the Village of DeGraff, Ohio until and unless amended, replaced, or repealed by subsequent action of the Village of DeGraff, Ohio. **Exhibit B** contains the core provisions of the zoning code of the Village of DeGraff, Ohio, which by incorporation into this Ordinance, shall remain in full force and effect. **Exhibits D** was an amendment to **Exhibit B**, which, by way of their incorporation into this Ordinance, shall remain in full force and effect. **Exhibits E and F** consist of a zoning map and Official Schedule of District Regulations, which by incorporation into this Ordinance, shall remain in full force and effect.

SECTION III: That this Ordinance is hereby declared to be an emergency measure made necessary to protect the health, safety and welfare of said Village, provide for its continuous

uninterrupted services, and it shall, therefore, be in force and take effect immediately upon its passage and signature by the Mayor.

PASSED:

April 5, 2022

President of Council

APPROVED:

Stephanie Osborne
Mayor

ATTEST: _____

Walter L. Riddle

I, Kassandra Staley, Fiscal Officer of the Village of DeGraff, Ohio, do hereby certify that the foregoing is a true and correct copy of Ordinance No. 2022-17 Passed by Council of said Village on the 5 day of April, 2022.

Kassandra Staley
Fiscal Officer

EXHIBIT

A

ORDINANCE NO. 804

AN ORDINANCE ENACTING ZONING LAWS, RULES,
REGULATIONS AND STANDARDS IN THE VILLAGE
OF DE GRAFF, OHIO

BE IT ORDAINED, by the Council of the Village of DeGraff, Ohio,
three-fourths of all members elected thereto concurring:

SECTION I. This ordinance is enacted for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land, and to facilitate adequate and economical provisions for public improvements, all in accordance with a comprehensive plan for the desirable future development of the Village and to provide a method of administration and to prescribe penalties for the violations of provisions hereafter described.

SECTION II. INTERPRETATION OF STANDARDS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Wherever this ordinance imposes a greater restriction than is imposed or required by other provisions of law, or by other rules or regulations, or ordinances, the provisions of this ordinance shall govern. Wherever private building restrictions in recorded deeds are greater than those imposed by this ordinance, they shall not be replaced by the provisions of this ordinance.

SECTION III. ZONING MAP

For the purposes of this zoning ordinance, Council hereby adopts a zoning map dated 1970 as recommended by the Planning Commission. Said map, together with all notations, references, data, district boundaries and other information thereon shown, shall be and are hereby made a part of this ordinance.

SECTION IV. DISTRICTS

For the purposes of this ordinance, the section of the Village of DeGraff, Ohio, designated in red shall be classified as Commercial District. The section designated in yellow shall be classified as Residential District. The section designated in blue shall be classified as Manufacturing District. The section designated in green shall be classified as Recreation District.

The regulations pertaining to the above-mentioned districts shall be enforceable only within the corporate limits of the Village of DeGraff, Ohio.

SECTION V. COMMERCIAL DISTRICT

In the Commercial District, any building or land may be used for any purpose whatsoever, not prohibited by law; provided, however, that the building or land shall not be used for any of the following uses until and unless the location of such use shall have been approved by the Village of DeGraff Board of Zoning Appeals, and a use permit granted, subject to the approval of the ~~City~~ Village Council:

1. Beer parlors.

8. Junk yards, automobile grave yards, or places for the collection of scrap metal, paper, rags, glass, or junk for salvage, or storage purposes, or for dismantling used vehicles.
9. Hospitals and sanitariums for drug or liquor addicts, insane or mental cases.
10. Acetylene gas storage in excess of fifteen (15) pounds pressure per square inch.
11. And in general, those uses which may be obnoxious or offensive by reason of the emission of odor, dust, smoke, gas or noise.
12. Slaughter houses.

PROVISIONS FOR FUTURE COMMERCIAL ZONING

Any tract of land may be zoned for future commercial purposes, providing adjacent property owners do not object and said tract is not in a residential area or one already established without making proper application to the Village of DeGraff Zoning Commission, and approved by the DeGraff ^{Village} City Council.

SECTION VI. RESIDENTIAL DISTRICT - USES PERMITTED

- A. One family dwelling of not less than 900 square feet living space first floor, not counting basement.
- B. Multiple family dwelling of not less than the prescribed minimum square footage ration per family unit.
- C. No dwelling shall hereafter be erected except upon a continuous foundation of concrete or building blocks.
- D. All wiring in buildings hereafter erected or altered within the corporation limit shall be subject to investigation under the National Electrical Code.
- E. The office of resident members of recognized professions when located in the dwelling.
- F. Customary home occupations.
- G. Churches (no cost for permit).
- H. Community buildings, public buildings, schools, organizations and utilities buildings, recreational buildings and facilities, cemeteries, all of which shall be subject to use permit by Zoning Board.
- I. Truck gardens, Nurseries, Greenhouses, and sales rooms for home-grown produce only.
- J. Accessory buildings and uses, including private garage and servant quarters, shall conform to set-back lines.
- K. No building of a temporary character shall be used as a residence, except in the case of an emergency. Any home owner or home occupant in the zoned area may live in a building of temporary character, including a trailer, and use same for living quarters, for a period of not more than one (1) year from the date said emergency began. Emergency shall be defined as a fire, wind-storm or other unavoidable casualty which shall have destroyed or rendered uninhabitable the previous dwelling of the owner or occupant.
- L. A trailer may be used for living quarters, but the same shall conform to residential specifications (excepting that said trailer shall have the minimum of 400 square feet of living space) and Logan County Health Laws and laws of the State of Ohio regarding Health requirements, but it is not necessary to have a continuous foundation of concrete or building blocks under said trailer. Said trailers shall be located in area designated by broken yellow line.
- M. On any corner lot there shall be no planting, structure, fence or obstruction to vision more than three (3) feet higher than curb level within fifty (50) feet of the intersection of the rights of way of any two streets or road lines.

- Q. (a) No signs containing more than four (4) square feet shall be erected, placed or hung unless approved by the Village of DeGraff Zoning Appeals Board.
- (b) All signs constructed or placed upon any property in the zoning area shall not obstruct the view from any lane, road or intersection.
- R. All sewage and/or waste disposal units in or appertaining to buildings hereafter erected or altered within the corporation shall be subject to investigation and approval of the Logan County Board of Health.
- S. Two (2) off-street parking spaces shall be provided for each single and multiple family dwelling unit and one (1) for each mobile trailer home.

SECTION VII. MANUFACTURING DISTRICT

- A. Definition of manufacturing shall be: storage, repair, manufacture, preparation or treatment of any article, substance or commodity.
- B. Any manufacturing pertaining to the above definition shall be allowable provided it meets with the approval of the State of Ohio's regulations pertaining to manufacturing and the approval of the Village of DeGraff Board of Zoning Appeals, and a use permit granted, subject to the approval of ~~City~~ Village Council.

SECTION VIII: RECREATION DISTRICT

Recreational areas shall be established for the public and to promote health, education, morals and character.

SECTION IX. AGRICULTURE

- A. Land within the corporation limit may be used for agriculture purposes.
- B. No zoning certificate shall be required for the construction of buildings or structures incident to the use for agricultural purposes of the land on which such buildings or structures shall be located, but such exemption shall not extend to buildings, or used dwellings, provided, however, dwelling houses constructed thereon shall conform to all specifications as set forth in this ordinance and all other buildings shall conform to the set-back lines.
- C. Garages attached to dwelling houses shall not be considered as farm buildings.

SECTION X. EXISTING NON-CONFORMING USES

- A. If at the time of enactment of this zoning ordinance any lot, building or structure was being used legally in any manner, character or purpose which does not conform to the provisions of this ordinance, such use may continue to be made of such lot.
- B. No building, structure or land on which a non-conforming use ceases for a period of two (2) years shall again be devoted to non-conforming use.
- C. Any building or structure arranged, intended or designed for a specific non-conforming use; construction of which upon site has been started at the time of the passage of this ordinance, but not completed, may be completed and put to such non-conforming use, providing it is completed within two (2) years after this ordinance takes effect.

SECTION XI. VARIANCES

- 1. The Village of DeGraff Board of Zoning Appeals appointed by the DeGraff ~~City~~ Village Council according to Section 713.11 of the Ohio Revised Code may, in appropriate cases, including cases where the topography of the land or other conditions make it impossible or create a hardship to conform to set-back line, area or lot widths, vary the strict application of the terms of this ordinance,

3. At such hearing, the applicant shall present such statements and evidence as the Village of DeGraff Board of Zoning Appeals may require. Said Board shall not grant a variance unless it finds that:
 - a. The granting of application is necessary for the preservation and enjoyment of substantial property rights and would create a definite hardship if not granted.
 - b. The granting of application will not materially affect adversely the health or safety of persons residing in the neighborhood of the proposed change, nor will create any unnecessary hardship on these persons.
 - c. There are special circumstances applying to the land, building or use referred to in the application.
4. To exercise such other powers of variances vested to them by the Ohio Revised Code.

