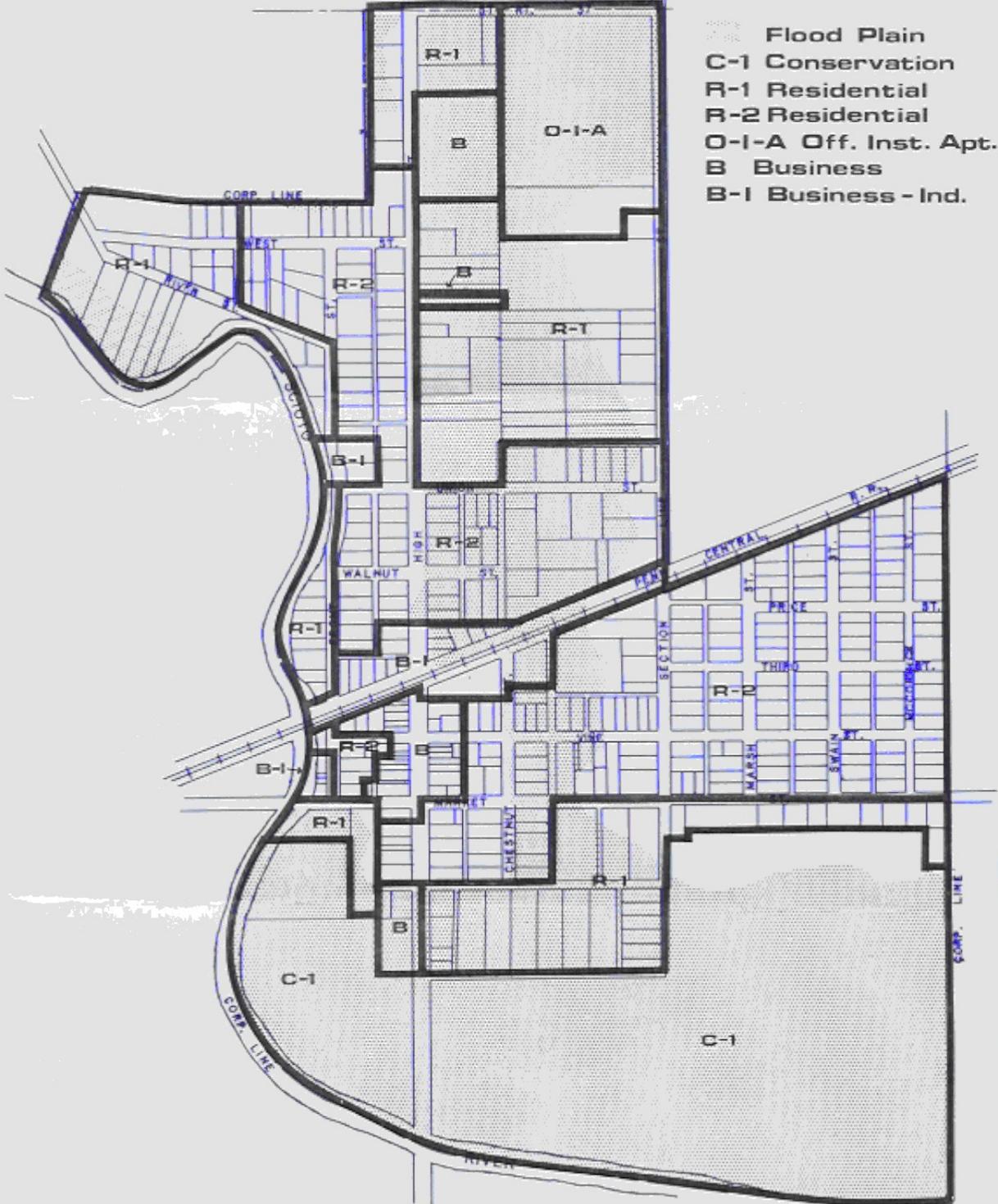


*Zoning Ordinance
Of the
Village of LaRue,
Ohio*

ZONING MAP

-  Flood Plain
-  C-1 Conservation
-  R-1 Residential
-  R-2 Residential
-  O-1-A Off. Inst. Apt.
-  B Business
-  B-1 Business - Ind.



THE PREPARATION OF THIS MAP WAS FUNDED IN PART THROUGH A RURAL DEVELOPMENT PLANNING GRANT FROM THE DEPARTMENT OF AGRICULTURES FARMERS HOME ADMINISTRATION UNDER SECTION 306 OF THE CONSOLIDATED FARM AND RURAL DEVELOPMENT ACT OF 1961 AMENDED



MARION COUNTY
REGIONAL PLANNING
COMMISSION
7/1981



LARUE VILLAGE



SCALE IN FEET

Table of Contents

Chapter 1 - Title, Jurisdiction and Legal Provisions.	1
1.01 <u>Title</u>	1
1.02 <u>Area of Jurisdiction</u>	1
1.03 <u>Minimum Requirements And Conflict</u>	1
1.04 <u>Conformance Required</u>	1
1.05 <u>Separability</u>	1
1.06 <u>Pending Developments</u>	1
1.07 <u>Violations, Penalties</u>	1
Chapter 2 - Definitions.	3
2.01 <u>Definitions</u>	3
Chapter 3 - Non-conformities.	12
3.01 <u>Intent</u>	12
3.02 <u>Non-Conforming Lots</u>	12
3.03 <u>Non-Conforming Uses of Land</u>	12
3.031 <u>Change of Non-Conforming Uses</u>	12
3.032 <u>Abandonment</u>	12
3.04 <u>Non-conforming Structures</u>	12
3.042 <u>Expansion of Use</u>	12
3.05 <u>Repairing Damaged Non-conforming Structures</u>	13
Chapter 4 - Official Zoning Map and Zoning Districts	14
4.01 <u>Official Zoning Map</u>	14
4.02 <u>Adoption of the Official Zoning District Map as Part of this Ordinance</u>	14
4.03 <u>Determination of District Boundaries</u>	14
4.04 <u>Vacation of Streets, Alleys or Other Public Ways</u>	14
4.05 <u>Zoning District Classification</u>	14
4.06 <u>Degree of Restrictiveness And Special District</u>	15
Chapter 5 - General Zoning District Provisions.	16
5.01 <u>Street Frontage required for All Lots</u>	16
5.02 <u>Required Lot Area or Other Open Space Cannot Be Reduced</u>	16
5.03 <u>General Zoning District Regulations</u>	16
5.04 <u>Minimum Dwelling Sizes</u>	16
5.05 <u>Standards for Mobile Homes</u>	16
5.06 <u>Water Supply and Sewage Disposal</u>	17
Chapter 6 - "FP" Flood plain District.	18
6.01 <u>Purpose</u>	18
6.02 <u>Flood Plain District Overlay</u>	18
6.03 <u>Use Regulations</u>	18
6.04 <u>Development Standards</u>	18
6.05 <u>Establishment of Flood Plain Zone Boundaries</u>	19
6.06 <u>Warning And Disclaimer of Responsibility</u>	19
Chapter 7 - "C-1" Conservation District.	20
7.01 <u>Purpose</u>	20
7.02 <u>Use Regulations</u>	20
Chapter 8 - "R-1" Low Density Residential District.	21
8.01 <u>Purpose</u>	21
8.02 <u>Use Regulations</u>	21
8.03 <u>"R-1" Area and Dimensional Standards</u>	22

Chapter 9 - “R-2” General Residence District.	23
9.01 <u>Purpose.</u>	23
9.02 <u>Use Regulations.</u>	23
9.03 <u>“R-2” Area and Dimensional Standards.</u>	24
Chapter 10 - “O-I-A” Office Institutional Apartment District.	25
10.01 <u>Purpose.</u>	25
10.02 <u>Use Regulations.</u>	25
10.03 <u>Area and Dimensions Standards.</u>	26
Chapter 11 - “B” Business District.	28
11.01 <u>Purpose.</u>	28
11.02 <u>Use Regulations.</u>	28
11.03 <u>Area and Dimensional Standards.</u>	30
Chapter 12 - “B-I” Business-Industrial District.	31
12.01 <u>Purpose.</u>	31
12.02 <u>Use Regulations.</u>	31
12.03 <u>Area And Dimensional Standards.</u>	33
Chapter 13 - Special Use Regulations.	35
13.01 <u>Exceptions to Application of Area Dimension Standards.</u>	35
13.011 <u>Planned Development Projects.</u>	35
13.012 <u>Exceptions to Lot Width and Area Requirements.</u>	35
13.013 <u>Front Yard Exceptions and Modifications.</u>	35
13.014 <u>Side Yard Exceptions, Application and Adjustments.</u>	36
13.015 <u>Rear Yard Exceptions of Shallow Lots.</u>	36
13.016 <u>Uses and Projections Permitted In Yards.</u>	36
13.02 <u>Sign Regulations.</u>	37
13.021 <u>General Provisions.</u>	37
13.0211 <u>Non-Conforming Signs.</u>	37
13.0212 <u>Exempted Signs.</u>	37
13.0213 <u>Prohibited Signs.</u>	38
13.0214 <u>Non-Conformance.</u>	38
13.0215 <u>Sign Responsibility, Maintenance and Removal.</u>	38
13.0216 <u>Location of Signs.</u>	39
13.022 <u>Accessory Signs.</u>	39
13.0221 <u>Accessory Signs in Residential Districts.</u>	39
13.0222 <u>Accessory Signs In Office-Institutional-Apartment Districts.</u>	40
13.0223 <u>Accessory Signs In Business Districts.</u>	40
13.0224 <u>Accessory Signs with Business-Industrial Districts.</u>	40
13.0225 <u>Accessory Signs for Non-Conforming Uses.</u>	40
13.023 <u>Advertising Signs.</u>	40
13.0231 <u>General Provisions.</u>	40
13.0232 <u>Standards for Advertising Signs.</u>	40
13.03 <u>Home Occupations.</u>	41
13.04 <u>Automobile Sales, Service and Repair: Drive-In Establishments and Parking Lots</u>	41
13.05 <u>Private Swimming Pools.</u>	42
13.06 <u>Excavation of Top Soil.</u>	43
13.07 <u>Mineral Extraction, Storage and Processing.</u>	43
13.071 <u>Purpose.</u>	43
13.072 <u>Establishment of Boundaries or Limits.</u>	43
13.073 <u>Dimension Requirements.</u>	43
13.074 <u>Disposal of Building and Structures.</u>	43
13.075 <u>Application.</u>	44
13.076 <u>Rehabilitation of Site.</u>	44

13.08	<u>Petroleum Drilling and Production.</u>	44
13.09	<u>Off-Street Parking and Loading Standards.</u>	45
	13.091 <u>Purpose.</u>	45
	13.092 <u>Off-Street Parking Spaces Required.</u>	45
	13.0921 <u>Application of Requirements.</u>	45
	13.0922 <u>Schedule of Parking Spaces Required.</u>	45
	13.0923 <u>Application of Schedule.</u>	47
	13.0924 <u>Application of Schedule.</u>	47
	13.093 <u>Offstreet Loading Space Required.</u>	48
	13.0931 <u>Requirements.</u>	48
	13.0932 <u>Schedule of Loading Spaces Required.</u>	48
	13.0933 <u>Application of Schedule.</u>	48
	13.0934 <u>Development Standards for Offstreet Loading Space.</u>	49
13.10	<u>Mobile Home Parks.</u>	49
	13.101 <u>Application.</u>	49
	13.102 <u>Development Standards.</u>	50
	13.1021 <u>Ohio Department of Health.</u>	50
	13.1022 <u>Board of Zoning Appeals.</u>	50
	13.1023 <u>Subdivisions.</u>	50
	13.1024 <u>Board of Zoning Appeals Approval.</u>	50
13.11	<u>Public Utility Substations.</u>	51
	13.111 <u>Public Utility Substations in Residential and Business Districts.</u>	51
Chapter 14 - Planned Unit Development Projects.		52
14.01	<u>Purpose and Requirements.</u>	52
	14.011 <u>Purpose.</u>	52
	14.012 <u>General Provisions.</u>	52
	14.013 <u>PUD District.</u>	52
	14.014 <u>Basic Requirements.</u>	52
	14.015 <u>Development Standards.</u>	53
	14.0151 <u>Minimum Project Area.</u>	53
	14.0152 <u>Uses Permitted.</u>	53
	14.0153 <u>Project Ownership.</u>	53
	14.0154 <u>Common Open Space.</u>	53
	14.0155 <u>Minimum Lot Sizes.</u>	53
	14.0156 <u>Parking.</u>	54
	14.0157 <u>Utility Requirements.</u>	54
	14.0158 <u>Arrangement of Commercial Uses.</u>	54
	14.0159 <u>Arrangement of Industrial Uses.</u>	54
	14.0160 <u>Future Expansion.</u>	54
14.02	<u>Procedure for Approval of PUD District.</u>	55
	14.021 <u>Preliminary Development Plan.</u>	55
	14.022 <u>Final Development Plan.</u>	55
	14.023 <u>Subdivisions.</u>	55
	14.024 <u>Action on a Final Development Plan by the Planning Commission and the Village Council.</u>	56
Chapter 15 - Planning Commission.		57
15.01	<u>Organization, Staff Services and General Procedures.</u>	57
	15.011 <u>Organization.</u>	57
	15.012 <u>Staff Services.</u>	57
	15.013 <u>General Procedures.</u>	57
15.02	<u>Powers and Duties.</u>	58
Chapter 16 - Board of Zoning Appeals.		59
16.01	<u>Establishment, Staff Services and General Procedures.</u>	59
	16.011 <u>Establishment.</u>	59

