

ZONING ORDINANCE #780-99
VILLAGE OF RUSHSYLVANIA
REVISED SEPTEMBER 99

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PREAMBLE

AN ORDINANCE OF THE VILLAGE OF RUSHSYLVANIA, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF CHAPTER 713, OHIO REVISED CODE, AND FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT, CONVENIENCE AND GENERAL WELFARE: DIVIDING THE VILLAGE INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION AND USE OF STRUCTURES AND LAND; PROMOTING ORDERLY DEVELOPMENT OF THE RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL AND PUBLIC AREA; 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 RIGHT-OF- WAY: PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING OF THE ADMINISTRATION OF THIS ORDINANCE AND DEFINING THE POWERS AND DUTIES OF THE ADMINISTARTING OFFICER AS PROVIDED HEREINAFTER AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS ORDINANCE OF ANY AMENDMENT THERETO; AND FOR THE REPEAL. BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF RUSHSYLVANIA, STATE OF OHIO:

THEREFORE, BE IT HEREBY RESOLVED BY THE COUNCIL OF THE VILLAGE OF RUSHSYLVANIA, LOGAN COUNTY, STATE OF OHIO:

ARTICLE I TITLE OF ORDINANCE

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

ARTICLE II ESTABLISHMENT OF DISTRICTS

Section 200 District Types. The Village of Rushsylvania is hereby divided into five districts as follows: Low Density Residential District, Medium Density Residential District, Central Business District, Light Manufacturing District, and Heavy Manufacturing District.

Section 220 Low Density Residential District (R-1). The purpose of the low density residential district is to provide land for single-family housing units not to exceed four families per acre. Group or central water and sewer facilities are required. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

Section 230 Medium Density Residential District (R-2). The purpose of the medium density residential district is to provide land for single and multi-family housing units not to exceed eight

families per acre. Group and central water and sewer facilities are required. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

Section 270 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 developing commercial center and for a logical expansion of the compacted core. Central water and sewer facilities are required. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

Section 280 Light Manufacturing District (M-1). The purpose of the light manufacturing district is to provide land for manufacturing of industrial establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare; operate within enclosed structures; and generate little industrial traffic. Group or central water and sewer facilities are required. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

Section 290 Heavy Manufacturing District (M-2). The purpose of the heavy manufacturing district is to provide land for major manufacturing, processing, storage, warehousing, research and testing establishments which require large sites, extensive community services and facilities, ready access to regional transportation; have large open storage and service areas; generate heavy traffic; and create no nuisance discernible beyond the district. Extractive manufacturing use is permitted as conditional use if the operation does not create a hazard or nuisance which adversely affects the health, safety and general well-being of the community and other manufacturing establishments in the district. Central water and sewer facilities are required. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

ARTICLE III PROVISION FOR OFFICIAL ZONING MAP

Section 300 Official Zoning Map. The districts established in Section 200 of this ordinance are shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this ordinance.

Section 310 Identification of the Official Zoning Map. The Official Zoning Map shall be identified by the signature of the Mayor, attested by the Clerk, and bearing the seal of the Village, under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 300 of Ordinance 326 of the Village of Rushsylvania, Ohio," together with the date of the adoption of the ordinance.

Section 320 Recording Changes in the Official Zoning Map. If in accordance with the provisions of their ordinance and Chapter 713, Ohio Revised Code, changes are made in district boundaries or other matters portrayed on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendment had been approved by the Village Council after 3/4 vote, with an entry on the Official Zoning Map indicating the ordinance number and the date of adoption.

Section 300 Replacement of the Official Zoning Map. In the event that the Official Zoning Map becomes damaged, lost or difficult to interpret because of the nature or number of changes and addition, the Village Council may by resolution adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the Village Clerk, and bearing the seal of the Village, under the following words: This is to certify that this Official Zoning Map supersedes and replaces the Official Zoning Map adopted June 5, 1972 as part of the Ordinance Number 326 of the Village of Rushsylvania, Ohio.

Section 340 Preserving Records. Unless the prior Official Zoning Map has been lost, or has been totally destroyed, the prior map and/or significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Section 350 Interpretation of District Boundaries. Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the zoning map, the following rules shall apply:

- (1) Where district boundaries are indicated as approximately following the center lines of streets or highways, 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 such boundaries.
- (3) Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of street, 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 zoning map. If no distance is given, such dimension shall be determined by the use of the scale shown on the Official Zoning Map.
- (4) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- (5) Where the boundary of a district follows a stream, lake or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated.

ARTICLE IV DISTRICT REGULATIONS

Section 400 Compliance With Regulations. The regulations set by this ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as herein after provided:

- (1) No building, structure, or land shall hereafter be used or occupied, and no building

or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulation herein specified for the district in which it is located.

- (2) No building or other structure shall hereafter be erected or altered:
- (a) to exceed the height or bulk,
 - (b) to accommodate or house a greater number of families,
 - (c) to occupy a greater percentage of lot area, and
 - (d) to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this ordinance.
 - * (e) to place, set, or park a mobile home on lots or property that are unimproved by a mobile home on the date of enactment 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 established by this ordinance.
- (4) All territory which may hereafter be annexed to the Village shall be administered according to the applicable township or county zoning district regulations until otherwise classified. Annexed territory without township or county zoning shall be considered to be in the R-1 low density residential district until otherwise classified.

Section 410 Schedule of District Regulations Adopted. District regulations shall be as set forth in the Official Schedule of District Regulations, hereby adopted by reference and declared to be a part of this ordinance, and in Article V of this ordinance, entitled "Supplementary District Regulations".

Section 420 Identification of the Schedule of District Regulations. The Official Schedule of District Regulations shall be identified by the signature of the Mayor, attested by the Clerk, and bearing the seal of the Village under the following words: "This is to certify that this is the Official Schedule Of District Regulations referred to in Section 410 and Article IV of Ordinance Number 326 of the Village of Rushsylvania, Ohio", together with the date of the adoption of amendment of this ordinance.

ARTICLE V SUPPLEMENTARY DISTRICT REGULATIONS

Section 500 Permitted Conditional Uses. The conditional uses shall conform to all requirements of this ordinance including additional standards set forth in Sections 501 to 504, inclusive, before being permitted in their respective districts. All conditional uses are hereby declared to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

Section 501 Required Plan. A plan for the proposed development of a site for a permitted conditional use shall be submitted with an application for a conditional use permit and such plan shall show the location of all buildings, parking areas, traffic access and circulation drives, open

spaces, landscaping, and any other pertinent information that may be necessary to determine if the proposed conditional use meets the requirements of this ordinance.

Section 502 Expiration. A conditional use permit shall be deemed to authorize only one particular conditional use and shall expire if the conditional use shall cease for more than six months for any reason.

Section 503 Existing Violations. No permit shall be issued for a conditional use for a property where there is an existing violation of this ordinance.

Section 504 Standard Applicable to All Conditional Uses. The location and size of the use, the nature and intensity of the operations involved, the relationship to the existing and future streets giving access to it, shall be such that it will be in harmony with the orderly development and use of adjacent land and buildings or impair conditional use shall not be more objectionable to near by properties by reason of noise, fumes, vibration, or flashing light, than would be the operation of any permitted use.