SECTION XII. APPEALS

Upon appeal from a decision of an administrative officer, the Village of DeGraff Board of Zoning Appeals shall have the power to decide any question involving the interpretation of any provision of this ordinance, including the determination of the location of any district boundary, if there is uncertainty with respect thereto.

SECTION XIII. ZONING CERTIFICATE

The position of the Village of DeGraff Zoning Inspector is hereby created. He shall be appointed by the DeGraff ^{Village} ~~City~~ Council and shall receive such compensation as the Village Council shall provide. He shall keep records and maps of all applications for zoning certificates and the action taken thereon.

Before construction, changing the use of, altering or eliminating any building or structure, including accessory buildings, or changing the use of any premises, application shall be made to the Board of Zoning Appeals and a Zoning Certificate secured. The application shall indicate the exact location of the proposed construction, alteration or change of use and shall include a plot plan, showing the proposed construction, alteration or change.

A fee of Two Dollars (\$2.00) shall be paid by the applicant prior to the issuance of a zoning certificate to cover cost of inspection and maintaining records.

SECTION XIV. BOARD OF ZONING APPEALS

A Board of Zoning Appeals is hereby created. Such Board shall consist of five (5) members who shall be residents of the Village of DeGraff, Ohio. The members shall be appointed by the Mayor and confirmed by Village Council. Vacancies shall be filled in the same manner for the unexpired term. Each member shall serve until his successor is appointed and qualified. The Board shall organize and adopt rules for its own government in accordance with this ordinance and the laws of the State of Ohio. Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Three (3) members of the Board shall constitute a quorum. The Board shall act by resolution and the concurring vote of at least three (3) members.

SECTION XV. SPECIAL USE PERMITS

Special use permits may be issued by the Village of DeGraff Board of Zoning Appeals for uses otherwise prohibited by this ordinance.

Written application for a special use permit shall accompany an application for a zoning certificate where new construction is planned.

- b. Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood;
- c. That all provisions of law and this ordinance shall have been complied with, it shall issue the special use permit.

In granting any special use permit, the Village of DeGraff Board of Zoning Appeals shall designate such conditions in connection therewith as will, in its opinion, assure that the use will conform to the foregoing requirements and that it will continue to do so.

SECTION XVI. ENFORCEMENT

It shall constitute a violation of this ordinance for any person, either owner or agent:

- a. To wilfully disregard any of the provisions of this ordinance (Sections 713.06 to 713.12 Ohio Revised Code).
- b. Any person found guilty of violating any of the provisions of this ordinance shall be deemed guilty of misdemeanor subject to a fine of not less than Ten Dollars (\$10.00) or more than One Hundred Dollars (\$100.00); each day upon which the said violation shall continue shall constitute a separate offense.

SECTION XVII. SUBDIVISIONS

All proposed plats of subdivisions in the zoned area of the Village shall be first approved by the Board of Zoning Appeals before being submitted to the Board of County Commissioners of Logan County, Ohio.

SECTION XVIII. EFFECT OF INVALIDITY OF ONE SECTION

Should any section or provision of this ordinance be decided by the Courts to be unconstitutional or invalid, such decisions shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so held to be unconstitutional or invalid. All resolutions, ordinances or parts thereof which are in conflict with provisions of this ordinance are hereby repealed.

SECTION XIX. This ordinance shall be in force and take effect from and after the earliest period allowed by law.

Passed: August 10, 1978

Howard Schmidt
President of Council

Attest: Charles M. Eaves
Clerk of Council

Approved: August 10, 1978
Dean T. Tackett
Mayor

COMMITTEE:

David L. Tackett

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PREAMBLE

AN ORDINANCE OF THE VILLAGE OF DEGRAFF, OHIO, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF CHAPTER 713, OHIO REVISED CODE, DIVIDING THE VILLAGE INTO ZONES AND DISTRICTS; ENCOURAGING, REGULATING, AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND: PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE: DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATIVE OFFICERS AS PROVIDED HEREAFTER, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS ORDINANCE OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT AND GENERAL WELFARE; AND FOR THE REPEAL THEREOF.

THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF DEGRAFF, STATE OF OHIO:

ARTICLE I TITLE, INTERPRETATION AND ENACTMENT

Section 100 Title. This ordinance shall be known and may be cited to as the "Zoning Ordinance of the Village of DeGraff, Ohio."

Section 110 Provisions of Ordinance Declared to be Minimum Requirements. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety and the general welfare. Whenever the requirements of this ordinance conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolution, the most restrictive, or that imposing the higher standards shall govern.

Section 120 Separability Clause. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

Section 130 Repeal of Conflicting Ordinance, Effective Date. All ordinances or parts of ordinances in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance are hereby repealed to extent necessary to give this ordinance full force and effect. This ordinance shall replace the existing zoning ordinance and shall become effective from and after the date of its approval and adoption, as provided by law.

ARTICLE II DEFINITIONS

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

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

Accessory Use or Structure. A use or structure on the same lot with and of a nature customarily incidental and subordinate to, the principal use or structure.

Advertising Structure. Any outdoor display for the purpose of advertisement, notice or announcement located apart from the premises or product referred to in the display.

Automotive Repair. The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision services, painting and steam cleaning of vehicles.

Alley. See Thoroughfare.

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

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

Building. Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

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

Building Height. The vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of mansard roofs and to the average height between eaves and ridge for gable, hip and gambrel roofs. Where

a building is located on sloping terrain, the height may be measured from the average ground level of the grade at the building wall.

Building Line. See Setback Line.

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

Business, Convenience-Type Retail. Retail businesses whose market area is the neighborhood or part of the community, which provides convenience-type goods and personal services for the daily needs of the people within the residential area. Uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry facilities, supermarkets etc.

Business, Drive-in. Any business, structure or premise which is designed primarily to service occupants of motor vehicles without the occupants having to leave the vehicle.

Business, Service. Any profit making activity which renders services primarily to the public or other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses. Some retail sales may be involved in connection with the service rendered.

Business, Shopping-type Retail. A retail or service business which supplies a wide variety of comparison goods and services to consumers in a market area that includes the community or an area greater than a community. Examples of shopping-type businesses are furniture stores, automobile sales and service and clothing shops.

Channel. A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

Clinic. A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons, and those who are in need of medical and surgical attention, but who are not provided with board or room or kept overnight on the premises.

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

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

Conditional Use. A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of District Regulations.

Conditional Use Permit. A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

Density. A unit of measurement; the number of dwelling units per acre of land.

1. Gross Density - the number of dwelling units per acre of the total land to be developed.
2. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

Dwelling. Any building or structure (except a housetrailer or mobile home as defined under "Dwelling, Mobile Home" which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

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

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

Dwelling, Multi-Family. A dwelling consisting of two or more dwelling units including condominiums with varying arrangements of entrances and party walls.

Dwelling, Modular Unit. A factory-fabricated transportable building designed to be used by itself or to be incorporated with similar units at a building site into a modular structure. The term is intended to apply to major assemblies and does not include prefabricated panels, trusses, plumbing trees and other prefabricated sub-elements which are to be incorporated into a structure at the site.

Dwelling, Sectional-Unit. A dwelling made of two or more modular units transported to the home site, put on a foundation and joined to make a single dwelling.

Dwelling, Mobile Home. A modular unit built on a chassis, with body width exceeding 8 feet or body length exceeding 32 feet, designed to be used as a dwelling, with or without a permanent foundation, when connected to the required utilities.

Double-wide or Triple-wide: A mobile home consisting respectively of two or three sections combined horizontally at the site to form a single dwelling, while still retaining their individual chassis for possible future movement.

Expandable Mobile Home: A mobile home with one or more room sections that fold, collapse, or telescope into the principal unit when being transported and which can be expanded at the site to provide additional living area.

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

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

Essential Services. The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, or underground gas, electrical, water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith which are 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 single dwelling unit.

Flood Plain. That land, including the flood fringe and floodway, subject to inundation by the regional flood.

Flood, Regional. Large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

Floodway. That portion of the flood plain, including the channel, which is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floodway Fringe. That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

Floor Area of a Residential Building. The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.

Floor Area of a Non-Residential Building (To be Used in Calculating Parking Requirements). The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows and fitting rooms and similar areas.

Floor Area, Usable. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls. Mobile home floor area shall be determined by the "Bill of Sale" which may or may not include up to a four (4) foot long tongue.

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

Gasoline Service Station. Buildings and premises where gasoline, oil, grease, batteries, tires and automobile accessories may be supplied and dispensed at retail.

Home Occupation. An occupation conducted in a dwelling unit, provided that: No more than one person other than members of the family residing on the premises shall be engaged in such occupation. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than thirty-five (35) percent of floor area of the dwelling unit shall be used in the conduct of the home occupation. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated and mounted flat against the wall of the principal building. No traffic shall be generated by such occupation in greater volume than would normally be expected in such a residential area and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance.

Junk. "Junk" means old scrap copper, brass, rope, rags, trash, waste, batteries, paper, rubber, junked, dismantled or wrecked automobiles or parts thereof, iron, steel and other old or scrap ferrous or non-ferrous materials.