16.012	<u>Staff Services.</u>	<u>59</u>
16.013	<u>General Procedures.</u>	<u>59</u>
16.02	<u>Applications and Appeals.</u>	<u>60</u>
16.021	<u>Filing an Application.</u>	<u>60</u>
16.022	<u>Filing an Appeal.</u>	<u>60</u>
16.023	<u>Hearings, Date and Notices.</u>	<u>60</u>
16.024	<u>Adjournment of Hearing.</u>	<u>61</u>
16.025	<u>Decisions of the Board.</u>	<u>61</u>
16.026	<u>Stay of Proceedings.</u>	<u>61</u>
16.03	<u>Powers of the Board.</u>	<u>62</u>
16.031	<u>Interpretation of the Zoning Code.</u>	<u>62</u>
16.032	<u>Original Jurisdiction Applications for Exceptions and Conditional Uses</u>	<u>62</u>
	
16.033	<u>Appeals for Variances.</u>	<u>62</u>
16.034	<u>General Powers.</u>	<u>63</u>
16.04	<u>Expiration of Permits for Exceptions, Conditional Uses and Variances.</u>	<u>63</u>
Chapter 17 - Administration.		<u>65</u>
17.01	<u>Duties of the Zoning Inspector.</u>	<u>65</u>
17.011	<u>Office of the Zoning Inspector.</u>	<u>65</u>
17.012	<u>Applications; Zoning Permits.</u>	<u>65</u>
17.013	<u>Occupancy or Use Permits.</u>	<u>66</u>
	17.0131 <u>Occupancy Permits; Where Zoning Permit Issued.</u>	<u>66</u>
	17.0132 <u>Occupancy Permits; Where no Zoning Permit Required.</u>	<u>66</u>
	17.0133 <u>Temporary Occupancy Permits.</u>	<u>66</u>
17.014	<u>Action on Applications; Time Limit.</u>	<u>66</u>
17.015	<u>Zoning Permits; Time Limit.</u>	<u>66</u>
17.02	<u>Fees.</u>	<u>67</u>
17.021	<u>Zoning Permits.</u>	<u>67</u>
17.022	<u>Occupancy Permit.</u>	<u>67</u>
17.023	<u>Sign Permit.</u>	<u>67</u>
17.024	<u>Tax Exempt Property.</u>	<u>67</u>
17.025	<u>Matters Coming Before Board of Zoning Appeals.</u>	<u>68</u>
17.026	<u>Matters Coming Before the Planning Commission.</u>	<u>68</u>
17.03	<u>Amendments.</u>	<u>68</u>

Chapter 1

Title, Jurisdiction and Legal Provisions

1.01 Title

This Ordinance shall be known and may be cited to as the “Zoning Ordinance of the Village of LaRue, Ohio.”

1.02 Area of Jurisdiction

The provisions of this Zoning Ordinance shall apply to the incorporated area of the Village of LaRue. If, after the adoption of this code, any surrounding unincorporated area become parts of the Village, that area shall retain its existing zoning classification as given by the Township Trustees until reviewed and classified by amendment.

1.03 Minimum Requirements And Conflict

In the interpretation of the provisions of this code, they shall be held to be the minimum requirements for the promotion of the public health, safety, convenience, prosperity and general welfare. When a provision of this code differs or conflicts with the provisions of any other ordinance, statute, law or regulation, the most restrictive, or that imposing the higher standards shall apply.

1.04 Conformance Required

Except as provided in this Code, no land, building, structure or premises shall change use, and no building or structure or part thereof shall be located, erected, moved, reconstructed, extended, or enlarged except in conformity with the regulations herein specified for the district in which it is located.

1.05 Separability

Should any section, clause or provision of this Code be declared by a court to be invalid, such declaration shall not affect the validity of this Code as a whole, or part thereof, other than the part declared invalid.

1.06 Pending Developments

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any development, building, structure, or part thereof 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.

1.07 Violations, Penalties

It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of any of the provisions of this Code or any amendment thereto. Any violation of any of the provisions of this Code shall be a misdemeanor and, upon conviction, shall subject the owner or any person who has assisted in the commission of such violation, or who uses or maintains any building or premises in which such violation exists, to a fine of not more than one hundred(100) dollars, or imprisonment for not more than thirty(30) days, or both, and in addition the payment of all costs and expenses involved in the

case. Each day such violation continues after receipt of a violation notice may be considered a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

Chapter 2

Definitions

2.01 Definitions

For the purposes of this Ordinance, certain terms are herewith defined. When not inconsistent with the context, words in the present tense include the future; words in the singular number include the plural, and words in the plural number include the singular; the word “structure” includes buildings, the word “occupied” includes designed or intended to be occupied; the word “used” includes designed or intended to be used; and the word “shall” is mandatory and not merely directive. Other words and terms shall have meanings as defined hereunder.

1. Accessory Building or Structure. A subordinate building or structure on the same lot with a principal building, or a portion of the principal building occupied or devoted exclusively to an accessory use, provided that any such building or structure is erected at the same time or after the construction of the principal building.
2. Accessory Use. A use subordinate to the principal use of a building or premises, and customarily incidental thereto.
3. Agriculture. The use of land for agricultural purposes, including the production of field crops, dairying, pasturage, farm woodlots, horticultural, apiculture, viticulture, animal and poultry husbandry and the normal processing and sale of agricultural products, but not including specialized animal raising except as an accessory to other agriculture activities.
4. Alley. A public Right-of-Way not more than thirty(30) feet in width, providing only a secondary means of vehicular access to abutting property.
5. Animal Raising, Specialized. The use of land and buildings for the commercial raising, care and sale of fur-bearing animals such as foxes, rabbits, dogs and domestic pets; also the stabling or care of horses and other animals and birds as an enterprise other than an accessory to agricultural use, as herein defined.
6. Apartment. A dwelling unit located in an apartment building.
7. Apartment Building. Any building housing three(3) or more apartments or dwelling units, provided said units are the principal use of the building.
8. Apartment Hotel.
 - a. A building or portion thereof containing three(3) or more dwelling units or guest rooms or suites or guest rooms not for the use of transients, or
 - b. An apartment building in which all or most of the dwelling units are provided with maid service.
9. Automobile or Trailer Sales Area. An open area used for display, sale or rental of new or used motor vehicles or trailers in operable condition, and where only incidental repair work is done.
10. Board. The Village of LaRue Board of Zoning Appeals.

11. Boarding House. A building or part thereof other than a hotel or restaurant, where meals are served, for compensation, for three(3) or more parsons, not transients (See also “Lodging House”).
12. Building. Any structure having a roof supported by columns or walls used for shelter or enclosure of persons, animals or property.
13. Building, Length of. For the purpose of computing required yard dimension or distance between buildings, the length of a building shall be the total length of the exterior wall or walls which are most nearly parallel to the lot line or other building to which the dimension or distance is measured.
14. Building, Wall. For the purpose of computing required yard dimension or distance between buildings, the building wall includes such wall or parts therefor which is most nearly parallel with the lot line or other building wall to which the dimension or distance is measured.
15. Commission, Planning. The Village of LaRue Planning Commission.
16. Comprehensive Plan. The: Comprehensive Plan for Marion County or parts thereof, as and when adopted or amended by the Marion County Regional Planning Commission.
17. Conditional use: Special Exception. A principal use which is subject to conditional approval by the Board of Appeals. A conditional use (or special exception) may be granted by the Board only under one of the following conditions:
 1. Where there is a specific provision in this Ordinance for such use within the District involved, or
 2. In case the use in question is not listed as either permitted or prohibited in the District involved, and the Board is specifically authorized to determine whether an unlisted use is similar to others listed as permitted. Such favorable determination may not be made in the case of a use which is first listed as permitted or as prohibited in a less restricted District.
18. District, Zoning. A portion of the land within which certain uniform regulations and requirements of various combinations are in effect.
19. Drive-in Establishment. Any commercial establishment such as a carwash, bank or restaurant, which relies for its principal source of customers or contents on provision for the driving of motor vehicles, with a parking space, window, stall or device at which the sale or service is provided by the establishment or self-service.
20. Drive-through Establishment. A drive-in establishment in which the vehicles are kept in line waiting for service.
21. Dwelling. Any building or portion thereof designed or used as the home of one or more persons or families, but not including a tent, cabin, hotel, motel, trailer or mobile home. This definition shall include a modular dwelling, as defined herein.
22. Dwelling, Mobile. A mobile home; a moveable or portable structure designed and constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, block, or other foundation and used or

construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred(4,500) pounds and an overall length of thirty(30) feet. This definition shall not include travel or vacation vehicles, either self-propelled or non-self-propelled, as separately defined.

23. Dwelling, Modular. A fixed dwelling comprising one or more preassembled or partially preassembled modules or units, built using the same type of materials used in conventional or on site construction, without integral chassis, brought to the building site by temporary means of transport, assembled and permanently anchored to the ground. A mobile home, as defined herein, shall not be deemed to be a modular unit or a modular dwelling.
24. Dwelling, Multi-Family. A building or portion thereof designed for or used for residence purposes by three or more families, including an apartment building or town house.
25. Dwelling, Single Family. A building designed for and used exclusively for residence purposes by one family or housekeeping unit.
26. Dwelling, Seasonal. A summer cottage, winter lodge or similar lodging occupied less than six(6) months during a year.
27. Dwelling, Town House. A building consisting of a series of three (3) or more attached or semi-detached dwelling units, each with a ground floor and a separate entrance, whether maintained in a single ownership, separate ownership, or condominium. In order to conform with this Ordinance a town house shall comply with the following:
 - a. Have a maximum of eight(8) dwelling units in a single building.
 - b. Have a minimum of eighteen(18) feet of width from each dwelling unit.
 - c. Have privately occupied lot area in accordance with Section 14.02 which shall apply to all town houses.
28. Dwelling, Two Family. A building designed for and used exclusively by two families or housekeeping units.
29. Dwelling Unit. One or more rooms designed for intended for or used as a residence by one family with facilities for cooking therein.
30. Family. A person living alone or two or more persons living together as a single housekeeping unit, in a dwelling unit.
31. Floor Area. The measurement of floor area for purposes required by this Ordinance shall be the sum of the area of the first floor, as measured to the inside of exterior walls, plus that area, similarly measured, of all other stores having eighty-four(84) or more inches of headroom, which are accessible by a fixed stairway elevator or escalator, and which may be made usable for the intended occupancy. For residential uses, the floor area of uninhabitable basements, cellars, garages, accessory building attics, breeze ways, and unenclosed porches shall be excluded.
32. Garage, Private. A detached accessory building or a portion of a principal building used only for the storage of self-propelled vehicles and incidental residential storage.

33. Garage, Public. A building or portion thereof, designed or used for equipping, servicing repairing, hiring, renting, selling or storing self-propelled vehicles.
34. Home Occupation. An occupation which is carried on in the home in a Residential or "O-I-A" District, provided it is clearly incidental to the residential use, and meets the requirements of Section 13.03 of this Ordinance.
35. Hospital. An institution providing health services primarily for in patient medical or surgical care of the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central service facilities and staff offices which are an integral part of the facility. The term specifically shall not include tuberculosis, mental, or penal hospitals, rest homes or nursing homes.
36. Hotel, Motel. A building or buildings containing guest rooms to be occupied primarily by transients who are lodged with or without meal service.
37. Junk Yard. A place where discarded or salvaged materials are brought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards house wrecking yards, used lumber yards and place or yards for storage of house wrecking and structural steel materials and equipment. For the purposes of this Ordinance two(2) or more unlicensed autos on a lot shall constitute a scrap yard and be subject to the provisions and regulations of a scrap yard.
38. Lodging House. A building or part thereof, other than a hotel or motel, where both meals and lodging are provided for compensation, for three or more persons, not transient, where no cooking or dining facilities are provided in individual rooms. (See also "Boarding House and Rooming House").
39. Lot. A parcel of land occupied or intended to be occupied by a principal building or group of such buildings and accessory buildings, or utilized for a principal use and uses accessory thereto, together with the open space as required by this Ordinance and having frontage on a public street.
40. Lot Area. The computed lot area within the lot lines.
41. Lot, Corner. A lot abutting upon two(2) or more streets at their intersection or upon two(2) parts of the same street which form an interior angle of less than one hundred thirty-five(135) degrees. The point of intersection of the street lines is the corner.
42. Lot Interior. A lot other than a corner lot.
43. Lot Depth. The mean horizontal distance between the front and rear lot lines, measured at right angles to the street line.
44. Lot Width. The mean horizontal distance across the lot between side lot lines, measured at right angles to the lot depth provided that the minimum lot widths required by this Ordinance shall be so measured at a distance from the front lot line equal to the required depth of the front yard.
45. Lot Lines. The property lines bounding a lot.
46. Lot Line, Front. The front property line, usually the Right-of-Way of the street.
47. Lot Line, Rear. The lot line opposite and most distance from the front lot line.