Section 510 Off-Street Parking Requirements. Off-street automobile parking spaces shall be provided for every land use on any lot or any time any building or structure is erected, enlarged or increased in capacity in accordance with the following requirements:

- (1) Each off-street parking space shall have an area of not less than 300 square feet including access drives and aisles, and shall be surfaced with a sealed surface pavement and maintained in such a manner that no dust will be produced by continuous use.
- (2) Each off-street parking space shall have an adequate vehicular access to a street or alley.
- (3) Whenever the number of off-street parking spaces required is determined from the floor area of a specified use, it shall mean the gross floor area of such use.
- (4) Fractional numbers shall be increased to the next whole number.
- (5) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- (6) Whenever a building or use constructed or established after the effective date of this ordinance is changed or enlarged in floor area, number or employees, number of housing units, seating capacity, or otherwise to create a need for an increase of 10 percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this ordinance is enlarged to the extent of 50 percent or more in floor area or in the area used, said building or use shall then and thereafter comply with the parking requirements set forth herein.

Section 511 Number of Parking Spaces Required. The number of off-street parking spaces required shall be provided and satisfactorily maintained by the owner of the property as follows:

<u>Use</u>	<u>Mandatory Parking Spaces (one unit for each)</u>
One-Family Housing Unit	Housing Unit
Multi-Family Housing Unit	One-Half Housing Unit
Hotel, Motel, Lodging House Or Dormitory	Living Or Sleeping Room
Private Club Or Lodge	Five Members
Church Or Temple	Five Seats In Main Auditorium
Grade School	Five Seats In Auditorium
College Or High School	Teacher, Employee, And Five Student
Library, Museum Or Art Gallery	300 Square Feet Of Floor Area
Hospital, Clinic, Nursing Home, Or Similar Institution	Employee And Bed
Theater, Sports Arena, Auditorium, Stadium, Or Gymnasium Other Than School	Five Seats
Bowling Alley	Bowling Seat
Mortuary Or Funeral Home	Fifty Square Feet Or Floor Area In Slumber Rooms, Parlor Or Individual Funeral Service Rooms
Retail Or Business Service Establishment	Two Employees; 200 Square Feet Of Floor Area
Offices, Personal Or Professional Services; Restaurants, Nightclubs, Dance Halls, Assembly Or Exhibition Halls Without Fixed Seats	200 Square Feet Of Floor Area
Wholesale Or Warehousing	300 Square Feet Of Floor Area

Manufacturing Or Industrial
Establishment, Research Or Testing
Laboratory, Or Bottling Plant

Two Employees On The Maximum
Shift

Section 512 Screening And Landscaping. Off-street parking areas for more than 10 vehicles shall be effectively screened on each side which adjoins or faces premises situated in any residential district by a fence or wall of acceptable design. Such fence or wall shall be not less than four feet or more than six feet in height and shall be maintained in good condition. The space between such fence or wall and the lot line of the adjoining premises in any residential district shall be landscaped with grass, hardy shrubs, or evergreen ground cover and maintained in good condition. In lieu of such wall or fence a strip of land not less than 10 feet in width, and planted and maintained with an evergreen hedge or dens planting of evergreen shrubs not less than four feet in height may be substituted.

Section 513 Minimum Distance and Setbacks. No part of any parking area for more than 10 vehicles shall be closer than 20 feet to any housing unit, school, hospital, or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen. If on the same lot with a one-family residence the parking area shall not be located within the front yard required for such building. In no case shall any part of a parking area be closer than four feet to any established street or alley right-of-way.

Section 514 Joint Use. Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, approved by the planning commission shall be filed with the application for a zoning certificate.

Section 515 Other Locations. Parking spaces may be located on a lot other than that containing the principal use provided it is within 300 feet of the principal use. Lots farther than 300 feet from the principal use may be approved by the board of zoning appeals provided a written agreement, approved by the planning commission shall be filed with application for a zoning certificate.

Section 516 Surfacing. Any off-street parking area for more than 10 vehicles shall be graded for proper drainage and surfaced with acceptable impervious material to provide a durable and dustless surface.

Section 517 Lighting. Any lighting used to illuminate any off-street parking area shall be arranged as to reflect the light away from adjoining premises in any residential district.

Section 519 Off-Street Loading Requirements. In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of 5,000 square feet or less, which is to be occupied by manufacturing, storage, warehouse, retail, wholesale, hotel, hospital, mortuary, dry cleaning or other uses similarly requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space, plus one additional such loading space for

each additional 10,000 square feet, or major fraction thereof, of gross floor area in accordance with the following requirements:

- (1) Each loading space shall be not less than 12 feet in width, 15 feet in height, and 50 feet in length for tandem trailers, or 30 feet for two axle trucks.
- (2) Subject to the limitations of Section 501 of this ordinance such space may occupy all or any part of any required yard space.

Section 520 Special Provisions for Residential Uses. The regulations applicable to residential uses shall be supplemented by the provisions of Section 521 to 522 inclusive.

Section 521 Determining Minimum for Area for Housing Unit. The minimum floor area per family in housing units shall include only area used for living quarters. Utility rooms, garages, carports, porches, laundry area and basements are to be excluded.

Section 522 Conversion of Dwellings to More Units. In the R-2 district a residence may be converted to accommodate an increased number of dwelling units provided:

- (1) The yard dimensions still meet the yard dimensions required by the zoning regulation for new structures in that district.
- (2) The lot area per family shall equal the lot area requirements for new structures in that district.
- (3) The number of square feet of living area per family unit is not reduced to less than that which is required for new construction in that district.

Section 523 Private Swimming Pools. A private swimming pool, not including farm pond, 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 area 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 the street or from the adjacent properties. Said fence or wall shall be not less than six feet in height and maintained in good condition with a gate and lock.

Section 524 Community or Club Swimming Pools. A Community or club swimming pool constructed by an association of property owners, or by a private club for use and enjoyment by members of the association or club and their families. Community and club swimming pools are permitted in all districts, but shall comply with the following conditions and requirements:

- (1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.
- (2) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 50 feet to any property line of the property on which it is located.
- (3) The swimming pool and all of the area used by the bathers shall be walled or fenced to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six feet in height and maintained in good condition.

Section 525 Set back Requirements for Corner Buildings. On a corner lot the main building and its accessory structures shall be required to set back the same distance from all street right-of-way lines as required for the front set back in the district in which such structures are located.

Section 530 Special Provisions for Commercial and Industrial Uses. No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely affect the surrounding area or adjoining premises provided that any use permitted by this ordinance may be undertaken and maintained if acceptable measures and safeguards are employed to limit dangerous and objectionable elements to acceptable limits as established by the performance requirements in Sections 531 to 540, inclusive.

Section 531 Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-suppression equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

Section 532 Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.

Section 533 Noise. Noise which is objectionable as determined by the board due to volume, frequency or beat shall be muffled or otherwise controlled. Air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

Section 534 Vibration. No vibration shall be permitted which is discernible without instruments on any adjoining property.

Section 535 Smoke. Smoke shall not be emitted with a density greater than No. 1 on the Ringleman Chart as issued by the U.S. Bureau of Mines except for blow-off periods of ten minutes duration of one per hour when a density of not more than No. 2 is permitted.

Section 536 Odors. No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.

Section 537 Air Pollution. No pollution of air by fly-ash, dust, vapors, or other substances shall be permitted which is harmful to health, animals, vegetation or other property or which can cause excessive soiling.

Section 538 Glare. No direct or reflected glare shall be permitted which is visible from any property outside an industrial district or from any public street, road or highway.

Section 539 erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substance onto neighboring properties.

Section 540 Water Pollution. Pollution of water shall be subject to the requirements and regulations established by the Ohio Water Pollution Control Board.

Section 550 Supplementary District Regulations. Supplementary regulations apply to several districts or a set of districts and are set forth in Section 551 to 560, inclusive.

