

Zoning  
Ordinance

Village of Harveysburg

Warren County

Ohio

2009

Prepared by  
Harveysburg Planning Commission

with the assistance of

Center for Public Management and Regional Affairs

Miami University – 2 Harrison Hall

Oxford, Ohio 45056

513.529.6959



**Preamble** ..... 9

**ARTICLE 1 TITLE AND PURPOSE**..... 10

    100 Title ..... 10

    101 Purpose ..... 10

    102 Interpretation..... 10

    103 Separation ..... 10

    104 Repeal of Conflicting Ordinances ..... 10

    105 Effective Date ..... 10

    106 Regulations not Retroactive ..... 10

**ARTICLE 2 LANGUAGE and DEFINITIONS** ..... 11

**ARTICLE 3 ESTABLISHMENT OF DISTRICTS** ..... 29

    300 Purpose ..... 29

    301 Establishment of Districts..... 29

    302 Zoning District Map ..... 29

    303 Zoning Map Legend..... 30

    304 Identification of Official Zoning Map ..... 30

    305 Interpretation of District Boundaries ..... 30

    306 Zoning Upon Annexation ..... 31

    307 Zoning Map Amendments..... 31

**ARTICLE 4 GENERAL PROVISIONS**..... 32

    400 Purpose ..... 32

    401 Principal Building per Lot ..... 32

    402 Conversions of Dwellings to More Than One Unit ..... 32

    403 Reduction of Area or Space ..... 32

    404 Supplemental Yard and Height Regulations..... 33

    405 Setback Requirements for Buildings on Corner Lots ..... 33

    406 Fence and Wall Restrictions in Front Yards ..... 33

    407 Yard Requirements for Multi-Family Dwellings ..... 33

    408 Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts ... 33

    409 Exceptions to Height Regulations.....

    410 Architectural Projections..... 33

    411 Visibility at Intersections ..... 34

    412 Construction in Easements..... 34

    413 Parking and Storage of Vehicles or Trailers ..... 34

    414 Required Refuse Collection Areas ..... 34

    415 Junk ..... 35

    416 Screening..... 35

    417 Objectionable, Noxious, or Dangerous Uses, Practices or Conditions ..... 36

418	<a href="#">Assurance Requirements and Plans</a> .....	37
419	<a href="#">Enforcement Provisions</a> .....	37
420	<a href="#">Temporary Uses</a> .....	37
421	<b><a href="#">REGULATION OF HOME OCCUPATIONS</a></b> .....	38
(A)	<a href="#">Purpose</a> .....	38
(B)	<a href="#">Definition</a> .....	38
(C)	<a href="#">Home Occupation as a Permitted Use</a> .....	39
(D)	<a href="#">Home Occupation as a Conditionally Permitted Use</a> .....	39
(E)	<a href="#">Invalidation of Home Occupation Conditional Use Permit</a> .....	40
422	<b><a href="#">REGULATION OF AMUSEMENT ARCADES</a></b> .....	40
(A)	<a href="#">Purpose</a> .....	40
(B)	<a href="#">Definitions</a> .....	40
(C)	<a href="#">Conditional Use Permit Required</a> .....	41
(D)	<a href="#">Zoning of Amusement Arcades</a> .....	41
(E)	<a href="#">Maintenance of a Nuisance Prohibited</a> .....	42
(F)	<a href="#">Restricted Access to Certain Minors</a> .....	42
(G)	<a href="#">Complaints Regarding Amusement Arcades</a> .....	42
(H)	<a href="#">Revocation of Conditional Use Permit</a> .....	42
(I)	<a href="#">Procedure for Revocation</a> .....	42
423	<b><a href="#">PROHIBITION OF MANUFACTURED HOME PARKS</a></b> .....	43
(A)	<a href="#">Purpose</a> .....	43
(B)	<a href="#">Definitions</a> .....	43
(C)	<a href="#">Prohibition</a> .....	43
424	<b><a href="#">REGULATION OF GROUP RESIDENTIAL FACILITIES</a></b> .....	43
(A)	<a href="#">Purpose</a> .....	43
(B)	<a href="#">Definition</a> .....	43
(C)	<a href="#">Conditional Use Permit Required</a> .....	44
(D)	<a href="#">Zoning of Group Residential Facilities</a> .....	45
(E)	<a href="#">Variance to Distancing Requirement</a> .....	45
(F)	<a href="#">Uniformity with Respect to Granting of Conditional Use Permits</a> .....	45
425	<b><a href="#">REGULATION OF FACTORY-BUILT HOUSING; DESIGN AND APPEARANCE STANDARDS</a></b> .....	45
(A)	<a href="#">Purpose</a> .....	45
(B)	<a href="#">Definitions</a> .....	45
(C)	<a href="#">Siting Requirements</a> .....	46
(D)	<a href="#">Zoning of Factory Built Housing</a> .....	46
(E)	<a href="#">Single-Family Design and Appearance Standards</a> .....	46
(F)	<a href="#">Uniformity With Respect to Granting of Variances</a> .....	46
426	<b><a href="#">CELLULAR/PERSONAL WIRELESS SERVICE SITES</a></b> .....	47
(A)	<a href="#">Purpose</a> .....	47
(B)	<a href="#">Regulations</a> .....	47

427	<a href="#">ADULT ENTERTAINMENT FACILITIES</a> .....	48
(A)	<a href="#">Purpose</a> .....	48
(B)	<a href="#">Regulations</a> .....	48
428	<a href="#">Open Burning in Restricted Areas</a> .....	49
429	<a href="#">Self Service Storage Facilities</a> .....	49
430	<a href="#">Satellite Signal Receivers</a> .....	51
431	<a href="#">Keepng of Horses</a> .....	51
 <b>ARTICLE 5     DISTRICT REGULATIONS</b> .....		<b>52</b>
500	<a href="#">Compliance with Regulations</a> .....	52
501	<a href="#">Lot Splits</a> .....	52
502	<a href="#">Official Schedule of District Regulations Adopted</a> .....	52
503	<a href="#">Identification of the Official Schedule of District Regulations</a> .....	52
504	<a href="#">R-1 RESIDENTIAL DISTRICT</a> .....	53
505	<a href="#">R-2 MULTI-FAMILY RESIDENTIAL</a> .....	55
506	<a href="#">B-1 NEIGHBORHOOD BUSINESS DISTRICT</a> .....	56
507	<a href="#">B-2 COMMERCIAL BUSINESS DISTRICT</a> .....	58
508	<a href="#">L-1 LIGHT INDUSTRIAL DISTRICT</a> .....	60
509	<a href="#">RE RECREATIONAL DISTRICT</a> .....	61
510	<a href="#">Development Standards for Conditionally Permitted Uses</a> .....	63
 <b>ARTICLE 6     OFF-STREET PARKING AND LOADING FACILITIES</b> .....		<b>69</b>
600	<a href="#">General Parking Requirements</a> .....	69
601	<a href="#">Off-Street Parking Design Standards</a> .....	69
602	<a href="#">Determination of Required Spaces</a> .....	70
603	<a href="#">Joint or Collective Parking Facilities</a> .....	71
604	<a href="#">Off-Street Storage Areas for Drive-In Services</a> .....	71
605	<a href="#">Parking of Disabled Vehicles</a> .....	72
606	<a href="#">Parking Space Requirements</a> .....	72
607	<a href="#">Handicapped Parking</a> .....	75
608	<a href="#">Elderly Housing Parking</a> .....	75
609	<a href="#">Off-Street Loading Space Requirements</a> .....	75
610	<a href="#">Off-Street Loading Design Standards</a> .....	75
 <b>ARTICLE 7     SIGNS</b> .....		<b>77</b>
700	<a href="#">General</a> .....	77
701	<a href="#">Governmental Signs Excluded</a> .....	77
702	<a href="#">General Requirements for All Signs and Districts</a> .....	77
703	<a href="#">Permit Required</a> .....	79
704	<a href="#">Signs Permitted in All Districts Not Requiring a Permit</a> .....	79

705	<a href="#">Signs Permitted in Any District Requiring a Permit</a>	79
706	<a href="#">Signs Permitted in Commercial and Manufacturing Districts Requiring a Permit</a>	80
707	<a href="#">Temporary Signs</a>	80
708	<a href="#">Free Standing Signs</a>	81
709	<a href="#">Wall Signs Pertaining to Non-Conforming Uses</a>	81
710	<a href="#">Political Signs</a>	81
711	<a href="#">Sign Setback Requirements</a>	81
712	<a href="#">Increased Setback</a>	81
713	<a href="#">Setbacks for Off-Premises Signs</a>	81
714	<a href="#">Setbacks for Public and Quasi-Public Signs</a>	81
715	<a href="#">Special Yard Provisions</a>	82
716	<a href="#">Limitation</a>	82
717	<a href="#">Maintenance</a>	82
718	<a href="#">Non-Conforming Signs and Structures</a>	82
719	<a href="#">Loss of Legal Non-Conforming Status</a>	82
720	<a href="#">Violations</a>	82
721	<a href="#">Exceptions</a>	83
<b>ARTICLE 8</b>	<b>NONCONFORMITIES</b>	<b>84</b>
800	<a href="#">Purpose</a>	84
801	<a href="#">Uses Under Conditional Use Provisions Not Non-Conforming Uses</a>	84
802	<a href="#">Incompatibility of Nonconformities</a>	84
803	<a href="#">Avoidance of Undue Hardship</a>	84
804	<a href="#">Certificates for Nonconforming Uses</a>	85
805	<a href="#">Substitution of Nonconforming Uses</a>	85
806	<a href="#">Single Non-Conforming Lots of Record</a>	85
807	<a href="#">Non-Conforming Lots of Record in Combination</a>	85
808	<a href="#">Nonconforming Uses of Land</a>	86
809	<a href="#">Nonconforming Uses of Structure</a>	86
810	<a href="#">Nonconforming Uses of Structures or of Structures and Land in Combination</a>	86
811	<a href="#">Termination of Use through Discontinuance</a>	87
812	<a href="#">Termination of Use by Damage or Destruction</a>	87
813	<a href="#">Repairs and Maintenance</a>	87
<b>ARTICLE 9</b>	<b>PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS;</b>	<b>89</b>
	<b>SUBSTANTIALLY SIMILAR USES; ACCESSORY USES</b>	<b>89</b>
900	<a href="#">REGULATIONS OF CONDITIONAL USES</a>	89
901	<a href="#">Purpose</a>	89
902	<a href="#">Contents of Conditional Use Permit Application</a>	89
903	<a href="#">General Standards for All Conditional Uses</a>	90

904	<a href="#">Specific Criteria for General Uses</a>	90
905	<a href="#">Public Hearing</a>	93
906	<a href="#">Notice of Public Hearing</a>	93
907	<a href="#">Notice to Parties in Interest</a>	93
908	<a href="#">Action by the Board of Zoning Appeals</a>	93
909	<a href="#">Supplementary Conditions and Safeguards</a>	94
910	<a href="#">Expiration of Conditional Use Permit</a>	94
911	<a href="#">PROCEDURES AND REQUIREMENTS FOR DETERMINING THAT A USE IS SUBSTANTIALLY SIMILAR</a>	94
912	<a href="#">Standards for Consideration of Substantially Similar Uses</a>	95
913	<a href="#">Effect of Determination that a Use is Substantially Similar</a>	95
914	<a href="#">Records of Substantially Similar Uses</a>	95
915	<a href="#">Remedy by Application for an Amendment</a>	95
916	<a href="#">REGULATION OF ACCESSORY USES</a>	96
917	<a href="#">Purpose</a>	96
918	<a href="#">Definition</a>	96
919	<a href="#">Requirements</a>	96
920	<a href="#">Dwellings as Accessory Uses</a>	96
921	<a href="#">Accessory Elderly Dwelling Unit</a>	96
922	<a href="#">Retail Sales and Services as Accessory Uses</a>	97
923	<a href="#">REGULATION OF SWIMMING POOLS AS ACCESSORY USES</a>	97
924	<a href="#">Purpose</a>	97
925	<a href="#">Private Swimming Pools</a>	97
926	<a href="#">Community or Club Swimming Pools</a>	98
927	<a href="#">REGULATION OF LONG-TERM PARKING FACILITIES AS ACCESSORY USES</a>	98
928	<a href="#">Purpose</a>	98
929	<a href="#">Conditional Use Permit Required</a>	98
930	<a href="#">Permit Requirements</a>	98
<b>ARTICLE 10</b>	<b>ADMINISTRATION</b>	<b>100</b>
1000	<a href="#">Purpose</a>	100
1001	<a href="#">General Provisions</a>	100
1002	<a href="#">Building/Zoning Administrator</a>	100
1003	<a href="#">Responsibilities of the Building/Zoning Administrator</a>	100
1004	<a href="#">Planning Commission - Appointment and Organization</a>	101
1005	<a href="#">Proceedings of Planning Commission</a>	101
1006	<a href="#">Duties of Planning Commission</a>	101
1007	<a href="#">Board of Zoning Appeals</a>	102
1008	<a href="#">Proceedings of the Board of Zoning Appeals</a>	102
1009	<a href="#">Duties of the Board of Zoning Appeals</a>	103

<a href="#">1010</a>	<a href="#">Duties of Building/Zoning Administrator, Board of Zoning Appeals, and Legislative Authority on Matters of Appeal</a>	103
<a href="#">1011</a>	<a href="#">Village Council</a>	103
<a href="#">1012</a>	<a href="#">Schedule of Fees</a>	104
<b>ARTICLE 11</b>	<b>ENFORCEMENT</b>	<b>105</b>
<a href="#">1100</a>	<a href="#">General</a>	105
<a href="#">1101</a>	<a href="#">Building/Zoning Permits Required</a>	105
<a href="#">1102</a>	<a href="#">Contents of Application for Building/Zoning Permit</a>	105
<a href="#">1103</a>	<a href="#">Approval of Building/Zoning Permit</a>	106
<a href="#">1104</a>	<a href="#">Submission to Ohio Director of Transportation</a>	106
<a href="#">1105</a>	<a href="#">Expiration of Building/Zoning Permit</a>	106
<a href="#">1106</a>	<a href="#">Certificate of Occupancy</a>	107
<a href="#">1107</a>	<a href="#">Record of Building/Zoning Permits and Certificates of Occupancy</a>	107
<a href="#">1108</a>	<a href="#">Failure to Obtain a Building/Zoning Permit</a>	107
<a href="#">1109</a>	<a href="#">Failure to Obtain Certificate of Occupancy</a>	107
<a href="#">1110</a>	<a href="#">Construction and Use to be as provided in Applications, Plans, Permits, and Certificates</a>	107
<a href="#">1111</a>	<a href="#">Complaints Regarding Violations</a>	107
<a href="#">1112</a>	<a href="#">Entry and Inspection of Property</a>	107
<a href="#">1113</a>	<a href="#">Stop Work Order</a>	108
<a href="#">1114</a>	<a href="#">Building/Zoning Permit Revocation</a>	108
<a href="#">1115</a>	<a href="#">Notice of Violation</a>	108
<a href="#">1116</a>	<a href="#">Ticketing Procedure</a>	109
<a href="#">1117</a>	<a href="#">Penalties and Fines</a>	109
<a href="#">1118</a>	<a href="#">Additional Remedies</a>	109
<b>ARTICLE 12</b>		<b>110</b>
	<b>PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES</b>	<b>110</b>
<a href="#">1200</a>	<a href="#">General</a>	110
<a href="#">1201</a>	<a href="#">Appeals</a>	110
<a href="#">1202</a>	<a href="#">Stay of Proceedings</a>	110
<a href="#">1203</a>	<a href="#">Variances</a>	110
<a href="#">1204</a>	<a href="#">Application and Standards for Variances</a>	110
<a href="#">1205</a>	<a href="#">Additional Standards and Safeguards</a>	111
<a href="#">1206</a>	<a href="#">Public Hearing by the Board of Zoning Appeals</a>	112
<a href="#">1207</a>	<a href="#">Notice of Hearing in Newspaper</a>	112
<a href="#">1208</a>	<a href="#">Notice to Parties in Interest</a>	112
<a href="#">1209</a>	<a href="#">Action by the Board of Zoning Appeals</a>	112
<a href="#">1210</a>	<a href="#">Term of Variance</a>	112
<a href="#">1211</a>	<a href="#">Authorized Variances</a>	112

**ARTICLE 13 AMENDMENT ..... 114**

- [1300 Procedure for Amendment of District Change..... 114](#)
- [1301 General ..... 114](#)
- [1302 Initiation of Zoning Amendments ..... 114](#)
- [1303 Contents of Application for Zoning Map Amendment ..... 114](#)
- [1304 Contents of Application for Zoning Text Amendment..... 115](#)
- [1305 Transmittal to Planning Commission ..... 115](#)
- [1306 Submission to Director of Transportation ..... 115](#)
- [1307 Recommendation of Planning Commission..... 116](#)
- [1308 Public Hearing by Village Council ..... 116](#)
- [1309 Notice of Public Hearing in Newspaper ..... 116](#)
- [1310 Notice to Property Owners by Board of Zoning Appeals..... 116](#)
- [1311 Action by Board of Zoning Appeals..... 116](#)
- [1312 Effective Date and Referendum ..... 117](#)



**PREAMBLE**

An Ordinance of the Village of Harveysburg, Ohio enacted in accordance with Chapter 303, Ohio Revised Code, dividing the Village into zones and districts, encouraging, regulating, and restricting therein the location, construction, reconstruction, alteration and use of structures and land, promoting the orderly development of residential, business, industrial, recreational, and public areas, providing for adequate light, air, and convenience of access to property by regulating the use of properties, limiting congestion in the public rights-of-way, providing for the compatibility of different land uses and the most appropriate use of land providing for the administration of this ordinance, defining the powers and duties of the administrative officers as provided hereinafter, and prescribing penalties for the violation of the provisions in this ordinance, or any amendment thereto, all for the purpose of protecting the public health, safety, comfort and general welfare, and for the repeal thereof.

THEREFORE, be it ordained by the Council of the Village of Harveysburg, Warren County, State of Ohio that the within document shall constitute the Zoning Ordinance of the Village of Harveysburg.

## ARTICLE 1

### TITLE AND PURPOSE

#### 100 Title

This ordinance shall be known and may be cited to as the “Zoning Ordinance of the Village of Harveysburg,” except as referred to herein, where it shall be known as “this ordinance.”

#### 101 Purpose

This ordinance is enacted for the general purpose of promoting the public health, safety, comfort, and welfare of the residents of the Village of Harveysburg, to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts, to facilitate the provisions of public utilities and public services, to lessen congestion on public streets, roads, and highways, to provide for the administration and enforcement of this Ordinance, including the provision of penalties for its violation, and for any other purpose provided in this Ordinance, the Ohio Revised Code, or under common law rulings.

#### 102 Interpretation

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

#### 103 Separation

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.