48. Lot Line, Side. Any lot line other than a front or rear lot line. A side lot line of a corner lot, the side property line usually in or adjoining the street is called a street lot line. A side lot line separating a lot from another lot is called an interior lot line.
49. Lot of Record. A lot which is a part of a recorded plat or a lot described by metes and bounds, the map and/or description of which has been recorded in the office of the Marion County Recorder.
50. Mini-Warehouse. Storage warehousing of residential personal property in enclosed buildings.
- Mini warehouse for storage of residential personal property shall be limited to one(1) story in height which one story shall not exceed twelve(12) feet in height from floor to ceiling. Such storage and/or warehousing shall be restricted to the interior of such buildings and no outside storage or warehousing of any kind or nature shall be permitted. In addition such storage and warehousing shall be exclusive of other uses. No sales or workshops shall be permitted.
51. Motel. See “Hotel.”
52. Mobile Home. See “Dwelling Mobile.”
53. Modular Home. See “Dwelling, Modular.”
54. Non-conforming Structure. A building or structure, lawfully existing at the time of the effective date of this Ordinance, that does not conform to the use regulations for the zoning district in which it is located.
55. Non-conforming Use. The use of a building or structure or of a tract of land, lawfully existing at the time of the effective date of this Ordinance that does not conform to the use regulations for the zoning district in which it is located.
56. Opaqueness. The degree to which a wall, fence, structure or landscape planting is solid or impenetrable to light or vision in a generally uniform pattern over its surface.
57. Open Space. This term, as used in this Ordinance, is intended to refer to front, side or rear yards adjoining buildings, or to other land space not occupied by buildings, required or provided to afford light, ventilation, visibility and other requirements for a healthful environment.
58. Parking Area or Lot. An open area, other than a street or other public way, used for the parking of motor vehicles.
59. Parking Garage. A structure designed and used primarily for the storage or parking of passenger automobiles including such accessory servicing of such automobiles as may be permitted by this Ordinance.
60. Permit, Occupancy. A document issued by the Zoning Inspector which certifies that the completed building, structure or use proposed are consistent with the requirements of this Ordinance and for the use applied for.
61. Permit, Use. See “Permit, Occupancy.”
62. Permit, Zoning. Any permit which authorizes the construction or alteration of building or structures in accordance with this Zoning Ordinance.

63. Principal Building. A building or structure in which is conducted the principal use of the lot on which it is situated.
64. Principal Use. The primary or chief purpose for which a lot or structure is used.
65. Public Uses. All lands, other than streets and highway, owned by and officially designed for continuing public use by a Municipality, Township, County, School District, State of Ohio, United States Government or any other duly constituted agency of government such as parks, schools and administrative recreation, cultural and service buildings.
66. Public Utility Facilities. Land, buildings, equipment, materials, tools and machinery involved in the erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies, of gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems reasonably necessary for the furnishing of adequate community wide service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare, but not including buildings or administrative purposes. Public utility services, shall be deemed to exclude customarily accessory telephone electrical gas, sewer, or water connections to individual properties.
67. Recreation Facilities, Limited Commercial. Recreation areas and facilities open to the public established and operated for profit, limited to enterprises serving vacationing and or one day customers, including picnicking, camping, fishing and boating, with the sale of goods and services limited to food, beverages, boating, fishing and camping supplies, boat docking and launching, tent and recreational vehicle parking.
68. Recreation Facilities, General Commercial. Recreation areas and facilities open to the public, established and operated for profit, including commercial golf courses, swimming pools, ice skating rinks, riding stables, race tracks, amusement parks, carnivals and similar commercial enterprises.
69. Residence. See “Dwelling.”
70. Road. See “Street.”
71. Rooming House. A building or part thereof other than a hotel or motel, where lodging is provided for compensation for three(3) or more persons, not transients, where no cooking or dining facilities or services are provided. (See also “Lodging House”).
72. Semi-Public Uses. Land owned by a non-profit organization or agency which is open to general public use, including but not limited to a cemetery church, Sunday school, parochial school, college, hospital, site occupied by an auditorium, museum, art gallery or other institutions of an educational, religious, charitable or philanthropic nature but not including any private or semi private club, lodge, fraternity or other similar activity.
73. Service Station. Buildings or premises, or portions thereof, arranged or designed to be used for the retail sale of all gasoline or other products for the propulsion or lubrication of motor vehicles including facilities for changing and repairing of tires or batteries, polishing, greasing, washing, or minor servicing of such motor vehicles, but excluding high speed automotive washing, steam cleaning, body repairing, major motor, transmission or chassis repairing and body bumping and painting.

74. Sign. Any writing, numerals, pictorial representation, illustration, decoration, emblem, symbol, trademark, flag, banner, pennant, streamers, or any other fixtures or object of similar character which:
- a. Is a structure or any part thereof, or is attached to, painted on, or in any other manner represented on a building, column or other structure, or any portable device, and
 - b. Is used to announce, direct attention to, or advertise, and
 - c. Is visible from any street, alley, park, or other public area.
75. Sign, Area of. The entire area within a single continuous parameter enclosing the extreme limits of writing, representation, emblem, or any figure of similar character together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed, excluding the necessary supports or uprights on which such sign is placed. For a sign having more than one(1) display surface, all surfaces shall be included in computing the total of the exposed exterior display surface area. For a sphere or other curved display surface, the area shall be that of the largest plane passing through it at right angles to the principal line of vision.
76. Sign, Accessory. A sign which relates solely to the building or premises on which it is located, in any manner indicated by the definitions here under for functional types of accessory sign.
77. Signs Accessory, Defined by Function.
- a. Bulletin Board. A sign of permanent construction, but with movable letters words or numerals indicating the name of a religious institution, school, library, auditorium, theater, stadium, athletic field or other similar use and the announcement of services or activities to be held therein.
 - b. Directional Sign. A sign containing only words, numbers, arrows or pictorial matter directing pedestrians or motorists in the proper and convenient use of the premises on which the sign is located.
 - c. Identification Sign. A sign which displays only the name, address and/or use of the premises and/or the goods sold or produced or the services offered therein.
 - d. Temporary Sign. A banner, pennant, streamer, poster, display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or place of land or a portable device, and which directs attention to an object, product, place, activity, person, institution, organization or business and is constructed of metal cloth, canvas, plastic sheet, cardboard or other like materials and which is intended to be displayed for a limited period of time.
 - e. Temporary Sign, Real Estate. A temporary sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of

land.

- f. Temporary Sign Construction. A temporary sign indicating the names of architects, engineers, contractors and similar persons or firms involved in the design or construction of a structure or project.
- g. Warning Sign. Any sign indicating a situation which is dangerous or potentially dangerous.

78. Signs, Accessory, Defined by Structural Type.

- a. Awning, Canopy or Marquee Sign. A sign that is mounted on, painted on or attached to an awning, canopy or marquee.
- b. Free Standing Sign. A sign, not attached to any building, which is suspended or supported by one or more upright columns or structures attached to the ground.
- c. Projecting Sign. A sign, not a wall sign, suspended from or supported by building or similar structure and projecting therefrom.
- d. Roof Sign. A sign erected on or over the roof of any building or similar structure.
- e. Wall Sign. A sign which is erected against or painted upon the wall of any building, with the exposed face thereof in a place parallel with the plane of said wall.

79. Sign, Advertising. A sign which directs attention to a use, commodity or service not related to the premises on which it is located, including a billboard.

80. Sign, Face. A single surface of a sign, upon, against, or through which the message of the sign is exhibited.

81. Sign, Flashing. Any illuminated sign on which the artificial light or any part thereof has conspicuous or intermittent variation in intensity or color.

82. Sign, Height. The vertical distance from the upper most point used in measuring the area of the sign to the ground immediately below such point or to the level of the upper surface of the nearest curb of a street or alley (other than a structurally elevated roadway) whichever measure permits the greatest elevation of the sign.

83. Sign, Illuminated. A sign which is illuminated by an artificial source of light.

84. Sign Moving. Any sign or part thereof which rotates, revolves or otherwise is in motion.

85. Sign Structure. The supports, uprights, bracing or framework for signs.

86. Slaughter House. A building used for the slaughtering of animals and the scalding, dressing, butchering and storage of animal carcasses, but not including the rendering, smoking, curing, or other processing of meat, fat, bones, offal, blood or other by-

products.

87. Street. A public Right-of-Way thirty(30) feet or more in width which existed prior to the time of the effective date of this Ordinance or has been subsequently approved. The term “street” shall include avenue, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term.
88. Street, Principal. The street adjoining the front lot lines.
89. Street, Side. The street located along the side street lot line of a corner lot; the street adjoining a corner lot which is approximately at right angles to the principal street.
90. Structure. Any constructed or erected material or combination of materials the use of which require location on the ground including but not limited to, buildings, stadia, radio towers, sheds, storage bins, swimming pools walls and fences.
91. Structural Alteration. Any change in the structural members of a building, such as walls, floors, columns, beams or girders.
92. Tourist Home (Bed & Breakfast). A building or part thereof, other than a hotel, motel boarding house, lodging house, or rooming house, where lodging is provided for transients by a resident family in its home for compensation.
93. Township House. See “Dwelling, Town House.”
94. Travel or Vacation Vehicle. A vehicle, either self propelled or non-self-propelled, so constructed as to permit its continued conveyance upon public streets and highways, and so designed and constructed as to provide sleeping and for eating accommodations for persons while traveling or vacationing. Any portable vehicle providing such accommodations having a usable length of thirty(30) feet or less shall be included within this definition, and shall not be defined as a mobile home.
95. Yards, Required. The open space required between lot lines and buildings or structures, which space shall be open, unoccupied and unobstructed except as provided for in this Ordinance.
96. Yard, Front. The required open space, extending for the full width of the lot, between the front lot line and any building, measured horizontally at right angles to the front lot line.
97. Yard, Rear. The required open space extending for the full width of the lot, between the rear lot line and any principal building, measured horizontally at right angles to the rear lot line.
98. Yard, Side. The open space extending from the front yard to the rear yard between the nearest side lot line and a building.
99. Zoning District; Zoning Use District; Use district. These terms are synonymous with each other. See “District, Zoning.”

Chapter 3

Non-conformities

3.01 Intent

With the districts established by this Ordinance or subsequent amendments there exists lots, uses of land and structures which individually or in combination were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit those non-conformities to continue until they are removed recognizing that the eventual elimination of non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

3.02 Non-Conforming Lots (See Section 13.010)

3.03 Non-Conforming Uses of Land

A non-conforming use may be continued subject to the exceptions and conditions hereunder.

3.031 Change of Non-Conforming Uses

No non-conforming use may be changed to another non-conforming use except with prior approval from the Board of Zoning Appeals in accordance with Section 16.032 of this Code. In granting such approval the Board of Zoning Appeals must find that:

1. The proposed non-conforming use is permitted in the zone of the original non-conforming use or a more restrictive zone.
2. In the Board's judgement the use change will not be more detrimental to the neighborhood than the existing non-conformity.

3.032 Abandonment

No building, structure or premise where a non-conforming use has ceased for more than two(2) or more years shall again be put to a non-conforming use.

3.04 Non-conforming Structures

3.041 Structural Alteration Extension or Repair

A non-conforming structure may be altered extended or repaired without prior approval of the Board of Zoning Appeals if such alteration, extension or repair does not increase the degree of non-conformity. For example, if the yard requirements are non-conforming as to the dimensions, such dimensions shall not be further decreased.

3.042 Expansion of Use

No non-conforming structure may be changed to provide for an expansion of its use without prior approval from the Board of Zoning Appeals. Examples of such

expansion include increasing the number of dwelling units in a housing structure or increasing the floor space of a commercial or industrial establishment within the structure. In approving an appeal for an expansion of use in a non-conforming structure, the Board shall find that such expansion will not have a detrimental effect upon the neighborhood.

3.05 Repairing Damaged Non-conforming Structures

A non-conforming building or a building occupied by a non-conforming use which is damaged or destroyed by fire, flood, winds, acts of God, or other causes beyond the control of the owner may be repaired or reconstructed and the non-conforming use, if any, may be continued provided that such repair or reconstruction is begun within period of one(1) year and carried on diligently.

Chapter 4

Official Zoning Map and Zoning Districts

4.01 Official Zoning Map

The Village of LaRue is hereby divided into district which are shown on a map entitled “Official Zoning District Map of the Village of LaRue, Ohio.” This official zoning map shall be identified by the signature of the Mayor of LaRue and attested by the Clerk of the LaRue Village Council. The official zoning district map shall be and remain on file in the office of the Clerk of the LaRue Village Council and a copy shall be and remain on file in the office of the Zoning Inspector.

4.02 Adoption of the Official Zoning District Map as Part of this Ordinance

This official zoning district map and all notations, references and other matters thereon are hereby made a part of this Code.