Junk Yard. "Junk Yard" means an establishment or place of business, which is maintained or operated for the purpose of storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard. It shall also include scrap metal processing facilities which are located within one thousand feet of the nearest edge of the right-of-way of a highway or street and any site, location, or premise on which are kept two or more junk motor vehicles as defined in Section 311.301 of the Ohio Revised Code, whether or not for a commercial purpose.

Kennel. Any lot or premise on which dogs, cats or other household pets are boarded, bred or exchanged for monetary compensation.

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

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

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

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

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

Lot, Minimum Area of. The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

Lot Measurements. A lot shall be measured as follows:

1. Depth. The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
2. Width. The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

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

Lot Types. Terminology used in this ordinance with reference to corner lots, interior lots and through lots is as follows:

1. Corner Lot. A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
2. Interior Lot. A lot with only one frontage on a street.

3. Through Lot. A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

4. Reversed Frontage Lot. The portion of the comprehensive plan adopted by the Village Planning Commission indicating the general location recommended for arterial, collector and local thoroughfares within the appropriate jurisdiction.

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

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

Mobile Home Park. Any site, or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.

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

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

Offices. Quasi-commercial uses which may often be transitional between retail business and/or manufacturing and residential uses. ~~Office-business~~ generally accommodates such occupations as administrative, executive, professional, accounting, clerical, drafting etc. Institutional offices of a charitable, philanthropic, financial or religious or educational nature are also included in this classification.

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

Parking Space, Off-Street. For the purpose of this ordinance an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

Performance Bond or Surety Bond. An agreement by a subdivider or developer with the Village for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specification within the time prescribed by the subdivider's agreement.

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

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

Printing and Publishing. Any business which is engaged in the printing and/or publishing of newspapers, magazines, brochures, business cards and similar activities either for profit or non-profit.

Public Service Facility. The erection, construction, alteration, operation or maintenance of buildings, power plants or sub-stations, water treatment plants or pumping station, 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 or private water and sewage service.

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

Public Way. An alley, avenue, boulevard, bridge, channel, ditch, easement, highway, land, road, sidewalk, street, walk, bicycle path; or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

Quasipublic Use. Churches, parochial schools, hospitals and other facilities of an educational, religious, charitable, philanthropic or non-profit nature.

Recreation, Commercial. Any business which is operated as a recreational enterprise, either publicly or privately owned, for profit. Examples include, but are not limited to: Golf Courses, Teen Centers, Bowling Alleys, Roller Skating Rinks, etc.

Recreation, Non-Commercial. Any business which is operated as a recreational enterprise, either publicly or privately owned, for non-profit. Examples include, but are not limited to: fishing areas, parks, archery ranges, etc.

Recreational Vehicle. A vehicular type unit primarily designed as temporary living quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle. The basic entities are: travel trailer, camping trailer, truck camper and motor home.

Recreational Vehicle Park. A parcel of land upon which two or more recreational vehicle sites are located, established or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation or vacation purposes.

Recreational Vehicle Site. A plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent or other individual camping unit on a temporary basis.

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

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

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

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

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

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

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

1. Sign, On-Premises. Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. Sign, Off-Premises. Any sign unrelated to a business or profession conducted or to a commodity or service sold or offered upon the premises where such sign is located.

3. Sign, Illuminated. Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
4. Sign, Lighting Device. Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. Sign, Projecting. Any sign which projects from the exterior of a building.
6. Sign, Ground. means a display sign supported by uprights or braces in or upon the ground surface.
7. Sign, Marquee. means a display sign attached to or hung from a marquee, canopy or other covered structure projecting from and supported by the building and extending beyond the building wall, building line or street lot line.
8. Sign, Pole. means any sign which is erected on a pole or poles, which is wholly or partially independent of any building for support.
9. Sign, Roof. means a display sign which is erected, constructed and maintained above the roof of the building.
10. Sign, Temporary. means a display sign, banner or other advertising device constructed of cloth, canvas, fabric or other light temporary material, with or without a structural frame, intended for a limited period of display, including decorative displays for holidays or public demonstrations.
11. Sign, Wall. means a display sign which is painted on or attached directly to the building wall.

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

Transient Lodgings. ~~A building in which lodging or boarding and~~ lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined. Examples include: hotel, motel and apartment hotel.

Transport Terminals. Any business, structure or premise which primarily receives or distributes goods.

Structure. Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, mobile homes, walls, fences and billboards. X

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

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

1. Private. Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel; and accessory use.
2. Community. Operated with a charge for admission; a primary use.

Thoroughfare, Street or Road. The full width between property lines bounding every public way or whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

1. Alley. A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
2. Arterial Street. A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
3. Collector Street. A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
4. Cul-de-Sac. A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
5. Dead-end Street. A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
6. Local Street. A street primarily for providing access to residential or other abutting property.
7. Loop Street. A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
8. Marginal Access Street. A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets. (Also called Frontage Street.)

Through Lot. See Lot Types.

Transportation, Director of. The Director of the Ohio Department of Transportation.

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

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

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

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

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

Wholesale and Warehousing. Business establishments that generally store and sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

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

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

Zoning Certificate. A document issued by the Zoning Inspector authorizing the occupancy or use of a building or structure or the actual use of lots or land in accordance with the previously issued Zoning Permit.

Zoning Permit. A document issued by the zoning inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

ARTICLE III ENFORCEMENT

Section 300 Zoning Permits Required. No building, or other structure, shall be erected, moved, added to, structurally altered, nor shall any building structure or land be established or changed in use without a permit therefor, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this ordinance unless the Zoning Inspector receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance or from Village Council approving a Planned Unit Development District, as provided by this ordinance.

Section 301 Contents of Application for Zoning Permit. The application for zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or substantially completed within two and one-half (2½) years. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Plans in duplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot; if any; and the location and dimensions of the proposed building(s) or alteration;
7. Building heights;
8. Number of off-street parking spaces or loading berths;
9. Number of dwelling units;
10. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

Section 302 Approval of Zoning Permit. Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this ordinance. All zoning permits shall, however, be conditional upon the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this ordinance.

Section 303 Submission to Director of Transportation. Before any zoning permit is issued affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of Transportation or any land within a radius of five-hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered mail to the Director of Transportation that he shall not issue a zoning permit for one-hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Zoning Inspector that he shall proceed to acquire the land needed then the Zoning Inspector shall refuse to issue the zoning permit. If the Director of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest or upon the expiration of the one-hundred twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this ordinance, issue the zoning permit.

Section 304 Expiration of Zoning Permit. If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one-half (2½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

Section 310 Certificate of Occupancy. It shall be unlawful to use or occupy or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure until a certificate of occupancy shall have been issued therefore by the Zoning Inspector stating that the proposed use of the building or land conforms to the requirements of this ordinance.

Section 311 Temporary Certificate of Occupancy. A temporary certificate of occupancy may be issued by the Zoning Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.

Section 312 Record of Zoning Permits and Certificates of Occupancy. The Zoning Inspector shall maintain a record of all zoning permits and certificates of occupancy and copies shall be furnished upon request to any person.

Section 320 Failure to Obtain a Zoning Permit or Certificate of Occupancy. Failure to obtain a zoning permit or certificate of occupancy shall be a violation of this ordinance and punishable under Section 350 of this ordinance.

Section 330 Construction and Use to be as Provided in Applications, Plans, Permits and Certificates. Zoning permits or certificates of occupancy issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a violation of this ordinance and punishable as provided in Section 350 of this ordinance.

Section 340 Complaints Regarding Violations. Whenever a violation of this ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate and take action thereon as provided by this ordinance.

Section 350 Penalties for Violation. Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this ordinance shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one-hundred (100) dollars and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

Section 360 Schedule of Fees, Charges and Expenses. The Village Council shall by ordinance establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be

altered or amended only by the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

ARTICLE IV NON-CONFORMITIES

Section 400 Intent. Within the districts established by this ordinance or amendment that may later be adopted there exists lots, uses of land, structures and uses of structures and land in combination which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these non-conformities to continue until they are removed. It is further the intent of this ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 410 Incompatibility of Non-Conformities. Non-conformities are declared by this ordinance to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

Section 420 Avoidance of Undue Hardship. To avoid undue hardship, nothing in this ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction, was lawfully begun prior to the effective date of adoption or amendment of this ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, ~~such demolition or removal shall be deemed to be actual construction,~~ provided that the work shall be carried out diligently.

Section 430 Single Non-Conforming Lots of Record. In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Articles 9 and 10 of this ordinance other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Section 540 through 549.

Section 431 Non-Conforming Lots of Record in Combination. If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this ordinance and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this ordinance and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this ordinance.