#### 104 Repeal of Conflicting Ordinances

All 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.

#### 105 Effective Date

This Ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

#### 106 Regulations not Retroactive

Except as otherwise specified in this Ordinance, any use, lot, building, or structure that exists as of the enactment date of this Ordinance, or amendment thereof, may be continued even though such use, lot, building, or structure may not conform to the provisions of the Zoning District where it is located. The provisions for non-conformities, found in Article 8, shall apply.

## ARTICLE 2

### LANGUAGE AND DEFINITIONS

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

1. The particular shall control the general.
2. In case of differences of meaning or implication between text of this Ordinance and any caption or illustration, the text shall control.
3. The word “person” includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
4. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
5. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular, unless the context clearly indicates the contrary.
6. A “building” or “structure” includes any part thereof.
7. The words “used” or “occupied” include the words “intended”, “designed”, “arranged”, or “maintained” to be used or occupied.
8. The word “lot” includes the words “plot” or “parcel”.
9. Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction “and”, “or”, “either...or”, the conjunction shall be interpreted as follows:
  - a. “and” indicates that all the connected items, conditions, provisions, or events shall apply.
  - b. “or” indicates that the connected items, conditions, provisions, or events may apply singly or in combination.
  - c. “either...or” indicates that the connected items, conditions, provisions, or events shall apply singly, but not in combination.

Terms not defined in this Ordinance shall have the meaning customarily assigned to them.

**Accessory Use (or Structure):** Accessory Use means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, “Accessory Use” includes anything of a subordinate nature attached to or de-attached from a principal structure or use, such as fences, walls, sheds, garages, parking places,

decks, poles, poster panels, and billboards. Except as otherwise required in this Ordinance, an accessory use shall be a permitted use.

**Adult Entertainment Facilities:** Means having a significant portion of its function as adult entertainment, which includes the following listed categories:

**Adult Book and Video Store:** An establishment having as a significant portion of its stock in trade, books, videos, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specialized anatomical areas", as herein defined.

**Adult Entertainment Business:** Any establishment involved in the sale of services or products characterized by the exposure or presentation of "Specified Anatomical Areas" or physical contact of live males or females, and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of the adult entertainment businesses are photography, dancing, reading, massage, and similar functions which utilize activities as specified above.

**Adult Motion Picture Theater:** A facility used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "Specified Sexual Activities" or "Specified Anatomical Areas", for observation by patrons therein.

**Adult Paraphernalia Store:** An establishment having as a significant portion of its stock in trade, mechanical and/or non-mechanical devices which are distinguished or characterized by their intended use for sexual arousal and/or massage of "specific anatomical areas", as herein defined.

**Massage Establishments:** Any establishment having a fixed place of business where massages are administered for pay. This definition shall not be construed to include a hospital, nursing home, medical clinic, or the office of a physician, surgeon, chiropractor, osteopath, massage therapist duly licensed by the state of Ohio, nor barber shops or beauty salons in which massages are administered only to the scalp, the face, the neck, or the shoulder.

Related definitions:

**"Massage"** means a method of treating or stimulating the external parts of the human body by rubbing, stroking, kneading, tapping, touching, or vibrating with the hand or any instrument for pay.

**"Specified Sexual Activities"** means:

Human genitals in a state of sexual stimulation or arousal;

Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio;

Fondling or other erotic touching of human genitals, pubic region, buttock or female breasts.

**"Specified Anatomical Areas"** means:

Less than completely and opaquely covered human genitals, pubic region, buttock, and female breasts below a point immediately above the top of the areola;

Human male genitals in a discernible turgid state, even if completely and opaquely covered.

**Agriculture:** The use of land for farming, dairying, pasture agriculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce provided, however, that:

1. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
2. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feed yard.

**Airport:** Any runway, land area or other facility designed or used either publicly or privately by any person for the landing and taking-off of aircraft, including all necessary taxiways, aircraft storage and tie-down areas, hangars and other necessary buildings, and open spaces.

**Alley:** (see **Thoroughfare**).

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

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

**Automotive, Mobile Home, Travel Trailer, and Farm Implement Sales:** The sale or rental of new and used motor vehicles, mobile homes, travel trailers, or farm implements, but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

**Automotive Wrecking:** The dismantling or wrecking of used motor vehicles, mobile homes, travel trailers, farm implements or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts but not including repair work except incidental warranty repair of same, to be displayed and sold on the premises.

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

**Board:** The Board of Zoning Appeals of Harveysburg shall have the following jurisdiction: to hear and decide appeals, to authorize variances, to grant conditional use certificates, and to regulate non-conforming uses.

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

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

**Building, Height:** The vertical distance measured from the average elevation of the proposed finished grade at

the front of the building to the highest point of the parapet for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip and gambrel roofs.

**Building/Zoning Administrator:** The Building/Zoning Administrator is the person designated by the Village Council to administer and enforce building and zoning regulations and related Ordinances. This person may also be known as the Zoning Inspector.

**Building/Zoning Permit:** A document issued by the Building/Zoning Administrator authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

**Building Line:** (see **Setback Line**).

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

**Business, Convenience:** Commercial establishments which cater to and can be located in close proximity to residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to: drugstores, beauty salons, barber shops, carry-outs, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in the classification tend to serve a day-to-day need in the neighborhood.

**Business, General:** Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which, in addition to serving day-to-day needs of the community, also tend to supply the more durable and permanent needs of the whole community. General business uses include, but need not be limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department; and discount stores.

**Business, Highway:** Commercial uses which generally require locations on or near major thoroughfares and or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to, such activities as filling stations, truck and auto sales and service; restaurants and motels; and commercial recreation.

**Business, Office Type:** 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, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.

**Business, Services:** Any profit-making activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

**Business, Wholesale:** Business establishments that generally 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.

**Cemetery:** Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

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

**Child Daycare:** Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption of any part of the twenty-four hour day in a place or residence other than the child's own home. The following are child daycare facilities:

**Daycare Center:** Any place in which child daycare or publicly funded daycare is provided, with or without compensation, for 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child daycare is provided, with or without compensation, for 7 to 12 children at any one time. In counting children for the purposes of this definition, any children under 6 years of age that are related to a licensee, administrator, or employee and who are on the premises shall be counted.

**Daycare Center, Type A:** A permanent residence of the administrator in which child daycare or publicly funded child care is provided for 7 to 12 children at any one time or a permanent residence of the administrator in which day care is provided for 4 to 12 children at one time if 4 or more children are under 2 years of age. In counting children for the purposes of this definition, any children under 6 years of age that are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A family daycare home" does not include a residence in which the needs of the children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

**Daycare Center, Type B:** A permanent residence of the provider in which child daycare or child daycare services are provided for 1 to 6 children at one time and in which no more than 3 children may be under two years of age at any one time. In counting children for the purposes of this definition, any children under 6 years of age that are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B family daycare home" does not include a residence in which the needs of the children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

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

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

**Commercial Entertainment Facilities:** Any profit making activity which is generally related to the entertainment field, such as motion picture theaters, carnivals, nightclubs, cocktail lounges, and similar entertainment activities.

**Commission:** The Harveysburg Planning Commission of Warren County, Ohio shall be responsible for district changes and ordinance amendments and shall be composed of five (5) members to include the Mayor, one member of Council, and three citizens of the village.

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

**Conditional Use:** A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

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

**Condominium:** A building or group of buildings in which units are individually owned but the structure, common areas and facilities are owned on a proportional, divided basis by all of the owners.

**Corner Lot:** (See **Lot types**).

**Cul-de-Sac:** (See **Thoroughfare**).

**Dead-end Street:** (See **Thoroughfare**).

**Density:** A unit of measurement expressing the number of dwelling units per acre of land.

**Gross density:** the number of dwelling units per acre of the total land to be developed.

**Net density:** the number of dwelling units per acre of land, when the acreage involved includes only the land devoted to residential use.

**Density Bonus:** An increase in the number of allowable dwelling units per acre granted for some specific reason, such as the provision of lower-income housing, as provided for in the zoning regulations.

**District:** A part, zone, or geographic area within the village within which certain zoning or development regulations apply.

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

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

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



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

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

**Dwelling, Industrialized Unit:** An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, for preparations for its placement, and including a mobile or sectional unit but not a mobile home.

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

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

**Elderly Household:** Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one person is elderly.

**Elderly Housing Facility:** A building or buildings containing twelve (12) or more dwelling units where occupancy is restricted to elderly persons or households. Such facilities may include emergency first aid care, day care, therapy, personal care, nursing facilities, recreational facilities, and provide for independent or semi-independent living. For the purposes of this definition, "elderly housing facility" shall not include convalescent homes, nursing homes, group residential facilities, or homes for the aged.

**Elderly Person:** Any person who is 62 years of age or older, or any person under 62 years of age who is handicapped such that his physical impairments are of a long-term duration and impede his ability to live independently without a suitable housing environment.

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

**Factory-Built Housing:** Factory-built housing means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Ordinance, "factory-built housing" shall include the following:

**Manufactured Home:** Any non-self propelled vehicle transportable in one or more sections which, in the traveling mode is 12 body feet or more in width or 50 body feet or more in length or, when erected on

site is 24 or more feet in body width after assembly and is 1,000 or more square feet of living space which is built on a permanent chassis and designed to be used as a dwelling unit with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards.

**Modular Home:** Factory-built housing certified as meeting the Local or State Building Code as applicable to modular housing. Once certified by the State, modular homes shall be subject to the same standards as site-built homes.

**Family:** A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided however that “family” shall not include more than four persons unrelated to each other by blood, marriage or legal adoption, except for Class I Type B group residential facilities.

**Farm Vacation Enterprises (Profit or Non-Profit):** Farms adapted for use as vacation farms, picnicking and sport areas, fishing waters, camping, scenery, and nature recreation areas; hunting area, hunting preserves and watershed projects.

**Feedlot:** A relatively small, confined land area for fattening or temporarily holding cattle for shipment.

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

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

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

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

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

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

**Floor Area, Useable:** Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

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

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

1. Not more than one space is rented for parking to persons not resident on the premises;
2. Not more than one commercial vehicle per dwelling unit is parked or stored;
3. The commercial vehicle permitted does not exceed two tons capacity.

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

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

1. Sales and service of ignition system components;
2. Tire resurfacing and repair, but not recapping or regrooving;
3. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease containers, wheel bearings, mirrors and the like;
4. Radiator cleaning and flushing;
5. Radiator welding and repair;
6. Greasing and lubrication;
7. Providing and repairing fuel pumps, oil pumps, and lines;
8. Minor servicing and repair of carburetors and fuel injection systems;
9. Adjusting and repairing brakes;
10. Minor motor adjustment not involving removal of the head or crankcase or raising the motor;
11. Sales of cold drinks, packaged food, tobacco, or similar convenience goods for service station customers, as accessory and incidental to principal operation;
12. Provision of road maps and other informational material to customers, and provision of restroom facilities;
13. Warranty maintenance and safety inspections

Uses permissible at a filling station do not include major mechanical and body work, straightening or body parts, painting, welding, storage of automobiles not in operational condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A

filling station is neither a repair garage nor a body shop.

**Group Residential Facility:** A group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative services. There are two classes of group residential facilities:

**Class I:** Any state, federal or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or pre-delinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or fewer residents, exclusive of staff.

**Class II:** Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation for adult offenders in lieu of institutional sentencing; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or fewer residents, exclusive of staff.

**Home Occupation:** Home Occupation means an accessory use which is an activity, profession, occupation, service, craft, or revenue enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises by conditional use permit, without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, baby sitting, tax consulting and the like shall involve not more than three receivers of such services at any one time. with the exception of home schooling and certified or uncertified Type B Family Day-Care Homes, which constitute a residential use and not an accessory use.

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

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

**Junk Buildings, Junk Shops, and Junkyards:** Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

**Kennel:** Any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are housed, groomed, bred, boarded, trained, and sold.

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

outside of any street or alley right-of-way.

**Location Map:** (See **Vicinity Map**)

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

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

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

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

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

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

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

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

**Lot Types:** Terminology used in the Ordinance with reference to corner lots, interior lots and through lots is as follows:

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

abutting two streets may be referred to as double frontage lots.

4. **Reversed Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

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

**Major Thoroughfare Plan:** The optional portion of a comprehensive plan adopted by the Village Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

**Manufactured Home:** the same as in Ohio Revised Code, Sec. 3781.06 (C)(4) or as may be amended in the future, is a building unit or assembly of closed construction that is fabricated in an off-site facility and conforms with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 U.S.C.A. 5415, certifying compliance with all applicable federal construction and safety standards.

**Manufactured Home Park:** Any lot upon which two or more manufactured homes are located for residential use, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended to be used as a part of the facilities of such park.

**Manufacturing, Extractive:** Any mining, quarrying, excavating, processing, storing, separating, cleaning or marketing of any mineral natural resource.

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

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

**Mobile Home:** the same as in Ohio Revised Code, Sec. 4501.01 (O) or as may be amended in the future, is any non-self-propelled vehicle transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length or, when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

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

**Nonconformities:** Lots, uses of land, structures and uses of structures and land in combination lawfully existing at the time of enactment of the Ordinance or its amendments which do not conform to the regulations of the district in which they are situated, and are therefore incompatible.

**Nuisance:** An interference with the enjoyment and use of property.

**Nursery, Nursing Home:** A home or facility for the care and treatment of babies, children, or residential care facility for the aged and infirmed.

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

**Overlay District:** An optional district, which may be described by the zoning map. Through superimposition of a special designation, further regulations and requirements apply in addition to those of the underlying districts to which such designation is added.

**Parking Lot:** A hard or semi-hard surfaced, dust-free area, other than street or public way, to be used for the parking of vehicles, and available to the public whether for compensation, free, or as an accommodation to clients or customers.

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

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

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

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

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

**Public Service Facility:** The erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail

transport, communication, public water and sewage services.

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

**Public Way:** An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, viaduct, walk, bicycle path or other ways in which the general public or a public entity have a right, or which are dedicated, whether improved or not.

**Quasi-Public Use:** Institutional, academic, governmental, religious, and community service uses serving the community-at-large, either owned publicly or operated by a nonprofit organization, including private hospitals and cemeteries.

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

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

**Recreation Vehicle:** The same as in Ohio Revised Code, Sec. 4501.01 (Q) or as may be amended in the future, is a vehicular portable structure that is designed and constructed to be used as a temporary dwelling for travel, recreational, and vacation uses and is classed as follows and does not qualify as a manufactured mobile home:

1. “Travel Trailer” is a non-self-propelled recreational vehicle that does not exceed an overall length of thirty-five (35) feet, exclusive of bumper and tongue or coupling, and contains less than three hundred twenty (320) square feet of space when erected on site. "Travel Trailer" includes a “tent-type fold-out camping trailer” as defined in Sec. 4517.01 of the Ohio Revised Code, or as may be amended in the future, which means any vehicle intended to be used, when stationary, as a temporary shelter with living and sleeping facilities, and, according to the following listed properties and limitations, has a minimum of twenty-five (25) percent of the fold-out portion of the top and sidewalls combined that must be constructed of canvas, vinyl, or other fabric, and form an integral part of the shelter, and when folded, the unit must not exceed fifteen (15) feet in length (exclusive of bumper and tongue), sixty (60) inches in height (from the point of contact with the ground), eight (8) feet in width, and one (1) ton gross weight at the time of sale.
2. “Motor Home” is a self-propelled recreational vehicle that is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping.
3. “Truck Camper” is a non-self-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. “Truck camper” does not include



truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling.

4. "Fifth-Wheel Trailer" is a vehicle that is of such size and weight as to be movable without a special highway permit, that has a gross trailer area of four hundred (400) square feet or less, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle equipped with a fifth-wheel hitch ordinarily installed in the bed of a truck.
5. "Park Trailer" is a vehicle that is commonly known as a park model recreational vehicle, meets the American National Standard Institute standard A119.5 (1988) for park trailers, is built on a single chassis, has a gross trailer area of four hundred (400) square feet or less when set up, is designed for seasonal or temporary living quarters, and may be connected to utilities necessary for the operation of installed features and appliances.

**Research Activities:** Research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, radiation, vibration, or odor shall be detected outside of said building.

**Roadside Stand:** A temporary structure designed or used for the display or sale of agricultural and related products.

**Right-of-Way:** A strip of land acquired by reservation, dedication, prescription, or condemnation, and intended to be occupied by a street, trail, water line, sanitary sewer, or other public utilities or facilities.

**Satellite Signal Receiver:** a Ground-mounted Earth Station or a Roof-Mounted, Direct-Broadcast Satellite Dish shall mean at least one of the following:

1. A signal-receiving device whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
2. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals.
3. A coaxial cable whose purpose is to convey or transmit signals to a receiver.

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

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

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

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

**Sign:** Any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, emblems, fixtures, images or illuminations.

1. **Sign, On-Premises:** Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
2. **Sign, Off-Premises:** Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered, upon the premises where such sign is offered.
3. **Sign, Illuminated:** Any sign illuminated by electricity, gas, or other artificial light inducing reflecting or phosphorescent light.
4. **Sign, Lighting Device:** Any light; string of lights, or group of lights located or arranged so as to cast illumination on a sign.
5. **Sign, Projecting:** Any sign which projects from the exterior of a building.

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

**Story:** That part of a building between the surface of a floor and the ceiling immediately above (see **Basement**).

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

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

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

**Swimming Pool:** A pool, pond, lake or open tank with a capacity to hold at least 1.5 feet of water at any point and maintained by the owner or manager.

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

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

1. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties

abutting on another street.

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

**Through Lot:** (See **Lot Types**).

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

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

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

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

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

**Walkway:** A public way, four (4) feet or more in width, for pedestrian use only, whether along the side of a road

or not.

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

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

**Zoning Administrator:** The person designated by the Village Council to administer and enforce zoning regulations and related Ordinances. This person may also be known as the Zoning Inspector.

**Zoning Map:** The Zoning Map or Maps of Harveysburg or portion thereof together with all amendments thereto subsequently adopted.

**Zoning Permit:** A document issued by the Zoning Administrator authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

**ARTICLE 3**

**ESTABLISHMENT OF DISTRICTS**

**300 Purpose**

The purpose of this article is to establish zoning districts in order to realize the general purposes set forth in the preamble of this Ordinance, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

**301 Establishment of Districts**

The following zoning districts are hereby established for the Village of Harveysburg, Ohio:

<b>Designation</b>	<b>Description</b>	<b>Inclusive Uses</b>
<u>Residential</u>		
<b>R-1</b>	Single-Family Residential District	
<b>R-2</b>	Multi-Family Residential District	R-1
<b>B-1</b>	Neighborhood Business District	R-2, R-1
<u>Commercial/Industrial</u>		
<b>B-2</b>	Commercial Business District	B-1
<b>L-1</b>	Light Industrial District	B-2, B-1
<u>Recreational</u>		
<b>RE</b>	Recreational District	B-1

The establishment of such districts into classes enables uses that are allowed in more restrictive zoning districts to also be allowed in less restrictive zoning districts within the same classification of Districts.