Section 551 Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts. Non residential buildings or uses shall not be located nor conducted closer than 40 feet to any lot line of a residential district, except that the minimum yard requirement may be reduced to 50 percent of the requirement if acceptable landscaping or screening approved by the zoning officer is provided. Such screening shall be a masonry or solid fence between four and eight feet in height maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than 20 feet in width planted with an evergreen hedge or dense planting of evergreen shrubbery not less than four feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within 20 feet of an intersection.

Section 552 Exception to Height Regulations. The height limitations contained in the Official Schedule of District Regulations, Section 410, 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.

Section 553 Architectural Projections. Open structures such as porches, canopies, balconies, platforms, carports and covered patios, and similar architectural projects shall be considered parts of the building to which attached and shall not project into the required minimum front, side or rear yard.

Section 554 Visibility at Intersections in Residential Districts. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as materially to impede vision between a height of two and a half and ten feet above the center line grades of the intersecting street in the area bounded by the street lines of such corner lot and a line joining points along said street lines 50 feet from the point of intersection.

Section 555 Fences, Walls, and Hedges. Notwithstanding other provisions of this ordinance, fences, walls, and hedges may be permitted in any yard, or along the sides of front edge of any front yard shall be over two and one-half feet in height.

Section 556 Erection of More than One Principal Structure on a Lot. In any district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this ordinance shall be met for each structure as though it were on an individual lot. Accessory buildings such as a garage may be located in the rear yard, provided that yard and other requirements of this ordinance are met.

Section 557 Parking & Storage of Certain Vehicles. Automotive vehicles without current license plates shall not be parked or stored on any residential or commercial zoned property other than in completely enclosed buildings. The parking of a disabled vehicle within a residential or commercial district for a period of more than thirty (30) days shall be prohibited unless such vehicle is stored in an enclosed garage or other accessory buildings. The parking or storage of a junked, dismantled or wrecked automotive vehicle or parts thereof within any district which is in public view from any street or highway for a period of more than thirty (30) days shall be prohibited. This section shall not apply to properly licensed junk yards.

Section 558 Effective Screening of Junk Storage and Sales. Junk storage and sales shall be effectively screened on all sides by means of walls, fences and plantings. Walls or Fences shall be a minimum of eight feet in height with no advertising thereon. In lieu of such wall or fence, a strip of land not less than 15 feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six feet in height may be substituted. Storage of materials shall not exceed the height of the screening.

Section 559 Temporary Buildings. Temporary buildings, construction trailers, equipment and material 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 remove upon completion of the construction work. Storage of such facilities or equipment beyond the completion date of the project shall require a special permit authorized by the board of zoning appeals.

Section 560 Open Storage and Display of Material and Equipment. The open storage and display of material and equipment incident to permitted or conditional uses in commercial and industrial districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any residential district by means of walls, fences or plantings. Walls or fences shall be a minimum of four feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than 10 feet in width, planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four feet in height at the time of planting may be substituted.

ARTICLE VI MOBILE HOMES AND MOBILE HOME PARKS

* Section 600 Location of Mobile Homes. Mobile homes are permitted as a conditional use in the R-1 & R-2 districts only on single lots that are improved by a mobile home on the date of enactment of this ordinance, provided all district requirements applicable to permanent housing units are met.

Section 601 Location of Mobile Home Parks. A mobile home park is a permitted use in the R-2 district. Mobile home parks may be introduced in any district under planned unit development, provided a planned unit development in that district permits residential uses.

Section 602 Minimum Acreage. A mobile home park shall contain a minimum of five (5) acres.

Section 603 Density. The Maximum density shall not exceed six (6) mobile homes per gross acre.

Section 604 Park Width and Depth. The park shall have a minimum frontage of 250 feet. The ratio of width to depth shall not exceed one to five (1:5).

Section 606 Mobile Home Park Requirements. Mobile home parks shall be developed in accordance with the requirements of Chapter 37-1-27 of the Ohio Sanitary Code adopted by the Public Health Council under the authority of the Ohio Revised Code, Section 3733 and as amended.

Section 607 Supplementary Requirements for Mobile Homes in a Park or on Individual Lots.

- (1) Each mobile home placed in the mobile home park or in the R-1 or R-2 districts on a single lot shall be skirted entirely enclosing the bottom section within ninety days after its placement. Skirting shall be constructed of vinyl, aluminum or other suitable material which is acceptable to the Board of Zoning Appeals.
- (2) Individual mobile homes located in a park or in the R-1 or R-2 districts on single lots shall have, using acceptable mobile homes manufacturer's measurement standards, a minimum of nine hundred sixty (960) square feet of floor area.
- (3) The mobile home's tongue, axles and wheels shall be removed and the home shall be placed upon paved strips, piers, a pad or alternate system approved by the director of health (if in a park) or by the Board of Zoning Appeals (if located in the R-1 or R-2 district on single lots) of such design, width, length and so positioned as to furnish a stable base for the mobile home.
- (4) Every mobile home placed in a R-1 or R-2 district on single lots shall be secured with tie-downs in accordance with the requirements of the individual mobile home manufacturer or the northern zone of the National Fire Protection Association, 1977 standard NFPA 501A.
- (5) The mobile home lot shall be landscaped with lawn within one hundred sixty (160)

days after its placement.

ARTICLE VII SIGNS AND ADVERTISING

Section 700 Sign Defined and Regulated. Any device or display designated to inform or attract the attention of persons not on the premises on which the sign is located. No sign or advertising structure of any classification shall be permitted in any district except as provided in Sections 701 to 737 inclusive.

Section 701 Outdoor Advertising Structures Defined. Any outdoor display for the purpose of advertisement, notice, or announcement located apart from the premises or product referred to in the display.

Section 702 Measurement of Area. The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combination 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 703 General Provisions. Permits for all signs and outdoor advertising structures shall be granted by the zoning officer in accordance with the requirements set forth in Sections 704 to 737, inclusive, except that no permit shall be required for any sign containing less than six square feet of advertising area or advertising the sale, rent or lease of the premises on which the sign is located.

Section 704 Location and Area of Advertising Signs. Signs not exceeding 12 square feet in area and advertising the sale, rental or lease of the premises on which the sign is located shall be permitted on any property, except that the maximum size of such a sign in any residential district and not more than six square feet in other districts.

Section 705 Area of Announcement and Professional Signs. Announcement or professional signs for home occupations and professional activities where permitted shall not exceed four square feet in area in a residential district and not more than six square feet in other districts.

Section 706 Signs for Public or Quasi-Public Purposes. Bulletin boards and signs for a church, school, community, or other public or quasi-public institutional building shall be permitted, provided the area of such bulletin board or sign shall not exceed 15 square feet.

Section 707 Wall Signs. Wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed 15 square feet.

Section 708 Use of Building Walls for Signs. No building wall shall be used for display of advertising except that pertaining to the use carried on within such building.

Section 709 Temporary Signs. Temporary signs not exceeding in the aggregate 50 square feet, announcing special public or institutional events or the erection of a building, the architect, the builders, contractors, etc., may be erected for a period of 60 days, plus the construction period.

Section 710 Signs and Public Rights-of-Way. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property.

Section 711 Government Flags and Insignia. Flags and insignia of any government except when displayed in connection with commercial promotion shall be permitted on any property.

Section 712 Signs Required by Governmental Bodies. Legal notices, identification, information or directional signs erected or required by governmental bodies shall be permitted on any property.

Section 713 Electrically Illuminated Signs. All wiring, fittings, and material used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with provisions of the National Electric Code (or the local electric code in effect).

Section 714 Marking of Signs. All signs hereafter hung or erected shall be plainly marked with the name of the person, firm, or corporation hanging or erecting such a sign.

Section 715 Attachment of Signs. 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.