Section 440 Non-Conforming Uses of Land. Where, at the time of adoption of this ordinance, lawful uses of land exist which would not be permitted by the regulations imposed by this ordinance, the uses may be continued so long as they remain otherwise lawful, provided:

1. No such non-conforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this ordinance.
2. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this ordinance.
3. If any such non-conforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this ordinance for the district in which such land is located.
4. No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

~~-----~~ Section 450 Non-Conforming Structures. Where a lawful structure exists at the effective date of adoption or amendment of this ordinance that could not be built under the terms of this ordinance by reason of restrictions on area, lot coverage, height, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. No such non-conforming structure may be enlarged or altered in a way which increases its non-conformity, but any structure or portion thereof may be altered to decrease its non-conformity;
2. Should such non-conforming structure or non-conforming portion of structure be destroyed by fire or an Act of God, it may after approval by the Board of Zoning Appeals, be reconstructed

as it previously existed. All remaining debris shall be cleared away and disposed of properly within two months of the time of destruction;

3. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

Section 460 Non-Conforming Uses of Structures or of Structures and Land in Combination. If a lawful use involving individual structures, or of a structure and land in combination, exists at the effective date of adoption or amendment of this ordinance that would not be allowed in the district under the terms of this ordinance, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

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

If no structural alterations are made, any non-conforming use of a structure or structure and land, may, upon appeal to the Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this ordinance.
4. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
5. When a non-conforming use of a structure, or structure and land in combination is discontinued or abandoned for more than two (2) years (except when a government action impedes access to the premises), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
6. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

Section 470 Repairs and Maintenance. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

Section 480 Uses Under Conditional Use Provisions Not Non-Conforming Uses. Any use which is permitted as a conditional use in a district under the terms of this ordinance shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

ARTICLE V ADMINISTRATION

Section 500 Office of Zoning Inspector Created. A Zoning Inspector designated by the Mayor and confirmed by Village Council shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the Mayor and Council may direct.

Section 501 Duties of Zoning Inspector. For the purpose of this ordinance, the Zoning Inspector shall have the following duties:

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

Section 510 Proceedings of Planning Commission. The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Commission.

Section 520 Board of Zoning Appeals Created. A Board of Zoning Appeals is hereby created, which shall consist of five (5) members, to be appointed by the Mayor and confirmed by Village Council, each for a term of five (5) years, except that the initial appointments shall be one (1) member each for one (1), two (2), three (3), four (4) and five (5) year terms. Each member shall be a resident of the Village. Members of the Board may be removed from office by the Village Council for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Mayor and confirmed by Village Council for the unexpired term of the member affected.

Section 521 Proceedings of the Board of Zoning Appeals. The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The Chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

Section 522 Duties of the Board of Zoning Appeals. In exercising its duties, the Board may, as long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to effect any variation in the application of this ordinance. For the purpose of this ordinance the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector;
2. To authorize such variances from the terms of this ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done;
3. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article 9 and such additional safeguards as will uphold the intent of this ordinance.

Section 530 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal. (It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law.) (It is further the intent of this ordinance that the duties of the Village Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise.) The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance the Village Council shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law; approving or rejecting planned unit development projects and of establishing a schedule of fees and charges as stated in Section 360 of this ordinance. Nothing in this ordinance shall be interpreted to prevent any official of the Village from appealing a decision of the Board to the courts as provided in the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

Section 540 Procedure and Requirements for Appeals and Variances. Appeals and variances shall conform to the procedures and requirements of Sections 541-549, inclusive, of this ordinance. As specified in Section 522, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

Section 541 Appeals. Appeals to the Board of Zoning Appeals concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within thirty (30) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

Section 542 Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed with him, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril to life and property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Board of Zoning Appeals or by a court of record on application, on notice to the Zoning Inspector from whom the appeal is taken on due cause shown.

Section 543 Variances. The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance would result in unnecessary hardship. No non-conforming use of neighboring lands, structures or buildings in

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

Section 544 Application and Standards for Variances. A variance from the terms of this ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

1. Name, address and phone number of applicant(s);
2. Legal description of property;
3. Description of nature of variance requested;
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure or building involved and which are not applicable to other lands, structures, or buildings in the same district;
 - b. That a literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance;
 - c. That special conditions and circumstances do not result from the actions of the applicant;
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures or buildings in the same district.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by subsection 4 of this section have been met by the applicant.

Section 545 Supplementary Conditions and Safeguards. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this ordinance in said district. In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variance is granted, shall be deemed a violation of this ordinance and punishable under Section 350 of this ordinance.

Section 546 Public Hearing by the Board of Zoning Appeals. The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

Section 547 Notice of Public Hearing in Newspaper. Before holding the public hearing required in Section 546, notice of such hearing shall be given in one newspaper of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

Section 548 Notice to Parties in Interest. Before holding the public hearing required in Section 546, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 547. The notice shall be sent to the applicant and to owners contiguous to, and directly across the street from the parcel(s) in question.

Section 549 Action by Board of Zoning Appeals. Within thirty (30) days after the public hearing required in Section 546, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 545, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board decisions shall be made in the manner specified in Section 530.

Section 560 Procedure and Requirements for Approval of Conditional Use Permits. Conditional uses shall conform to the procedures and requirements of Sections 561-568, inclusive of this ordinance.

Section 561 General. It is recognized that an increasing number of new kinds of uses are appearing daily and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 9, shall follow the procedures and requirements set forth in Sections 562-568, inclusive.

Section 562 Contents of Application for Conditional Use Permit. An application for conditional use permit shall be filed with the Chairman of the Board of Zoning Appeals by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address and phone number of applicant;
2. Legal description of property;

3. Description of existing use;
4. Zoning district;
5. Description of proposed conditional use;
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading area, traffic access and traffic circulation, open spaces, landscaping, refuse and service areas, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this ordinance.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, odor and fumes and on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan;

Section 563 General Standards Applicable to all Conditional Uses.
 The Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 9 and appears on the Official Schedule of District Regulations adopted by Section 910 for the zoning district involved;
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective of the Village's Comprehensive Plan and/or the zoning ordinance;
3. Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing ~~or intended character of the general vicinity and that such~~ use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;

7. Will not involve uses, activities, processes, materials equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes or odors;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.

Section 565 Supplementary Conditions and Safeguards. In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under Section 350 of this ordinance.

Section 566 Procedure for Hearing, Notice. Upon receipt of the application for a conditional use permit specified in Section 562, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Section 546 through 548.

Section 567 Action by the Board of Zoning Appeals. Within thirty (30) days after the public hearing required in Section 566, the Board shall either approve, approve with supplementary conditions as specified in Section 565, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by the Board the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 530.

Section 568 Expiration of Conditional Use Permit. A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two (2) years.

ARTICLE VI AMENDMENT

Section 600 Procedure for Amendment or District Changes. This ordinance may be amended utilizing the procedures specified in Section 601-612, inclusive, of this ordinance.

Section 601 General. Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council may by ordinance after receipt of recommendation thereon from the Planning Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions and boundaries or classification of property.

Section 602 Initiation of Zoning Amendments. Amendments to this ordinance may be initiated in one of the following ways:

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

Section 603 Contents of Application. Applications for amendments to the Official Zoning Map adopted as part of this ordinance by Section 700 shall contain at least the following information:

1. Name, address and phone number of applicant;
2. Present use;
3. Present zoning district;
4. Proposed use;
5. Proposed zoning district;
6. A vicinity map at a scale approved by the Zoning Inspector showing property lines thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require;
7. A list of all property owners and their mailing addresses who are within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
8. A fee as established by Village Council, according to Section 360.

Section 604 Transmittal to Planning Commission. Immediately after the adoption of a resolution by the Village Council or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Commission.

Section 605 Submission to Director of Transportation. Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail to the Director of Transportation. The Commission may proceed as required by law, however, the Village Council shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Village that he shall proceed to acquire the land needed, then the Village shall refuse to approve the rezoning. If the Director of Transportation notifies the Village that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (120) day period or any extension thereof agreed upon by the

Director of Transportation and the property owner, the Village Council shall proceed as required by law.

Section 606 Recommendation by Planning Commission. Within sixty (60) days from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied.

Section 607 Public Hearing by Council. Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than forty (40) days from the receipt of the recommendation from the Planning Commission.

Section 608 Notice of Public Hearing in Newspaper. Notice of the public hearing required in Section 607 shall be given by Village Council by at least one (1) publication in one (1) or more newspapers of general circulation in the Village. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

Section 609 Notice to Property Owners by Village Council. If the proposed amendment intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by Village Council. The failure to deliver the notification, as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 608.

Section 610 Action by Village Council. Within thirty (30) days after the public hearing required by Section 607, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than three-fourths of the full membership of Village Council. No such ordinance shall be passed unless it has been fully and distinctly read on three different days, except that such ordinance may become emergency legislation if three-fourths of the members of Village Council vote to dispense with this rule.

Section 611 Effective Date and Referendum. Such amendment adopted by Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the

passage of the ordinance there is presented to the Village Clerk a petition, signed by a number of qualified voters residing in the Village equal to not less than ten (10) per cent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village Council to submit the zoning amendment to the electors of the Village for approval or rejection at the next general election.

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

Section 612 Annexation. All land annexed to the Village subsequent to the adoption of this ordinance shall remain subject to the previous township zoning district until such time as the Official Zoning Map is amended according to the provisions of this Article.