Nothing in this Article shall be construed to require the actual location of any district on the Official Zoning Map, as it is the intent of this Ordinance to allow flexibility in its administration to provide for future expansion and amendment.

**302 Zoning District Map**

The districts established in Section 301, as shown on the Official Zoning Map which, together with all data,

references, explanatory material and notations thereon, are hereby officially adopted as part of this Ordinance and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

### **303 Zoning Map Legend**

There shall be provided on the Official Zoning Map a legend, which shall list the name of each zoning district and indicate the symbol for that district. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend. In addition to such legend, the Official Zoning Map shall provide sufficient space for compliance with Section 307.

### **304 Identification of Official Zoning Map**

The Official Zoning Map shall be properly identified by the signature of the Mayor, as attested to by the Village Clerk, and bearing the official seal. The Map shall be maintained by the Building/Zoning Administrator, and shall remain on file in the office of the Clerk. The Official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the Map and the description found in the text of this Ordinance or any other Ordinance. The Official Zoning Map shall be a reproducible document, and copies shall be made available to the public upon request and upon payment of a fee as established by Ordinance. Not later than January 30th of each year, the map shall be re-certified by the Mayor and the Clerk.

### **305 Interpretation of District Boundaries**

The following rules shall be used to determine the precise location of any zoning boundary unless such boundary is specifically indicated on the Official Zoning Map:

1. Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries;
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or rights-of-way of highways, such district boundaries shall be construed as being parallel thereto and at such distance there from as indicated on the Official Zoning Map;
4. 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;
5. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits; and
6. Whenever any street, alley, or other public way is vacated by official Council action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations

appropriate to the respective extended districts.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

### **306 Zoning Upon Annexation**

All annexations are subject to the process identified in section 709 of the Ohio Revised Code and the following regulations shall apply to any areas annexed to the Village:

1. If any lots, tracts, or lands are not subject to zoning at the time of their annexation, they shall be classified into whichever districts established by the Ordinance most closely resemble the existing use at the time of the annexation. Such classification shall be recommended to Council by the Planning Commission and shall be approved by Council resolution.
2. Any lots, tracts, or areas, which are subject to zoning at the time of their annexation, shall be classified as being in whichever district established by this Ordinance most closely resembles the zoning district that existed in the annexation. Such classification shall be recommended to Council by the Planning Commission and shall be approved by Council resolution.
3. With respect to any annexation, the Planning Commission shall within ninety (90) days conduct a public hearing on the matter of permanent zoning classification.

### **307 Zoning Map Amendments**

Within ninety (90) days of the effective date of any change of a zoning district classification or boundary, the Building/Zoning Administrator shall amend the Official Zoning Map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the Ordinance authorizing such change. The Official Zoning Map shall then be signed by the Mayor and attested to by the Clerk.

## ARTICLE 4

### GENERAL PROVISIONS

#### 400 Purpose

It is the purpose of these general provisions to promote the public health, safety, and welfare and to establish regulations affecting uses and practices which, were they to be established and maintained without any guidance or restriction or control, tend to result in dangerous situations threatening the safety of citizens, tend to contribute to circumstances undermining the morals of the youth of the community, or tend to generate conflicts in uses or practices upsetting the harmony of the community and impinging upon the property rights of others.

#### 401 Principal Building per Lot

No more than one principal building or structure may be constructed upon any one lot for the purposes of this Ordinance. Rear dwellings shall be prohibited and shall be considered non-conforming uses subject to the requirements of Article 8 of this Ordinance.

#### 402 Conversions of Dwellings to More Than One Unit

A residence may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

1. The conversion is in compliance with all other local codes and ordinances, and any applicable State or Federal regulations;
2. The district within which the residence is located is so regulated as to allow such an increase in dwelling units;
3. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
4. The lot area per family equals the area lot requirements for new structures in that district;
5. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district;
6. The conversion is in compliance with all other relevant codes and ordinances.

#### 403 Reduction of Area or Space

No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Ordinance. Furthermore, any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further. However, nothing in this section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Ordinance.



#### **404 Supplemental Yard and Height Regulations**

In addition to the regulations specified in Article 5 and in other sections of the Ordinance, Sections 405 through 410 inclusive shall be used for clarification and interpretation.

#### **405 Setback Requirements for Buildings on Corner Lots**

The principal building and its accessory structures located on any corner lot shall be required to have a minimum setback distance from all street right-of-way lines as required in the appropriate district regulations.

#### **406 Fence and Wall Restrictions in Front Yards**

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and a half (2 1/2) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of two and a half (2 1/2) feet and ten (10) feet.

#### **407 Yard Requirements for Multi-Family Dwellings**

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

#### **408 Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts**

Nonresidential buildings or uses shall not be located nor conducted closer than fifty (50) feet to any lot line of a residential district.

#### **409 Exceptions to Height Regulations**

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or the appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

#### **410 Architectural Projections**

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

#### **411 Visibility at Intersections**

On a corner lot at the intersection of two streets in any district, nothing shall be installed, erected, placed, planted or allow to grow in such manner as to impede vision materially between a height of two and one half (2 1/2) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the

right-of-way lines of such corner lot and a line joining points along said street lines fifty (50) feet from the point of intersection. On a corner lot at the intersection of two alleys, or at the intersection of an alley and a street, within any district, nothing shall be installed, erected, placed, planted, or allowed to be grown in such manner as to impede vision materially between a height of two and one half (2 1/2) feet and ten (10) feet above the center line grades of the intersecting alleys, or of the intersecting alley and street, in the area bounded by the right-of-way lines of such corner lot and a line joining points along said alley lines, or alley and street lines, twenty-five (25) feet from the point of intersection.

#### **412 Construction in Easements**

Easements for installation, operation and maintenance of utilities and drainage facilities are reserved as shown on each plat when recorded or otherwise established. Within these easements, no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction or flow of drainage channels within the easement. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or a utility is responsible.

#### **413 Parking and Storage of Vehicles or Trailers**

No commercial vehicles, to include commercial tractors, automobiles, trucks, buses, house trailers, and semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials and equipment is to be performed during the actual time of parking. No automotive vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building or under suitable cover. A maximum of one boat and one unoccupied recreational vehicle may be stored in the rear yard, side yard, or drive way of any residentially zoned property if it has a current license.

#### **414 Required Refuse Collection Areas**

The refuse collection areas provided by all commercial, industrial, and multifamily (excluding duplexes) residential uses for the collection of trash, garbage, and other refuse shall be enclosed on three sides by a solid wall or fence of at least six (6) feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Administrator. In addition, the following requirements shall be met:

1. The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency.
2. Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in closed containers constructed or impervious materials.
3. Storage areas in residential districts shall utilize such additional screening as required in the Ordinance.

#### **415 Junk**

The accumulation or storage of junk, junk vehicles, tires, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in the Ohio Revised Code shall be prohibited, outside of an approved junk yard, in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.

#### **416 Screening**

Screening or buffering in compliance with the provisions of this Section shall be provided for any permitted or conditionally permitted non-residential uses which abut any residential district, in addition to setback and yard requirements which are provided elsewhere in the Ordinance. Applicants for a zoning permit may request a variance from yard or setback requirements in conjunction with a plan for screening, which the Board of Zoning Appeals may consider by weighing the relationship of the proposed screening plan and the impact upon neighboring properties. Such requested variance for a conditionally permitted use shall be incorporated in the conditional use procedure specified in Article 9 of this Ordinance. The following provisions shall apply with respect to screening.

1. Screening shall be provided for one or more of the following purposes:
  - a. A visual barrier to partially or completely obstruct the view of structures or activities.
  - b. An acoustic screen to aid in absorbing or deflecting noise.
  - c. A physical barrier to contain debris and litter.
2. Screening may consist of one of the following, or a combination of two or more, as determined by the Zoning Administrator & Board of Zoning Appeals, in the event of an appeal, variance, or conditional use:
  - a. A solid masonry wall;
  - b. A solid constructed decorative fence;
  - c. A louvered fence;
  - d. A dense evergreen vegetative planting;
  - e. A landscaped mounding.
3. Height of screening shall be in accordance with the following:
  - a. Visual screening walls, fences, plantings or mounds shall be a minimum of 6 (six) feet high in order to accomplish the desired screening effect, except in required front yards where the maximum height shall be not greater than 2 1/2 feet, or a solidly constructed decorative fence shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.

- b. A dense evergreen vegetative planting with a minimum height of 4 feet at planting and a mature height of at least 6 (six) feet or greater, or a solidly constructed decorative fence, shall be permanently maintained along the mutual boundary for an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.
4. Screening for purposes of absorbing or deflecting noise shall have a depth of at least 15 feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by the Zoning Administrator in relation to the nature of the use.
5. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing in areas where perpendicular parking is customary to avoid damage by vehicles.
6. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

#### **417 Objectionable, Noxious, or Dangerous Uses, Practices or Conditions**

No land or building in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, or objectionable, or which may otherwise adversely affect surrounding areas or adjoining premises, except that any use permitted by the Ordinance may be undertaken or maintained if acceptable measures and safeguards to reduce any dangerous or objectionable conditions to acceptable limits as established in this Section, are properly exercised. Specifically, the occupation or use of any land or building in any district shall be in violation of this Ordinance if one or more of the following conditions are found to exist at any time:

1. The use or storage of flammable or explosive materials is not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;
2. Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
3. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;
4. Hazardous wastes are present in violation of the Regulations of the Environmental Protection Agency;
5. Objectionable noise as determined by the Zoning Administrator due to volume, frequency or beat is present;
6. Vibration discernible by the Zoning Administrator without instruments is present on an adjoining lot or property;
7. Direct or reflected glare is present which is visible from any street or from any property not

within a manufacturing district;

8. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property;
9. Water pollution or contamination is present in violation of the regulations of the Ohio Environmental Protection Agency.

#### **418 Assurance Requirements and Plans**

Prior to the issuance of a zoning permit, the Zoning Administrator may require the submission of written assurances and plans indicating the manner in which dangerous and objectionable aspects or elements of processes or operations entailed in certain uses or occupations are to be eliminated or reduced to acceptable limits and tolerances.

#### **419 Enforcement Provisions**

Any occupancy, use, condition or circumstance existing in violation of Section 417 and 418 of this Ordinance shall constitute a violation of this ordinance and be subject to the enforcement procedures contained in Section 1115 to 1118 of this Ordinance.

#### **420 Temporary Uses**

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring temporary zoning permits, at least seven (7) days before the investigation of such use an application for a zoning permit shall be made to the Zoning Administrator, which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking and sanitary facility requirements for the proposed temporary use.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

1. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one year, except that two (2) six month extensions may be granted if conditions warrant. Such offices shall be removed upon completion of the sales of the lots therein, or upon the expiration of the zoning permit, whichever occurs first.
2. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of one year, except that six-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the zoning permit, whichever occurs first.
3. Temporary sales and services may be permitted within parking areas within any commercial district. A zoning permit valid for a period not to exceed four (4) consecutive days shall be issued three (3) times within any twelve-month period to any individual or organization. The application for the temporary

permit shall be accompanied by written permission of the property owners, and shall be prominently displayed at the site. The Zoning Administrator shall not issue a permit for such temporary used if he determines that it encroaches upon more than twenty-five (25) percent of the required parking area.

4. Temporary retail sales and services, such as sales of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organization in any commercial district. A zoning permit valid for a period not to exceed two (2) consecutive days shall be issued three (3) separate times for any particular lot within any twelve-month period, and not more than one permit may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license, and a written statement from the property owner giving his permission for such use. The section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any case, the zoning permit shall be prominently displayed at the site.
  
5. Garage sales, which for the purposes of this section shall include yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings are permitted. Any family, group of families, neighborhood organizations, and community organizations may conduct two (2) such sales within any twelve-month period for a period not to exceed three (3) consecutive days without obtaining a zoning permit, so long as the provisions of this Ordinance pertaining to signs and parking are observed.

## **421 REGULATION OF HOME OCCUPATIONS**

### **(A) Purpose**

It is the purpose of Section 421 of this Ordinance to promote the public health, safety, and welfare through the regulation of home occupations. It is further the intent of these Sections to allow limited non-residential uses in residential structures which are compatible with the residential character of their surroundings.

### **(B) Definition**

"Home Occupation" means an accessory use which is an activity, profession, occupation, service, craft, or revenue enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, tax consulting and the like shall involve not more than three receivers of such services at any one time, with the exception of home schooling and certified or uncertified Type B Family Day-Care Homes, which constitute a residential use and not an accessory use.

### **(C) Home Occupation as a Permitted Use**

A home occupation shall be a permitted use if it complies with the following requirements:

1. The external appearance of the structure in which the use occurs shall not be altered, and not more than one sign no larger than two (2) square feet shall be mounted flush to a wall of the structure.

2. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted.
3. There shall be no outside storage of any kind related to the use and no display of products may be visible from the street.
4. Not more than twenty-five (25) percent of the gross floor area of the dwelling shall be devoted to the use.
5. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
6. No additional parking demand shall be created.

**(D) Home Occupation as a Conditionally Permitted Use**

A person may apply for a conditional use permit for a home occupation which does not comply with the requirements of Section 421 (B). The criteria for the issuance of such a permit for a home occupation are as follows:

1. There shall be no more than two (2) non-residential employees or volunteers engaged in the proposed use.
2. Sale of commodities not produced on the premises may be permitted, provided that the commodities are specified in the application and are reasonably related to the home occupation.
3. The home occupation may be permitted to be conducted in a structure accessory to the residence, provided the application so specifies.
4. Outside storage related to the home occupation may be permitted, if totally screened from adjacent residential lots, provided the application so specifies.
5. Not more than thirty (30) percent of the gross floor area of any residence shall be devoted to the proposed home occupation.
6. The external appearance of the structure in which the use is to be conducted shall not be altered, and not more than one sign no larger than two (2) square feet shall be mounted flush to the wall of the structure.
7. Minor or moderate alterations in accordance with this code may be permitted to accommodate the proposed use, but there shall be no substantial construction or reconstruction.
8. No equipment, process, materials, or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances.
9. No more than two (2) additional parking spaces may be permitted in conjunction with the home occupation, which parking spaces shall not be located in a required front yard.

**(E) Invalidation of Home Occupation Conditional Use Permit**

For the purposes of this Ordinance, a conditional use permit issued for a home occupation shall cease to be valid at such time as the premises for which it was issued is no longer occupied by the holder of said permit. Such conditional use permit shall also be immediately invalidated upon the conduct of the home occupation in any manner not approved by the Board of Zoning Appeals.

**422 REGULATION OF AMUSEMENT ARCADES**

**(A) Purpose**

The purpose of Section 421 of this ordinance is to promote the public health, safety and welfare by regulating amusement arcades where mechanically or electronically operated amusement devices are kept, operated, or maintained. It is further the intent of these sections to coordinate the provisions of the Ordinance with the requirements of Warren County regarding the licensing and regulation of mechanical amusement devices in such a manner that, in the event of any conflict between the respective regulations, the more restrictive requirement or the more severe penalty shall prevail.

**(B) Definitions**

The following definitions shall apply in the interpretation of this Ordinance:

"Amusement Arcade" means a place of business within a building or any part of a building having more than five (5) mechanical or electronically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly known as an electronic game which is operated by placing any coin, plate, disc, slug, key, or token or value by payment of a fee.

"Mechanical or Electronically Operated Amusement Device" means any machine, device or instrument which, by the payment of a fee or other things of value, or by the insertion of a coin, plate, disc, slug, key or token, operates or may be operated as a game, contest or amusement, and which contains no automatic payoff device for the return of money, coins, tokens or merchandise or check redeemable in money or anything of value. Mechanical or electronically operated amusement device includes, but is not limited to, devices such as mechanical baseball, mechanical football, pinball machines, any table games or device commonly known as an electronic game, and other similar types of devices; provided, however, that this definition is not intended to, nor shall it be construed to, include merchandise vending machines or coin operated mechanical or electrical musical instruments or devices.

"Exhibitor" means any person owning and exhibiting or contracting or permitting any mechanical or electrically operated amusement device to be installed, used and exhibited in his own place of business, irrespective of the ownership of such device.

**(C) Conditional Use Permit Required**

No amusement arcade shall be established, operated or maintained in any place of business or on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 9 of this Ordinance. In addition to said provisions, amusement arcades shall comply with the following



conditional use criteria:

1. Amusement arcades shall comply with the district regulations applicable to all properties in any zoning district in which they are located.
2. Amusement arcades shall have an adult who is 18 years of age or older on the premises to supervise the amusement arcade at all times during its hours of operation.
3. Amusement arcades shall have necessary security personnel as may be required by the Village of Harveysburg Police Department to police the interior and exterior of the premises.
4. The interior of the amusement arcade shall provide a minimum area per coin-operated amusement device equal to the size of the device plus two (2) feet of the area on each side plus an area of four (4) feet in front of the device.
5. Prior to the issuance of a conditional use permit the applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes.
6. If the place of business or premises for which an amusement arcade is proposed is a free standing building, the application for the conditional use permit shall include an approvable exterior lighting plan.
7. In establishments which serve alcoholic beverages, any area containing amusement devices shall be visually separated from that portion or portions of the establishment wherein alcoholic beverages are served or sold for carrying out of the premises.
8. No amusement arcade may be established, operated or maintained in any place of business or on any premises which is within 500 feet of any adult entertainment business.
9. The application for the conditional use permit shall be accompanied by a copy of the applicant's license to operate and exhibit amusement devices, and a notarized statement that the applicant shall not permit any person 14 years of age or younger to operate any devices on the premises before 4:00 p.m. on days when school is in session.

**(D) Zoning of Amusement Arcades**

Amusement arcades shall be conditionally permitted uses only in the following districts: B-1, B-2.

**(E) Maintenance of a Nuisance Prohibited**

It shall be the obligation of the exhibitor of an amusement arcade to maintain peace and quiet and order in and about the premises. Failure to do so shall constitute a nuisance, which shall be a minor misdemeanor.

**(F) Restricted Access to Certain Minors**

No amusement arcade exhibitor shall permit, on days on which school is in session, any person 14 years of age or younger to operate any mechanical or electrically operated amusement device or to be or remain in an

amusement arcade before 4:00 p.m. This provision does not apply to juke boxes, mechanical musical instruments, or other mechanical amusement devices designed to be ridden, such as mechanical horses, automobiles and carousels. Violation of these provisions shall be a minor misdemeanor.

**(G) Complaints Regarding Amusement Arcades**

Any resident of the village may submit a written notice of complaint regarding the operation of any amusement arcade to the Zoning Administrator. The notice of complaint shall include the name and address of the complainant, the address of the location of the amusement arcade, and the specific reasons why the individual is complaining.