Section 716 Inspection of Electrical Signs. No electrical sign or any description shall hereafter be erected without having first been inspected on the ground and approved by the zoning officer or his authorized agent. It shall be the duty of the erector of such sign to notify the zoning officer when such sign is ready for aforesaid ground inspection.

Section 718 Signs Installed in Violation of Requirements. In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this ordinance, the zoning officer shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this ordinance.

Section 719 Signs in Commercial and Industrial Districts. In a commercial or industrial district, each business shall be permitted one flat or wall sign. Projection of wall signs shall not exceed two feet measured for the face of the main building.

Section 720 Area of Permanent Advertising Signs. The area of all permanent advertising signs for any single business enterprise shall be limited according to the width of the building or part of building occupied by such enterprise. For the purposes of this section, width shall be

measured along the building face nearest and parallel to the street line. In the case of a corner lot, either frontage may be used in determining maximum area of the sign.

Section 721 Free Standing Signs. Free-standing signs not over 30 feet in height, having a maximum total sign area of 100 square feet per display area and located not closer than 10 feet to any street right-of-way line and not closer than 30 feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one freestanding sign for each building, regardless of the number of businesses conducted in said buildings.

Section 722 Attachments to Wall Signs. Every wall sign projecting out from the face of the building shall be securely attached to the building wall, structure, or suitable metal posts located within the lot lines by iron or metal anchors, bolts, supports, chains, stranded cables, or steel rods. No such sign shall project into the street right-of-way or be supported from a street, road, or sidewalk.

Section 723 Pole Signs. Pole signs of symbolical design shall be permitted for business establishments, provided no part of such a sign shall project into the right-of-way of any street or highway; the maximum area of any face of such sign shall not exceed 30 square feet; and the pole support of the sign shall not be less than 50 feet from any lot in any residential district.

Section 724 Area of Business Advertising Signs. The area of all permanent advertising signs for any single business enterprise may have an area equivalent to one and one-half square feet of sign area for each lineal foot of width of a building, or part of a building, occupied by such enterprise, but shall not exceed a maximum area of 100 square feet.

Section 725 Roof Signs. No sign shall be placed on the roof of any building.

Section 726 Political Signs. No political sign shall be posted in any place or in any manner that is destructive of public property upon posting or removal. All candidates for public offices, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two weeks following election day.

Section 727 Sign Setback Requirements. Except as provided in this ordinance, signs and outdoor advertising structures where permitted shall be set back from the established right-of-way line of any street or highway at least as far as the required front yard depth for a principal use in such district except for the modifications in Sections 728 to 731, inclusive.

Section 728 Increased Setbacks. For every square foot by which such sign or outdoor advertising structure exceeds 50 square feet, the setback shall be increased by one-half foot but need not exceed 100 feet.

Section 729 Setbacks at the Intersection of Highways. At the intersection of any state, federal, or major local highway with a major collector street, the setback of any sign or outdoor advertising structure shall not be less than 50 feet from the established right-of-way of each highway or street.

Section 730 Setbacks for Public and Quasi-Public Signs. Real estate signs and bulletin boards for a church, school or any other public or quasi-public, religious or educational institution may be erected not less than 10 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 731 Special Yard Provisions. Signs and advertising structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located except no sign or advertising structure shall be erected or placed closer than within 50 feet to a side or rear lot line in any residential district.

Section 732 Illumination. All signs and advertising structures except as hereinafter modified may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.

Section 733 Subdivision Signs.

Section 734 Sign Permits Required. A separate permit shall be required for the erection of signs regulated in this ordinance, except that not permit shall be required for temporary real estate signs with an area of 12 square feet or less for the sale or lease of property and for small announcement signs with an area of less than four square feet. Announcement signs shall be removed by the person or persons responsible for posting same within 30 days after erection.

Section 735 Drawings and Specifications. Clear drawings and specifications shall be made of the proposed sign indicating the location, quality of material, full dimensions in figures, supports, manner of erecting, manner of fastening the sign to the structure, number and the weight of the sign. Such plans to be made on blanks furnished by the zoning officer, signed by the owner or tenant of property for which sign is to be used and by the erecting contractor.

Section 736 Signs Interfering With Traffic Control or Movement Prohibited. No person shall place, maintain, or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles a traffic control device or railroad sign or signal or which attempts to direct the movement of traffic, or which hides from view or interferes with the effectiveness of any traffic control device or any railroad sign or signal, and no person shall place or maintain, nor shall any public authority permit upon any highway, any traffic sign or signal bearing thereon any commercial advertising. This section does not prohibit the erection, upon private property adjacent to highways, of signs giving useful directional information of a type that cannot be mistaken for traffic control devices. Every such prohibited sign, signal, marking or device is a public nuisance, and the authority having jurisdiction over the highway may remove the same or cause it to be removed.

Section 737 Exemptions. Public notices by governmental bodies, traffic control signs and other official signs and notices are exempt from the provisions of this ordinance.

ARTICLE VIII NON-CONFORMING USES

Section 800 Intent. Within the districts established by this ordinance or amendments that may later be adopted there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this ordinance was passed or amended, but 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 amendment. It is the intent of this ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. It is further the intent of this ordinance that not-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 801 Incompatibility of Non-Conforming Uses. Non-conforming uses are declared by this ordinance to be incompatible with permitted uses in the districts involved. A non-conforming use of a structure, a non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged after passage of this ordinance by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of nature which would be prohibited generally in the district involved.

Section 802 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 constructions has been carried on diligently. Actual construction is hereby defined to include the placing of construction material in permanent position and fastened in a permanent manner. Where excavation or demolition or removal of an existing building has substantially begun preparatory to rebuilding, such excavation or demolition or removal shall be deemed to be actual construction, provided that work shall be carried on diligently.

Section 803 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 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 dimension and requirements other than these applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of yard requirements shall be obtained only through action on the board of zoning appeals.

Section 804 Non-Conforming Lots of Record in Combination. If two or more lots or combinations 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 do not meet 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 width or area below the requirements stated in this ordinance.

Section 805 Non-Conforming Uses of Land. Where at time of passage of this ordinance, lawful use of land exists which would not be permitted by the regulations imposed by this ordinance, the use may be continued so long as it remains otherwise lawful, provided:

- (1) No such non-conforming use 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 use shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such use at the effective date of adoption or amendment of this ordinance;
- (3) No additional structure not conforming to the requirements of this ordinance shall be erected in connection with such non-conforming use of land.

Section 806 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 restriction on area, lot coverage, height, yards, its location on the lot, 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 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 use permitted in the district in which it is located;
- (2) Any non-conforming use may be extended throughout out any parts of a building which where 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 buildings;
- (3) If no structural alterations are made, any non-conforming use of a structure, or structure and premises, may as a special exception be changed to another non-conforming use provided that the board of zoning appeals, either by general rule or by making findings in the specific case, shall find that the purposed 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 accordance with the 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 premises in combination, is discontinued or abandoned for six consecutive months or for 18 months during any three-year period (except when government action impedes access to the premises), the structure, or structure and premises 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 premises in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land. Destruction for the purpose of this subsection is defined as damage to an extent of more than 50 percent of the replacement cost at time of destruction.