4.03 Determination of District Boundaries

Except where referenced and noted on the official zoning district map by a clearly designated line and/or written dimensions, the district boundary lines are intended to follow property lines, lot lines or the centerlines of streets, alleys, or streams as they existed at the time of adoption of this Code or the extension of such lines, provided however, that where a boundary line is shown as adjoining a railroad Right-of-Way, it shall unless otherwise fixed, be constructed to coincide with the nearest boundary line of the railroad Right-of-Way; provided further that, if the boundary line cannot be shown accurately by any of the aforesaid methods, it shall be shown by the written dimensions, indicating clearly the distance of said boundary line from the nearest parallel street centerline, governmental survey line or other permanent and legally established line. The Zoning Inspector shall interpret the location of boundary lines as shown on the Zoning District Map. When the Zoning Inspector’s interpretation is questioned, the boundary lines shall be determined by the Board of Zoning Appeals as prescribed in Chapter 16.031.

4.04 Vacation of Streets, Alleys or Other Public Ways

Whenever any street, alley or other public way is vacated by official action as provided by law, the Zoning Districts adjoining the sides of such public way shall be automatically extended, depending on the side or sides to which the land reverts, to include the Right-of-Way thus vacated which henceforth shall be subject to all regulations of the extended district or districts, except that utility Rights-of-Way or easements shall not be affected by such action.

4.05 Zoning District Classification

All parts of the village shall be designated on the official zoning district map as being located in one of the following zoning districts:

Open Space Districts:

“FP” Flood Plain District

“C-I” Conservation District

Residential Districts:

“R-1” Low Density Residence District

“R-2” General Residence District

“O-I-A” Office-Institutional-Apartment District

Business District:

“B” Business District

Industrial District:

“B-I” Business-Industrial

4.06 Degree of Restrictiveness And Special District

Whenever, in this code the order of districts as to degree of restrictiveness is referred to, the order shall be as listed hereinbefore, with the “FP-1” District being the most restricted, and the “B-I” District being the least restricted. There is also established a special district called “PUD” Planned Unit Development District (See Chapter 14) to be applied only on application.

Chapter 5

General Zoning District Provisions

5.01 Street Frontage required for All Lots

Except as permitted by other provisions of this code, each use of land shall be located on a lot, which shall have frontage on a public street.

5.02 Required Lot Area or Other Open Space Cannot Be Reduced

No lot, yard, parking area or other open space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this Code. No part of a yard, parking area or other space provided for any building in compliance with this code shall be included as a part of a yard, parking area or other space required for another building except as specifically provided for in Chapter 13.

5.03 General Zoning District Regulations

Regulations governing the use of land and buildings are hereby established in the several zoning districts as set forth in the following chapters, with each zoning district being identified by name and Alpha-numeric symbol. Only uses designated as permitted shall be allowed and any use not so designated shall be prohibited except in specific cases where the Board of Zoning Appeals is authorized to rule as described in Chapter 16.

5.04 Minimum Dwelling Sizes

5.041 No new single family dwelling shall be erected with less than 700 square feet of livable floor area, exclusive of breezeways, porches, terraces and garages.

5.042 No new two family dwelling shall be erected with less than 1200 square feet of total livable floor area for both units combined exclusive of breezeway, porches, terraces and garages.

5.05 Standards for Mobile Homes

Where permitted in the use regulations of a particular zoning district, a mobile or manufactured home may be placed on an individual lot and occupied as a dwelling, or an existing mobile home may be replaced with another mobile or manufactured home, provided the following conditions are met:

- A. The mobile or manufactured home was constructed within the last ten(10) years.
- B. The mobile or manufactured home meets the applicable construction and safety standards of the Department of Housing and Urban Development for the year it was constructed.
- C. The owner shall make a request to the Marion County Auditor to list it as part of the real estate. Along with such a request the owner shall comply with all necessary requirements for placing the mobile or manufactured home on the tax duplicate and shall furnish proof to the Zoning Inspector that this will be accomplished.

- D. The mobile or manufactured home shall be placed on a permanent foundation with hitches, axles, and wheels removed.
- E. The unit must be secured and attached to the foundation to meet or exceed manufacturers instructions.
- F. The roof must be constructed of either shingles or other materials used on other dwellings in the neighborhood, and be sloped to have at least a three(3) inch vertical rise for every twelve(12) inches of horizontal run. The roof overhang must not be less than eight(8) inches measured from the vertical side of the unit.
- G. The unit must be at least twenty-three(23) feet wide at its narrowest point, and have a total of not less than 900 square feet in floor area.
- H. When an existing individual lot contains an existing mobile or manufactured home that doesn't meet the conditions contained in Section 5.05, 6, 7, and is destroyed by no fault of the owner or the owner desires to update same then in that event the owner shall be exempt from said conditions so long as said new unit contains no less square feet in floor space than the one replaced.

5.06 Water Supply and Sewage Disposal

All structures and uses requiring a means of water supply shall utilize the Village water system for such service. Additionally, all structures and uses requiring the use of water supply shall also have a septic system installed in accordance with the requirements of the Marion County Health Department.

Chapter 6

“FP” Flood plain District

6.01 Purpose

The purpose of the Flood Plain District is to regulate development on flood prone land in order to reduce future potential loss of life, damages to property and to promote the general health and safety of the residents of LaRue.

6.02 Flood Plain District Overlay

For the purposes of this Ordinance the Flood Plain District shall be an overlapping zone with regulations in addition to any other underlying zoning district as established in Chapter 4.

6.03 Use Regulations

1. Principal Permitted Uses

- A. All principal permitted uses in the underlying district, if not elsewhere prohibited, meeting all development standards.

2. Conditional Permitted Uses

- A. All conditional uses permitted in the underlying zoning district, if not elsewhere prohibited, meeting all development standards,

3. Accessory Permitted Uses and Structures

- A. All accessory permitted uses and structures permitted in the underlying zoning district, if not elsewhere prohibited meeting all development standards.

4. Prohibited Uses and Structures

- A. Storage of potentially hazardous materials which if subject to flooding may become flammable, explosive or otherwise injurious to human, animal or plant life.
- B. Other Uses which are likely to cause pollution of water, as defined in Ohio Law.

6.04 Development Standards

All structures within the Flood Plain District shall conform to the following standards.

- A. The lowest floor (including basement) shall be elevated to or above the Flood Protection elevation.
- B. All fill shall extend at such elevation at least 15 feet beyond the limits of any structure erected thereon, or

- C. Where existing streets or utility lines are at elevation which make strict compliance with the above provisions impractical, Flood Proofing or other measures to provide protection to the flood elevation may be authorized by permit from the Board of Zoning Appeals.

6.05 Establishment of Flood Plain Zone Boundaries

The boundaries of the Flood Plain District have been established based on data provided by the Department of Housing and Urban Development, Federal Insurance Administration. If, in the future, new data and maps are provided by the U.S. Army Corps of Engineers, the U.S. Geological Survey, Ohio Department of Natural Resources or Federal Insurance Administration which more accurately reflect conditions, the Flood Plain Zone Boundary may be changed by proper amendment procedure.

6.06 Warning And Disclaimer of Responsibility

The degree of flood protection required in this Code is considered reasonable for regulatory purposes. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Code does not imply that areas outside the Flood Plain District or land uses permitted within such district, will be free from flooding or flood damages. This Code shall not create liability on the part of the Village of LaRue or any officer or employee thereof for any flood damage that result from reliance on this Code or any administrative decision lawfully made under it.

Chapter 7

“C-1” Conservation District

7.01 Purpose

The purpose of the Conservation Zone is to recognize the inherent importance of lands which possess scenic values, high recreational potential, natural resources and important hydrological functions such as floodways. The conservation of these lands takes precedence over urban uses which would significantly alter or destroy such values.

7.02 Use Regulations

1. Principal Uses

Agriculture
Recreational Facilities, Private
Recreational Facilities, Limited Commercial
Public Uses

2. Conditional Permitted Uses (Subject to Approval by the Board of Zoning Appeals)

Public Utility Substations (See Section 13.11)
Specialized Animal Raising and Care
Sand, Gravel and Mineral Extraction (See Section 13.07)
Petroleum Drilling and Extraction (See Section 13.08)
Topsoil Removal (See Section 13.06)

3. Accessory Permitted Uses and Buildings

Offstreet Parking Space
Roadside Stands on Farms
Accessory Signs (See Section 13.022)
Structures Accessory to Agriculture such as Barns, Garages, Stables, etc.

Chapter 8

“R-1” Low Density Residential District

8.01 Purpose

To provide areas where residential development is desirable at a comparatively low density.

8.02 Use Regulations

1. Principal Permitted Uses

Single-Family Dwellings (including mobile homes subject to Section 5.05)
Two-Family Dwellings (including mobile homes subject to Section 5.05)
Public and Semi-public Uses

2. Conditional Permitted Uses (Subject to Approval by the Board of Zoning Appeals)

Funeral Home or Mortuary
Cemeteries
Recreation Facilities, Private
Recreational Facilities, Limited Commercial
Public Utility Substations (See Section 13.11)
Mobile Home Parks (See Section 13.10)

3. Planned Development Projects (Subject to Approval by the Planning Commission)

Planned Unit Development Projects (See Chapter 14)

4. Accessory Permitted Uses and Buildings

Private Garages
Swimming Pools
Home Occupations (See Section 13.03)
Accessory Signs (See Section 13.022)
Other Accessory Uses as defined in Chapter 2
Garden Houses, Tool Houses, Play Houses

8.03 “R-1” Area and Dimensional Standards

All structures shall comply with the area and dimension requirements as set forth in the following chart:

	<u>Minimum Lot Size</u>		<u>Minimum Yard Dimension</u>			<u>Maximum Lot Coverage</u>	<u>Accessory Buildings</u>		
	Width (Feet)	Area* (Feet)	Front Setback** (Feet)	Side Setback (Feet)	Rear Setback (Feet)		Side Setback (Feet)	Rear Setback (If lot line abuts an alley) (Feet)	Rear Setback (If lot line does not abut an alley) (Feet)
One Family	75	11,250	30	8	35	25%	3	10	3
Two Family	90	15,000	30	8	40	25%	3	10	3
Schools	200	2 acres	50	25	50	25%	10	15	10
Hospitals	200	2 acres	50	25	50	25%	10	15	10
All Other Uses	Sufficient to comply with yard and parking requirements		40	20	40	25%	10	15	10

* The minimum lot area shall be computed to not include the Right-of-Way.

** All front setbacks shall be measured from the Right-of-Way.

Chapter 9

“R-2” General Residence District

9.01 Purpose

To provide areas for General Residential Development at a comparatively high density.

9.02 Use Regulations

1. Principal Permitted Uses

Single-Family Dwellings (Including mobile homes subject to Section 5.05)
Two-Family Dwellings (Including mobile homes subject to Section 5.05)
Multi-Family Dwellings, Town Houses, Condominiums
Public and Semi-Public Uses

2. Conditional Permitted Uses (Subject to Approval by the Board of Zoning Appeals)

Funeral Homes
Rooming, Boarding or Lodging Houses
Private Clubs, Lodging, Fraternity and Sorority Houses
Cemeteries
Private Recreation Facilities
Public Utility Substations (See Section 13.11)
Business, Professional and Industrial Offices
in Buildings that have the external appearance of residential structures, not
including the manufacturing, sale or storage of goods
Mobile Home Parks (See Section 13.10)

3. Planned Development Projects (Subject to Approval by the Planning Commission)

Planned Unit Development Projects (See Chapter 14)

4. Accessory Permitted Uses and Structures

Private Garages
Swimming Pools
Garden Houses, Tool Houses, Play Houses
Home Occupations (See Section 13.03)
Accessory Signs (See Section 13.022)
Other Accessory Uses as Defined in Chapter 2

9.03 “R-2” Area and Dimensional Standards

All structures shall comply with the area and dimension requirements as set forth in the following chart:

	<u>Minimum Lot Size</u>		<u>Minimum Yard Dimension</u>			<u>Maximum Lot Coverage</u>	<u>Accessory Buildings</u>		
	Width (Feet)	Area* (Feet)	Front Setback** (Feet)	Side Setback (Feet)	Rear Setback (Feet)		Side Setback (Feet)	Rear Setback (If lot line abuts an alley) (Feet)	Rear Setback (If lot line does not abut an alley) (Feet)
One Family	60	7,500	15	8	30	25%	3	10	3
Two Family	60	7,500	15	8	30	25%	3	10	3
Multi-Family	100	5,000 Sq. Ft. per Unit	15	12	30	25%	3	10	3
Schools	200	2 acres	25	25	40	25%	10	15	10
Hospitals	200	2 acres	25	25	40	25%	10	15	10
All Other Uses	Sufficient to comply with yard and parking requirements		30	20	40	25%	10	15	10

* The minimum lot area shall be computed to not include the Right-of-Way.

** If the front lot line abuts a State Route, the minimum front setback shall be 30 feet. All front setbacks shall be measured from the Right-of-Way.

Chapter 10

“O-I-A” Office Institutional Apartment District

10.01 Purpose

To provide areas in the Village where office, institutional and apartment land uses may locate in complementary manner.