If the Zoning Administrator determines, after interviewing both the complainant and the amusement arcade exhibitor, that the specific reasons in the complain appear to be proper grounds for suspension or revocation of the conditional use permit, then he/she shall refer the matter to the Board of Zoning Appeals.

**(H) Revocation of Conditional Use Permit**

The Zoning Administrator shall revoke the conditional use permit for any amusement arcade in the event the license to operate such amusement arcade is revoked. In addition, the Zoning Administrator shall revoke the conditional use permit for any amusement arcade if so determined pursuant to the action of the Board of Zoning Appeals, or to the final decision from appeal to the Village Council, according to the provisions of Section 436.

**(I) Procedure for Revocation**

The Zoning Administrator shall notify in writing the Board of Zoning Appeals whenever he has reason to believe that the operation of an amusement arcade has resulted in a violation of any provision of the Ordinance. Within ten (10) days from said notification the Board of Zoning Appeals shall hold a public hearing to determine whether the conditional use permit should be revoked. Notice of this hearing shall be served on the amusement arcade exhibitor, and, if the Zoning Administrator referral to the Board of Zoning Appeals originated from a complaint by any resident, similar notice shall be served on the complainant at least five (5) days before the hearing. The Board of Zoning Appeals may also give such other notice as it deems appropriate, including notice to property owners and notice in a newspaper of general circulation. The Board of Zoning Appeals shall make a decision within five (5) days after the hearing and shall notify the amusement arcade exhibitor and, if applicable, the complainant. The decision of the Board of Zoning Appeals may be appealed to Village Council within ten (10) days of its issuance of said decision. The village council shall hold a public hearing within twenty (20) days of its receipt of such appeal, after giving public notice of such hearing in a newspaper of general circulation at least five (5) days prior to the date of the hearing, and shall make a final determination on the revocation of the conditional use permit within a reasonable time.

**423 PROHIBITION OF MANUFACTURED HOME PARKS**

**(A) Purpose**

The provisions of Sections 423 prohibit the establishment of manufactured home parks in order to foster the development and maintenance of the Village of Harveysburg as an integral and stable community.

**(B) Definitions**

"Manufactured Home" means any non-self propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

**(C) Prohibition**

No manufactured mobile home parks shall be built, constructed or erected within the boundary limits of the Village of Harveysburg.

**424 REGULATION OF GROUP RESIDENTIAL FACILITIES**

**(A) Purpose**

It is the purpose of Section 424 of this Ordinance to regulate the location, operation, and maintenance of group residential facilities in order to promote the public health, safety, and welfare. It is the intent of these Sections to provide for the assimilation of these facilities in stable and suitable neighborhoods so that the living environments of their residents are conducive to their rehabilitation.

**(B) Definition**

"Group Residential Facility" shall mean any community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two classes of Group Residential Facilities:

Class I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, the physically handicapped or disabled, or those with developmental disabilities or mental illnesses. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or fewer residents, exclusive of staff.

Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions, and residential rehabilitation centers for alcohol and drug users, provided detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff.

**(C) Conditional Use Permit Required**

A Class I Type B group residential facility is permitted by right in any residential district. No other group residential facility shall be established, operated or maintained on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 9 of this Ordinance. In addition to said provisions, such group residential facilities shall comply with the following conditional use

criteria:

1. Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency.
2. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy.
3. Evidence is presented that the proposed facility will not generate an unreasonable increase in traffic volume or requires special off-street parking.
4. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located.
5. No such facility may be located within 600 feet of another such facility.
6. No signs shall be erected by such facility for purposes of identification except a permitted street address sign.
7. The exterior of all such facilities shall not be altered in character but shall be compatible with other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible.
8. Such facility shall be reasonably accessible, by virtue of its location or transportation provided by the applicant, to medical, recreational and retail service required by its residents, and to employment opportunities, if applicable, and shall be in a relatively safe and stable neighborhood.
9. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, to include a structured procedure whereby their grievances may be filed and resolved.
10. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

**(D) Zoning of Group Residential Facilities**

Group facilities shall be conditionally permitted uses as follows:

Class I Type A	R-1, R-2
Class II Type A	B-1, B-2
Class II Type B	B-1, B-2

**(E) Variance to Distancing Requirement**

The Board of Zoning Appeals may grant a variance with respect to the distancing requirement contained in Section 424 (C) paragraph (5) if the applicant clearly demonstrates that the proposed location has unique

advantages with respect to proximity to employment opportunities, social service, public transportation, or similar amenities.

**(F) Uniformity with Respect to Granting of Conditional Use Permits**

The granting of conditional use permits for the establishment of Group Residential Facilities shall be uniformly and equitably done, irrespective of considerations beyond the scope of the regulations.

**425 REGULATION OF FACTORY-BUILT HOUSING; DESIGN AND APPEARANCE STANDARDS**

**(A) Purpose**

It is the purpose of Section 425 of this Ordinance to promote the health, safety, and welfare of the community by establishing regulations governing the siting, construction, and maintenance of factory-built housing. It is further the intent of these Sections to permit a wider range of housing opportunities while assuring the compatibility of a variety of housing types within certain residential districts.

**(B) Definitions**

"Factory-built Housing" means a factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this ordinance, "factory-built housing" shall include the following:

1. **Manufactured Home.** Any non-self propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is designed to be used as a permanent dwelling unit with a permanent foundation when connected to the required utilities, and includes the plumbing, heating and air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.
2. **Modular Home.** Factory-built housing certified as meeting the Warren County or Ohio State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

**(C) Siting Requirements**

Any factory-built housing proposed to be located in any-district shall comply with the following requirements:

1. The structure shall be installed upon and properly, attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
2. Any hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure.
3. The structure shall be so oriented on the site that its long axis is parallel or perpendicular with the street, and it shall have an entranceway facing the street, except where diagonal placement and the

addition of a garage, carport, or other accessory structure may be permitted by subdivision regulation and yard requirement.

4. The site shall be suitably landscaped, with adequate screening devices as elsewhere required.
5. The siting of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed.
6. The siting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.
7. The site shall be serviced by utilities in such manner as required by this Ordinance.

**(D) Zoning of Factory Built Housing**

Manufactured homes and modular homes which meet the design and appearance standards contained in Section 453 shall be permitted accordingly.

**(E) Single-Family Design and Appearance Standards**

Single-family residential homes, whether of modular, manufactured, or site-built construction, shall comply with the siting requirements contained in Section 425 (C).

1. The structure shall be in conformance with the siting requirements contained in Section 425 (C).
2. The structure and any accessory structures or uses will conform to all other regulations in effect for the district in which it is located.

**(F) Uniformity With Respect to Granting of Variances**

The granting of variances from the requirements of the Ordinance with respect to the siting of single-family home structures, their design or appearance, shall be uniformly and equitably done, irrespective of the fact that the structure proposed for such siting is a site-built structure, modular or manufactured home, and shall be guided by the provisions of Article 12 of the Ordinance.

**426 CELLULAR/PERSONAL WIRELESS SERVICE SITES**

**(A) Purpose**

In recognition of the quasi-public nature of cellular and/or wireless personal communications systems, it is the purpose of section 426 of these regulations to:

1. Accommodate the need for cellular or communications towers and facilities for the provision of personal wireless services while regulating their location and number in the Village;
2. Minimize adverse visual effects of cellular or personal wireless communications towers and support structures through proper siting, design, and screening;

3. Avoid potential damage to adjacent properties from cellular or personal wireless communications towers and support structure failure; and
4. Encourage the joint use of any new and existing or cellular or wireless personal communications towers and support structures to reduce the number of such structures needed in the future.

**(B) Regulations**

1. Cellular/Personal Wireless Service Sites shall be screened by a solid wood fence at least six (6) feet high. This fence shall be surrounded by an evergreen hedge, which shall be continuous, except for an entryway. A plan for screening and fencing any equipment, other than a Cellular/Personal Wireless Service Tower or Cellular/Personal Wireless Service Antenna, which projects above the fence is required and must be approved, prior to installation, by the Zoning Inspector.
2. Cellular/Personal Wireless Service Sites shall be dismantled and all Personal Wireless Service Sites maintained therein shall be removed within six (6) months after cessation of operations therein.
3. The Zoning Inspector shall not issue a Zoning Permit for a Cellular/ Personal Wireless Service Site until after the applicant has provided written certification that all required state and federal permits have been obtained and has supplied copies of all such state and federal permits.
4. If lighting is required by state or federal authorities, it shall be approved only at the minimum number and intensity and shall be shielded from ground view. If not required by those authorities, no lights, beacons, or strobes shall be mounted on any Cellular/Personal Wireless Service Antenna or Cellular/Personal Wireless Service Tower.
5. Cellular/Personal Wireless Service Sites shall be situated on land parcels having a minimum area of at least twenty-five (25) acres, and the base of any Cellular/Personal Wireless Service Tower situated thereon shall be set back at the furthest point from property designated for residential use in the Village. The setback from the nearest point on the parcel shall be at least two hundred (200) feet or a distance equal to the maximum height of the highest antenna supported thereby, whichever is greater.
6. No part of any Cellular/Personal Wireless Service Facility may have a maximum elevation greater than two hundred (200) feet above ground level.
7. Cellular/Personal Wireless Service Towers shall be constructed in such a manner as to be suitable for supporting at least two (2) differently dedicated Cellular/Personal Service Antennas.

**427 ADULT ENTERTAINMENT FACILITIES**

**(A) Purpose**

Adult entertainment facilities are allowable under these regulations as a Conditional Use. The following required conditions shall be applicable to all adult entertainment facilities within Harveysburg, Ohio.

**(B) Regulations**

1. No adult entertainment facility shall be established within five-hundred (500) feet of any area zoned for residential use.
2. No adult entertainment facility shall be established within a radius of one-thousand (1,000) feet of any school, library, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons under eighteen years of age.
3. No adult entertainment facility shall be established within a radius of one-thousand (1,000) feet of any other adult entertainment facility or within a radius of two-thousand (2,000) feet of any two (2) of the following establishments:
  - a. Cabarets, clubs, or other establishments which feature topless or bottomless dancers, go-go dancers, exotic dancers, strippers, male or female impersonators, or similar entertainers.
  - b. Establishments for the sale of beer or intoxicating liquor for consumption on the premises.
  - c. Pawn shops.
  - d. Pool or billiard halls.
  - e. Pinball palaces, halls, or arcades.
  - f. Dance halls or discotheques.
4. No adult entertainment facility shall be established within a radius of five-hundred (500) feet of any church, synagogue, or permanently established place of religious services which is attended by persons less than eighteen years of age.
5. No advertisements, displays, or other promotional materials shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks or walkways, or from other public areas, semi-public areas, or quasi-public areas.
6. All building openings, entries, windows, for adult uses shall be located, covered, or serviced in such a manner as to prevent a view into the interior from any public areas, semi-public areas, quasi-public areas, any sidewalk, or any street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from any public areas, semi-public areas, quasi-public areas, any sidewalk, or any street.
7. No screens, speakers, or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from any public areas, semi-public areas, quasi-public areas, any sidewalk, or any street.



8. Off-street parking shall be provided in accordance with the Harveysburg Zoning Code.

#### **428 Open Burning in Restricted Areas**

Open Burning shall be allowed for the following purposes without notification to or permission from the Ohio Environmental Protection Agency:

1. Heating tar, welding, acetylene torches, highway safety flares, heating for warmth of outdoor workers and strikers, smudge pots, and similar occupational needs.
2. Bonfires, campfires and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met:
  - a. They are fueled with clean, seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood;
  - b. They are not used for waste disposal purposes;
  - c. They shall have a total fuel area of three feet or less in diameter and two feet or less in height except when such fire is used for ceremonial purposes it may have a total fuel area no greater than five feet in diameter and five feet in height; and
  - d. Non-contained shall be located no closer than 25 feet to any structure, shall burn no longer than three hours, and shall be continually supervised during that period.

Fires of any kind that are different from the above stipulations require a fire permit with the approval of the Zoning Administrator and the local fire authority.

#### **429 Self Service Storage Facilities**

##### **A. General Requirements**

1. Self storage facilities shall be limited to rental of storage units, pickup and deposit of stored items.
2. Radioactive material, explosives, and hazardous chemicals shall be prohibited from storage. This prohibition shall be included in the lease agreement of storage units. A copy of the lease agreement shall be filed with zoning administrator as a condition of the permit.

##### **B. Specific Requirements**

1. *Lot area:* Minimum lot area shall be two (2) acres.
2. *Lot coverage:* Maximum lot coverage of units and storage areas shall be 50% of gross lot area.

3. *Setbacks*: The following minimum setbacks shall apply:

Yard	Setback	When Abutting or Opposite
front yard	50 feet	All Districts
Side or rear yard	25 feet	R1 or R2
	15 feet	B1, B2, and L-1

4. *Height*: The maximum height shall be fifteen (15) feet at the highest point of the building.
5. *Lighting*: Lighting shall be provided to illuminate facility entrances, driveways, parking areas and storage entrance areas and so arranged to reflect light away from adjoining residential property or any public way.
6. *Site Plan*: A Site Plan shall be required and subject to the provisions of such requirements as stated elsewhere.
7. *Signs*: Shall conform to requirements under Article 7.
8. *Pavement*: All roadways and parking areas shall be paved with concrete, asphalt or bituminous pavement.
9. *Doors*: No door openings for any storage unit shall be constructed facing any residentially zoned property.
10. *Fencing, Screening*: Fencing, walls, or landscaping/plant screening shall be required around the perimeter of the facility.
11. *Hours of Operations*: Hours of operation shall be no earlier than 7:00 A.M. or later than 8:00 P.M. daily.

**430 Satellite Signal Receivers**

Earth Stations are satellite signal receivers that exceed a diameter of three (3) feet and the following regulations apply:

1. All earth stations shall be constructed to the rear of the residence or main structure.
2. The apparatus shall be mounted upon a solid concrete slab, and shall be constructed in such a manner that it will withstand wind forces of up to 100 miles per hour.
3. No earth station, including its concrete base slab or other substructure, shall be constructed less than 10 feet from any property line or easement.

4. An earth station shall not exceed a grade height of 12 feet and must not exceed ten (10) feet in diameter.
5. No earth station shall be linked, physically or electronically, to a receiver which is not located on the same lot, premises or parcel of land as is the earth station.

Direct Broadcast Satellite Dishes are satellite signal receivers that have a maximum diameter of three (3) feet and the following regulations apply:

1. The height of any roof-mounted satellite dish shall not exceed the roof height of the building upon which it is mounted by more than four (4) feet.

#### **431 Keeping of Horses**

##### **A. General Requirements**

Horses may be kept in single-family residential districts provided that:

1. *Minimum acres required.* The minimum acreage on which a horse may be kept is three acres.
2. *Number limited based on acreage available.* There shall not be more than one horse per three acre lot, with one horse permitted per additional acre, up to a maximum of five horses per individual lot.
3. *Fencing required.* Such land shall be fenced so as to securely confine the animals. Such fencing shall not be located closer to any public right-of-way or private street than the minimum set back in the district and shall not be closer than 15 feet from any other property line.
4. *No storage of manure.* No storage of manure or dust producing substances shall be permitted.

### **ARTICLE 5**

#### **DISTRICT REGULATIONS**

##### **500 Compliance with Regulations**

The regulations for each district set forth by the Ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided:

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

2. Unless in compliance with these regulations, no building or other structure shall be erected or altered:
  - a. to provide for greater height or bulk;
  - b. To accommodate or house a greater number of families;
  - c. to occupy a greater percentage of lot area;
  - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required, or in any other manner be contrary to the provisions of this Ordinance.
3. No yard or lot existing at the time of the passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements set forth herein.

### **501 Lot Splits**

Any land division where a new building lot is being created shall require approval of the Harveysburg Planning Commission and go through a 30-day approval process, an application fee as specified in the Village Fee Schedule. Any lot split or lot combination (reverse lot split) which is being added to an adjoining property owner where no new building lot is being established requires the approval of the Planning Commission upon submission of Mylar prepared by a licensed, registered surveyor, with the 30 day approval process waived.

### **502 Official Schedule of District Regulations Adopted**

District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of the Ordinance and in Article 4 of this Ordinance, "General Provisions".

### **503 Identification of the Official Schedule of District Regulations**

The Official Schedule of the District Regulations shall be identified by the signature of the Mayor.

### **504 R-1 RESIDENTIAL DISTRICT**

#### PURPOSE:

This district is established to provide for single-family residential uses with a minimum lot size of 12,500 square feet, compatible with existing development in areas so defined.

#### USES:

Permitted Uses:

1. Single-family dwellings occupied by not more than one family and not more than one roomer or boarder.

2. Day Care Center, Type A.
3. Accessory Building/Use.

Conditionally Permitted Uses:

1. Public and Parochial Schools.
2. Places of worship, which shall be located no closer than fifty (50) feet from any property line, except the front line, and which shall be at least minimum residential size.
3. Public Libraries.
4. Public and private parks and playgrounds.
5. Cemeteries, provided that any structures, except fences, shall be at least fifty (50) feet, and any parking areas shall be at least one hundred (100) feet, from any adjoining residential zone.
6. Home occupation.
7. Day Care Center, Type B.
8. Swimming pool.

LOT REQUIREMENTS:

1. Minimum lot area: 12,500 square feet.
2. Minimum lot frontage: 90 feet, except on a curve or cul-de-sac where such minimum lot frontage may be measured at the building setback line; In no case shall lot frontage measured at the right-of-way line of a curve or cul-de-sac be less than 45 feet.

YARD REQUIREMENTS:

1. Minimum front yard depth: 35 feet from easement, or 25 feet for a cul-de-sac lot.
2. Minimum side yard: Two (2) side yards required, which must be 10 feet each, for a total of twenty (20) feet for both sides.
3. Minimum rear yard: 35 feet; An accessory building shall be located only in the rear yard, and shall not be located closer than five (5) feet from rear lot line, five (5) feet from side lot line, ten (10) feet from principal building, and twenty five (25) feet from any side street line.
4. Maximum lot coverage: 30%.

BUILDING REQUIREMENTS:

1. Main Building: Height limit of 40 feet; minimum floor area of 1,500 square feet of living area (not including basement or garage), on the first floor.
2. Accessory building: Height limit of twenty (20) feet, maximum floor area of 10% of lot area, and door opening height limit of ten (10) feet; with not more than one per lot.

PARKING:

As regulated in Article 6.

SIGNS:

As regulated in Article 7.

**505 R-2 MULTI-FAMILY RESIDENTIAL**

PURPOSE:

This district is established to provide for multi-family residential uses with a minimum lot size of 17,500 square feet, compatible with existing development in areas so defined.