Section 808 Repairs and Maintenance. On any non-conforming structure or portion of a structure containing a non-conforming use, work may be done in any period of 12 consecutive months on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, to an extent not exceeding 50 percent of the current replacement cost of the non-conforming structure or non-conforming portion of the structure as the case may be, provided that the cubic content existing when it becomes non-conforming shall not be increased. If a non-conforming structure or portion of a structure containing a non-conforming use becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulation of the district in which it is located. Nothing in this ordinance 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 809 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, other than a change through the board of zoning appeals action from a non-conforming use to another use not generally permitted in the district, shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

ARTICLE IX ADMINISTRATION AND ENFORCEMENT

Section 900 Office of Zoning Officer Created. A zoning officer designated by the Village Council shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the Village Council may direct. If the zoning officer shall find that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible of such violations, indicating the nature of the violation and ordering the action necessary to correct it. He shall order discontinuance of illegal use of land, buildings, or structures; removal of illegal building or structures or of illegal additions, alterations, or structural changes; discontinuance of any illegal work being done; or shall take any other action authorized by this ordinance to ensure compliance with or to prevent violation of its provisions.

Section 901 Zoning Permits Required. No building or other structure shall be erected, moved, added to, or structurally altered without a permit therefor, issued by the zoning officer. No zoning permit shall be issued by the zoning officer except in conformity with the provisions of this ordinance unless he receives a written order from the board of zoning appeals in the form of an administrative review, conditional use, or variance as provided by this ordinance.

Section 902 Application for Building Permit. All applications for zoning permits shall be accompanied by plans in triplicate drawn to scale, showing the actual dimensions and shape of the lot to be built upon; the exact sizes and locations on the lot of buildings already existing, if any; and the location and dimensions of the proposed building or alteration. The application shall include such other information as lawfully may be required by the zoning officer, including existing or proposed building or alteration; existing or proposed uses of the building and land; the number of families, housekeeping units, or rental units the building is designed to accommodate; conditions existing on the lot; and such other matters as may be necessary to determine conformance with, and provide for the enforcement of, this ordinance. One copy of the plans shall be returned to the application by the zoning officer, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. The original and one copy of the plans, similarly marked, shall be retained by the zoning officer.

Section 903 Zoning Certificates Required. 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 zoning certificate shall have been issued therefor by the zoning officer stating that the proposed use of the building or land conforms to the requirements of this ordinance.

Section 904 Zoning Certificates for a Non-Conforming Use Required. No non-conforming structure or use shall be maintained, renewed, changed or extended until a zoning certificate shall have been issued by the zoning officer. The zoning certificate shall state specifically wherein the non-conforming use differs from the provisions of this ordinance provided that upon enactment or amendment of this ordinance, owners or occupants of non-conforming uses or structures shall have six months to apply for zoning certificates. Failure to make such application within six months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this ordinance.

Section 905 Issuance of Zoning Certificates. No permit for erection, alteration, moving or repair of any building shall be issued until an application has been made for a zoning certificate, and the certificate shall be issued in conformity with the provisions of this ordinance upon completion of the work.

Section 906 Temporary Zoning Certificate. A temporary zoning certificate may be issued by the zoning officer for a period not exceeding six months during alterations or partial occupancy of a building pending its completion, provided that such temporary zoning certificate may include such conditions and safeguards as will protect the safety of the occupants and the public.

Section 907 Record of Zoning Certificates. The zoning officer shall maintain a record of all zoning certificates, and a copy shall be furnished upon request to any person.

Section 908 Failure to Obtain a Zoning Certificate. Failure to obtain a zoning certificate shall be a violation of this ordinance and punishable under Section 925 of this ordinance.

Section 909 Expiration of Zoning Permit. Of the work described in any zoning permit has not begun within 180 days from the date of issuance thereof, said permit shall expire; it shall be canceled by the zoning officer; 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 a half years of the date of issuance thereof, said permit shall expire and be canceled by the zoning officer, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained.

Section 910 Construction and Use To Be as Provided in Applications, Plans, Permits, and Zoning Certificates. Zoning permits or zoning certificates issued on the basis of plans and applications approved by the zoning officer authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed violation of this ordinance and punishable as provided by Section 925 hereof.

Section 911 Issuance of Zoning Certificates for Projects Requiring Site Plan Review. The zoning officer shall not issue a zoning certificate for any application requiring site plan review by the planning commission and /or the board of zoning appeals.

Section 912 Board of Zoning Appeals Established. A board of zoning appeals is hereby established, which shall consist of five members to be appointed by the Village Council, each for a term of five years, except that the initial appointments shall be one each for one, two, three, four, and five year terms. Each member of the board of zoning appeals may be removed from office by the Village Council for cause upon written charges and after public hearing. Vacancies shall be filled by resolution of the Village Council for the unexpired term of the members affected.

Section 913 Proceedings of the Board of Zoning Appeals. The board of zoning appeals shall adopt rules necessary to the conduct of its affairs and 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 of zoning appeals 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 of zoning appeals 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 of zoning appeals.

Section 914 Hearings; Appeals; Notice. 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 governing body of the Village affected by any decision of the zoning officer. Such appeals shall be taken within a reasonable time, not to exceed 60 days or such lesser period as may be provided by the rules of the board of zoning appeals, by filing with the zoning officer and with the board of zoning appeals a notice of appeal specifying the grounds thereof. The zoning officer shall forthwith transmit to the board of zoning appeals all papers constructing the record upon which the action appealed from was taken. The board of zoning appeals shall fix a reasonable time for the hearing of appeal, give public notice thereof as well as due notice to the parties in interest, and decide the same within a reasonable time. At the hearing, any party may appear in person or by agent or attorney.

Section 915 Stay of Proceedings. An appeal stays all proceedings in furtherance of the action appealed from, unless the zoning officer 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 certificate, 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 officer from whom the appeal is taken and on due cause shown.

Section 916 Powers and Duties of the Board of Zoning Appeals. The board of zoning appeals shall have the powers and duties set forth in Sections 917 to 922, inclusive.

Section 917 Administrative Review. The board of zoning appeals shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning officer in the enforcement of this ordinance.

Section 918 Conditional Uses. The board of zoning appeals shall hear and decide only such conditional uses as the board of zoning appeals specifically authorized to pass on by the terms of this ordinance; decide such questions as are involved in determining whether conditional uses should be granted; and grant conditional uses with such conditions and safeguards as are appropriate under this ordinance, or deny conditional uses when not in harmony with the purpose and intent of this ordinance. A conditional use shall not be granted by the board of zoning appeals unless and until:

- (1) A written application for a conditional use is submitted indicating the section of this ordinance under which the conditional use is sought and stating the grounds on which it is requested.
- (2) Notice shall be given at least 15 days in advance of public hearing. The owner of the property for which conditional use is sought or his agent shall be notified by mail. Notice of such hearings shall be posted on the property for which conditional use is sought, at the Village Hall, and in one other public place at least 15 days prior to the public hearing;
- (3) The public hearing shall be held. Any party may appear in person, or by agent or attorney;
- (4) The board of zoning appeals shall make a finding that it is empowered under the

section of this ordinance described in the application to grant the conditional use and that the granting of the conditional use will not adversely affect the public interest;

- (5) Before any conditional use shall be issued, the board of zoning appeals shall make written findings certifying compliance with the specific rules governing individual conditional uses and that satisfactory provisions and arrangement has been made concerning the following where applicable:
 - (a) ingress and egress to property and proposed structures thereon with particular reference to automotive and pedestrian safety and convenience, traffic flow and control, and access in case of fire or catastrophe;
 - (b) off-street parking and loading areas where required, with particular attention to the items in (a) above and the economic, noise, glare, or odor effects of the conditional use on adjoining properties and properties generally in the district;
 - (c) refuse and service areas, with particular reference to the items in (a) and (b) above;
 - (d) utilities, with reference to locations, availability, and compatibility;
 - (e) screening and buffering with reference to type, dimensions, and character;
 - (f) signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - (g) required yard and other open space;
 - (h) general compatibility with adjacent properties and other property in the district.