10.02 Use Regulations

1. Principal Permitted Uses

- A. All principal permitted uses allowed in the R-2 District
- B. Administration offices primarily engaged in general administration, supervision, purchasing, accounting and other management functions.
- C. Business offices carrying on no retail trade with the general public and having no stock of goods maintained for sale to customers, including but not limited to the following

- Banking
- Credit Agencies Other than Banks
- Security and Commodity Brokers, Dealers, Exchanges and Services
- Insurance Carriers
- Insurance Agents, Brokers and Service
- Real Estate
- Holding and Other Investment Companies

- D. Professional office engaged in providing tangible and intangible services to the general public, involving both persons and their possessions, including, but not limited to the following:

- Office of Physicians and Surgeons
- Offices of Dentists and Dental Surgeons
- Offices of Osteopathic Physicians
- Office of Chiropractors
- Medical and Dental Laboratories
- Health and Allied Services
- Legal Services
- Engineering and Architectural Services
- Accounting, Auditing and Bookkeeping Services
- Professional Services not elsewhere classified

- E. Institutions providing social, cultural, educational and health services to member agencies, organizations and individual or to the general public, including but not limited to the following:

- Hospitals
- Public Uses

Libraries
 Museums and Art Galleries
 Religious Organizations
 Nursery Schools and Day Nurseries

- F. Organizations and associations organized on a profit-making or non-profit making basis, for the promotion of membership interests, including but not limited to the following:

Business Associations
 Professional Membership Organizations
 Labor Unions and Similar Labor
 Civic, Social and Fraternal Organizations
 Political Organizations
 Charitable organizations
 Non-profit membership organizations, not elsewhere classified

2. Conditional Permitted Uses (Subject to Approval by the Board of Zoning Appeals)

Commercial Establishments and Institutions furnishing lodging or meals limited to the following:

Restaurants
 Motels, Hotels, Tourist Homes
 Organization hotels and lodging houses on a membership basis
 Conditional Permitted Uses Allowed in the "R-2" District if not already permitted as a Principal Permitted used in the O-I-A District

3. Accessory Permitted Uses

Signs (See Section 13.02)
 Offstreet Parking as required by Chapter 13.09
 Other Accessory Uses as Defined in Chapter 2

10.03 Area and Dimensions Standards

All structures shall comply with the Area and Dimensional Standards set forth hereunder.

For all one, two, and multi-family dwellings the area and dimensional standards shall be the requirements set forth in Section 9.03.

For all other uses the requirements shall be as follows:

1. Minimum Lot Frontage and Area

No minimum lot area or dimensions are required. However, lot frontage and area shall be sufficient to comply with the maximum lot coverage and minimum front, side and rear yard requirements.

2. Maximum Coverage of Lot by Buildings

The principal and accessory buildings shall not occupy more than thirty-five(35)

percent of the lot area.

3. Minimum Front Yard Depth*

The minimum front yard depth shall be thirty(30) feet if the front lot line abuts a state route. If the front lot line does not abut a state route the minimum front yard depth shall be 20 feet.

4. Minimum Side Yard

The minimum side yard shall be fifteen(15) feet.

5. Minimum Rear Yard

The minimum rear yard shall be twenty-five(25) feet.

6. Accessory Structures

All accessory structures shall be located in the rear yard a minimum of ten(10) feet from the side and rear lot line.

* All setbacks shall be measured from the Right-of-Way.

Chapter 11

“B” Business District

11.01 Purpose

To provide for varied types of commercial uses at appropriate locations.

11.02 Use Regulations

1. Principal Permitted Uses

- A. Public and Semi-Public Uses
- B. Private clubs, lodges, fraternity and sorority houses
- C. Dwelling Units provided that the first floor of the structure is used for a business purpose permitted in this District.
- D. Hotel, Motels
- E. Any retail business whose principal activity is the sale of new or used merchandise or antiques. Such retail business may include a workshop for servicing or repair of goods sold on the premises which shall not occupy more than fifty (50) percent of the total usable floor area.
- F. Service establishments in which the retail sale of goods may or may not be involved such as:
 - Barber and beauty shops
 - Photography Studios
 - Watch, Clock or Jewelry Repair
 - Catering Services
 - Secretarial, Stenographic and Typing Service
 - Dry Cleaning and Laundry Pickup Services
 - Medical and Dental Offices
 - Laundromats
 - Household Appliance
 - Repair Funeral Homes or Mortuaries
 - Video Stores
- G. Restaurants, cafes and other establishments serving food and/or beverages, including drive-in facilities complying with the requirements of Section 13.04. Facilities serving or selling alcoholic beverages shall not be permitted within 500 feet of a school.
- H. Bowling alleys, roller rinks, ice skating rink, swimming pools, assembly halls, enclosed theaters, concert halls, dance halls, or similar places of assembly or entertainment.
- I. Banks and other financial establishments including drive-in facilities complying

with the requirements of Section 13.04.

- J. Workshop Types of Services Limited to the Following:
 - Reupholstering and Furniture Refinishing
 - Medical and Dental Laboratories
 - Electrical Repair, Limited to Household and Light Industrial items:
Duplicating, Addressing, Blueprinting, Photocopying, Film
Processing, and Mail Listing Services
 - Locksmith, Gunsmith
 - Shoe Shine, Shoe Repair, Hat Cleaning and Blocking
 - Tailor or Dressmaking Shop
 - K. Drive-in Establishments related to the sale of goods or services permitted in this District including Drive-in Theaters. Such establishments shall comply with Section 13.04.
 - L. Rental or Sale of Autos, Trucks, Trailers, and Home Gardening and Repair Tools.
 - M. Food Lock Plants, including the cutting and packaging of meat, fowl, fish, excluding the slaughtering or eviscerating thereof,
 - N. Repair Services related to goods or merchandise permitted to be sold in this District.
 - O. Offices of Professional, Business or Industrial Firms, not including the manufacture or storage of goods on the premises.
 - P. Gasoline Stations, Auto Repair, subject to compliance with Section 13.04.
 - Q. Offstreet Parking as a Principal Use.
 - R. Advertising Signs in Compliance with Section 13.02.
 - S. Mini Warehouses
2. Conditional Permitted Uses
- A. Public Utility Sub-Stations (See Section 13.11)
 - B. Light manufacturing Uses, limited to the production of goods which do not involve heavy equipment or machinery. Such uses operate entirely within an enclosed structure and do not generate substantial industrial traffic. Examples of such light manufacturing uses include, but are not limited to; the production of small electrical components, precision instruments, household furnishings and photographic supplies.
 - C. Any Retail business or Commercial Service establishment determined by the Board of Zoning Appeals to be of the same general character as the above permitted uses.

3. Accessory Permitted Uses
 - A. Signs, as Regulated by Section 13.02.
 - B. Offstreet Parking as Required by Section 13.09.
 - C. Uses incidental to the Principal Permitted Use.

11.03 Area and Dimensional Standards

All structures shall comply with the dimensional requirements set forth hereunder.

1. Minimum Front Yard Depth

The minimum front yard depth shall be five(5) feet measured from the Right-of-Way.

2. Minimum Side and Rear Yard

- A. Yards which abut a Business or Industrial District- no side or rear yard is required.
- B. Yards which abut a Residential District- The width of the side yard and depth of the rear yard shall be one half the height of the building wall parallel or most nearly parallel with the side or rear lot line.

Chapter 12

“B-I” Business-Industrial District

12.01 Purpose

To provide for and encourage industrial uses at appropriate locations.

12.02 Use Regulations

1. Principal Permitted Uses

A. The following uses shall be permitted anywhere in the B-1 District.

1. Any use allowed in the “B” Business District and Commercial establishments associated with or primarily serving industrial facilities or their employees as follows:

Offices and Facilities relating to emergency medical, drug and health services and the practice of Industrial medicine.

Engineering, Architectural, blueprinting, photocopying, mailing and stenographic services.

Public or Private Vocational and Technical Schools

2. Blending, packaging and storage of previously manufactured products such as:

Chemical products, including household, cleaning and industrial compounds and insecticides.

3. The manufacturing of finished products from previously prepared materials such as:

Canvas	Fur	Plastics
Cloth	Glass	Textiles
Cork	Leather	Tobacco
Felt	Paper	Wire
Fibers	Precious or Semi-precious metal or stone	

4. The manufacturing of the following types of finished products.

Cosmetics, toiletries and perfume

Electric appliances, instruments, components and accessories

Household, personal and other small articles such as jewelry, silverware, plasticware, musical instruments and parts, toys, sporting and athletic goods, office and artists supplies, miscellaneous notions, signs and advertising displays.

Precision Instruments

Wood products including furniture, cabinet work and similar products

5. The manufacturing of metal products, using methods and materials specified hereunder:

The fabrication of metal excluding the fabrication of structural steel heavy machinery and transportation equipment.

The casting of metals.

Welding, machining and other metal working processes, but excluding punch presses and stamping operations having over twenty(20) tons rated capacity.

6. The processing or manufacture of food products excluding pickles, sauerkraut, meats, fish, flour, sugar and vinegar.

7. Non-manufacturing activities as follows:

Operational equipment of public utilities and communication networks such as electrical receiving and transforming stations, radio, microwave or television transmission or receiving towers.

Public Utility Substations

Transportation terminals and equipment, such as railway freight houses, truck terminals and transit vehicle storage areas; maintenance and service facilities for the foregoing, but excluding railroad maintenance facilities and marshaling yards.

Warehousing, refrigerated and general storage

Bulk storage of flammable liquids, not to exceed 25,000 gallons

Building materials sales and storage

Building contractors equipment yards

Crematories

Research testing laboratories

Postal facilities, including the handling of large quantities of mail by rail or truck.

Workshops for the repair of industrial machines and equipment

Advertising signs as controlled by Section 13.02

Hay, grain, feed and fertilizer, storage and sale

Fuel and Ice dealers

Animal hospitals and fur animal farms off street parking as a principal use

2. Conditional Permitted Uses (Subject to Approval by the Board of Appeals)

Slaughter houses or stockyards

Refining or processing of crude petroleum

Stone quarries and sand and gravel pits, subject to the provisions of Section 13.07

Any other commercial or industrial use not listed but determined by the Board of Appeals to be of the same general character as those listed as principal permitted uses.

3. Prohibited Uses

Because of the proximity of residential areas the following uses are prohibited.

Junk Yards

Scrap and waste storage

The incineration, reduction or storage of garbage

Sanitary Landfills

The manufacturing of explosives, ammunition, fireworks or matches.

12.03 Area And Dimensional Standards

All structures shall comply with the following dimensional requirements:

1. Minimum Front Yard Depth

The minimum front yard depth shall be the height of the structure, but not less than thirty(30) feet.

2. Minimum Side and Rear Yard

A. Yards which abut a Business or Industrial District

No side or rear yard is required

B. Yard which abut a Residential District

The width of the side yard and depth of the rear yard shall be the height of the

building wall parallel or most nearly parallel with the side or rear lot line.

Chapter 13

Special Use Regulations

13.01 Exceptions to Application of Area Dimension Standards

13.011 Planned Development Projects

In the case of Planned Development Projects, area and dimensional standards shall be as set forth in Chapter 14 for the type of development involved.

13.012 Exceptions to Lot Width and Area Requirements

In a District where it is permitted, a single family dwelling may be erected on a lot which is non-conforming as to lot area or width, provided however, that, where three or more abutting lots of record were held in one ownership at the effective date of this Ordinance and where one or more of such lots are non-conforming, the exception in this paragraph shall not apply.

13.013 Front Yard Exceptions and Modifications

A. Exceptions for Existing Alignment

Where the average of existing front yard depths for lots located on the same side of the street within one hundred(100) feet of both sides of a lot in question is less than the required front yard specified in the residential area and dimension standards, such average of depths may be allowed for such lot, provided that no front yard shall be less than five(5) feet from the Right-of-Way.

In deriving the average depth of existing front yards, the following rules shall be observed.

1. A lot which is only partly within one hundred(100) feet of the lot in question shall be included in the average if any part of the principal building thereon is located within said one hundred(100) foot distance.
2. Any vacant lot within said one hundred(100) feet shall be considered as having the minimum front yard depth in computing the average.

B. Front Yards in Non-residence Districts along Residence District Boundary Lines

In any block which includes both residential and non-residential districts along the same side of the street, the front yard requirements of the non-residential district shall be either the requirements set forth for such district or the requirements set forth for the residential district in such block, whichever is greater.

13.014 Side Yard Exceptions, Application and Adjustments

A. Side Yard Exceptions for Narrow Lots

In the case of a lot which is existing and of record at the time of the effective date of this Ordinance, if the owner of record does not own any adjacent property, one and one-half(1½) inches may be deducted from the required side setback for each foot by which the lot is narrower than the required width. Such deductions shall not apply to buildings higher than two(2) stories. In no case shall any side yard be narrower than five(5) feet.

B. Side Street Side Yard

Any corner lot in a Residential District shall have a minimum required side yard on the side street equal to the required front yard depth of the District in which it is located; provided, however, that this requirement shall not be applied to a lot which was of record at the time this Resolution became effective so as to reduce the buildable width to less than twenty-five(25) feet.