USES:

Permitted Uses:

1. As permitted in preceding Section R-1, and
2. Two-family (duplex) and apartment units.

Conditionally Permitted Uses:

1. Administrative and Business offices uses, such as physician, attorney, minister, insurance agency, real estate broker, architect, engineer, or similar office. Such offices shall be limited to remunerative personal service, conducted entirely within the building, involving no retail sales and stocking no goods for distribution or sale.
2. There shall be no instruction on the premises for more than two students or trainees at any one time.
3. No mechanical or electrical equipment, other than that customarily used for household purposes, shall be permitted.
4. No structure shall be erected which shall be designed or constructed with any special structural appearance for use as a business, trade, or industry or other activity conducted for gain.
5. No use shall be conducted in a residential district employing the services of a person not residing on the premises, which is of a commercial nature involving sales or transactions, manufacturing, or distribution, except as specified herein as a permitted accessory use.

LOT REQUIREMENTS:

1. Minimum lot area: 17,500 square feet.
2. Minimum lot frontage: 100 feet, except on a curve or cul-de-sac where such minimum lot frontage may be measured at the building setback line; In no case shall lot frontage measured at the right-of-way line of a curve or cul-de-sac be less than 45 feet.

YARD REQUIREMENTS:

1. Minimum front yard: 35 feet from easement, or 25 feet for a cul-de-sac lot.
2. Minimum side yard: Two (2) side yards required, which must be 10 feet each, for a total of 20 feet for both sides.

3. Minimum rear yard: 35 feet; An accessory building shall be located only in the rear yard, and shall not be located closer than five (5) feet from rear lot line, five (5) feet from side lot line, ten (10) feet from principal building, and twenty-five (25) feet from any side street line.
4. Maximum lot coverage: 30%.

**BUILDING REQUIREMENTS:**

1. Main building: Height limit of 40 feet; Floor area minimum for single family as described in previous section. Two story dwellings shall have a minimum of 1,500 square feet total living area per unit, not including basement or garage, with a minimum of 750 square feet on the first floor. Multi-family dwellings shall have a minimum of 1,000 square feet total living area per dwelling unit, not including basement or garage.
2. Accessory building: height limit of twenty (20) feet, floor area maximum of 10% of lot area, and door opening height limit of ten (10) feet; with not more than one per residence.

**PARKING:**

As regulated in Article 6.

**SIGNS:**

As regulated in Article 7.

**506 B-1 NEIGHBORHOOD BUSINESS DISTRICT**

**PURPOSE:**

This district is established to provide for specified uses compatible with existing development in areas so defined. Permitted businesses are those providing neighborhood shopping facilities for the convenience, goods, and needs of the persons residing in surrounding areas nearby.

**USES:**

Permitted Uses:

1. As permitted in preceding Sections R-1 and R-2, and
2. Local retail business or service establishments, including grocery, fruit or vegetable store, meat market, drug store, hardware store, gasoline station serving passenger vehicles, barber or beauty shop, clothes cleaning and laundry pick-up station, furniture store, camera store, business or professional offices, or retail businesses supplying commodities, or performing services primarily for the residents of the neighborhood.
3. Restaurants and soda fountains, excluding restaurants which provide dancing and entertainment.



4. Any other retail business or service establishment determined by the Board of Zoning Appeals to conform substantially to the purpose of this section as set out above.
5. Specialty shops such as a jewelry store, retail bakery, shoe store or shoe repair shop, dry goods or notion store, florist shop, or tailor shop.

Conditionally permitted and accessory uses:

1. Amusement Arcade.
2. Adult Entertainment Facility.
3. Any accessory use customarily incidental to a use authorized by this section shall be permitted, as determined by the Board of Zoning Appeals.

LOT REQUIREMENTS:

1. Minimum lot area: 12,500 square feet.
2. Minimum lot frontage: 90 feet, except on a curve or cul-de-sac where such minimum lot frontage may be measured at the building setback line; In no case shall lot frontage measured at the right-of-way line of a curve or cul-de-sac be less than 45 feet.

YARD REQUIREMENTS:

1. Minimum front yard depth: 35 feet.
2. Minimum side yard: 10 feet except where abutting a residential parcel, then a fifty (50) foot side yard is required on the abutting side.
3. Minimum rear yard: Ten (10) feet; except where abutting a residential district, then a fifty (50) foot rear yard shall be required.
4. Maximum lot coverage: 40%, not including parking.

BUILDING REQUIREMENTS:

1. Main building: Height limit of two (2) stories, not to exceed forty (40) feet; excepting church spires, water reservoirs, and television, telephone, and radio antennas.
2. All businesses, services, or processing shall be conducted wholly within a completely enclosed building, except for supplying motor vehicles with gasoline at service stations.

PARKING:

As regulated in Article 6.

SIGNS:

As regulated in Article 7.

SCREENING:

As regulated in Article 4, Section 416.

**507 B-2 COMMERCIAL BUSINESS DISTRICT**

PURPOSE:

This district is established to provide for businesses other than those provided for in the B-1 classification outlined above.

USES:

Permitted Uses:

1. General automobile and auto body repair provided all vehicles, parts and junk vehicles are kept inside a building, or screened from view of persons on adjoining property or persons using public rights-of-way. Warehouses, farm implement and motor vehicle sales, plumbing and heating supply, lumber yard and building materials. All machinery shall be enclosed within a building or eight-foot fence.
2. Veterinary clinic, laundries, printing shop, carpet shop, retail paint shop, mortician/funeral home, and wholesale businesses. Commercial and veterinary kennels must be constructed so that all animals are kept inside buildings with outside walls and roof equivalent in sound reduction to an eight-inch thick concrete block wall.
3. Drive-in restaurants and restaurants that provide dancing or entertainment, provided that jukeboxes and loudspeakers shall be permitted only for the occupants of the building and do not create a nuisance or disturb the peace.
4. Hotels and motels, theaters and drive-in movie theaters. For a drive-in movie theater, the screen shall be located so as to be not visible from the road or street, and shall be set back at a distance of not less than two hundred (200) feet from the established right of way of any highway and a distance of at least two hundred (200) feet from the property line, and loudspeakers shall be permitted only for the occupants of the theater, and do not create a nuisance or disturb the peace.
5. Banks, office buildings, private schools, business schools, radio or television studio, or photographic or art studio.
6. A confectionery, wholesale bakery, or frozen food locker.
7. Coin operated laundries.

8. Any other business use which is of a general character of the classes of business permitted above, as determined by the Board of Zoning Appeals.

Conditionally permitted and accessory uses:

1. Amusement Arcade.
2. Adult Entertainment facility.
3. Self-Storage facility.
4. Any accessory use customarily incidental to a use authorized by this section shall be permitted, as determined by the Board of Zoning Appeals.

LOT REQUIREMENTS:

1. Minimum lot area: 15,000 square feet.
2. Minimum lot frontage: 100 feet, except on a curve or cul-de-sac where such minimum lot frontage may be measured at the building setback line; In no case shall lot frontage measured at the right-of-way line of a curve or cul-de-sac be less than 45 feet.

YARD REQUIREMENTS:

1. Minimum front yard depth: 35 feet.
2. Minimum side yard: Ten (10) feet; except where abutting a residential parcel, then a fifty (50) foot side yard shall be required on the abutting side.
3. Minimum rear yard: Ten (10) feet; except where abutting a residential parcel, then a fifty (50) foot rear yard shall be required on the abutting side.
4. Maximum lot coverage: 40%, not including parking.

BUILDING REQUIREMENTS:

1. Maximum Height: Two (2) stories, not to exceed thirty (30) feet; excepting church spires, water reservoirs, television, telephone and radio antennas.

PARKING:

As regulated in Article 6.

SIGNS:

As regulated in Article 7.

SCREENING:

As regulated in Article 4, Section 416.

**508 L-1 LIGHT INDUSTRIAL DISTRICT**

PURPOSE:

This district is established to provide for industrial business uses not previously classified in this Ordinance.

USES:

Permitted Uses:

1. As permitted in preceding Section B-2, and
2. Warehouses and other storage facilities for such items as building materials, contractors' equipment, clothing, cotton, drugs, dry goods, feed, fertilizer, food, fuel, furniture, hardware, ice, machinery, metals, paint and paint materials, pipe, rubber, shop supplies, tobacco, and wool.
3. Manufacturing industries involving fabrication, processing, compounding, packaging, and assembly.
4. Cleaning and clothes dyeing plants.
5. Motor freight terminal and fueling station.
6. Textile mill products, including scouring and combing; dyeing and finishing; linoleum and asphalt-based materials, sheet metal.
7. Veterinary hospital.

Conditionally permitted uses:

1. Underground storage of regulated hazardous substances as permitted, registered, and insured according to all applicable regulations of the Ohio Environmental Protection Agency and the Bureau of Underground Storage Tank Regulations of the Ohio Department of Commerce, Division of State Fire Marshall.
2. Self-Storage facility.
3. Any accessory use customarily incidental to a use authorized by this section shall be permitted, as determined by the Board of Zoning Appeals.

LOT REQUIREMENTS:

1. Minimum lot area: 20,000 square feet.
2. Minimum lot frontage: 100 feet, except on a curve or cul-de-sac where such minimum lot frontage

may be measured at the building setback line; In no case shall lot frontage measured at the right-of-way line of a curve or cul-de-sac be less than 80 feet.

YARD REQUIREMENTS:

1. Minimum front yard depth: 40 feet.
2. Minimum side yard: Ten (10) feet, except where abutting a residential parcel; then a fifty (50) feet side yard shall be required on the abutting side.
3. Minimum rear yard: Ten (10) feet, except where abutting a residential district; then a fifty (50) feet rear yard shall be required.
4. Maximum lot coverage: 50%, not including parking.

BUILDING REQUIREMENTS:

1. Maximum height: Not to exceed forty (40) feet; excepting church spires, water reservoirs, television, telephone, and radio antennas.

PARKING:

As regulated in Article 6.

SIGNS:

As regulated in Article 7.

SCREENING:

As regulated in Article 4, Section 416.

**509 RE RECREATIONAL DISTRICT**

PURPOSE:

This district is established to provide for agricultural cultivation and recreation-oriented activities.

USES:

Permitted Uses:

1. Agricultural Use.
2. Recreation Oriented Activities:
  - a. Public or private clubs and grounds for games and sports provided that no powered mechanical amusement equipment be constructed, erected, or contained thereon.

- b. Public or private golf courses, to include commercial activities that are carried on in conjunction with golf course clubhouse facilities such as pro-shops and eating facilities.
- c. Private clubs (including building and ground) of a civic, social, business, educational or recreational nature.
- d. Recreation buildings, grounds, and accessory buildings in conjunction with playgrounds and athletic fields open to the public with or without charge.
- e. Public or private parks, preserves or sanctuaries intended for public use and enjoyment to include accessory structures such as shelters and picnic areas.
- f. Playgrounds, playfields, picnic areas, and summer camps with adequate off-street parking area, water supply, sanitation facilities, and fencing to control accessibility of children to hazardous conditions and any other improvement necessary to protect users from harm and danger.

Conditionally Permitted Uses:

- 1. Recreational Vehicle Park: provided that all regulations therein are in compliance with development standards for conditionally permitted uses; that a development plan is submitted to and approved by the Planning Commission; and that all federal, state, and local permits are obtained.
- 2. Travel Camper Park: provided that all regulations therein are in compliance with development standards for conditionally permitted uses; that a development plan is submitted to and approved by the Planning Commission; and that all federal, state, and local permits are obtained.

LOT REQUIREMENTS:

- 1. Minimum lot area: one acre or 43,560 square feet.
- 2. Minimum lot frontage: 200 feet.
- 3. Maximum lot coverage: 30%.

YARD REQUIREMENTS:

- 1. Minimum front yard depth: 75 feet.
- 2. Minimum side yard: Twenty (20) feet, except where abutting a residential district, then a fifty (50) feet side yard shall be required on the abutting side.
- 3. Minimum rear yard: Twenty (20) feet, except where abutting a residential district, then a fifty (50) feet side yard shall be required on the abutting side.

**BUILDING REQUIREMENTS:**

1. Maximum height: Not to exceed 40 feet, excepting church spires, water reservoirs, television, telephone, and radio antennas.

**PARKING:**

As regulated in Article 6.

**SIGNS:**

As regulated in Article 7.

**SCREENING:**

As regulated in Article 4, Section 416.

**510 Development Standards for Conditionally Permitted Uses**

1. **RECREATIONAL VEHICLE PARK:**

- a. **Development Plan:** Development plan to be submitted with application to the Planning Commission.
- b. **Area:** A recreational vehicle park shall have an area of not less than five acres.
- c. **Density:** Each recreational vehicle lot shall contain a minimum of 1,800 square feet in area and shall be at least 30 feet in width.
- d. **Signs and Lighting:** Outdoor signs and outdoor artificial lighting shall be approved by the Planning Commission.
- e. **Height:** Maximum height of structure of 30 feet.
- f. **Separation:** Recreational vehicles shall be separated from each other and from all other buildings and structures by at least 10 feet. An accessory structure, such as an awning, cabana, storage cabinet, and porch shall be considered to be a portion of the recreational vehicle. All such structures shall be approved by the Village Zoning and Building Inspectors.
- g. **Parking:** One automobile parking space shall be provided for each recreational vehicle. No parking shall be permitted in the front yard of the park tract of land.
- h. **Accessory Uses:** Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, information signs and other structures customarily incidental to a recreational vehicle park shall be permitted as accessory uses.

- i. Term of Stay in Park and Limitation of Use: Except as otherwise provided herein, each recreational vehicle shall not be used for habitation in the same recreational vehicle park for longer than 120 days in any one calendar year, and shall not be used as a permanent residence.
- j. Access: Recreational vehicle parks shall have direct access to an arterial or major thoroughfare with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of recreational vehicles into and out of the park. Only one principal entrance from a major thoroughfare may be provided.
- k. Condominium Parks Permitted: The sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed in a recreational vehicle park. Accordingly, an affirmative statement as to whether or not the sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed and shall be included in the application. If the sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed, then the development plan shall additionally include the number of individual lots to be sold, and the rights and responsibilities of the individual lot owners and the park developers in the park and its management. If the sale of individual lots to individual lot owners (condominium recreational vehicle park) shall be allowed, then a plat of the recreational vehicle park shall accompany the development plan.
- l. Soil and Water: The condition of the soil and ground water level of the proposed park site shall meet the criteria promulgated by the United States Department of Agriculture Soil Conservation Service.
- m. Smoke, Noise and Odor: The proposed site shall not be exposed to nor be the source of objectionable smoke, noise, odors or other adverse influences.
- n. Screening: A dense planting screen not less than 6 feet high after five full growing seasons and which at maturity is not less than 12 feet high and 6 feet wide shall be located and effectively maintained at all times along all boundary lines except at established entrances and exits serving the park. A basket weave or similar type of fence or brick or stone wall may be permitted by the Planning Commission instead of a planting screen. The Commission may waive any part of these screening requirements temporarily or permanently if adequate screening already exists or if the topography or other conditions so warrant.
- o. Side, Rear and Front Yards: The tract of land for the proposed park shall have two side yards having a minimum of 30 feet in width, a rear yard having a minimum of 30 feet in depth, and a front yard having a minimum of 60 feet in depth.
- p. Illumination: Parks shall be furnished with lighting units so spaced and equipped with luminaries at such mounting heights that all parts of the interior driveway system will have an average level of illumination of 0.3 foot candle and that potentially hazardous locations, such as major driveway intersections, steps, and stepped ramps, will have an average level of 0.6 foot candle. All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside of the park.
- q. Barbecue Pits, Fireplaces and Stoves: Cooking shelters, barbecue pits, fireplaces and wood-



burning stoves shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance, both on the property and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.

- r. Refuse Handling: The storage, collection and disposal of refuse in the park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in airtight, watertight, rodent-proof containers, which shall be located not more than 150 feet from any lot. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, minimize spillage and container deterioration, and facilitate cleaning around them. All refuse containing garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the RV park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers. Where municipal or private disposal service is not available, the park operator shall dispose of the refuse by transporting to an approved disposal site.
  
- s. Electrical Distribution System: Every park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Main power lines shall be located underground. All direct burial conductors or cable shall be insulated and specifically designed for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas or communication lines. Each RV lot shall be provided with an approved disconnecting device and over current protective equipment. The minimum service per outlet shall be 120 volt AC, 30 amperes. Outlets (receptacles or pressure connectors) shall be housed in a weatherproof outlet box, and shall be located not more than 25 feet from the over-current protective device in the RV. A three-pole, four wire grounding type shall be used. Receptacles, if provided, shall be in accordance with American Standard Outlet Receptacle C-72.1., as amended. Connectors, if not substituted by more than one receptacle, shall be provided where the calculated load of the RV exceeds 30 amperes. The recreational vehicle shall be connected to the outlet box by an approved type of flexible cord with a male attachment plug or with pressure connectors. All exposed non-current carrying metal parts of vehicles and all other equipment shall be grounded by means of an approved grounding conductor or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for recreational vehicles or other equipment.
  
- t. Insect and Rodent Control: Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the Warren County Health Department. Parks shall be maintained free of accumulations of debris, which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building materials shall be stored at least one foot above the ground. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials. The growth of brush, weeds and grass shall be controlled to prevent harborage

of ticks, chiggers and other noxious insects. Parks shall be maintained so as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

- u. Water and Sewage: The water supply and sewage disposal shall meet the minimum requirements of the Ohio EPA.
- v. State Requirements: All state requirements shall be observed.

2. TRAVEL CAMPER PARK:

- a. Development Plan: Development plan to be submitted with application to the Planning Commission.
- b. Area: A travel camper park shall have an area of not less than five acres.
- c. Density: Each travel camper site shall be at least forty (40) feet by sixty (60); twenty-five percent of the total area of the entire tract shall be dedicated as open space.
- d. Signs and Lighting: Outdoor signs and outdoor artificial lighting shall be approved by the Planning Commission.
- e. Height: Maximum height of structure: 30 feet.
- f. Separation: Each travel camper shall be separated from each other and from all other buildings and structures by at least 10 feet. An accessory structure, such as an awning, cabana, storage cabinet and porch shall be considered to be a portion of the travel camper. All such structures shall be approved by the Village Zoning and Building Inspector.
- g. Parking: One automobile parking space shall be provided for each travel camper site. No parking shall be permitted in the front yard of the park tract of land.
- h. Accessory Uses: Management offices and storage, playground and picnic equipment, sanitation and laundry facilities, information signs and other structures customarily incidental to a recreational vehicle park shall be permitted as accessory uses.
- i. Term of Stay in Park and Limitation of Use: Except as otherwise provided herein, each travel camper shall not be used for habitation in the same travel camper park for longer than fifteen (15) days in any thirty (30) period.
- j. Access: Travel camper parks shall have direct access to an arterial or major thoroughfare with sufficient frontage thereon for the proper construction of entrances and exits. Such entrances and exits shall be designed for the safe movement of travel campers into and out of the park. Only one principal entrance from a major thoroughfare may be provided.
- k. Condominium Parks Prohibited: No individual travel camper sites shall be sold.