Section 919 Variances: Conditions Governing Applications: Procedures. To authorize upon appeal in specific cases such variance for 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 the issuance of a variance. A variance from the terms of this ordinance shall not be granted by the board of zoning appeals unless and until:

- (1) A written application for variance is submitted demonstrating:
 - (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 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;
- (2) Notice of public hearing shall be given as in Section 918 (2) of this ordinance;
- (3) The public hearing shall be held. Any party may appear in person, or by agent or by attorney;
- (4) The board of zoning appeals shall make findings that the requirements of Section 919 (1) have been met by the applicant for a variance;

- (5) The board of zoning appeals shall further make a finding that the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure;
- (6) The board of zoning appeals shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of this ordinance and will not be detrimental to the public welfare.

Section 920 Supplementary Conditions and Safeguards May Be Prescribed. In granting any 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 variance is granted, shall be deemed a violation of this ordinance and punishable under Section 925 of this ordinance. Under no circumstances shall the board of zoning appeals grant a 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.

Section 921 Board Has Powers of Zoning Officer on Appeals: Reversing Decision of Zoning Officer. In exercising the powers in Sections 917 to 920, inclusive, the board of zoning appeals may, so long as such action is in conformity with the terms of this ordinance reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the zoning officer from whom the appeal is taken. The concurring vote of four members of the board of zoning appeals shall be necessary to reverse any order, requirement, decision, or determination of the zoning officer, or to decide 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.

Section 922 Duties of Zoning Officer, Board of Zoning Appeals, Governing Body, 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 officer, and that such questions shall be presented to the board of zoning appeals only on appeal from the decision of the zoning officer, and that recourse from the decisions of the board of zoning appeals shall be to the court as provided by law. It is further the intent of the ordinance that the duties of the Village Council, in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance. Under this ordinance the Village Council, shall have only the duties of considering and adopting or rejecting proposed amendments or the repeal of this ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Section 923 of this ordinance.

Section 923 Schedule of Fees, Charges, and Expenses. The Village Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, zoning certificates, appeals, and other matter pertaining to this ordinance. The schedule of fees shall be posted in the office of the zoning officer, 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.

Section 924 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 officer. He shall record properly such complaint, immediately investigate, and take action thereon as provided by this ordinance.

Section 925 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 connection with grants of variances or conditional use) 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 \$100 or imprisoned for not more than 30 days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues 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 violations.

ARTICLE X AMENDMENTS

Section 1000 General Requirements. Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Village Council may by ordinance and after receipt of recommendation thereon from the planning commission, and subject to the procedures provided by law -- amend, supplement, change or repeal the regulation restrictions and boundaries or classification of property. It shall be the duty of the planning commission to submit its recommendations regarding all applications or proposal for amendments to the Village Council.

Section 1001 Procedure for Change in Zoning Districts. Applications for any change of district boundaries or classifications of property as shown on the Official Zoning Map shall be submitted to the planning commission at its public office, upon such forms, and shall be accompanied by such data and information as may be prescribed for that purpose by the planning commission so as to assure the fullest practicable presentation of facts for the permanent record. Each proposal for the zone change shall be accompanied by a reproducible vicinity map at a scale approved by the zoning officer, showing the property lines, streets, and existing and proposed zoning. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications. Applications for amendments initiated by the planning commission shall be accompanied by its motion pertaining to such proposed amendment. The procedure for amendment of the zoning ordinance shall follow the Ohio Revised Code, Chapter 713.

Section 1002 Application Fees. At the time that an application for change of zoning districts is filed with the planning commission as provided herein, a fee of \$30 shall be paid to the zoning officer, who shall deliver same to the Village Clerk for investigation, legal notices, and other expenses incidental to the determination of the zoning change. Said fee shall be for one lot or part of one lot. An additional fee of \$5.00 shall be deposited for each additional lot or part of an additional lot which may be included in the request; such additional lot or part of a lot to be adjacent to each other. The total fee shall not exceed \$60.00. Such sums so deposited shall be credited to the general fund of the Village.

ARTICLE XI DEFINITIONS

Interpretation of Terms or Words. For the purposes 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 mandatory, the word "may" is permissive.
- (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 (such as a garage) on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

Agriculture. The word "agriculture" shall include agriculture, farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry.

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

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

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

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

Conditional Use. A use permitted within a district other than a permitted use, requiring a conditional use permit and approval of the board of zoning appeals. Conditional uses permitted in each district are presented in the Official Schedule of District Regulations.

Conditional Use Permit. A permit issued by the board of zoning appeals to allow a use other than a permitted use to be established within the district.

Dwelling, Single-Family. A detached residential dwelling or housing unit other than a mobile home, designed for and occupied by one family only, including public housing units.

Dwelling, Mobile Home. A modular unit built on a chassis, with body with 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, 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 pre-fabricated 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, Multi-Family. A residential building designed for or occupied by two or more families, with the number of families in residence not exceeding the number of dwelling units provided, including public housing units.

Dwelling or Housing Unit. One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure and containing independent cooking and sleeping facilities.

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

Extractive Industry. Any mining, quarrying or processing of limestone, clay, sand and gravel or other mineral resources.

Filling Station. Building and premises where gasoline, oil, grease, batteries, tires, and automobile accessories may be supplied and dispensed at retail, and where in addition the following services may be rendered and sales made, and no other:

- (1) Sales and servicing of spark plugs, batteries, and distributor and distributor parts;
 - (2) Tire servicing and repair, but not recapping or regrooving;
 - (3) Replacement of mufflers and tail pipes, water hose, fanbelts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and wiper blades, grease retainers, wheel bearing, mirrors, and the like;
 - (4) Radiator cleaning and flushing
 - (5) Washing and polishing, and sale of washing and polishing materials;
 - (6) Greasing and lubrication;
 - (7) Providing and repairing fuel pumps, oil pumps and lines;
 - (8) Minor servicing and repair of carburetors;
 - (9) Emergency wiring repairs;
 - (10) Adjusting and repairing brakes;
 - (11) Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
 - (12) Sales of cold drinks, packaged food, tobacco, and similar convenience goods for filling station customers, as accessory and incidental to principal operations;
 - (13) Provisions of road maps and other information material to customers; provision of restroom facilities
- Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operating condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling station. A filling station is not a repair garage nor a body shop.

Home Occupation. An occupation conducted in a dwelling unit, provided that:

- (1) No person other than members of the family residing on the premises shall be engaged in such occupation;
- (2) 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 25 percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation;
- (3) 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 exceed four square feet in area, non-illuminated, and mounted flat against the wall of the principal building;
- (4) No home occupation shall be conducted in any accessory building;
- (5) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be met off the street and other than in a required front yard.

- (6) NO equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.

Junk. "Junk" means old scrap copper, brass, rope, rages, 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 Storage & Sales. A place where junk is stored, kept or offered for sale.

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 to 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 4513.65 of the Ohio Revised Code, whether or not for a commercial purpose.

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 parking space in computation of required off-street parking space.

Lot. For purposes of this ordinance, a lot is a parcel of land of at least sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other 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;
- (4) A parcel of land described by metes and bounds.

However, in no case of diversion or combination shall any residential lot or parcel be created which does not meet the requirements of this ordinance.

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

Lot Frontage. The front of a lot shall be constructed to be the portion nearest the street. For the purpose of determining yard requirements on corners lots and through lots, all sides of a lot

adjacent to streets shall be considered frontage, and yards shall be provided as indicated in this ordinance.

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

Lots Measurements. A lot shall be measured as follows:

- (1) Depth of a lot shall be considered to be 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) An interior lot is a lot other than a corner lot with only one frontage on a street.
- (3) A through lot is 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.