C. Adjustments for Irregular Side Yards

Where the side wall of a building is not parallel with the side lot line or where the side yard has an irregular width due to the broken alignment of the side wall or side lot line, the side setback may be averaged in order to meet the minimum side yard required. However, at no point shall the side yard be less than five(5) feet.

13.015 Rear Yard Exceptions of Shallow Lots

For a lot which was of record at the time this Resolution became effective, which lot is in a Residence District and has a depth of less than one hundred ten(110) feet, the depth of the rear yard need not exceed twenty-five(25) percent of the depth of the lot, but shall not be less than fifteen(15) feet in any case.

13.016 Uses and Projections Permitted In Yards

The following accessory uses and structural projections shall be permitted within any required yard, with limitations as specified.

1. Offstreet loading and parking space in required front yards in an Industrial District, to within fifteen(15) feet of the Right-of-Way, except where located within the same block as a Residential District and fronting on the same street.
2. Fuel pumps in required front yards in connection with conforming service station, to within twenty(20) feet of the Right-of-Way, and complying with the requirements of Section 13.04 relating to equipment for outdoor servicing of vehicles.

3. Required or permitted fences, walls and landscaping shall conform to the following locational and maximum height limitations, except as otherwise specified elsewhere in the code:

Yard	Location	Maximum Height In Feet
Rear	If within ten(10) feet of side or rear lot line	6
	If ten(10) feet or more from the side or rear lot line	10
Side	At any location	6
Front	At any location	3½

4. Eaves, cornices, window sills and belt course may project into any yard a distance not to exceed three(3) feet.
5. Accessory buildings in rear yards, in accordance with the provision of the District in which it is located.

13.02 Sign Regulations

13.021 General Provisions

Signs of all types as defined in Chapter 2 shall comply with the regulations set forth in this section. In addition to the standards and requirements set forth in succeeding subsection, the following provisions shall apply to signs of all types, except governmental signs and signs located within an enclosed structure which can be viewed only by persons within such structure.

13.0211 Non-Conforming Signs

Any sign erected prior to the effective date of this Ordinance and not conforming with the provisions of this Section shall be deemed to be non-conforming. Nothing herein shall prohibit the maintenance of such a sign, however, once such sign has been voluntarily removed, replacement shall be only in accordance with the provisions of this Ordinance.

13.0212 Exempted Signs

The following signs are not subject to the provisions of this Section.

- A. Governmental signs for control of traffic and other regulatory purposes, street signs, warning signs, railroad crossing signs, and signs of public utility companies for the purpose of safety.
- B. Flags, emblems and insignia of any governmental agency.
- C. Commemorative plaques placed by recognized historical

agencies.

- D. Signs within a stadium, open-air theater, shopping center, arena or other use which signs can be viewed only by persons within such stadium, open-air theater, shopping center, arena or other use.

13.0213 Prohibited Signs

No signs shall be attached or otherwise applied to trees, bus shelters, utility poles, trash receptacles, newspaper vending machines or boxes or any other unapproved supporting structure, or otherwise placed in the public Right-of-Way except as specifically permitted by this Section, provided that a bus shelter, trash receptacle or newspaper vending machine may have an identification sign.

13.0214 Non-Conformance

A. General Provisions

Any sign erected prior to the enactment of this Resolution and not conforming with the provisions of this Section shall be deemed to be non-conforming. Nothing herein shall prohibit the maintaining in safe conditions of any such non-conforming sign.

B. Advertising Signs

An advertising sign which is non-conforming as a principal use in the district in which it is located shall be subject to the provisions for such principal uses in Chapter 4.

C. Accessory Signs Not In Conformance With Section 13.022

Any non-conforming accessory sign which is altered, relocated, removed or damaged to more than one-half (2) of its replacement value shall not be reinstalled, repaired or replaced unless it is made to comply with the provisions of this Section.

13.0215 Sign Responsibility, Maintenance and Removal

A. Owners Responsibility

1. The owner of any sign and owner of the premises on which it is located shall be responsible for keeping it in repair and proper state of preservation.
2. The owner of any sign and the owner of the premises on which it is located shall be responsible for the removal of such sign if and when it is abandoned or becomes no longer functional. Such removal shall include the complete blocking out of painted wall

signs, such removal shall be carried out within a period of time as follows:

Permanent Signs: Thirty(30) days

Temporary Signs: Fourteen(14) days

B. Enforcement

In the case of non-compliance with the provisions of A-1 and A-2 hereinbefore, the Zoning Inspector shall notify, in writing the owner of the abandoned or non-functional sign in question or the owner of the premises on which such sign is located. If such order is not complied with within thirty(30) days after the date of such order, the Zoning Inspector shall remove such sign at the expense of the owner of the real estate.

13.0216 Location of Signs

A. No part of any sign shall project beyond the property or street Right-of-Way line.

1. Bulletin boards and warning and directional signs, which shall be located no less than twelve(12) feet from the street Right-of-Way line if in a required front yard.
2. Identification signs which are an integral part of a permitted gateway structure at the entrance to a subdivision, group housing development or industrial park.
3. Free standing identification signs in service stations, complying with other requirements therefor.
4. Temporary real estate or construction signs, no less than twelve(12) feet from the street Right-of-Way line.

13.022 Accessory Signs

Accessory signs as defined in Chapter 2, shall be subject to the standards and requirements of this Section. The types of signs, classified as to function, structure and other characteristics, shall be defined in Chapter 2.

13.0221 Accessory Signs in Residential Districts

A home occupation, office or other use permitted in a residential district may have one unlighted sign of not more than four(4) square feet in sign area per face. Such sign may be located anywhere on the lot except within the required side yard or within a public Right-of-Way.

13.0222 Accessory Signs In Office-Institutional-Apartment Districts

All uses permitted within the Office-Institutional-Apartment District may have two(2) illuminated signs and up to fifty(50) square feet of total sign area. Such signs may be located anywhere on the lot except within the required side yard or within a public Right-of-Way.

13.0223 Accessory Signs In Business Districts

All uses permitted within the Business District may have two(2) illuminated signs and up to three hundred(300) square feet of total sign area. Such signs may not be located within the public Right-of-Way.

13.0224 Accessory Signs with Business-Industrial Districts

All uses permitted within the Business-Industrial District may have two(2) illuminated signs and up to three hundred(300) square feet of total sign area. Such sign may not be located within the public Right-of-Way.

13.0225 Accessory Signs for Non-Conforming Uses

A non-conforming use is permitted to have the number of signs and total sign area which would apply if the use were located in the appropriate zoning district.

13.023 Advertising Signs

13.0231 General Provisions

An advertising sign shall be deemed to be a principal use, and shall comply with the use limitations and the yard and building height requirements for principal uses in the District in which it is to be located. In addition, any such sign shall comply with the requirements set forth in this Section and Section 13.021.

13.0232 Standards for Advertising Signs

The Standards for the construction or installation of advertising signs shall be set forth hereunder, in addition to requirements for all principal structures in the district in which the sign is located.

A. Number of Signs

There shall be no more than one(1) sign structure on any lot having less than two hundred(200) feet unbroken frontage on a single street. A lot or parcel having two hundred(200) feet or more or unbroken frontage on a single street may have two(2) sign structures thereon.

B. Structural Types Permitted

Only free standing advertising signs may be permitted.

C. Area and Dimension

1. The maximum total area of all faces of any structure shall be two thousand(2,000) square feet per face.

13.03 Home Occupations

In order to be permitted as an accessory use, a home occupation shall comply with the definition given in Chapter 2. In addition, it shall comply with the following requirements:

- A. There shall be a maximum of one non-resident employee engaged in the home occupation.
- B. No mechanical equipment shall be installed or used which will create excessive noise, interference with radio or television transmission or reception, or will be a public nuisance.
- C. No articles produced off the premises may be stored outside.
- D. The space devoted to such home occupation may not exceed twenty-five(25) percent of the gross floor area of the principal building.
- E. No goods shall be displayed, and there shall be no external evidence of the home occupation conducted on the premises except one identification sign which shall be unlighted and no more than four(4) square feet in area as provided for in Section 13.0221.
- F. All other applicable sections of this resolution shall apply including Section 13.09, Off-street Parking and Loading Requirements, for the specific Home Occupation involved.

13.04 Automobile Sales, Service and Repair: Drive-In Establishments and Parking Lots

13.041 For any such use involving the open air parking, storage, display, sale or servicing of automotive vehicles or involving drive-in or drive-through establishments the area devoted to such open air use shall comply with the following:

1. Surfacing and drainage shall be provided in the manner specified in Section 13.104 for off-street parking areas.

13.042 Automobile Service Stations, Repair Garages, Sales Establishments and Parking Lots.

Automobile Service Stations, repair garages, sales establishments and parking lots shall comply with the following requirements and limitations.

Facility or Service	Minimum Distance from Adjoining Line of a Lot in a Residence District
<u>Vehicular entrance or exit</u>	25 ft.
<u>Equipment for Outdoor Servicing of Vehicles</u>	25 ft.
<u>Repair Services</u> Tire changes and repair, brake adjustment and repair, lubrication, body washing, minor repair or adjustment Motor or body repair where permitted	25 ft. unless within an enclosed building Must be within an enclosed building
<u>Outdoor Storage, Parking</u> or display of goods and parking lots	25 ft.

13.043 Drive-In and Drive-Through Establishments

Drive-in establishments including those identified as drive-through shall comply with the following requirements and limitations.

Facility or Service	Minimum Distance from Adjoining Line of a Lot in a Residence District	Amount of Space Required
Vehicular Entrance or Exit	25 ft.	
Equipment or vehicle stand for dispensing service, and all access driveway space	25 ft.	
Driveway or other space on the lot for vehicles waiting for service at drive-through establishments		Adequate to accommodate 3 or more vehicles for each drive-through window or lane.

13.05 Private Swimming Pools

No private below ground swimming pool shall be allowed in any Residential District except as an accessory use, and unless it complies with the following conditions and requirements: these requirements are not meant to govern farm ponds.

1. The pool is intended and used primarily for the enjoyment of the occupants of the principal use of the property on which it is located.
2. It may not be closer than ten(10) feet to any lot line of the lot on which it is located.
3. The pool shall be completely enclosed by a wall or fence at least forty-two(42) inches in height of sufficient density as to prevent small children from entering.
4. The pool, together with any structure related thereto, shall comply with the requirements for accessory structures set forth for the district in which it is located.

13.06 Excavation of Top Soil

Top soil excavation operations shall be permitted only with prior approval from the Board of Zoning Appeals. To grant such approval the Board shall find that:

1. A plan is submitted which shows the area which the soil removal is to take place.
2. The operator agrees to restore the area in a manner as determined by the County Agricultural Agent. The Board may require a bond as it deems necessary to assume the proper restoration of the excavated area.
3. The excavation operation will not be conducted closer than 30 feet from a Residential District or a lot used for Residential purposes.
4. The operation will be completed within one year.

13.07 Mineral Extraction, Storage and Processing

13.071 Purpose

Provisions pertaining to the extraction of stone, sand, gravel and other mineral resources are provided to allow the removal of these important resources in a manner appropriate to the best uses of adjacent lands and to rehabilitate the excavated area to promote the public health, safety, and general welfare.

13.072 Establishment of Boundaries or Limits

Within any Zoning District where any type of mineral extraction, storage or processing is permitted, the limits of the individual site for such operation shall be established by the Board of Appeals, taking into account the uses or potential uses of adjoining property and the applicable development standards within the individual site, as set forth hereunder.

13.073 Dimension Requirements

- A. The removal of clay or overburden to a depth not exceeding six feet may be conducted to no less than 30 feet from a Residential District, or forty(40) feet from an existing Residence, provided the operation is conducted over a temporary period not to exceed twelve(12) months and operation of equipment is limited to the extractions process. Temporary operational roads shall not be closer than 200 feet to any Residential District.
- B. Other mineral extraction and processing shall not be conducted closer than 500 feet from any existing residence or any Residential District nor closer than 200 feet from any structure used for human occupancy.

13.074 Disposal of Building and Structures

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

13.075 Application

- A. At the time of a request for a permit for mineral extraction purposes the operator shall file with the Zoning Inspector a detailed map of at least 200 feet to the inch scale, which clearly shows areas to be mined and the location of adjacent properties, roads and natural features. The operator shall submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table.
- B. The operator shall also file with the Board a detailed plan of 200 feet to the inch or larger scale for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five(5) feet.

13.076 Rehabilitation of Site

- A. All earthen banks shall be left with a slope no greater than two(2) feet horizontal to one foot vertical; all rock banks may be left at a one to one slope. Where minimizing of slopes to this degree is not feasible, as determined by the Board, a fence four(4) feet high shall be erected by the extraction operator to serve as a protection to persons.
- B. The type and number per acre of trees, shrubs, ground cover or legumes to be planned shall be determined in consultation with the County Agricultural Extension Agent.
- C. The location of future roads, drives, drainage courses, or other improvements or changes contemplated shall be shown as determined in consultation with the Marion County Regional Planning Commission.
- D. The operator of a long-term mineral extraction operation involving an area in excess of one hundred(100) acres shall be required to restore areas within 500 feet of a Residential District within a period of one (1) year from the date of completion of the extraction operations.
- E. The operator may be required to file with the Village Council a bond, payable to the Village and conditioned on the faithful performance of all requirements contained in the approved restoration plan. Whether the operator shall be required to post bond shall be based on demonstrated past performance in fulfilling restoration provisions in this Ordinance. In the event a bond is required, the rate per acre of property to be used for extraction purposes shall range between \$100 and \$1,000, depending upon the type and extent of restoration required, except that the maximum amount of the bond shall not exceed \$50,000. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.