- l. Soil and Water: The condition of the soil and ground water level of the proposed park site shall meet the criteria promulgated by the United States Department of Agriculture Soil Conservation Service.
- m. Smoke, Noise and Odor: The proposed site shall not be exposed to nor be the source of objectionable smoke, noise, odors or other adverse influences.
- n. Screening: A dense planting screen not less than 6 feet high after five full growing seasons and which at maturity is not less than 12 feet high and 6 feet wide shall be located and effectively maintained at all times along all boundary lines except at established entrances and exits serving the park. A basket weave or similar type of fence or brick or stone wall may be permitted by the Planning Commission instead of a planting screen. The Commission may waive any part of these screening requirements temporarily or permanently if adequate screening already exists or if the topography or other conditions so warrant.
- o. Side, Rear and Front Yards: The tract of land for the proposed travel camper park shall have two side yards having a minimum of 30 feet in width, a rear yard having a minimum of 30 feet in depth, and a front yard having a minimum of 60 feet in depth.
- p. Illumination: Travel camper parks shall be furnished with lighting units so spaced and equipped with luminaries at such mounting heights that all parts of the interior driveway system will have an average level of illumination of 0.3 foot candle and that potentially hazardous locations, such as major driveway intersections, steps, and stepped ramps, will have an average level of 0.6 foot candle. All exterior park lights shall be so located and shielded as to prevent direct illumination of any areas outside of the park.
- q. Barbecue Pits, Fireplaces and Stoves: Cooking shelters, barbecue pits, fireplaces and wood-burning stoves shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance, both on the property and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors.
- r. Refuse Handling: The storage, collection and disposal of refuse in the park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards or air pollution. All refuse shall be stored in airtight, watertight, rodent-proof containers, which shall be located not more than 150 feet from any lot. Containers shall be provided in sufficient number and capacity to properly store all refuse. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, minimize spillage and container deterioration, and facilitate cleaning around them. All refuse containing garbage shall be collected at least once weekly. Where suitable collection service is not available from municipal or private agencies, the travel camper park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers. Where municipal or private disposal service is not available, the park operator shall dispose of the refuse by transporting to an approved disposal site.

- s. Electrical Distribution System: Every travel camper park shall contain an electrical wiring system consisting of wiring, fixtures, equipment and appurtenances which shall be installed and maintained in accordance with applicable codes and regulations governing such systems. Main power lines shall be located underground. All direct burial conductors or cable shall be insulated and specifically designed for the purpose. Such conductors shall be located not less than one foot radial distance from water, sewer, gas or communication lines. Each travel camper site shall be provided with an approved disconnecting device and over current protective equipment. The minimum service per outlet shall be 120 volt AC, 30 amperes. Outlets (receptacles or pressure connectors) shall be housed in a weatherproof outlet box, and shall be located not more than 25 feet from the over-current protective device in the RV. A three-pole, four wire grounding type shall be used. Receptacles, if provided, shall be in accordance with American Standard Outlet Receptacle C-72.1., as amended. Connectors, if not substituted by more than one receptacle, shall be provided where the calculated load of the RV exceeds 30 amperes. The travel camper shall be connected to the outlet box by an approved type of flexible cord with a male attachment plug or with pressure connectors. All exposed non-current carrying metal parts of vehicles and all other equipment shall be grounded by means of an approved grounding conductor or other approved method of grounded metallic wiring. The neutral conductor shall not be used as an equipment ground for recreational vehicles or other equipment.
  
- t. Insect and Rodent Control: Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the Warren County Health Department. Parks shall be maintained free of accumulations of debris, which may provide rodent harborage or breeding places for flies, mosquitoes and other pests. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building materials shall be stored at least one foot above the ground. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials. The growth of brush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.
  
- u. Water and Sewage: The water supply and sewage disposal shall meet the minimum requirements of the Ohio EPA.
  
- v. State Requirements: All state requirements shall be observed.

## ARTICLE 6

### OFF-STREET PARKING AND LOADING FACILITIES

#### 600 General Parking Requirements

In all districts, except the Central Business District, at any time any building, structure or use of land is erected, enlarged, increased in capacity, or used, there shall be provided for every use off-street parking spaces for automobiles in accordance with the provisions of Article 6. A parking plan shall be required for all uses except for single or two-family residential uses. The parking plan shall be submitted to the Zoning Administrator as a part of the application for a zoning permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

Whenever a building or use is constructed or established after the effective date of this ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or others to create a need for an increase of ten (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 the Ordinance is enlarged to the extent of fifty (50) percent or more in floor area or in the area used, such building or use shall then and thereafter comply with the parking requirements set forth herein.

#### 601 Off-Street Parking Design Standards

All off-street parking facilities shall be in accordance with the following standards and specifications:

1. Parking Space Dimensions: Each off-street parking space shall have an area of not less than 9 feet by 20 feet (9' X 20') exclusive of access drives or aisles, and shall be of usable shape and condition.
2. Access: There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows:
  - a. For single-family residential dwellings, the access drive shall be a minimum of nine (9) feet in width.
  - b. For all other residential uses and all other uses, the access drive shall be a minimum of eighteen (18) feet in width.
  - c. All parking spaces, except those required for single, two-or three-family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
3. Setbacks: Parking facilities for more than five (5) vehicles may not be located closer than three (3) feet to any street or alley.
4. Screening: In addition to the setback requirements specified in this Ordinance for off-street parking facilities for more than five (5) vehicles, screening shall be provided on each side of a parking area

that abuts any Residential District. Screening shall comply with the requirements of Section 940 of the Ordinance.

5. **Paving:** All required parking spaces, except for uses within any District if said parking area is at least 500 feet from any Residential District, together with driveways, and other circulation areas, shall be hard-surfaced with a pavement having an asphalt or concrete binder; however, variances for parking related to community meetings or recreation areas may be granted, if paved areas are provided for daily use parking. Where paving is not required, proper dust control measures shall be undertaken and maintained.
6. **Drainage:** All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
7. **Barriers:** Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
8. **Visibility:** Access of driveways for parking areas shall be located where visibility for vehicles is not obstructed by any structure, wall, fence, screen, hedge, sign, light fixture, or other appurtenance.
9. **Marking:** All parking areas for twenty (20) or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Administrator, and shall be maintained in a clearly visible fashion.
10. **Maintenance:** Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dirt, trash, or other debris.
11. **Signs:** Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.
12. **Lighting:** Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any residential district.

## **602 Determination of Required Spaces**

In computing the number of parking spaces required by the Ordinance, the following rules shall apply:

1. Where floor area is designated as the standard for determining parking space requirements, the floor area shall be the same as the gross horizontal area of all the floors of a nonresidential building measured from the faces of the exterior walls, excluding only stairs, washrooms, elevator shafts, and similar non-usable areas.
2. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated for each twenty-four (24) lineal inches of

benches, or pews, except where occupancy standards are set by the Massie Township fire department.

3. A fractional number is decreased to the next lowest whole number.
4. The parking space requirements for a use not specifically identified in the Ordinance shall be determined following the procedure for "substantially similar uses" as required by Section 560 to 564 of this ordinance.

### **603 Joint or Collective Parking Facilities**

The joint or collective provision of required off-street parking areas shall comply with the following standards and requirements:

1. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two (2) or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.
2. Not more than fifty (50) percent of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses, and up to one hundred (100) percent of the parking spaces required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively shared.
3. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a zoning permit.

### **604 Off-Street Storage Areas for Drive-In Services**

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street storage areas in accordance with the following requirements:

1. Photo pickups, restaurants, drive-thru beverage docks, and other similar commercial establishments that can normally service customers in three (3) or fewer minutes shall provide no fewer than five (5) storage spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each such stopping point.
2. Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no fewer than four (4) storage spaces per window.
3. Self-serve automobile washing facilities shall provide no fewer than three (3) storage spaces per stall.

All other automobile washing facilities shall provide a minimum of six (6) storage spaces per entrance.

4. Motor vehicle service stations shall provide no fewer than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than fifteen (15) feet to any street right-of-way line.

### **605 Parking of Disabled Vehicles**

The parking of a disabled vehicle within a residential district for a period of more than one week shall be prohibited, except that such vehicle may be stored in an enclosed garage, other accessory building, or securely covered.

### **606 Parking Space Requirements**

For the purposes of this Ordinance, the following parking space requirements shall apply, and the number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals following the "substantially similar use" procedure as specified in Sections 560 to 564 of this Ordinance:

1. Residential Uses

- a. Single family or two family dwelling -- Two for each unit.
- b. Apartments, Townhouses, or multi-family dwellings -- Two for each unit.
- c. Factory pre-built modular housing -- Two for each unit.

2. Business Related Uses

- a. Animal hospitals and kennels -- One for each 400 square feet of floor area plus one for each employee (on the largest shift).
- b. Motor Vehicle repair station -- One for each 400 square feet of floor area plus one for each employee (on the largest shift).
- c. Motor Vehicle salesroom -- One for each 400 square feet of floor area plus one for each employee (on the largest shift).
- d. Motor Vehicle service stations -- Two for each service bay plus one for every two gasoline pumps plus one for every employee (on the largest shift).
- e. Car washing facilities -- One for each employee (on the largest shift).
- f. Banks, financial institutions, post offices, and similar uses --- One for each 250 square feet of floor area plus one for each employee (on the largest shift).
- g. Barber and beauty shops -- Three for each barber or beauty operator.



- h. Carry-out restaurants -- One for each 200 square feet of floor area plus one for each employee (on the largest shift).
  - i. Drive-in restaurants -- One for each 125 square feet of floor area plus one for each employee (on the largest shift).
  - j. Hotels, motels -- One for each sleeping room plus one space for each employee (on the largest shift).
  - k. Boarding, Rooming, Tourist and Bed/Breakfast Home -- Two for the resident owner-manager plus one for each guest room.
  - l. Furniture, appliance, hardware, machinery or equipment sales and service, and wholesale establishments -- one space for each 300 square feet of floor area plus one for each employee (on the largest shift).
  - m. Consumer and trade service uses not otherwise specified -- Two spaces plus one for each employee (on the largest shift).
  - n. Funeral homes, mortuaries and similar type uses -- One for each 50 square feet of floor area in slumber rooms, parlors, or service rooms.
  - o. Laundromats -- One for every two washing machines.
  - p. Administrative, business and professional office uses -- One for each 200 square feet of floor area plus one for each employee (on the largest shift).
  - q. Sit-down restaurants, taverns, night clubs, and similar uses -- One for each three persons of capacity plus one for each employee (on the largest shift).
  - r. Retail stores -- One for each 200 square feet of floor area plus one for each employee (on the largest shift).
  - s. All other types of business or commercial uses permitted in any business district -- One for each 200 square feet of floor area plus one for each employee (on the largest shift).
3. Recreational and Entertainment Uses
- a. Bowling alleys -- Four for each alley or lane; plus one for each three persons of capacity in the area used for restaurant, cocktail lounge, or similar uses; plus one for each employee (on the largest shift).
  - b. Dance halls, skating rinks -- One for each 100 square feet of floor area used for the activity; plus one for each three persons of capacity in a restaurant, snack bar, or cocktail lounge; plus one for each employee (on the largest shift).
  - c. Outdoor swimming pools: public, community or club -- One for each five (5) persons of capacity; plus one for each three persons of capacity for a restaurant; plus one for each employee (on the

largest shift).

- d. Auditoriums, sport arenas, theaters, and similar uses -- One for each four seats.
- e. Miniature golf courses -- Two for each hole and one for each employee.
- f. Private clubs and lodges -- One for each five (5) persons of capacity.
- g. Tennis facilities, racquetball facilities or similar uses -- Two for each playing area; plus one for each 100 square feet of other activity area; plus one for each employee (on the largest shift).

4. Institutional Uses

- a. Churches and other places of religious assembly -- One for each four (4) seats in main assembly room.
- b. Hospitals -- One for each three beds plus one for each employee (on the largest shift).
- c. Sanitariums, homes for the aged, nursing homes, rest home, similar uses -- One for each 3 beds plus one for each employee (on the largest shift).
- d. Medical and dental clinics -- One for every 200 square feet of floor area plus one for each employee (on the largest shift).
- e. Libraries, museums, and art galleries -- One for each 400 square feet of floor area plus one for each employee (on the largest shift).

5. Educational Institution (Public, Parochial, or Private) Uses

- a. Kindergarten, Elementary school, and middle school -- Four for each classroom or one for every eight seats in the in auditoriums or assembly halls, whichever is greater; plus one for each additional non-teaching employee.
- b. High schools -- One for every five students or one for every eight seats in auditoriums, assembly areas or sports fields, whichever is greater; plus one for each teacher and employee.
- c. Business, technical and trade schools -- One for each two students, plus one for each instructor.
- d. Child care centers, nursery schools, and similar uses -- One for each six (6) enrollees plus one for each employee (on the largest shift).

6. Manufacturing Uses

- a. All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district -- One for every 1,000 square feet of floor area plus one for each employee (on the largest shift).
- b. Cartage, exports, parcel delivery, and freight terminals - One for each employee (on the largest shift) plus one for each motor vehicle maintained on the premises.

**607 Handicapped Parking**

Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows:

Total Spaces in Lot/Structure	Number of Designated Accessible Spaces
Up to 100	One space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100
201 to 500	6 spaces, plus one per 75 spaces over 200
Over 500	10 spaces, plus one per 100 spaces over 500

**608 Elderly Housing Parking**

Each parking space provided for an elderly housing facility shall as a minimum measure nine (9) feet in width and twenty (20) feet in length, with aisles measuring twenty-one (21) feet in width. There shall be provided one (1) such parking space per dwelling unit and per regular shift employee, except that the Board of Zoning Appeals may approve a parking plan for an elderly housing facility which provides three (3) such parking spaces for every four (4) dwelling units and one (1) per regular shift employee, if the site plan includes a set-aside of landscaped area, which set-aside is not part of any open-space requirement and which is accessible to egress/entrance for parking purposes, should additional parking spaces be deemed necessary by the Board of Zoning Appeals.

**609 Off-Street Loading Space Requirements**

In any district in connection with every building or part thereof hereafter erected and having a gross floor area of 3,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one off-street loading space, and one additional loading space for each 10,000 square feet or fraction thereof of gross floor area so used in excess of 3,000 square feet.

**610 Off-Street Loading Design Standards**

All off-street loading spaces shall be in accordance with the following standards and specifications:

1. Loading Space Dimensions: Each loading space shall have minimum dimensions not less than 12 feet in width, 65 feet in length, and vertical clearance of not less than 14 feet.
2. Setbacks: Off-street loading spaces are required to be located in the rear or side yard of any districts,

provided that not more than ninety (90) percent of the required rear or side yard is occupied, and no part of any loading space shall be permitted closer than 50 feet to any Residential District nor closer than 10 (ten) feet from any street or alley.

3. Screening: In addition to setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of Section 740 of this Ordinance.
4. Access: All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
5. Paving: All required off-street loading spaces located within 200 feet of a Residential District, together with driveways, aisles, and other circulation areas, shall be completely surfaced with an asphaltic or portland cement binder pavement in order to provide a durable dust-free surface. Such pavement shall be maintained.
6. Drainage: All loading spaces, together with driveways, aisles and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
7. Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

## ARTICLE 7

### SIGNS

#### 700 General

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designed areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

#### 701 Governmental Signs Excluded

For the purpose of this ordinance "signs" do not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

#### 702 General Requirements for All Signs and Districts.

The regulations contained in the section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only a fixture emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
2. No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention. Subsections (1) and (2) of this section shall not apply to any sign performing a public service function indicating time, temperature, stock market quotations or similar services.
3. All wiring, fittings, and materials used in the construction, connection and operation of electrically illuminated signs shall be in accordance with the provisions of the Warren County Electrical Code.
4. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee.
5. No sign shall be placed on the roof of any building, except those signs whose supporting structure appears to be a continuation of the face of the building.
6. No portable or temporary sign shall be placed on the front or face of a building, except as provided in

Section 707 herein.

7. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
8. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) percent of the window surface.
9. 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.
10. All signs hung and erected shall be plainly marked with the name and telephone number of the person, firm or corporation responsible for maintaining the sign.
11. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Administrator, proceed at once to put such sign in a safe and secure condition or remove the sign.
12. 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.
13. All signs shall be so designed and supported as to carry the weight of the sign and shall comply with any applicable building codes.
14. All signs shall be secured in such a manner as to prevent significant movement due to wind.
15. No advertising signs shall be attached or supported by a tree, utility pole, trash receptacle, vending machine, or public shelter.
16. No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature.
17. No sign shall be attached in such manner that it may interfere with any required ventilation openings.
18. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of trespassing.
19. No sign shall be located nearer than eight (8) feet vertically or four (4) feet horizontally from any overhead electrical wires, conductors, or guy wires.
20. No vehicle or trailer may be parked on a business premise or lot for more than seven (7) days for the purpose of advertising a business, product, service, event, object, location, organization or the like.

### **703 Permit Required**

1. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Article have been met. To assure compliance with the regulations, a sign permit

issued pursuant to the Ordinance shall be required for each sign application unless specifically exempted in the Article.

2. A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.
3. The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

#### **704 Signs Permitted in All Districts Not Requiring a Permit**

1. Signs advertising the sale, lease or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet.
2. Professional name plates not to exceed four (4) square feet in area.
3. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area.

#### **705 Signs Permitted in Any District Requiring a Permit**

1. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution.
2. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.
3. Permanent residential subdivision entranceway or identification signs shall be permitted in accordance with the following requirements:
  - a. There shall be no more than one (1) such sign located at each entrance to a subdivision or other residential development.
  - b. Such sign shall display the name of the development only; names of developers, homebuilders, or contractors shall not be displayed anywhere on such signage.
  - c. The sign shall have a maximum height of five (5) feet, a total message area not greater than 25 square feet, a maximum of two sides, and shall be setback a minimum of 10 feet from any right-of-way line.
  - d. The sign shall be free-standing, ground-mounted, and part of a decorative brick, stone, or masonry

wall or some design compatible with the character of the neighborhood.

- e. There shall be externally illuminated; the light source shall be sufficiently diffuse and/or shielded in such a way as to prevent glare on public streets or neighboring properties.
- f. A landscaping area around the base of the ground-mounted sign shall be provided with a minimum of three (3) times the area of the sign face; a mixture of live plant material shall be provided in the landscape area and should include a combination of shrubs, annuals and perennials, as to create a pleasing identification for the development it advertises.
- g. Approval of the Planning Commission and a sign permit shall be required before a ground sign may be constructed. Plans for all signs including location, fences, walls, or earth mounds, and landscaping shall be submitted for approval.
- h. Sign and landscaping is to be maintained by the developer or homeowners association.