ARTICLE VII PROVISIONS FOR OFFICIAL ZONING MAP

Section 700 Official Zoning Map. The districts established in Article 8 of this ordinance as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this ordinance.

Section 710 Identification of the Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Mayor and attested by the Village Clerk.

Section 720 Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be such boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.

4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
5. Where the boundary of a district follows the river, lake or channel, said boundary line shall be deemed to be at the limit of the jurisdiction of the village unless otherwise indicated.

ARTICLE VIII ESTABLISHMENT AND PURPOSE OF DISTRICTS

Section 800 Intent. The following zoning districts are hereby established for the Village of DeGraff, Ohio. For the interpretation of this ordinance, the zoning districts have been formulated to realize the general purposes as set forth in the preamble of this ordinance. In addition, the specific purpose of each zoning district shall be as stated.

Section 810 Low Density Residential District (R-1). The purpose of the R-1 District is to permit the establishment of low density single family dwellings not to exceed four (4) dwelling units per gross acre.

Section 811 Medium Density Residential District (R-2). The purpose of the R-2 District is to permit the establishment of medium density single family dwellings not to exceed eight (8) dwelling units per gross acre. This district is also designed to permit multi-family dwellings as a conditional use and the conversion of large older houses as a conditional use in well established neighborhoods to multi-family units. Other conditional uses are listed on the Official Schedule of District Regulations.

Section 812 High Density Residential District (R-3). The purpose of the R-3 District is to permit the establishment of high density multi-family dwellings not to exceed sixteen (16) dwelling units per gross acre. Single-family dwellings are a permitted use and conditional uses are listed on the Official Schedule of District Regulations.

Section 820 Service Business District (B-1). The purpose of the service business district is to provide land for sales, service and repair establishments which require highway orientation or larger tracts of land not normally available in central and local business districts; do not contribute to the design of a unified business center; depend on drive-in business; and require a location along or near major thoroughfares and intersections. Specific permitted uses and conditional uses are listed on the Official Schedule of District Regulations.

Section 821 Local Business District (B-2). The purpose of the local business district is to provide land for retail and personal service establishments offering convenience-type goods and services for the daily needs of the people. Specific permitted uses and conditional uses are listed on the Official Schedule of District Regulations.

Section 822 Central Business District (B-3). The purpose of the central business district is to provide land for retail, service, office, institutional, commercial, recreational and cultural facilities that

are fully compatible in an intensely developed or developing commercial center and for a logical expansion of the compacted core. Single and multi-family housing is permitted. Specific uses and conditional uses are listed on the Official Schedule of District Regulations.

Section 830 Light Manufacturing District (M-1). The purpose of the light manufacturing district is to provide land for manufacturing or industrial establishments. Commercial activities compatible with light manufacturing uses are permitted. Specific permitted uses and conditional uses are listed on the Official Schedule of District Regulations.

ARTICLE IX DISTRICT REGULATIONS

Section 900 Compliance with Regulations. The regulations for each district set forth by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided; or as otherwise granted by the Board of Zoning Appeals.

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
2. No building or other structure shall be erected or altered:
 - a. to provide for greater height or bulk;
 - b. to accommodate or house a greater number of families;
 - c. to occupy a greater percentage of lot area; ---
 - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces;

than herein required, or in any other manner be contrary to the provisions of this ordinance.

3. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements set forth herein. ---
4. All territory which may hereafter be annexed to the village shall be administered according to the applicable township zoning district regulations until otherwise classified.

Section 910 Official Schedule of District Regulations Adopted. District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this ordinance and in Article 10 of this ordinance, "Supplementary District Regulations". Regulations for Mobile Home Parks shall be those specified in Article 13.

Section 920 Identification of the Official Schedule of District Regulations. The Official Schedule of District Regulations shall be identified by the signature of the Mayor and attested to and kept secure by the Village Clerk.

ARTICLE X SUPPLEMENTARY DISTRICT REGULATIONS

Section 1000 General. The purpose of the supplementary district regulations is to set specific conditions for various uses, classification of uses or areas where problems are frequently encountered.

Section 1001 Conversion of Dwellings to More Units. A residence may be converted to accommodate an increased number of dwelling units provided:

1. The yard dimensions including minimum lot width, still meet the yard dimensions required by the zoning regulations for new structures in that district in which the dwelling is located.
2. The lot area per family equals the lot area requirements for new structures in the R-3 district;
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in the R-3 district;
4. The conversion is in compliance with all other relevant codes and ordinances.

Section 1002 Private Swimming Pools. A private swimming pool, not 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 commercial or residential 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 10 feet to any property line of the property on which it is located.
3. The swimming pool, or the entire property on which it is located shall be walled or fenced to prevent uncontrolled access by children from adjacent properties. Said fence or wall shall be not less than five feet in height and maintained in good condition with a gate and lock.

Section 1004 Temporary Buildings. Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period

construction work is in progress, but such temporary facilities shall be removed upon completion of the construction work.

Section 1005 Parking and Storage of Certain Vehicles. Automotive vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. The parking of a disabled vehicle within a residential, commercial, or industrial district for a period of more than two (2) weeks shall be prohibited, unless such vehicle is stored in an enclosed garage or other accessory building. This section does not apply to land where licensed junk yards are established or to businesses which are actively engaged in the repair or sales of automotive vehicles.

One boat and one recreational vehicle may be stored in the rear or side yard if they have a current license.

Section 1006 Required Trash Areas. All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three sides by a solid wall or fence a minimum of four (4) feet in height or one (1) foot higher than the receptacles therein if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

Section 1010 Supplemental Yard and Height Regulations. In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this ordinance, the provisions of Sections 1011-1017, inclusive shall be used for interpretation and clarification.

Section 1011 Setback Requirements for Corner Buildings. On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

Section 1012 Visibility at Intersections. On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and one-half and ten feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty feet from the point-of-intersection.

Section 1014 Yard Requirements for Multi-Family Dwellings. Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwellings in the appropriate district. Each individual building shall meet all yard requirements for the R-3 district as though it were on an individual lot.

Section 1015 Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts. Non-residential buildings or uses shall not be located nor conducted closer than twenty (20) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirement if acceptable landscaping or screening approved by the Zoning Inspector is provided.

Section 1016 Architectural Projections. Open structures such as porches, canopies, balconies, platforms, carports, covered patios, and similar architectural projections shall be considered parts of the building to which attached and shall not project into the required minimum front, side, or rear yard. Sidewalks are exempted from this provision.

Section 1017 Exceptions to Height Regulations. The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to aircraft.

Section 1020 Special Provisions for Commercial and Industrial Uses. No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or similar objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in Sections 1021-1031, inclusive.

Section 1021 Fire Hazards. Any activity involving the use or storage of flammable chemicals, petroleum products or explosive materials shall be protected by adequate fire-fighting and fire-prevention 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.

Section 1022 Electrical Disturbance. No activity shall emit electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance. The disturbance must be due solely to the creator and not due to defective wiring, equipment etc., at the receiving point.

Section 1025 Fences and Walls. In spite of other provisions of this ordinance, fences and walls may be permitted in any yard, or along the edge of any yard, provided that no fence or wall along the sides or front edge of any front yard shall be over four and one-half feet in height unless otherwise granted by the Board of Zoning Appeals. On corner lots it shall not be over two and one-half feet in height.

Section 1027 Sand and Gravel Extraction. Sand and gravel extraction storage or processing shall not be conducted closer than 200 feet from any structure used for human occupancy.

Section 1030 Enforcement Provisions. The Zoning Inspector, prior to the issuance of a zoning permit, 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.

Section 1031 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, the Manufacturing Chemists' Association, Inc., Washington, D.C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency.

ARTICLE XI OFF-STREET PARKING AND LOADING FACILITIES

Section 1100 General Requirements.

1. No building or structure shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking and/or loading spaces have been provided in accordance with the provisions of this ordinance. Any exceptions to this provision shall be granted only by the Board of Zoning Appeals.
2. The provisions of this Article, except where there is a change of use, shall not apply to any existing building or structure.
3. Whenever a building or structure constructed after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change. Whenever a building or structure existing prior to the effective date of this ordinance is enlarged to the extent of fifty (50) percent or more in floor area, number of employees, number of housing units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth therein.

Section 1110 Parking Space Dimensions. A parking space shall have a minimum rectangular dimensions of not less than nine (9) feet in width and nineteen (19) feet in length for ninety (90) degree parking, nine (9) feet in width and twenty-three (23) feet in length for parallel parking, ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking, and twelve (12) feet in width and nineteen (19) feet in length for forty-five (45) degree parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas. The number of required off-street parking spaces is established in Section 1130 of this ordinance.

Section 1111 Loading Space Requirements and Dimensions. A loading space shall have minimum dimensions of not less than twelve (12) feet in width, fifty (50) feet in length, exclusive of driveways, aisles, and other circulation areas, and a height of clearance of

not less than fifteen (15) feet. One off-street loading space shall be provided and maintained on the same lot requiring delivery of goods and having a modified gross floor area of up to five thousand (5,000) square feet. One loading space shall be provided for each additional ten thousand (10,000) square feet or fraction thereof of ground floor area.