13.08 Petroleum Drilling and Production

All petroleum drilling and production shall comply with the requirements specified in Chapter 1509 of the Ohio Revised Code.

13.09 Off-Street Parking and Loading Standards

13.091 Purpose

The purpose of this Section is to provide special regulations for adequate off-street parking and loading facilities, as necessary for efficient and convenient community activity and for the prevention of traffic congestion.

13.092 Off-Street Parking Spaces Required

13.0921 Application of Requirements

In all districts, in connection with any use there shall be provided, at the time any building or structure is erected or enlarged or increased in capacity, off-street parking spaces in accordance with the schedule set forth in Section 13.0922 hereunder. It shall be the intent that the following required parking spaces be used in connection with the building for which they are required. When units of measurement determining the number of required spaces result in the requirement of fractional space, any fraction up to and including one-half(2) shall be disregarded and fractions over one-half(2) shall require one(1) parking space.

13.0922 Schedule of Parking Spaces Required

	<u>Type of Use</u>	<u>Number of Parking Spaces</u>
A.	<u>Uses not listed</u>	Requirements for most nearly similar use specifically listed, as determined by the Board of Appeals
B.	<u>Residential</u>	
	Dwellings, all types	2 spaces for each dwelling
	Rooming houses and elderly housing	1 for each sleeping room or 1 for each paying occupant, whichever is greater
C.	<u>Public and Institutional</u>	
	Administrative Offices of Government	1 for each 200 sq. ft. of floor area
	Schools	1 for each 10 classroom seats
	Places of Worship	1 for each 5 seats in sanctuary
D.	<u>Amusements and Assembly</u>	
	Sports arenas and stadiums, auditoriums, theaters and places of assembly with fixed seats.	1 for each 5 seats
	Dance halls, lodge halls, exhibition halls, skating rinks, swimming pools and places of assembly without fixed seats.	1 for each 100 sq. ft. of floor area used for the purpose listed.

	<u>Type of Use</u>	<u>Number of Parking Spaces</u>
E.	<u>Services</u>	
	Medical and dental offices and clinics	1 for each 100 sq. ft. of floor area
	Barber shops and beauty parlors	3 per operator
	Hotels, motels and tourist homes	1 for each living or sleeping units
	Laundry and dry-cleaning pickup	1 for each 100 sq. ft. of floor area
	Business and professional offices	1 for each 200 sq. ft. of floor area
	Restaurants of following types:	
	Indoor Service Only	1 for each 100 sq. ft. of floor area
	Including curb services	1 for each 100 sq. ft. of floor area in addition to curb service stalls provided.
	Providing primarily carry-out services	1 for each 30 sq. ft. of floor area
	Bars, taverns and night clubs	1 for each 100 sq. ft. of floor area
F.	<u>Retail Sales</u>	
	Furniture and household appliance stores and repair	First 1800 sq. ft. of floor area; 3 spaces. Any additional floor area: 1 space for each 400 sq. ft.
	Retail stores and shops not elsewhere specified including general merchandise	First 1500 sq. ft. of floor area; 3 spaces. Any additional floor area: 1 space for each 150 sq. ft.
G.	<u>General Commercial and Industrial</u>	
	Automobile or machinery sales and service	1 for each 800 sq. ft. of floor area
	Commercial service laboratories, machine shops and similar establishments	1 for each 600 sq. ft. of floor area or 1 for each 2 employees on maximum shift, whichever is greater
	Wholesale establishments and warehouses	1 for each 3000 sq. ft. of floor area or 1 for each 2 employees on maximum shift whichever is greater

13.0923 Application of Schedule

Expansion of or Change in Existing Use. A building existing lawfully at the time this Zoning Resolution became effective, but which does not conform with the off-street parking requirements in Section 13.0922 may be occupied by the existing use without such facilities being made available. However, any parking spaces that may be provided shall be in accord with the development standards set forth in Section 13.0924 hereof and, if the existing building is altered so that there is an increase in the number of dwelling units, seating capacity of floor area, or if the use is changed to a use requiring more off-street parking spaces, then off-street parking facilities shall be provided at least equal to the number of spaces required for the entire building or use in accord with the schedule as set forth in 13.0922 herein and in accord with the development standards of Section 13.0924.

13.0924 Application of Schedule

- A. Required off-street parking facilities shall be located on the same lot as the structure or use served, except that a parking facility providing the sum of parking spaces required for several uses may be provided contiguous to and in common with the several structures and uses served.
- B. Parking areas may be located in any required yard except as follows:
 - 1. In the required front yard in a Residence District.
 - 2. In the required front yard in a Non-residence District which is located on a block which includes both Residential and Non-Residential Districts along the same side of the street.
- C. A parking space for one(1) vehicle shall provide for a rectangular area having dimensions of not less than ten(10) feet by twenty(20) feet.
- D. Access. There shall be adequate provision for ingress to an egress from parking spaces. Where a parking area does not abut on a public street or alley, there shall be provided an access drive not less than eight(8) feet in width in the case of a dwelling and not less than eighteen(18) feet in width in all other cases, providing satisfactory access to the parking areas required herein. Except where provided in connection with a use permitted in a Residence District, such access drive shall not be located in any Residence District.

- E. Screening and Landscaping. Off-street parking areas for more than five(5) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any Residence District, by a solid fence, wall or hedge, which shall be not less than five(5) feet or more than eight(8) feet in height and shall be maintained in good condition without any advertising thereon.
- F. For every parking area having more than five(5) spaces, a plan shall be submitted to the Zoning Inspector, showing that such parking area will comply with the foregoing requirements and will be well drained and shall have a dust-free surface.

13.093 Offstreet Loading Space Required

13.0931 Requirements

In any district there shall be provided and maintained off-street loading space in connection with every building or part thereof hereafter erected which is to be occupied by any commercial or industrial use. For any such use off-street loading space shall be provided as specified in Section 13.0932 hereunder.

13.0932 Schedule of Loading Spaces Required

Size of Building in Gross Square Feet	Number of Loading Spaces
Less than 5,000	None
5,000 to 19,999	One
20,000 to 39,999	Two
40,000 to 64,999	Three
65,000 to 100,000	Four
Each additional 100,000 sq. ft. or fraction thereof	One additional space

13.0933 Application of Schedule

- A. Joint Loading Space. Owners or occupants of several establishments or buildings not separated by street may jointly provide the required off-street loading space, provided (1) that no loading dock shall be more than two hundred(200) feet distance from the service door of the building it is intended to serve and (2) that the gross area of all the establishments or buildings to be served by such joint loading facility shall be used to determine the required number of loading spaces.

- B. Expansion of Existing Use. A building existing lawfully at the time this Zoning Ordinance became effective, but which does not comply with the off-street loading requirements set forth in Section 13.0932 may be occupied by the existing use without such facilities being made available. However, any new loading space which may be provided shall be in accord with the development standards set forth in Section 13.0934. If the existing building is expanded so that there is an increase in the square feet of floor area so used, then off-street loading space shall be provided at least equal to the required number of spaces for the entire building or use in accordance with the schedule set forth in Section 13.0932 and such spaces shall conform with the development standards in Section 13.0934.

13.0934 Development Standards for Offstreet Loading Space

- A. Each loading space shall not be less than ten(10) feet in width, fifty(50) feet in length and fourteen(14) feet in vertical clearance, provided that, if it is shown that the building or establishment in question is not and will not be served by trucking vehicles more than thirty-five(35) feet in length, the Board of Appeals may grant an exception reducing the required length of such servicing vehicles, but in no case to be less than twenty-five(25) feet.
- B. Subject to limitations set forth in Section 13.01 loading spaces may occupy all or any part of any required yard.
- C. No loading space shall be located closer than twenty-five(25) feet to any lot in any Residence District unless wholly within a completely enclosed building or unless separated from such Residence District lot by a wall, solid fence or hedge not less than six(6) feet in height.
- D. Access to Loading Areas. Every loading area shall have vehicular access to and from a public street or alley.

13.10 Mobile Home Parks

13.101 Application

The owner of a tract of land ten(10) acres or more in area, located within a Residential District may submit a plan for the development and use of such tract as a mobile home park under the provisions of this section.

13.102 Development Standards

13.1021 Ohio Department of Health

All mobile home parks shall meet the requirements of the Ohio Sanitary Code adopted by the Ohio Department of Health under the authority of the Ohio Revised Code, Section 3733.02.

13.1022 Board of Zoning Appeals

All applications and plans for mobile home parks shall be reviewed by the Board of Zoning Appeals. In reviewing such application and plans for a mobile home park, the Board shall determine whether the following requirements are met:

1. The proposed park is ten(10) acres or more in size.
2. The park will be located to assure a maximum compatibility with other adjacent residential development.
3. The park will not be detrimental to the neighborhood.
4. The front yard depth for the park as a whole is at least sixty(60) feet from the center of the road.
5. The minimum floor area of any mobile home used as a dwelling is at least four hundred and ninety(490) square feet.
6. The mobile homes within the park are limited to single family occupancy, not including transient or vacationing families or persons.
7. The mobile home park is designed so as not to create an interference or congestion on surrounding public streets.

13.1023 Subdivisions

If a proposed mobile home park is determined to be a subdivision under Chapter 711 of the Ohio Revised Code, the project shall be reviewed in accordance with local subdivision regulations if in force.

13.1024 Board of Zoning Appeals Approval

If after review of the application and plans for a mobile home park, the Board finds that all requirements have been met, the Board may grant approval. Such approval shall, however, be conditioned on compliance

with Section 13.1021.

13.11 Public Utility Substations

13.111 Public Utility Substations in Residential and Business Districts

Public Utility substations may locate within Residential and Business District with prior approval from the Board of Zoning Appeals. In granting such approval the Board must find that the following requirements are met:

1. That no storage yard is connected with the subdivision.
2. That the structure is located on the lot so as to provide adequate front, side and rear setbacks.
3. That for a substation located in or adjacent to any Residential District, all buildings and structures shall be completely surrounded by an opaque wall or fence no less than ten(10) feet in height, except that the Board may waive the required wall or fence in the case of a completely enclosed building which the Board finds to be in harmony with the character of the surrounding neighborhood. All parts of the lot outside such building, wall or fence shall be suitably landscaped and properly maintained.

Chapter 14

Planned Unit Development Projects

14.01 Purpose and Requirements

14.011 Purpose

The purpose of this Chapter is to provide latitude and flexibility within this Ordinance in order to promote innovative and progressive forms of development. Such types of development, by virtue of their design, provide benefits and amenities which justify deviations from the normal development standards. The benefits of these types of developments might include; a maximum choice of living environments by providing a variety of housing and building types; a more useful pattern of open space; more convenience in the location of commercial uses a development pattern which preserves and utilizes natural topography, scenic areas and natural drainage patterns; and a more efficient development through shorter streets and utility lines.

14.012 General Provisions

Because of the special characteristics of Planned Unit Developments, special provisions governing the development of land for this purpose are required and contained in Sections 14.013 through 14.024. Subjects not covered by this chapter shall be governed by the respective provisions found elsewhere in this Ordinance.

14.013 PUD District

A Planned Unit Development District may be applied to any existing district except "C-1" Conservation. Upon approval of a Planned Development Project, in accordance with the provisions of this Chapter, the Official Zoning Map shall be amended for the area involved so that the District name includes the notation "PUD".

14.014 Basic Requirements

In order to obtain approval, a proposed Planned Development shall comply with the following general requirements:

1. Shall be in conformity with the Comprehensive Plan or portion thereof as it may apply.
2. Shall be consistent with the purpose and intent of this Zoning Ordinance.
3. Will advance the general welfare of the Village.

4. Will provide, through desirable arrangement and design, benefits which justify deviations from the normal development standards which otherwise would apply.

14.015 Development Standards

14.0151 Minimum Project Area

The gross area of a tract of land to be developed as a Planned Unit Development shall be at least ten(10) acres.

14.0152 Uses Permitted

Compatible residential, commercial, industrial, public and semi-public uses may be combined in PUD Districts provided that the proposed locations of uses will not adversely affect adjacent property, public health, safety and general welfare.

The amount of land devoted to commercial and/or industrial use shall be determined by Planning Commission and approved by the Village.

14.0153 Project Ownership

The project land may be owned, leased, or controlled either by a single person or corporation, or by a group of individuals or corporations. Such ownership may be by a public or private corporation.

14.0154 Common Open Space

A minimum of twenty(20) percent of the land developed as a PUD shall be reserved for common open space and recreational facilities. The required amount of common open space land reserved shall be held in corporate ownership by owners of the project area for the use of each individual who buys property within the development or, may be dedicated to the village and retained as public open space. If the open space is accepted by the village, the responsibility for the maintenance of the area shall be specified before approval of the final development plan.