### **706 Signs Permitted in Commercial and Manufacturing Districts Requiring a Permit**

The regulations set forth in this section shall apply to signs in all commercial and manufacturing districts and such signs shall require a permit.

- 1. In a commercial or manufacturing district, each business shall be permitted one flat wall sign on-premises. Projection of wall signs shall not exceed two feet measured from the face of the main building. All permanent on-premises signs for any single business enterprise are limited to an area equivalent to one and one half (1 1/2) square feet of sign area for each lineal floor of building width, or part of a building, occupied by such enterprise, but shall not exceed a maximum of one hundred (100) square feet.
- 2. In a commercial or manufacturing district, two off-premises signs with a total area not exceeding six hundred (600) square feet may be permitted at a single location. No single off-premises sign shall exceed one thousand two hundred (1,200) square feet, nor shall off-premises signs visible to approaching traffic have a minimum space of less than two hundred (200) feet. Off-premises signs visible to approaching traffic shall have a minimum spacing of no less than two hundred (200) feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than twenty (20) feet above the level of the roadway at its nearest point. Off-premises wall signs shall have all structural and supporting members concealed from view.

### **707 Temporary Signs**

Temporary signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 702, the setback requirements in Sections 711 - 714 and, in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in Section 700.



**708 Free Standing Signs**

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

**709 Wall Signs Pertaining to Non-Conforming Uses**

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

**710 Political Signs**

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, 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.

**711 Sign Setback Requirements**

Except as modified in Sections 712 - 715, on-premises signs where permitted shall be set back from the established right of way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

**712 Increased Setback**

For every square foot by which any on-premises sign exceeds fifty (50) square feet, the setback shall be increased by one-half (1/2) foot but need not exceed one hundred (100) feet.

**713 Setbacks for Off-Premises Signs**

If a setback line is not established for the appropriate zoning district, off-premises signs shall be set back a minimum of twenty (20) feet from the right-of-way line.

**714 Setbacks for Public and Quasi-Public Signs**

Real estate signs and bulletin boards for a church, school or any other public, religious or education institution may be erected no less than ten (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.

**715 Special Yard Provisions**

On-premises signs where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not

be erected or placed within twelve (12) feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than twelve (12) feet, the latter shall apply.

#### **716 Limitation**

For the purposes of the Article, outdoor advertising off-premises signs shall be classified as a business use and be permitted in all districts zoned for manufacturing or business or lands used for agricultural purposes. In addition, regulation of signs along interstate and primary highways shall conform to the requirements of Ohio Revised Code Chapter 5516 and the regulations adopted pursuant thereto.

#### **717 Maintenance**

All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. The Zoning Administrator shall remove any off-premise advertising signs or structure found to be unsafe or structurally unsound within ten (10) days of issuance of notification.

#### **718 Non-Conforming Signs and Structures**

Advertising signs and structures in existence prior to the effective date of this ordinance which violate or are otherwise not in conformance with the provisions of the Article shall be deemed non-conforming. All such legal non-conforming signs and structures shall be maintained in accordance with this Article. The burden of establishing the legal non-conforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

#### **719 Loss of Legal Non-Conforming Status**

A legal non-conforming sign shall immediately lose its legal nonconforming status, and therefore must be brought into conformance with this Article or be removed, if the sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated, or replaced; or if it is part of an establishment which discontinues operation for ninety (90) consecutive days; or if it is structurally damaged to an extent greater than one half of its estimated replacement value. Similarly, any legal non-conforming advertising structure so damaged must be brought into compliance or be removed.

#### **720 Violations**

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of the Ordinance, the Zoning Administrator shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Ordinance. Failure to comply with any of the provisions of the Article shall be deemed a violation and shall be punishable under Section 1115 and 1116 of this ordinance. Political signs posted in violation of Section 710 of this ordinance are subject to removal by the Administrator five (5) days after written notice of violation of Section 710 has been given.

#### **721 Exceptions**

In certain circumstances, the Planning Commission may grant exceptions to the conditions of this Ordinance. Upon application, an owner may apply for consideration of a sign consistent with the size and use of a building.



## ARTICLE 8

### NONCONFORMITIES

#### 800 Purpose

Within the districts established by this Ordinance, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance. The legitimate interest of those who lawfully established the nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Ordinance shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Ordinance or any amendment thereto. Nevertheless, while it is the intent of this Ordinance that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in the Ordinance.

#### 801 Uses Under Conditional Use Provisions Not Non-Conforming Uses

Any use which is permitted as a conditional use in a district under the terms of this ordinance shall not be deemed a non-conforming use in such district, but shall without further action be considered a conforming use.

#### 802 Incompatibility of Nonconformities

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

#### 803 Avoidance of Undue Hardship

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

**804 Certificates for Nonconforming Uses**

The Zoning Administrator may upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the structure or land dedicated to the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Administrator, who shall maintain as a public record a file of all such certificates.

**805 Substitution of Nonconforming Uses**

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Ordinance. Whenever a nonconforming use has been changed to a less intensive use or becomes a nonconforming use, such use shall not thereafter be changed to a more intensive use.

**806 Single Non-Conforming Lots of Record**

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance, notwithstanding limitations imposed by other provisions of the Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Article 9 of this Ordinance, other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Sections 1000 through 1018.

**807 Non-Conforming Lots of Record in Combination**

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

### **808 Nonconforming Uses of Land**

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

1. No such nonconforming uses shall be enlarged or decreased, 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 nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied at the effective date of adoption of this Ordinance.
3. If any such nonconforming uses of land are discontinued or abandoned for more than two (2) years (except when government action impedes access to the premises), any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located.
4. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such nonconforming use of land.

### **809 Nonconforming Uses of Structure**

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

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

### **810 Nonconforming Uses of Structures or of Structures and Land in Combination**

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

1. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
2. Any nonconforming use may be extended throughout any parts of a building which were manifestly

arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;

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

### **811 Termination of Use through Discontinuance**

When any nonconforming use is discontinued or abandoned for more than two (2) years, any new use shall not thereafter be permitted except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

### **812 Termination of Use by Damage or Destruction**

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty (50) percent of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Ordinance. When such a nonconforming structure is damaged or destroyed to the extent of fifty (50) percent or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Ordinance and the following conditions:

1. A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.
2. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.

### **813 Repairs and Maintenance**

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done

on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a building permit for such activities shall be required.



## ARTICLE 9

### PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES; ACCESSORY USES

#### 900 REGULATIONS OF CONDITIONAL USES

The provisions of Sections 900 to 915 inclusive of this Ordinance apply to the location and maintenance of any and all conditional uses.

#### 901 Purpose

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community. Toward these ends, it is recognized that this Ordinance should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, methods of operation, intensity of use, public facilities requirement, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of Sections 902 to 910 this Ordinance.

#### 902 Contents of Conditional Use Permit Application

Any owner or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Zoning Administrator, who shall within seven days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

1. Name, address and phone number of the application;
2. Legal description of the property;
3. Zoning district;
4. Description of existing use;
5. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board of Zoning Appeals may require;
6. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan (if such exists), to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes and duration;

7. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property in question;
8. A fee as established by Ordinance; and
9. A narrative addressing each of the applicable criteria contained in Section 903.

### **903 General Standards for All Conditional Uses**

In addition to the specific requirements for conditionally permitted uses as specified in Section 904, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 3 and appears on the Schedule of District Regulations adopted for the zoning district involved;
2. Will be in accordance with the general electives, or with any specific objective, of the Village's comprehensive plan and/or the zoning ordinance;
3. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity, and that such use will not change the essential character of the same area;
4. Will not be hazardous or disturbing to existing or future neighboring uses;
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
6. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
7. Will not involve uses, activities, processes, materials, equipment and property, detrimental to the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

### **904 Specific Criteria for General Uses**

The following are specific criteria and requirements for those uses conditionally permitted in this Ordinance. Nothing in this section shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in accordance with Article 9.

1. Public Service Facility
  - a. All permanent buildings shall be constructed and designed so as to conform with the setback and building design of existing uses in the district.
  - b. Screening and plantings to buffer any structures from adjacent residential uses are required.
2. Church
  - a. The lot area shall be adequate to accommodate the required off-street parking requirements of the church.
  - b. The church building shall be set back from any adjacent residential property line a minimum of fifty (50) feet.
  - c. Parking shall not be permitted within fifty (50) feet of any side or rear Property line.
  - d. A cemetery shall not be a permitted use in conjunction with the church.
3. Cemetery
  - a. The site shall have direct access to a major thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed.
  - b. Any new cemetery shall be located on a site containing not less than twenty-five (25) acres.
  - c. All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within 100 feet of any property line.
  - d. All graves or burials lots shall be set back not less than fifty (50) feet from any property line.
4. Attorney, Architect, Accountant, Engineer, Insurance Agency, Real Estate, Tax Preparation Service, and Bookkeeping Service Offices
  - a. Parking shall be provided as required in this Ordinance, provided that the Board of Zoning Appeals may increase the number of required spaces on the basis of the nature of the office and on the basis of generally known parking conditions in the neighborhood.
  - b. The design, location, and surface of the parking area shall be subject to approval of the Board of Zoning Appeals so as to reduce congestion, promote safety, and to reduce the impact on the residential character of the neighborhood.
  - c. One sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.
5. Veterinary Clinic and Kennel
  - a. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be

screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval.

- b. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions.
- c. The applicant shall submit a written statement showing the measures and practices he will use to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs.
- d. No dead animals shall be buried on the premises and incinerating of dead animals shall not create odors or smoke.

6. Child Day Care Center/Type A Family Day Care Home

- a. Outdoor playgrounds, tot lots, exercise areas, etc., shall be fully enclosed by a fence, the height and design of which shall be approved by the Board of Zoning Appeals.
- b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for children that will not impede other traffic.
- c. One sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.

7. Funeral Home

- a. The buildings shall be designed so as to conform with the architectural character of the residential neighborhood.
- b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop off point for visitors that will not impede other traffic.

8. Boarding Home, Rooming House

- a. No more than one person shall occupy each sleeping room.
- b. Fire escapes shall be provided as approved by the Board of Zoning Appeals.
- c. Fire exit instructions shall be posted in each sleeping room.

- d. All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.

9. Tourist Home, Bed/Breakfast Home

- a. No more than two adults shall occupy each sleeping room. Children under eighteen years of age are permitted in the same occupancy provided that no more than (five) 5 persons occupy one room.
- b. Fire escapes shall be provided as approved by the Board of Zoning Appeals.
- c. Fire exit instructions shall be posted in each sleeping room.
- e. All applicable provisions of the fire code shall be met and certification of such compliance by the appropriate official shall accompany the application.
- f. The facility shall be operated so that guests reside at the home for not longer than 30 continuous days.
- g. The facility shall contain no more than eight (8) sleeping rooms for guests.

**905 Public Hearing**

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after it receives an application for a conditional use permit submitted by an applicant through the Zoning Administrator.

**906 Notice of Public Hearing**

Before conducting the public hearing required in Section 905, notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

**907 Notice to Parties in Interest**

Prior to conducting the public hearing required in Section 905, written notice of such hearing shall be mailed by the Mayor, by first class mail, at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed in the application. The notice shall contain the same information as required in Section 906 for notices published in newspapers.

**908 Action by the Board of Zoning Appeals**

Within thirty (30) days after the date of the public hearing required in Section 905, the Board of Zoning Appeals shall take one of the following actions:

- 1. Approve issuance of the conditional use permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally

permitted, that all conditions for approval of such use in such district have been met, and that such use will result in neither significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 909. Upon making an affirmative finding, the Board shall direct the Zoning Administrator to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Board for approval.

2. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
3. Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval.

If an application is disapproved by the Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 1110.

### **909 Supplementary Conditions and Safeguards**

In granting approval for any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this Ordinance. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Ordinance.

### **910 Expiration of Conditional Use Permit**

A conditional use permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within one (1) year of the date on which the permit was issued, or if for any reason such use shall cease for more than two (2) years.

### **911 PROCEDURES AND REQUIREMENTS FOR DETERMINING THAT A USE IS SUBSTANTIALLY SIMILAR**

Where a specific use is proposed that is not listed or provided for in this Ordinance, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this Ordinance. If the Board finds that a use is substantially similar to a specific use listed in the Ordinance, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

In formulating a determination that a proposed use is a substantially similar use, the Board shall follow the procedures relating to appeals and variances as specified in Article 10 of this Ordinance. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Village Council of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within thirty (30) days of its receipt by the Council, such substantially similar use determination by the Board shall become effective.

### **912 Standards for Consideration of Substantially Similar Uses**

The following standards shall be considered by the Board of Zoning Appeals when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

1. The compatibility of the proposed use with the general use classification system as specified in the Ordinance.
2. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Ordinance as being permitted, or in the case of a conditional use, conditionally permitted, in that district.
3. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Ordinance.

### **913 Effect of Determination that a Use is Substantially Similar**

Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in this Ordinance, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.

### **914 Records of Substantially Similar Uses**

The Zoning Administrator shall maintain as a public record a listing of all uses which have been determined to be substantially similar. For each such use, the record shall include the use as listed in the Ordinance, the use as listed in the Ordinance about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Council. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Administrator shall consult this record in the process of issuing future permits.

### **915 Remedy by Application for an Amendment**

If the Board determines that a proposed use is not substantially similar, remedy may be sought by the appellant through the submission of an application for amendment as prescribed in Article 13.

**916 REGULATION OF ACCESSORY USES**

**917 Purpose**

It is the purpose of Sections 916 to 922 inclusive of this Ordinance to regulate accessory uses in order to promote the public health, safety, and welfare. It is the intent of these Sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.

**918 Definition**

"Accessory Use" means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to a lot as a principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or detached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Except as otherwise required in this Ordinance, an accessory use shall be a permitted use.

**919 Requirements**

Except as otherwise provided in this Ordinance, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

1. It shall be thirty-five (35) percent or less of the gross floor area of the principal use or structure, except where additional space is needed to comply with off-street parking requirements.
2. It shall not contain or be used as a dwelling unit.
3. It shall not exceed twenty (20) feet in height.
4. It shall meet all yard requirements of the principal use.

**920 Dwellings as Accessory Uses**

Dwellings may be accessory uses in residential districts if located inside the principal home or if detached as a garage apartment; If located within the principal home, the residence must be occupied by relatives or household servants and no rent is to be charged. Mobile home trailers shall not be permitted as accessory uses in any district.

**921 Accessory Elderly Dwelling Unit**

Notwithstanding the provisions of Subsection 2 of Section 901 of this Ordinance, an owner-occupied single family dwelling unit may be converted to allow the incorporation of one additional dwelling unit for the exclusive occupancy of an elderly household, a member of which shall be an elderly person related to the owner of the single-family dwelling unit. Such accessory elderly dwelling unit shall be wholly contained within



the existing principal building or shall be attached to it by common wall, floor or ceiling. The application for the zoning permit for such conversion shall be accompanied by an affidavit attesting to the owner's present occupancy of the dwelling unit and to the age and relationship of the elderly person.

## **922 Retail Sales and Services as Accessory Uses**

Retail sales and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a motel, such uses shall be conducted wholly within the principal building, and without exterior advertising or display. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students, or visitors and not for the general retail public. In hospitals and clinics these accessory uses may include drug stores, florists, gift and book shops, restaurants and cafeterias. In institutional settings, office buildings, hotels, country club houses, and airports, such activities may include gift and book shops, restaurants, cafeterias and coffee shops, lounges, pro shops, and beauty and barber shops.

## **923 REGULATION OF SWIMMING POOLS AS ACCESSORY USES**

### **924 Purpose**

It is the purpose of sections 923 to 926 inclusive to promote the public health, safety, and welfare through the regulation of swimming pool facilities which are constructed, operated or maintained as an accessory use.

### **925 Private Swimming Pools**

A private swimming pool, whether in-ground or above ground, but not including farm or retention/detention ponds shall be any pool, lake, or open tank, not located within a completely enclosed building, which is normally capable of containing water to a depth at any point greater than one and one-half (1 ½) feet.

No such swimming pool shall be allowed in any residential district except as an accessory use and shall comply with the following requirements:

1. The pool is intended to be used and is used solely for the enjoyment of the occupants and guests of the property on which it is located and their guests.
2. The pool may be located anywhere on the premises, except in required front or side yards, provided that it shall not be located closer than twenty (20) feet to any property line or easement.
3. The property on which the pool it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than six (6) feet in height, and shall be maintained in good condition with a self-closing and self-latching gate and lock.
4. A "kiddie" pool with a capacity less than eighteen (18) inches in height is exempt from this regulation.
5. Any pool for the use of occupants of multiple family buildings, containing over three (3) dwellings, shall meet the structural and sanitary requirements of the Ohio Department of Health.

**926 Community or Club Swimming Pools**

A community or club swimming pool shall be any pool constructed by an association of property owners, or by a private club or association, for use and enjoyment by members and their families. Such swimming pools shall comply with the following requirements:

1. The pool is intended solely for and is used 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 area used by the bathers, shall not be located closer than seventy-five (75) feet to any property line or easement.
4. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than 6 feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition.
5. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties.
6. Such pool facilities shall not be operated prior to 9:00 a.m. in the morning or after 10:00 p.m. in the evening.

**927 REGULATION OF LONG-TERM PARKING FACILITIES AS ACCESSORY USES**

**928 Purpose**

It is the purpose of Sections 927 to 930 inclusive to regulate long term parking facilities constructed, operated, or maintained as accessory uses in order to promote the public health, safety and welfare.

**929 Conditional Use Permit Required**

No Person shall establish, operate or maintain on any premises as an accessory use, a parking facility where any vehicles, to include tractors, trailers, boats, campers, recreational vehicles, buses, trucks, or automobiles, are to be parked for a continuous period exceeding six (6) days without obtaining a conditional use permit for such accessory use.

**930 Permit Requirements**

In addition to complying with all other provisions of the Ordinance, particularly the requirements of Articles 6 and 9, the applicant for the conditional use permit shall give evidence that the premises proposed for such use complies with the following conditions:

1. That no boundary of the proposed parking area is within fifty (50) feet of a residential district boundary.

2. That the proposed parking area will not prevent access to adjacent properties by fire safety equipment.
3. That the proposed parking area will be screened in such a manner that the vehicles thereon parked will not be visible from the ground level of any adjacent residential properties.
4. That fencing and lighting of the facility will be sufficient to provide for its reasonable security.
5. That no service work, maintenance work, repair work, painting work, or other vehicular work shall take place on the premises.

**ARTICLE 10**  
**ADMINISTRATION**

**1000 Purpose**

This article sets forth the powers and duties of the Planning Commission, the Board of Zoning Appeals, the Village Council, and the Building/Zoning Administrator with respect to the administration of the provisions of this Ordinance.