Manufacturing, Heavy. Manufacturing, processing, assembling, mining, storage, research, 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, vibration, dust, glare, air pollution, and water pollution, but not beyond the district.

Manufacturing Light. manufacturing or industrial uses which are usually controlled operation; relatively clean, quiet and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating within enclosed structures; and generate little industrial traffic and no 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 use or intended for use as a part of the facilities of such park.

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

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 charitable, philanthropic, financial or religious or educational nature are also included in this classification.

Parking Space, Off-Street. For the purpose of this ordinance, an off-street parking space will consist of a space 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. Required off-street parking areas for ten or more automobiles shall have individual spaces marked, and shall be so designated, maintained, and regulated that no parking or maneuvering incidental to

parking shall be on any public street, walk or alley, and so that any automobile may be parked and unparked without moving another. For purposes of computation, an off-street parking space and necessary access and maneuvering room shall be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements will be considered provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the Village.

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. Any facility or utility operated in the interest of the public, including electricity, gas, steam, telephone, telegraphy, transportation, water, sewer, solid waste disposal, or any similar public service structure or land use.

Public Use. A public school, park, administrative, cultural or recreational building, excluding public service buildings.

Quasi-Public Use. Churches, Sunday schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable, philanthropic or non-profit nature.

Recreation, Non-Commercial. Any business which is operated as a recreational enterprise, either publicly or privately owned, for non-profit. Examples are: fishing areas, parks, archery ranges, etc.

Residential, Low Density. Land to be utilized for single-family housing units, including public housing, not to exceed four families per acre.

Residence, Medium Density. Land to be used for single and multifamily housing units including public and industrialized housing and permanent of mobile units, not to exceed eight families per acre.

Retail Business, Convenience Type. A small retail business 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 and whose volume of business does not exceed \$250,000 per year. Examples of convenience-type businesses are drug stores, food stores, cleaners and barbershops.

Retail Business, Shopping Type. 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, jewelry stores and clothing shops.

Sewers, Central or Group. A publicly 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 official having jurisdiction.

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

Storage Facilities. See Wholesale and Warehousing.

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, wall, fences, billboards, and poster panels.

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, etc.

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

Use. The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained. The term "permitted use" or its equivalent shall not be deemed to include any non-conforming use.

Variance. A variance is a relocation of the term of the zoning ordinance where such variance 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 ordinance would result in unnecessary and undue hardship. As used in the ordinance a variance is authorized only for height, area, and size of structure or size of yard and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of presence of non-conformities in the zoning district or uses in an adjoining zoning district.

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 feet above the general ground level of the graded lot upward, provided, however, that fences, walls, poles, posts, and other customary yard accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

Yard, Front. A yard extending between side lot lines across the front of a lot adjoining a public street. In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of three feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of three feet and ten feet.

In the case of through lots, unless the prevailing front yard pattern on adjoining lots indicates otherwise, front yards shall be provided on all frontages. Where one of the front yards that would normally be required on a through lot is not in keeping with the prevailing yard pattern, the zoning officer may waive the requirement for the normal front yard and substitute therefor a special yard requirements which shall not exceed the average to the yards provided on adjacent lots.

In the case of all corner lots, a front yard of the required depth shall be provided on all frontages.

The minimum depth of required front yards shall be measured horizontally from the property line or right-of-way line to the main building or any projection thereof, other than the projection of the usual uncovered steps, uncovered balconies, or uncovered porch.

Yard, Side. A yard extending for the rear line of the required front yard to the rear of the building or in the absence of any clearly defined rear lot line to the point on the lot farthest from the intersection of the lot line involved with the public street. In the case of through lots, side yards shall extend from the rear lines of front lines of front yards required. In the case of corner lots, yards that have been established shall be considered side yards. Width of a required side yard shall be measured in such a manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the side lot line.

Yard, Rear. A yard extending across the rear of the lot between inner side yard lines. In the case of through lots and corner lots, there will be no rear yards, but only front and side yards. Depth of a required rear yard shall be measured in such manner that the yard established is a strip of the minimum width required by district regulations with its inner edge parallel with the rear lot line.

Zoning Certificate. A document issued by the zoning officer and/or the board of zoning appeals authorizing the use of lots, structures, uses of land and structures, and characteristics of use.

ARTICLE XII INTERPRETATION AND ENACTMENT

Section 1200 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, morals, safety, or the general welfare. Whenever the requirements of this ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the height standards, shall govern.

Section 1201 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 1202 Repeal of Conflicting Ordinances, 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 the extent necessary to give this ordinance full force and effect. This ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

PASSED Sept 7, 1999

Glen L. Stansen
President, Village Council

ADOPTED _____

Steve Ramsey
Mayor

Amended _____

ATTEST Liane Radu, Clerk/treas

Glen L. Stansen
President of Council

Mayor

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

ZONING DISTRICTS

PERMITTED USES

CONDITIONAL USES

(Symbols as used on the
Official Zoning Map)

(Accessory Uses and essential
services are included)

(Permitted upon Issuance of a
Conditional Use Permit by the
Board of Zoning Appeal)

1

2

3

R-1 Low Density Residential District	Single-family Housing; Public Use; Quasi-public Use;	Agriculture; Mobile Homes per Section 600; Non-commercial Recreation; Home Occupation
R-2 Medium Density Residential District	Single-family Housing, Public Use; Quasi-public Use; Mobile Home Park;	Multi-family Housing; Non-commercial Recreation; Home Occupation; Mobile Homes per Section 600; Agriculture;
B-3 Central Business District	Retail Business; Offices; Service Business; Eating and Drinking Establishments; Transient Lodging; Commercial Recreation; Public Use; Quasi-public Use;	Drive-in Business; Printing and Publishing; Public Service Facility;
M-1 Light Manufacturing District	Light Manufacturing and Related Offices; Public Use; Quasi-public Use;	Wholesale and Ware-housing; Printing and Publishing; Storage Facilities; Transport Terminals; Signs and Advertising Structures; Public Service Facility; Single-family Housing; Agriculture;
<i>* See Ordinance #1044-12 attached</i>		
M-2 Heavy Manufacturing District	Heavy Manufacturing and Related Office; Wholesale and Warehousing; Printing and Publishing; Transport Terminals; Public Use Quasi-public Use;	Light Manufacturing and related Offices; Signs and Advertising Structures; Extractive Industry; Junk Storage and Sales; Public Service Facility;

RECORD OF ORDINANCES

Dayton Legal Blank, Inc.

Form No. 30043

Ordinance No. _____

Passed _____, 20____

ORDINANCE #1044-12

AN ORDINANCE TO AMEND AND ADOPT THE FRONTAGE REQUIREMENT FOR LIGHT MANUFACTURING PROPERTIES WITHIN THE VILLAGE.

BE IT ORDAINED, BY THE COUNCIL OF THE VILLAGE OF RUSHSVLVANIA,
LOGAN COUNTY, OHIO, THAT THE FRONTAGE REQUIREMENT
FOR LIGHT MANUFACTURING PROPERTIES BE AMENDED TO TWENTY FIVE
(25) FEET RATHER THAN FIFTY (50) FEET WHICH WAS PREVIOUSLY
ADOPTED.

THIS ORDINANCE SHALL BE PASSED ON AN EMERGENCY BASIS AND
BECOME EFFECTIVE IMMEDIATELY.