Section 1112 Paving. The required number of parking and loading spaces as set forth in Sections 1111 and 1130, together with drive-ways, aisles, and other circulation areas, shall be improved with such material to provide a durable and dust-free surface.

Section 1113 Drainage. All parking and loading areas shall provide for proper drainage of surface water to prevent the drainage of such water onto adjacent properties or walkways.

Section 1114 Maintenance. The owner of property used for parking and/or loading shall maintain such area in good condition without holes and free of all dust, trash, and other debris.

Section 1115 Lighting. Any lights used to illuminate a parking lot shall be so arranged as to reflect the light away from the adjoining property.

Section 1116 Location of Parking Spaces. The following regulations shall govern the location of off-street parking spaces and areas:

1. Parking spaces for all detached residential uses shall be located on the same lot as the use which they are intended to serve;
2. Parking spaces for commercial, industrial, or institutional uses shall be located not more than seven hundred (700) feet from the principal use;
3. Parking spaces for apartments, or similar residential uses shall be located not more than three hundred (300) feet from the principal use.

Section 1117 Screening and/or Landscaping. Whenever a parking area is located in or adjacent to a residential district it shall be effectively screened on all sides which ~~adjoin or face~~ any property used for residential purposes, by an acceptably designed fence, or planting screen. Such fence or planting screen shall be not less than four (4) feet nor more than six (6) feet in height and shall be maintained in good condition. In the event that terrain or other natural features are such that the erection of such fence or planting screen will not serve the intended purpose, then no such fence or planting screen and landscaping shall be required.

Section 1119 Minimum Distance and Setbacks. No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling unit unless separated by an acceptably designed screen. If on the same lot with a one-family residence, the parking areas shall not be located within the front yard required for such building. In no case shall any part of a parking areas be closer than four (4) feet to any established street or alley right-of-way.

Section 1120 Joint Use. Two or more non-residential 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 Zoning Inspector shall be filed with the application for a zoning permit.

Section 1121 Wheel Blocks. Whenever a parking lot extends to a property line, wheel blocks or other suitable devices shall be installed to prevent any part of a parked vehicle from extending beyond the property line.

Section 1122 Width of Driveway Aisle. Driveways serving individual parking spaces shall be not less than twenty-five (25) feet wide for ninety (90) degree parking, twelve (12) feet wide for parallel parking, seventeen and one-half (17½) feet for sixty (60) degree parking, and thirteen (13) feet for forty-five (45) degree parking.

Section 1125 Striping. All parking areas with a capacity over twelve (12) vehicles shall be striped with painted lines five (5) inches wide between stalls to facilitate the movement into and out of the parking stalls. Lines shall be maintained in a good visible condition.

Section 1130 Parking Space Requirements. For the purpose of this ordinance, the following parking space requirements shall apply:

<u>TYPE OF USE</u>	<u>PARKING SPACES REQUIRED</u>
Single-family or two family dwelling	Two for each unit
Apartments, or multi-family dwellings	Two for each unit
Boarding houses, rooming houses	One for each sleeping room or one for each permanent occupant
Mobile Homes	Two for each unit
Automobile service garages which also provide repair	One for each two gasoline pumps and/or two for each service bay
Dining rooms, restaurants, taverns	One for each 100 sq. ft. of floor area
Retail stores	One for each 20 sq. ft. of floor area
Banks, financial insitutions and similar uses	One for each 250 sq. ft. of floor area
Offices, public or professional administration, or services	One for each 400 sq. ft. of floor area
All other types of businesses or commercial uses permitted in any business district	One for each 300 sq. ft. of floor area

Churches and other places of religious assembly

One for each 5 seats

Private club or lodge

One for each five members

Child care centers, nursery schools and similar uses

Two for each classroom but not less than six for the building

All types of manufacturing, storage, and wholesale uses permitted in the manufacturing district

One for every 2 employees (on the largest shift for which the building is designed)

Section 1131 General Interpretation. In the interpretation of this Article, the following rules shall govern:

1. Parking spaces for other permitted or conditional uses not listed in this Article shall be determined by the Board of Zoning Appeals upon appeal from a decision of the Zoning Inspector.
2. Fractional numbers shall be increased to the next whole number.
3. When a reason for parking demand is unusually low, then the parking space provisions cited above may be reduced proportionately by the Board of Zoning Appeals upon an appeal from a decision of the Zoning Inspector.

ARTICLE XII SIGNS

Section 1200 Intent. The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and to protect the physical appearance of the community.

Section 1201 Governmental Signs Excluded. For the purpose of this ordinance ~~"sign"~~ does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

Section 1202 General Requirements for all Signs and Districts. The regulations contained in this section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
2. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the local electric code in effect, if any;

3. No hanging sign, not horizontal to the building, shall be erected or maintained at not more than two-thirds distance to the curb (not closer than two feet from the curb) and the bottom of the sign shall be at a minimum height of ten feet from the sidewalk.
4. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
5. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 1220 herein.
6. No sign except as provided in Section 1220, or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of light, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
7. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
8. All signs hung and erected shall be plainly marked with the name of the person, firm or corporation responsible for maintaining the sign.
9. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign.
10. No sign shall be placed in any public right-of-way except in the central business district where paragraph 3 of Section 1202 applies. Publicly owned signs, and directional signs, and signs directing and guiding traffic and parking on private property but bearing ~~no advertising matter shall be permitted on any property.~~

Section 1203 Measurement of Sign Area. The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

Section 1204 Awnings with Signs.

1. Permanent type awnings that are a part of the building structure with no posts or supports shall be a minimum height of eight feet.
2. Roll down awnings attached to buildings are permitted if kept at a minimum height of seven feet when rolled down. They shall also be maintained in a good state of repair.

3. Signs, when a part of the awning (permanent or roll down) are permitted. The size of such signs is covered in Section 1212.

Section 1210 Signs Permitted in all Districts not Requiring a Permit.

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than eight (8) square feet.
2. Professional name plates not to exceed two feet by three feet in area.
3. Signs denoting the name and address of the occupants of the premises, not to exceed four (4) square feet in area.
4. Political signs.

Section 1211 Signs Permitted in any District Requiring a Permit.

1. Signs or bulletin boards customarily incidental to places of worship, schools, libraries, social clubs, or societies, which ground signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution;
2. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.
3. Real estate developers and subdividers may erect on premises, signs not to exceed sixty-four (64) square feet.

Section 1212 Signs Permitted in Business (B-1, B-2, B-3) and Manufacturing (M-1) Districts Requiring a Permit. The regulations set forth in this section shall apply to signs in all business and manufacturing districts and such signs shall require a permit.

1. In a business or manufacturing district, each business shall be permitted one flat or wall on-premises sign. Projection of wall signs shall not exceed two feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may have an area equivalent to one and one-half (1½) square feet of sign area for each lineal foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one hundred (100) square feet.
2. In a business or manufacturing district, two off-premises signs with a total area not exceeding six hundred (600) square feet may be permitted at a single location. No single off-premises sign shall exceed one thousand two hundred (1,200) square feet, nor shall off-premises signs visible to approaching traffic have a

minimum spacing of less than two hundred (200) feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district.

Section 1220 Temporary Signs.

1. Temporary signs not exceeding sixty-four (64) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 1202, the setback requirements in Sections 1240-1243 and, in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in Section 1200.
2. Special Displays - Special decorative displays used for holidays, public demonstrations or promotion of civic, welfare, or charitable purposes, when authorized by the Zoning Inspector, on which there is no commercial advertising are permitted provided the Village is held harmless for any damage resulting therefrom.

Section 1221 Free Standing Signs. Free standing on-premises signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than eight (8) feet to any street right-of-way line and not closer than twelve (12) feet to any adjoining lot line may be erected. Free standing signs shall have a minimum height of eight feet to the bottom of the sign.

Section 1222 Wall Signs Pertaining to Non-Conforming Uses. On-premises wall signs pertaining to a non-conforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

Section 1230 Political Signs. No political sign shall be posted more than forty-five (45) days before an election in any place nor in any manner that is destructive to public property upon posting or removal. All candidates for public office, their campaign committees, or other persons responsible for the posting on public or private property of campaign material shall remove such material within one week following election day.

Section 1231 Garage, Porch, Yard and Similar Sale Signs. All signs advertising garage, porch, yard or similar type sales shall be removed immediately after the sale has concluded its duration.

Section 1240 Sign Setback Requirements. Except as modified in Sections 1241-1244, on premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least eight (8) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district unless granted by the Board of Zoning Appeals.

Section 1241 Increased Setback. For every square foot by which any on-premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half ($\frac{1}{2}$) foot but need not exceed one hundred (100) feet.

Section 1243 Setbacks for Public and Quasipublic Signs. Signs and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than eight (8) 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.

Section 1244 Special Yard Provisions. On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within twelve (12) feet of a side or rear lot line. If, the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

Section 1260 Violations. In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this ordinance, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this ordinance. Corrective action must be taken within thirty (30) days and completed within sixty (60) days. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Section 350 of this ordinance.