**1001 General Provisions**

The formulation, administration, and enforcement of the Zoning Ordinance is hereby vested in the following offices and bodies within the Village Government:

1. Building/Zoning Administrator
2. Planning Commission
3. Board of Zoning Appeals
4. Village Council
5. Village Solicitor

**1002 Building/Zoning Administrator**

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

**1003 Responsibilities of the Building/Zoning Administrator**

For the purpose of this Ordinance, the Building/Zoning Administrator shall have the following duties:

1. Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions.
2. Respond to questions concerning the applications for amendments to the Zoning Ordinance text and the Office Zoning District Map.
3. Issue building/zoning permits and certificates of occupancy as provided by this Ordinance and keep a record of same with a notice of any special conditions involved.
4. Act on all applications upon which he is authorized to act by the provisions of this Ordinance, within the specified time or notify the applicant in writing of his approval or disapproval of such application and the reasons therein. Failure to notify the applicant shall entitle the applicant to submit his request to the Board of Zoning Appeals.

5. Conduct inspections of buildings and uses of land to determine compliance with this Ordinance, and, in the case of any violation, notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
6. Maintain in current status the Official Zoning District Map, which shall be kept on permanent display in the village offices.
7. Maintain permanent and current records required by this Ordinance, including but not limited to building/zoning permits and certificates, inspection documents, and records of all variances, amendments and special uses.
8. Make such records available for the use of the Village Council, the Planning Commission, the Board of Zoning Appeals, and the public.
9. Review and approve site plans pursuant to this Ordinance.
10. Review and determine the existence of any violations of this Ordinance, and cause such notifications, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
11. Prepare and submit an annual report to the Village Council and Planning Commission on the administration of the Ordinance, setting forth such information as may be of interest and value in advancing and furthering purpose of the Ordinance. Such report shall include recommendations concerning the schedule of fees.

#### **1004 Planning Commission - Appointment and Organization**

The Commission shall be composed of five members (see Ohio Revised Code Section 713.01, at paragraphs 5 and 7) who reside in the Village, and shall include the Mayor, a Village Council representative, and three additional citizens to be appointed by the Mayor. The terms of the citizen members shall be in accordance with the Ohio Revised Code.

#### **1005 Proceedings of Planning Commission**

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of the Ordinance. Commission meetings shall be held at the call of the chairman and such other times as the Commission may determine. All meetings shall be open to the public. The commission shall keep minutes of its proceedings showing the vote of each member upon each question or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be kept by the Secretary and a copy shall stay within the Village Office. The presence of three (3) members shall constitute a quorum. The concurring vote of the three (3) members of said Board shall be necessary to reverse an order, requirement, decision, or determination of the Building/Zoning Administrator or the Planning Commission itself.

#### **1006 Duties of Planning Commission**

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

1. Recommend the proposed Zoning Ordinance, including text and official Zoning District Map to the Village Council for formal adoption.
2. Initiate advisable Official Zoning District Map changes or changes in the text of the Zoning Ordinance where same will promote the best interest of the public in general through recommendation to the Village Council.
3. Review all proposed amendments to the text of this Ordinance and the Official Zoning District Map and make recommendations to the Village Council as specified in Article 13.
4. Review all Planned Unit Development Applications and make recommendations to the Village Council as provided in this ordinance.
5. Review all special uses as identified in the respective zoning districts according to provisions and criteria stated in this Ordinance.
6. Carry on a continuous review of the effectiveness and appropriateness of the Ordinance and recommend such changes or amendments as it feels would be appropriate.
7. Review all lot split and lot combination (reversal) requests. Approval of lot splits requires a majority vote of the Planning Commission.
8. Review all requests to vacate a right-of-way. Approval of right-of-way vacations require a majority vote of Planning Commission in order to send to Council for approval.

### **1007 Board of Zoning Appeals**

A Board of Zoning Appeals is hereby created, which shall consist of three (3) members and one (1) alternate to be appointed by the Mayor. The term of all members shall be in accordance with the Ohio Revised Code.

Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other reasonable cause by the Mayor upon written charges and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing. Such notice shall be served either personally or by registered mail, or by leaving the same at his or her place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by appointment by the Mayor and shall be for the unexpired term.

### **1008 Proceedings of the Board of Zoning Appeals**

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of the Ordinance. Meetings shall be held at the call of the chairman and at such other times as the Board may determine. The chairperson, or in his/her absence the acting chairpersons, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and shall be kept by the Secretary of the Board.

The presence of three (3) members of the Board shall be required to constitute a quorum. The Board shall act by resolution, and the concurring vote of two members shall be necessary to reverse an order of determination of the Building/Zoning Administrator, to decide in favor of an applicant in any matter over which the Board has original jurisdiction under this Ordinance, or to grant any variance from the requirements stipulated in this Ordinance.

### **1009 Duties of the Board of Zoning Appeals**

For the purpose of this Ordinance, the Board has the following specific responsibilities:

1. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Building/Zoning Administer.
2. Authorize such variance from the terms of the Ordinance as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the Ordinance will result in unnecessary hardship, and so that the spirit of the Ordinance shall be observed and substantial justice done. Such unnecessary hardship may not be self-inflicted nor be based on any desire for a more profitable use of the property.

### **1010 Duties of Building/Zoning Administrator, Board of Zoning Appeals, and Legislative Authority on Matters of Appeal**

It is the intent of the Ordinance that all questions of interpretation and enforcement shall be first presented to the Building/Zoning Administrator, and that such questions shall be presented to Board only on appeal from the decision of the Building/Zoning Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of 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, which 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 the duties only of considering and adopting or rejecting proposed amendments or the repeals of this Ordinance as provided by law, and or establishing a schedule of fees and charges as stated in Section 1012 this Ordinance. Nothing in this Ordinance shall be interpreted so as to prevent any official of the Village from appealing a decision of the Board to the Courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten (10) days of the Board's written decision.

### **1011 Village Council**

The powers and duties of the Village Council pertaining to the Zoning Ordinance are as follows.

1. Approve the appointments of members to the Planning Commission.
2. Approve the appointments of members to the Board of Zoning Appeals.
3. Initiate or act upon the suggested amendments to the Zoning Ordinance text or Official Zoning District Map. Final action upon a suggested building/zoning amendment shall be undertaken at a public hearing.

4. Override a written recommendation of the Planning Commission on a text or map amendment provided that such legislative action is passed by a vote of not less than three-quarters of the Village Council.

### **1012 Schedule of Fees**

The Village Council shall by Ordinance establish a schedule of fees for building/zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other procedures and services pertaining to the administration and enforcement of this Ordinance, after considering the recommendations of the Building/Zoning Administrator with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the Village Offices, and shall only be altered or amended by the Village Council. Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.



## ARTICLE 11

### ENFORCEMENT

#### 1100 General

This article stipulates the procedures to be followed in obtaining permits, certificates, and other legal or administrative approvals under this Ordinance.

#### 1101 Building/Zoning Permits Required

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

#### 1102 Contents of Application for Building/Zoning Permit

The application for building/zoning permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit will expire and will be revoked if work has not begun within six (6) months or completed within one (1) year. At a minimum, the application shall contain the following information and be accompanied by all required fees:

1. Name, address and phone number of applicant;
2. Legal description of property;
3. Existing use;
4. Proposed use;
5. Zoning district;
6. Plans drawn, in triplicate, to scale, appropriate to the size of the building, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings, if any, on the lot; and the location and dimensions of the proposed buildings or alterations;
7. Building heights;
8. Number of off-street parking spaces or loading berths, and their layout;
9. Location and design of access drives;

10. Number of dwelling units
11. If applicable, application for a sign permit or a conditional special or temporary use permit, unless previously submitted;
12. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of this Ordinance.

### **1103 Approval of Building/Zoning Permit**

Within thirty (30) days after the receipt of an application, the Building/Zoning Administrator shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All building/zoning permits shall, however, be conditional upon the commencement of work within six (6) months. One copy of the plans shall be returned to the applicant by the Building/Zoning Administrator, after the Building/Zoning Administrator shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked, shall be retained by the Building/Zoning Administrator. The Building/Zoning Administrator shall issue a notice, to be posted in a conspicuous place on the property in question; attesting to the fact the activity is in conformance with the provisions of the Ordinance.

### **1104 Submission to Ohio Director of Transportation**

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

### **1105 Expiration of Building/Zoning Permit**

If the work described in any building/zoning permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Building/Zoning Administrator; and written notice thereof shall be given to the persons affected. If the work described in any building/zoning permit has not been completed within one (1) year of the date of issuance therefrom, said permit shall expire and be revoked by the Building/Zoning Administrator. 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 building/zoning permit has been obtained or an extension granted. There shall be a reasonable fee charged for renewed permits or granted extensions.

**1106 Certificate of Occupancy**

It shall be unlawful to use, occupy or permit the use or occupancy of any building or premise, or both, or part thereof hereafter created, erected, changed converted, or wholly or partly altered or enlarged in its use or structure, until a certificate of occupancy has been issued by the Building/Zoning Administrator stating that the proposed use of the building or land conforms to the requirements of this Ordinance. The issue of a use certificate in no way relieves the recipient's compliance with all the requirements of this Ordinance or other regulations.

**1107 Record of Building/Zoning Permits and Certificates of Occupancy**

The Building/Zoning Administrator shall maintain a record of all zoning permits and certificates of occupancy, and copies shall be furnished to any person upon request and upon payment of the established fee.

**1108 Failure to Obtain a Building/Zoning Permit**

Failure to obtain a building/zoning permit shall be a punishable violation of this Ordinance. Fines in the amount of \$100.00 per day shall be enforced from start of construction until proper permits have been secured by property owner/builder.

**1109 Failure to Obtain Certificate of Occupancy**

Failure to obtain a Certificate of Occupancy permit shall be a punishable violation of this Ordinance. Fines in the amount of \$100.00 per day shall be enforced from the date property is first inhabited until permit is secured by property owner/builder.

**1110 Construction and Use to be as provided in Applications, Plans, Permits, and Certificates**

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

**1111 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 Building/Zoning Administrator. The Building/Zoning Administrator shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Ordinance.

**1112 Entry and Inspection of Property**

The Building/Zoning Administrator is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Ordinance. Prior to seeking entry to any property or structure for such examination or survey, the

Building/Zoning Administrator shall attempt to obtain the permission of the owner or occupant to inspect the premises. If such permission is denied or cannot be obtained, the Building/Zoning Administrator shall issue a stop work order, and then request the assistance of the Village Solicitor in securing a valid search warrant prior to entry.

### **1113 Stop Work Order**

Subsequent to his determination that work is being done contrary to this Ordinance, the Building/Zoning Administrator shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of the Building/Zoning Administrator, shall constitute a punishable violation of this Ordinance.

### **1114 Building/Zoning Permit Revocation**

The Building/Zoning Administrator may revoke a permit or administrative approval which was issued contrary to this Ordinance or based upon false information or misrepresentation in the application.

### **1115 Notice of Violation**

Whenever the Building/Zoning Administrator or his agent determines that there is a violation of any provision of the Ordinance, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

1. Be in writing;
2. Identify the violation;
3. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Ordinance being violated;
4. State the time by which the violation shall be corrected.

Service of notice of violation shall be as follows:

- a. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
- b. By certified mail deposited in the United States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with an endorsement showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Building/Zoning Administrator. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
- c. By posting a copy of the notice form in a conspicuous place on the premises found in violation.

### **1116 Ticketing Procedure**

If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be issued a ticket. If the ticket cannot be served personally, the Building/Zoning Administrator shall request that the Court issue a summons.

Such ticket shall:

1. Be served personally;
2. Be in writing;
3. Identify the violation;
4. State the time, date, and place for appearance in court; and
5. State the amount of the fine payable in lieu of a court appearance.

If ticketed violation has not been corrected in specified allotment of time, a court appearance shall be mandatory, with the possibility of additional financial penalties.

### **1117 Penalties and Fines**

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain or structurally alter any building, structure or land in violation of any provisions of this Ordinance or any amendment thereto. Any person, firm, or corporation who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one-hundred (\$100) dollars per day and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person, who commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided. All violations are to be resolved within 30 days unless otherwise specified.

### **1118 Additional Remedies**

Nothing in this Ordinance shall be deemed to abolish, impair or prevent other additional remedies as provided by law. In the event of a violation of any provisions or requirement of this Ordinance, or in the case of an imminent threat of such a violation, the Building/Zoning Administrator, Village Solicitor, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourse provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin or terminate such violation.

## ARTICLE 12

### PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

#### 1200 General

Appeals and variances shall conform to the procedures and requirements of Sections 1201 to 1211 inclusive, of the Ordinance. As specified in Section 1009, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

#### 1201 Appeals

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Administrator. A notice of appeal specifying the grounds upon which the appeal is being taken shall be provided to the Board of Zoning Appeals. The Zoning Administrator shall transmit to the Board of Zoning Appeals all papers constituting the record upon which the action appealed from was taken.

#### 1202 Stay of Proceedings

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

#### 1203 Variances

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, literal enforcement of the provisions of this Ordinance would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Ordinance would result in unnecessary hardship.

#### 1204 Application and Standards for Variances

Except as otherwise permitted in this Ordinance, no variance in the strict application of the provisions of this Ordinance shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

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

3. Description or nature of variance requested;
4. List of addresses of adjoining and contiguous properties;
5. A fee as established by ordinance;
6. Narrative statements establishing and substantiating that the variance conforms to the following standards;
  - a. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by the Ordinance on the district in which is it located and shall not be injurious to the area or otherwise detrimental to the public welfare.
  - b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
  - c. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of the Ordinance would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
  - d. There must be proof or hardship created by the strict application of this Ordinance. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance, it must be suffered directly by the property in question; and evidence or variances granted under similar circumstances need not be considered.
  - e. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
  - f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
  - g. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures or buildings in the same district.

### **1205 Additional Standards and Safeguards**

The Board may further prescribe any conditions and safeguards that it deems necessary to insure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Ordinance.

### **1206 Public Hearing by the Board of Zoning Appeals**

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after receipt of an application for appeal or variance from the Zoning Administrator determination.

### **1207 Notice of Hearing in Newspaper**

Before conducting the public hearing required in Section 1206, notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

### **1208 Notice to Parties in Interest**

Before conducting the public hearing required in Section 1206, written notice of such hearing shall be mailed by the Mayor, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1207.

### **1209 Action by the Board of Zoning Appeals**

Within thirty (30) days after the public hearing required in Section 1206 the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 1205, or disapprove the request of appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board decision shall be made in the manner specified in Section 1010.

### **1210 Term of Variance**

No order of the Board of Zoning Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building permit, zoning approval or any additional restraints or conditions are obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

### **1211 Authorized Variances**

Variances from the regulations of the Ordinance shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section 1204, and Section 1205 if applicable, have been met by the applicant. Variances may be granted as guided by the following:

1. To permit any yard or setback less than the yard or setback required by the applicable regulations.
2. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty (80) percent of the required area and width.



3. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
4. To reduce the applicable off-street parking facility to qualify as required facilities for two more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
5. To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty (30) percent of the required facilities.
6. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
7. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty (40) percent.
8. To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five (25) percent.
9. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally by not more than twenty-five (25) percent.

## ARTICLE 13

### AMENDMENT

#### 1300 Procedure for Amendment of District Change

This ordinance may be amended utilizing the procedures specified in Sections 1301-1313, inclusive, of this Ordinance.

#### 1301 General

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

#### 1302 Initiation of Zoning Amendments

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

By the adoption of a motion by the Planning Commission.

By the adoption of a resolution by the Board of Zoning Appeals.

By the filing of an application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

#### 1303 Contents of Application for Zoning Map Amendment

Applications for amendments to the Official Zoning Map adopted as part of this Ordinance by Article 3 shall contain at least the following information:

1. The name, address, and phone number of the applicant;
2. The proposed amending ordinance, approved as to form by the village Solicitor.
3. A statement of the reason(s) for the proposed amendment;
4. Present use;
5. Present zoning district;
6. Proposed use;
7. Proposed zoning district;
8. A vicinity map at a scale approved by the Zoning Administrator showing property lines, thoroughfares,

existing and proposed zoning, and such other items as the Zoning Administrator may require;

9. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned;
10. A statement on the ways in which the proposed amendment relates to the comprehensive plan (if there is such a plan in existence);
11. A fee as established by the Board of Zoning Appeals.

### **1304 Contents of Application for Zoning Text Amendment**

Applications for amendments proposing to change, supplement, amend, or repeal any portion(s) of the Ordinance, other than the official Zoning Map, shall contain at least the following information:

1. The name, address, and phone number of the applicant;
2. The proposed amending ordinance, approved as to form by the Village Solicitor;
3. A statement of the reason(s) for the proposed amendment;
4. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan;
5. A fee as established by Board of Zoning Appeals.

### **1305 Transmittal to Planning Commission**

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

### **1306 Submission to Director of Transportation**

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

### **1307 Recommendation of Planning Commission**

Within sixty (60) days from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment as requested, or it may recommend that the amendment be denied. The written decision of the Planning Commission shall indicate the specific reason(s) upon which the recommendation is based, to include the basis for their determination that the proposed amendment is or is not consistent with the comprehensive plan, if there is such a plan, or in the general interest of the Village.

### **1308 Public Hearing by Village Council**

Upon receipt of the recommendation from the Planning commission, Village Council shall schedule a public hearing. Said hearing shall be not more than thirty (30) days from the receipt of the recommendation from the Planning Commission.

### **1309 Notice of Public Hearing in Newspaper**

Notice of the public hearing required in Section 1308 shall be given by Village Council by at least one (1) publication in one (1) or more newspapers of general circulation in the Village affected. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

### **1310 Notice to Property Owners by Board of Zoning Appeals**

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least twenty (20) days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to rezoned or redistricted to the addressees of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other list or lists that may be specified by the Board of Zoning Appeals. The failure to deliver the notification as provided in this section shall not invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 1309.

### **1311 Action by Board of Zoning Appeals**

Within thirty (30) days after the public hearing required by Section 1308, the Board of Zoning Appeals shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Board of Zoning Appeals denies or modifies the recommendation of the Planning Commission, it must do so by not less than two-thirds of the membership of the Board of Zoning Appeals. No such ordinance shall be passed unless it has been fully and distinctly read on three different days except that such ordinance may become emergency legislation if two-thirds of the members of the Board of Zoning Appeals vote to dispense with this rule.

### **1312 Effective Date and Referendum**

Such amendment adopted by the Board of Zoning Appeals shall become effective thirty (30) days after the

date of such adoption unless within thirty (30) days after the passage of the ordinance there is presented to the Board of Zoning Appeals a petition, signed by a number of qualified voters residing in the Village equal to not less than (10) per cent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting that the Board of Zoning Appeals submit the zoning amendment to the electors of the Village for approval or rejection at the next general election.

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