ATTEST:


CLERK/TREASURER


MAYOR

PASSED: AUGUST 6, 2012


PRESIDENT OF COUNCIL

	<u>MINIMUM LOT SIZE</u>			Maximum	Minimum				Maximum		
	Minimum Yard								Dimensions - (Ft.)		
	(square feet Width per household) (feet)			Percentage of lot to be occupied (Principal and Accessory Buildings)	Floor Area (Square Feet)	Height of (Principal) Buildings Stories	Feet		Front	Side Yards	Rear
	With on-site Sewage Treat- ment ↓ 4	With Group or Central Sewage Treat- ment ↓ 5	↓ 6	↓ 7	↓ 8	↓ 9	↓ 10	↓ 11	One Side Yard ↓ 12	Sum of Side Yards ↓ 13	↓ 14
R-1	--	10,800	80	25	960	2 1/2	35	35	8	20	40
R-2	--	5,400	60	25	960	2 1/2	35	30	4	10	30
B-3	--	None	None	70	None	4	50	None	None	None	30
M-1	--	15,000	100	40	None	4	50	50	10	30	40

M-2	--	40,000	150	50	None	4	50	80	20	50	50
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ACCESSORY BUILDINGS

Maximum Height (feet)	Minimum Distance in feet to Side Lot Line	Rear Lot Line	MINIMUM (MANDATORY) OFF-STREET PARKING SPACE (One unit for each)	MINIMUM (MANDATORY) OFF-STREET LOADING SPACE	SIGNS PERMITTED	OTHER PROVISIONS AND REQUIREMENTS (Supplementary regulations, prohibitions, notes, etc.)
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	15	16	17	18	19	20	21
R-1	15	5	10	One family Housing Unit	None	Yes, Under Article VII	960 sq. ft. minimum floor area for mobile homes.
R-2	15	2	5	One-half Housing Unit in Multi-family Structure	None	"	Dwelling Conversion permitted: 960 sq. ft. minimum floor area for mobile homes.
B-3	25	None	None	200 sq. ft. of Retail or Service Floor Area	5,000 sq. ft. of Floor Area or less	"	Non-residential use cannot be conducted closer than 40' from any residential district
M-1	25	5	10	Two employees on the maximum work shift	"	"	Objectionable uses prohibited

M-2	25	10	20	Two employees on the maximum work shift	5,000 sq. ft. of Floor Area or less	Yes, Under Article VII	Extractive use cannot be conducted closer than 500' from any residential district.
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THIS IS TO CERTIFY THAT THIS IS THE OFFICIAL SCHEDULE OF DISTRICT REGULATIONS REFERRED TO IN SECTION 410 AND ARTICLE IV OF ORDINANCE NUMBER 326 OF THE VILLAGE OF RUSHSYLVANIA.

ADOPTED Sept 7, 1999
Date

Steve Ramon
Mayor

Amended _____

ATTEST Liane Rader, Clerk/treas
Village Clerk

Glen L. Strawn
President of Council

Mayor

5157JEFF.SAM

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. _____ Passed _____, 20____

ORDINANCE NO. 1138-19

AN ORDINANCE AMENDING SECTION 925 OF THE VILLAGE OF RUSHSYLVANIA, OHIO ZONING ORDINANCE, ORDINANCE NO. 780-99

WHEREAS, it is in the best interests of the Village of Rushsylvania, Ohio to amend section 925 of the zoning ordinance to update the penalties for violating the zoning ordinance.

WHEREAS, this Ordinance shall amend Section 925 of Village of Rushsylvania Ordinance No. 780-99, passed by the Rushsylvania Village Council on March 4, 2019, in its entirety.

NOW THEREFORE, BE IT ORDAINED by the village council, the legislative authority of the Village of Rushsylvania, Ohio, three fourths of the members elected or appointed thereto concurring as follows:

Section 925 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 connection with grants of variances or conditional use) shall constitute a violation of this zoning ordinance. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof:

1. For a first violation, be guilty of a minor misdemeanor, and upon conviction thereof be fined not more than \$150.00 or a jail term as determined by the Court in accordance with the sentencing guidelines for minor misdemeanors, or both, and in addition shall pay all costs and expenses in the case;
2. For a second violation, be guilty of a misdemeanor of the fourth degree, and upon conviction thereof be fined not more than \$250.00 or a jail term for not more than 30 days, or both, and in addition shall pay all costs and expenses in the case;
3. For a third violation, be guilty of a misdemeanor of the third degree, and upon conviction thereof be fined not more than \$500.00 or a jail term for not more than 60 days, or both, and in addition shall pay all costs and expenses in the case;
4. For a fourth violation, be guilty of a misdemeanor of the second degree, and upon conviction thereof be fined not more than \$750.00 or a jail term for not more than 90 days, or both, and in addition shall pay all costs and expenses in the case;
5. For each violation after the fourth violation, be guilty of a misdemeanor of the first degree, and upon conviction thereof be fined not more than \$1,000.00 or a jail term for not more than 180 days, or both, and in addition shall pay all costs and expenses in the case.

Each day such a violation continues 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 violations.

This Ordinance is hereby declared to be an emergency measure made necessary to protect the health, safety and welfare of said Village of Rushsylvania and this Ordinance shall, therefore, be in force and take effect immediately upon its passage and signature by the Mayor.

PASSED: March 4, 2019

Jim Rader
President of Council

APPROVED: March 4, 2019

[Signature]
Mayor

ATTEST: March 4, 2019

Diane Rader, Clerk/Treas
Clerk of Council

I, Diane Rader, Clerk of the Village of Rushsylvania, Ohio do hereby certify that the foregoing is a true and correct copy of Ordinance 1138-19 Passed by Council of said Village on the 4th day of March, 2019.

Diane Rader, Clerk/Treasurer
Clerk

RECORD OF ORDINANCES

BEAR GRAPHICS 800-325-8094 FORM NO. 30043

Ordinance No. _____ Passed _____, 20____

ORDINANCE NO. 1141-19

AN ORDINANCE AMENDING SECTION 270 OF THE VILLAGE OF RUSHSYLVANIA, OHIO ZONING ORDINANCE, ORDINANCE NO. 780-99

WHEREAS, it is in the best interests of the Village of Rushsylvania, Ohio to amend Section 270 of the zoning ordinance to update the penalties for violating the zoning ordinance.

WHEREAS, this Ordinance shall amend Section 270 of Village of Rushsylvania Ordinance No. 780-99, passed by the Rushsylvania Village Council on September 7, 1999, in its entirety.

NOW THEREFORE, BE IT ORDAINED by the village council, the legislative authority of the Village of Rushsylvania, Ohio, three fourths of the members elected or appointed thereto concurring as follows:

Section 270 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 developing commercial center and for a logical expansion of the compacted core. Central water and sewer facilities are required. Specific permitted and conditional uses are listed on the Official Schedule of District Regulations.

Notwithstanding the same, single-family housing units, not to exceed four families per acre, are permitted in the Central Business District (B-3), subject to the same specific permitted and conditional uses listed on the Official Schedule of District Regulations applicable to Low Density Residential Districts (R-1). Central water and sewer facilities are required for single-family housing units. The specific permitted and conditional uses that are listed on the Official Schedule of District Regulations applicable to the Central Business District (B-3) are explicitly prohibited for use by any single-family housing units. Only the specific permitted and conditional uses listed on the Official Schedule of District Regulations applicable to Low Density Residential Districts (R-1) shall apply to single-family housing units.

PASSED: 5-6-19

Jim Baker
President of Council

APPROVED: 5-6-19

[Signature]
Mayor

ATTEST: 5-6-19

Diane Rader, Clerk/Secy.
Clerk of Council

I, Diane Rader, Clerk of the Village of Rushsylvania, Ohio do hereby certify that the foregoing is a true and correct copy of Ordinance 1141-19 Passed by Council of said Village on the 6th day of May, 2019.

Diane Rader, Clerk/Secy.
Clerk