ARTICLE XIII MOBILE HOME PARKS AND MOBILE HOMES INDIVIDUALLY

Section 1300 Intent. It is the intent of this Article to regulate the location of, and to encourage, stabilize, and protect the development of well-planned mobile home parks and the placement of individual mobile homes.

Section 1310 Approval Procedures. Mobile home parks shall be permitted only as a conditional use in the R-3 District. Individual mobile homes shall be permitted only as a conditional use in the R-2 District. Mobile home parks shall be developed according to the general standards and regulations stated and referenced in Article 13.

Section 1320 General Standards for Mobile Home Parks. The village zoning board or appeals shall review the particular facts and circumstances of each proposed or expanded mobile home park in terms of the following standards and shall find adequate evidence showing that the mobile home park development:

1. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
2. Will not be hazardous or detrimental to existing or future neighboring uses;
3. Will be serviced adequately by essential public facilities and services such as streets, police and fire protection, drainage, and refuse disposal; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;

4. Will be consistent with the intent and purpose of this ordinance.
5. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads;
6. Will not result in the destruction, loss, or damage of natural features of major importance.
7. Minimum size of the mobile home park shall not be less than five, (5) acres.
8. Every mobile home must have skirting installed within 90 days after the mobile home is placed on the lot whether it is located in a park or on an individual lot elsewhere. Skirting shall be constructed of vinyl, aluminum, or other suitable material that is designed specifically for skirting.

Section 1330 Mobile Home Park Requirements. Mobile home parks shall meet the requirements of Chapter 37-1-27, the Ohio Sanitary Code as amended, adopted by the Public Health Council under the authority of the Ohio Revised Code, Section 3733, as amended.

Section 1340 Minimum Floor Area. Individual mobile homes located within the park or on an individual lot elsewhere shall have a minimum floor area of six hundred (600) square feet using accepted industry measurement standards.

Adopted Sept-22 19 81 Lee Harbom
President of Council

Attest: Crystal Beep
Clerk of Council

Approved Sept-22 19 81

Stanley J. Easton
Mayor

Donald R. Hunt
Village Solicitor

OK BY LUC

6-1-98 : 9:10 AM
CVR

EXHIBIT

C

ORDINANCE NO. 81-27

AN ORDINANCE ESTABLISHING BUILDING PERMIT RATES
AND OTHER PROCEDURES PURSUANT TO THE ZONING
ORDINANCE OF THE VILLAGE OF DEGRAFF, OHIO AND
DECLARING AN EMERGENCY IN SAID VILLAGE.

WHEREAS, The Village of DeGraff, Ohio, has enacted a zoning ordinance for the purposes of controlling construction and use of the land of the Village of DeGraff; and

WHEREAS, it is necessary to establish procedures for the use of said zoning ordinance;

NOW, THEREFORE, be it ORDAINED, by the Council of the Village of DeGraff, two-thirds of its members thereto concurring:

SECTION I. Zoning permit fees for construction of residential buildings shall be as follows:

- a. All additions to buildings or garages or unattached out-buildings shall have a permit fee of \$10.00.
- b. All single-family dwellings shall have a permit fee of \$20.00.
- c. All single-family dwellings with attached or unattached garage or with one outbuilding shall be \$25.00.

SECTION II. Zoning permit fees for construction of commercial or multi-family buildings shall be as follows:

- a. For the first \$20,000.00 of estimated cost of said construction, the permit fee shall be \$20.00.
- b. For all sums of estimated cost over and above \$20,000.00, the permit fee shall be 50 cents for each one thousand dollars, with a maximum permit fee of \$500.00.

SECTION III. There is hereby created, as an employee of the Village of DeGraff, Ohio, the position of zoning inspector whose salary shall be 50 percent of all permit fees collected, not to exceed \$10.00 as to each permit.

SECTION IV. Amendments to the zoning ordinance shall be con-

sidered only upon application, notice and one public hearing and only after the payment of an application fee of \$75.00.

SECTION V. All applications for variances, conditional uses and appeals of the decisions of the zoning inspector as provided for in the zoning ordinance shall be conducted only upon application and application fee payment of \$40.00 and only after notice and one public hearing on the proposed variance, conditional use or as to the appeal.

SECTION VI. This ordinance is hereby declared to be an emergency measure for the protection of the health, safety and welfare of the citizens of the Village of DeGraff, Ohio by providing for the implementation of the zoning ordinance of said Village. This ordinance shall go into effect immediately upon its passage and approval by the Mayor of the Village of DeGraff, Ohio.

PASSED: Dec 8 - 1981

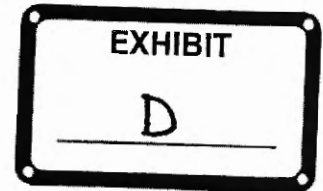
APPROVED: _____

ATTEST: _____

President of Council

Stanley J. Easton
Mayor

Crystal Boops
Clerk of Village



ORDINANCE 04-15

TO AMEND THE FOLLOWING SECTIONS OF ORDINANCE NUMBER 11-27 OF THE VILLAGE OF DEGRAFF; AND TO AMEND ARTICLE II TO ADD THE MEANINGS OF CERTAIN WORDS AND TERMS AND TO AMEND SECTION 830, TO PERMIT SEXUALLY ORIENTED BUSINESS ESTABLISHMENTS WITHIN THE LIGHT MANUFACTURING DISTRICT (M-1) AND TO ADD SECTION 1032, TO PROVIDE PROVISIONS FOR SEXUALLY ORIENTED BUSINESS ESTABLISHMENTS WITHIN THE LIGHT MANUFACTURING DISTRICT (M-1) AND TO ADD SECTION 1028 TO OTHERWISE PROHIBIT SEXUALLY ORIENTED BUSINESS ESTABLISHMENTS AND TO ADD SECTION 1245 TO PROVIDE SIGNAGE PROVISIONS FOR EXTERIOR DISPLAY IN ALL ZONING DISTRICTS.

WHEREAS, Village Council believes that sexually oriented business establishments require regulation in order to protect and preserve the health, safety, and welfare of the patrons of such establishments; as well as, the citizens of the areas in which they locate; and

WHEREAS, sexually oriented business establishments, because of their inherent nature, have been shown to have a deleterious impact upon the existing businesses around them and the surrounding residential areas adjacent to them, causing increased crime and decreased property values; and

WHEREAS, sexually oriented business establishments, because of their inherent nature, when located in proximity to each other, have been shown to have a serious negative impact on the quality of life in the surrounding area; and

WHEREAS, Village Council desires to prevent these adverse effects and protect the citizens of the Village from increased crime, preserve the current quality of life in the Village and preserve the property values and the character of surrounding neighborhoods; and

WHEREAS, sexually oriented business establishments are compatible with and operate similar to commercial establishments as a permitted in the Light Manufacturing District (M-1), but may have a greater impact on the surrounding area; and

WHEREAS, it has been determined that a sexually oriented business establishment should be treated as a permitted use in the Light Manufacturing District (M-1); and

WHEREAS, periodic amendments to the Village Ordinances are necessary to provide for the needs and desires of the community and to protect the health, safety, and welfare of the residents; and

WHEREAS, the regulations established pursuant to this Ordinance are in no way based on the content of any protected speech associated with sexually oriented business activities and the purpose and intent of the regulations established is not to restrict or prohibit protected speech associated with sexually oriented business activities, but rather it is to address, mitigate, and, if possible, eliminate the adverse impacts and secondary effects of sexually oriented business activities on the areas in which such activities are located and to ensure that these activities are established, managed, and operated in a safe and legal manner at all times; and

WHEREAS, the concern over sexually transmitted diseases is a legitimate health concern of the village which demands reasonable regulation of sexually oriented businesses in order to protect the health and well-being of the citizens; and

WHEREAS, it is recognized that sexually oriented businesses, due to their nature has serious objectionable operational characteristics particularly when they are located in close proximity to each other, thereby contributing to urban blight and downgrading their quality of life in the adjacent area; and

WHEREAS, the Village Planning Commission has satisfactorily reviewed the supporting materials accompanying this Ordinance and come to the conclusion that the adverse secondary effects associated with sexually oriented business establishments can be addressed, mitigated and possibly eliminated by this proposed Code amendment, and thereby recommend its approval.

WHEREAS, the Village Council finds that, based on evidence concerning the adverse secondary effects for adult uses on the community presented in hearings and in reports made available to the Council, and on findings incorporated in the cases of *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986), *Young v. American Mini Theatres*, 426 U.S. 50 (1976), and *Barnes v. Glen Theatre, Inc.* 501 U.S. 560 (1991), and on studies in other communities including but not limited to Minneapolis, MN., Houston, TX., Indianapolis, IN., Amarillo, TX., Garden

Grove, CA., Los Angeles, CA., Whittier, CA., Austin, TX., Seattle, WA., Oklahoma City, OK., Cleveland, OH., and Beaumont, TX., and also on findings from the Report of the Attorney General's Working Groups on the Regulation of Sexually Oriented Businesses, (June 6, 1989):

- A) Sexually oriented businesses lend themselves to ancillary unlawful and unhealthy activities that are presently uncontrolled by the operators of the establishments.

Further, there is presently no mechanism to make the owners of these establishments responsible for the activities that occur on their premises.

- B) Certain employees of sexually oriented businesses defined in this ordinance as adult theaters and cabarets engage in higher incidence of certain types of illicit sexual behavior than employees of other establishments.

Sexual acts, including masturbation, and oral and anal sex, occur at sexually oriented Businesses, especially those which provide private or semi-private booths or cubicles for viewing films, videos, or live sex shows.

- C) Offering and providing such space encourages such activities, which creates unhealthy Conditions.

- E) Persons frequent certain adult theaters, adult arcades, and other sexually oriented ~~businesses for the purpose of engaging in sex within the premises of such~~ sexually oriented businesses.

- F) At least 50 communicable diseases may be spread by activities occurring in sexually oriented businesses, including, but not limited to syphilis, gonorrhea, human immunodeficiency virus infection (HIV-AIDS), genital herpes, hepatitis B, Non A, Non B, amebiasis, salmonella infections and shigella infections.

G) As of December 31, 1998, there have been 10,255 reported cases of AIDS in the State of Ohio.

H) The Surgeon General of the United States in his report of October 22, 1986, has advised the American public that AIDS and HIV infection may be transmitted through sexual contact, intravenous drug abuse, exposure to infected blood and blood components and from an infected mother to her newborn.

I) According to the best scientific evidence, AIDS and HIV infection, as well as syphilis and gonorrhea, are principally transmitted by sexual acts.

J) Sanitary conditions in some sexually oriented businesses are unhealthy, in part, because the activities conducted there are unhealthy, and in part, because of the unregulated nature of the activities and the failure of the owners and the operators of the facilities to self-regulate those activities and maintain those facilities.

K) Numerous studies and reports have determined that semen is found in the areas of sexually oriented businesses where persons view "adult" oriented films.

L) The findings noted in paragraph 3A through 3L raise substantial government concerns.

M) ~~The general welfare, health, morals, and safety of the citizens of the Village will~~ be promoted by the enactment of this ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF DeGRAFF, OHIO, That Ordinance Number 81-27 be amended as follows:

SECTION I. Section 830 be amended by adding as a permitted use in the Light Manufacturing District (M-1) sexually oriented business establishments (provided the provisions of Section 1032 are met).

SECTION II. That the following language be added within Article II

(Definitions-Planning and Zoning Code):

Adult Booth: Any area of a sexually oriented business establishment set off from the remainder of such establishment by one or more walls or other dividers or partitions and used to show, play, or otherwise demonstrate any adult materials or to view any live performance that is distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.

Adult Material: Any of the following, whether new or used:

- 1) Books, magazines, periodicals, or other printed matter, or digitally stored materials that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
- 2) Films, motion picture, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of ~~specified anatomical areas or the conduct or simulation of specified sexual~~ activities.
- 3) Instruments, novelties, devices, or paraphernalia that are designed for use in connection with specified sexual activities, or that depict or describe specified anatomical area.

Village Zoning Ordinances: The part of the Ordinances of the Village of DeGraff known and referred to as the Village of DeGraff Planning and Zoning Code, as it may be amended from time to time.

Village Building or use: A building or location that provides for community meetings and/or activities including, but not limited to: Village buildings and facilities, Township Hall, school administration buildings, recreation centers (public or private), property listed on the National Register of Historic Places, libraries, or other public buildings owned or operated by the Village.

Commercial Establishment. Any place where admission, services, performances or products are provided for or upon payment of any form of consideration.

Nude or state of nudity. A state of dress or undress that exposes to view (1) less than completely and opaquely covered human genitals; pubic region; anus; or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed or (2) human male genital whether flaccid or in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a flaccid or in a discernibly turgid state.

Person. Includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.

Semi-nude. A state of dress or undress in which clothing covers no more than the human genitals, anus, and areola of the female breast; as well as, portions of the body covered by supporting straps or devices or by other minor accessory apparel such as: hats, gloves, scarves, and socks.

Sexually Oriented Business Establishment. A commercial establishment including: adult cabaret, adult store, or adult theater primarily engaged in presenting persons who appear nude/semi-nude, live performances, films or other visual representations, adult booths or sale or display of adult material.

1) ***Adult Cabaret.*** Any commercial establishment that as a substantial or significant portion of its business features or provides any of the following:

- a. Persons who appear nude or semi-nude
- b. Live performances that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas or the conduct or simulation of specified sexual activities.
- c. Films, motion pictures, video or audio cassettes, slides, computer displays, or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

2) ***Adult Store.*** Any commercial establishment that:

- a. Contains one or more adult booths; or
- b. As a substantial or significant portion of its business offers for sale, rental, or viewing any adult materials; or
- c. Has a segment or section devoted to the sale or display of adult materials.

- 3) *Adult Theater.* Any commercial establishment that as a substantial or significant portion of its business features or provides films, motion pictures, video or audio cassettes, slides or other visual representations or recordings of any kind that are distinguished or characterized by an emphasis on the exposure, depiction, or description of specified anatomical areas, or the conduct or simulation of specified sexual activities.

Specified Anatomical Areas. Any of the following:

- 1) Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breast below a point immediately above the top of the areola, but not including any portion of the cleavage of the female breast exhibited by a dress, blouse, shirt, leotard, bathing suit, or other wearing apparel, provided the areola is not exposed.
- 2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered, or any device or covering that, when worn, simulates human male genitals in a flaccid or discernibly turgid state.

Specified Sexual Activities. Any of the following:

- 1) Fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts.
- 2) Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy.
- 3) Masturbation, actual or simulated.
- 4) Human genitals in a state of sexual stimulation, arousal, or tumescence

- 5) Excretory functions a part of or in connection with any of the activities set forth in divisions (1) through (2) of this definition.

SECTION III. That the following section be added to Article X Supplementary District Regulations:

Section 1032 **Provisions for Sexually Oriented Business Establishments** within the Light Manufacturing District (M-1). Sexually oriented business establishments include adult cabarets, adult stores or adult theaters primarily engaged in persons who appear nude/semi nude, live performances, films or other visual representations adult booths or sale or display of adult material.

- (a) In addition to all other applicable development standards, no person shall operate, locate, or permit the location of a sexually oriented business establishment within 500 feet (as measured from property line to property line) of any residential use or district, school, preschool, daycare, place of worship, synagogue, park, library, federal, state, county, township, or village building, cemetery, or other civic use or public use (within the Village of DeGraff).

- (b) No person shall operate, locate, or permit the location of a sexually oriented ~~business within 500 feet (as measured from property line to property line) of~~ another sexually oriented business establishment.

- (c) No person shall operate, locate, or permit the location of a sexually oriented business establishment within 500 feet (as measured from property line to property line) of any commercial establishment selling beer or alcohol for consumption on the premises.

- (d) No person shall operate, locate, or permit the location of a sexually oriented business establishment within 500 feet (as measured from property line to property line) of any hotel or motel.
- (e) No person shall permit the operation, location or establishment of more than one (1) sexually oriented business on the same property, in the same building or structure, or any portion thereof.

SECTION IV. That the following section be added to Article X Supplementary District Regulations:

Section 1028 **Prohibition of Sexually Oriented Business Establishments.** Except for as provided for in Section 830, Sexually Oriented Business Establishments shall not be permitted in any zoning district within the Village.

SECTION V. That the following section be added to Article XII Signs:

Section 1245 ***Exterior Display.*** No building or structure in any zoning district shall be maintained or operated in any manner that causes, creates, or allows public viewing of any adult material, or any entertainment depicting, describing, or relation to specified sexual activities or specified anatomical areas, from any sidewalk or public or private right-of-way. No portion of the exterior of any building or structure shall contain any words, lettering, photographs, silhouettes, drawings, or pectoral representations of any adult material, specified sexual activities, or specified anatomical area. This section shall apply to any advertisement, display, promotional material, decoration, or sign to any performance, show, or special event, and to any window, door, or other opening.

SECTION VI. All other portions of Ordinance Number 81-27 and Section 830, Article II, Article X, and Article XII thereof shall remain in effect.

SECTION VII. *Separability Clause*: Should any section or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION VIII. This ordinance shall take effect on the earliest date permitted by law.

1st Reading November 9, 2004

2nd Reading November 16, 2004

3rd Reading December 14, 2004

Passed December 14, 2004

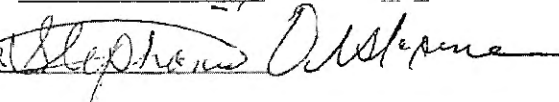


PRESIDENT OF COUNCIL

ATTEST:


CLERK OF COUNCIL

PRESENTED TO MAYOR December 14, 2004

APPROVED BY MAYOR 

APPROVED AS TO FORM:

SOLICITOR

DATE

MAYOR

EXHIBIT

E



VILLAGE OF DE GRAFF
LOGAN COUNTY, OHIO
LOGAN COUNTY COMMISSIONER, PLANNING COMMISSIONER

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

[illegible]

EXHIBIT

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