14.0155 Minimum Lot Sizes

Within an approved Planned Unit Development, the lot area per dwelling unit may be reduced by not more than twenty(20) percent of the minimum lot area required in the Residential District Regulations.

The minimum lot frontage and set backs may also be reduced from the requirements in the Residential District Regulations.

14.0156 Parking

Off-street parking loading and servicing areas shall be provided in accordance with Chapter 13. However, off-street parking and loading areas shall not be permitted within fifteen(15) feet of any residential use.

14.0157 Utility Requirements

All planned development projects shall be served by either a central sewage system or central water system.

14.0158 Arrangement of Commercial Uses

Planned Unit Developments which include commercial uses, commercial buildings and establishments shall be planned as groups having common parking areas and common ingress and egress points in order to reduce the number of potential accident locations. Screen or fences shall be provided on the perimeter of the commercial areas which abut residential areas.

14.0159 Arrangement of Industrial Uses

Planned Unit Developments may include industrial uses if it can be shown that the development results in a more efficient and desirable use of land.

Industrial uses and parcels shall be developed in a park-like surrounding utilizing landscaping and existing woodlands as buffers to screen lighting, parking areas, loading areas, docks and outdoor storage of raw materials or products.

Industrial uses within Planned Unit Development shall have a minimum of a forty(40) foot side yard and fifty(50) foot rear yard if located adjacent to any residential use. All intervening spaces between buildings, drives, parking areas and improved areas shall be landscaped with trees and plantings and properly maintained at all times.

14.0160 Future Expansion

All areas within a Planned Unit Development designed for future expansion of any use or not intended for immediate improvement or

development shall be landscaped or otherwise maintained in a neat and orderly manner as specified by the Planning Commission and/or Village Council.

14.02 Procedure for Approval of PUD District

14.021 Preliminary Development Plan

The developer of a Planned Unit Development may, if he or she desires, submit to the Chairman of the Planning Commission a preliminary development plan. The purpose of this optional plan is to familiarize the developer with the provisions, standards and requirements of this chapter prior to detailed engineering work. Upon receipt of a preliminary plan, the Planning Commission shall hold a meeting within thirty(30) days. At this meeting, the commission shall review the plan and provide recommendations to the developer regarding the final development plan.

14.022 Final Development Plan

An application for approval of a Final Development Plan shall be filed with the Chairman of the Planning Commission. Each application shall be signed by the developer attesting to the truth and exactness of all information supplied. The Final Development Plan shall include all information which the Planning Commission deems necessary including:

1. A survey of the development site showing property lines, topography and existing natural features of the site.
2. The locations and sizes of proposed lots along with the locations and uses proposed structures.
3. A schedule for the development of structures to be constructed and a description of building designs.
4. Engineering feasibility studies and plans showing as necessary water, sewer, drainage, waste disposal and street improvements.
5. Landscaping plans.
6. Deed restrictions, protective covenants and other legal statements to be used to control the use, development and maintenance of the land.

14.023 Subdivisions

If the proposed Planned Unit Development is determined to be a subdivision under the provisions of Chapter 711 of the Ohio Revised Code, the project must be

reviewed in a manner set forth in local subdivision regulations if in force.

14.024 Action on a Final Development Plan by the Planning Commission and the Village Council

In its review of an action on any final application for a planned development project, the Planning Commission and Village Council shall follow the procedure set forth in Section 17.03 of this Code for amendment to the zoning map. If an approved development is not installed in accordance with the plans and requirements of this Chapter within four(4) years after the date of approval, such approval shall become null and void.

Chapter 15

Planning Commission

15.01 Organization, Staff Services and General Procedures

15.011 Organization

The Planning Commission shall have five(5) members, consisting of the Mayor, one member of the legislative authority to be elected thereby for the remained of his term as such member of the legislative authority, and three citizens of the village to be appointed by the Mayor for terms of six years each, except that the term of one of the members of the first Commission shall be for four years and one for two years. Vacancies, occurring otherwise than expiration of the term shall be filled in the same manner as the original appointments and shall be for the unexpired term. All members shall serve without compensation.

15.012 Staff Services

The Mayor shall appoint the secretary of the Commission, and the secretary shall prepare and distribute notices of meetings, keep minutes of meetings and prepare other documents relating to the work of the Commission. The Zoning Inspector or his designated representative shall attend all Commission meetings if possible.

15.013 General Procedures

The Commission shall organize and adopt rules to govern its activities, in accordance with this Code. Meetings of the Commission shall be held once each month and at such additional times as the Commission may determine. The time of the regular monthly meetings shall be specified in the rules. Special meetings may be called by the Chairman, or in his absence, by the Vice-Chairman. All meetings of the Commission 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 filed promptly in the Village Council Chambers and shall be public record. Three(3) members of the Commission shall constitute a quorum.

The Commission may call upon the Village departments for assistance through proper authority in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Commission as may reasonably be required.

15.02 Powers and Duties

15.021 The Planning Commission may initiate proposed amendments to this code.

15.022 The Planning Commission shall review all proposed amendments to this Code and make recommendations to the Village Council as specified in Section 17.03.

15.023 The Planning Commission shall review all Planned Development Projects and make recommendations to the Village Council as provided for in Chapter 14.

15.024 The Planning Commission shall have all other responsibilities designated to it by this Code and Ohio Law.

Chapter 16

Board of Zoning Appeals

16.01 Establishment, Staff Services and General Procedures

16.011 Establishment

A Board of Zoning Appeals is hereby created and established. Such Board shall consist of five(5) members, the Chairman of the Village Planning Commission and four(4) members appointed by the Mayor, all of whom shall be residents of Village. The terms of the appointive members shall be four(4) years and shall be so arranged that the term of one(1) member will expire each year. Vacancies, occurring otherwise than by expiration of term, shall be filled in the same manner as original appointments and shall be for the unexpired term. Members of the Board shall serve without compensation.

16.012 Staff Services

The Mayor shall appoint the Secretary of the Board, and the Secretary shall prepare and distribute notices of meetings, keep minutes of meetings and prepare other documents relating to the work of the Board. The Zoning Inspector or his designated representative shall attend all Board meetings if possible.

16.013 General Procedures

The Board shall organize and adopt rules to govern its activities, in accordance with this Code. The Chairman of the Village Planning Commission shall be the Chairman of the Board. Meetings of the Board shall be held once each month and at such additional times as the Board may determine. The time of the regular monthly meeting shall be specified in the rules. The Chairman, or in his absence the Acting Chairman may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board 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 filed immediately in the Village Council Chambers and shall be public record.

A quorum shall consist of the following: One(1) member shall be a quorum for the purpose of establishing a date and time for the continuance of the meeting. After this is accomplished, and the date is clarified to all present, the member or both members present, whichever is the case, shall adjourn the meeting.

Three(3) members of the Board shall constitute a quorum to conduct all other business. The Board shall act by motion and the concurring vote of three(3) members of the Board shall be necessary to reverse any order or determination of the Zoning

Inspector, to decide in favor of any applicant in any manner of which the Board has original jurisdiction under this Code, or to grant any variance from the requirements stipulated in this Code.

The Board may call upon the Village Departments for assistance through appropriate authority in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

16.02 Applications and Appeals

The Board shall act in strict accordance with procedures specified by law and by this Chapter. All applications and appeals made to the Board shall be in writing, and shall be filed with the Secretary at least fourteen(14) days before the meeting at which they are to be heard. Each application or appeal shall refer to the specific provision of the Code involved, and shall set forth exactly the interpretation that is claimed, the use for which special exception is sought, a clear description of the land involved, the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be.

16.021 Filing an Application

An application to the Board, in cases in which it has original jurisdiction under the provision of this Chapter may be taken by any property owner or tenant, or by a governmental officer, department, board or bureau affected. Such application, in a form approved by the Board, shall be filed with the Secretary.

16.022 Filing an Appeal

An appeal to said Board from any ruling of the Zoning Inspector, or other administrative officer administering any portion of this Code may be taken before the Board by any property owner or tenant, or by any governmental officer, department or bureau affected. Appeals to the Board shall be taken within twenty(20) days after a decision of the Zoning Inspector by filing a notice of appeal with the Secretary, in a form approved by the Board specifying the grounds therefore. The Zoning Inspector shall transmit to the Board all papers constituting the record upon which the action appealed from was taken, or in lieu thereof certified copies of said papers.

16.023 Hearings, Date and Notices

When an application or appeal has been filed in proper form and with the required data, the Secretary of the Board shall immediately place such application or appeal upon the calendar for a hearing and serve notices stating the time, place and object of the hearing. Such notices shall be served personally or by registered or certified mail at least ten(10) days prior to the day of such hearing upon the applicant or the appellant, and to such other persons as the Board may specify in its rules and regulations.

Such notices, if by mail shall be addressed to the last known address of the parties to

be notified. Deposit of such notice in the U.S. mail shall constitute service of notice. The Secretary of the Board shall also publish notice of such hearing in a newspaper of general circulation in the Village at least seven(7) days prior to the public hearing. Any party may appear at such hearings in person or by agent or attorney.

Each application or appeal shall be accompanied by a check, payable to the Village Treasurer, or a cash payment, of the amount as set forth in Section 17.02. The Secretary shall not accept an application or appeal until such payment is received.

16.024 Adjournment of Hearing

Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit additional information or attendance to be secured, or cause such further notice as it seems proper to be served upon such other property owners as it decides may logically be concerned with said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

16.025 Decisions of the Board

The Board shall decide all applications and appeals within thirty-five(35) days after completion of the hearing thereon, and such decision shall become effective upon adoption by the Board. The Board's action shall be by motion and majority vote, stating the reasons therefore, and setting forth the findings of the Board as to compliance or non-compliance of the application or appeal with the requirements in this Code. A certified copy of the Board's decision shall be transmitted to the applicant or appellant. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board. After the Board approves any application or appeal there shall be no further hearings upon such case. However, when the Board has denied an application or appeal, the Secretary shall not schedule any hearing concerning the same application or appeal if filed within one(1) year of the date of the Board's decision, unless the Board finds that there is a new matter, evidence or facts to be heard.

16.026 Stay of Proceedings

An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certified to the Board, after notice of appeal shall have been filed with him, that by reason of facts stated in the certificate, a stay would, in his opinion cause imminent peril to life or property. In such case, proceedings shall not be stayed otherwise than by a restraining order which may, on due cause shown be granted by the Board after notice to the Zoning Inspector or by Judicial proceedings.

16.03 Powers of the Board

16.031 Interpretation of the Zoning Code

Upon appeal from a decision by the Zoning Inspector, the Board have the power to decide any question involving the interpretation of the Zoning Text or Map as follows:

16.0311 In case there is question as to the intended meaning of any provision of the Zoning Text, the Board may interpret its meaning.

16.0312 Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the zoning map, the Board, after notice of public hearing to the owners, of the property, shall interpret the map in such a way as to carry out the intent and purpose of this Code for the particular section or district in question. In case of any question as to the location of any boundary line between zoning districts, an application for an interpretation of the Zoning Map may be made to the Board and a determination shall be made by said Board by following the procedure established in Section 16.02.

16.032 Original Jurisdiction Applications for Exceptions and Conditional Uses

The Board shall have original jurisdiction and may hear and decide, in accordance with the provisions of this Code, applications, filed as provided, for special exceptions, conditional uses, or for decisions upon other special questions on which the Board is authorized by this Code to pass. In considering an application for special exception or conditional use, the Board shall give due regard to the nature and condition of all adjacent uses and structures, and the consistency with the proposed use and development. Before authorizing a use as a special exception or conditional use, the Board shall determine whether the proposed exception or use would be hazardous, harmful, noxious, offensive or nuisance to the surrounding neighborhood. Upon authorizing a conditional use or exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation, in addition to those expressly stipulated in this Code for the particular conditional use or exception, as the Board shall deem necessary for the protection of adjacent properties and the public interest.

16.033 Appeals for Variances

The Board shall have the power to authorize upon appeal in specific cases, filed as provided, such variances from the provisions or requirements of this Code as will not be contrary to the public interest, however, nothing herein contained shall be construed as authorizing the Board of Zoning Appeals to effect changes in the Zoning Map or to add to the uses permitted in any zoning district in order to grant a variance, the Board must find:

1. That there are special circumstances or conditions, fully described in the Board's decision, applying to the land or building for which the variance is sought. Such circumstances or conditions must be peculiar to such land or building and do not generally apply to land or buildings in the neighborhood, and said circumstances or conditions are such that the strict application of the provisions of this Code would result in practical difficulty and unnecessary hardship and deprive the applicant of the reasonable use of the land or building.
2. That the granting of the variance will be in harmony with the general purpose and intent of this code and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board, in determining its findings, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.
3. That the condition or situation of the specific piece of property and/or the intended use of said property, for which the variance is sought is not of so general or recurrent in nature as to make reasonably practicable the formulation as a part of this Code a general regulation for such condition or situation.
4. That the variance as granted by the Board is the minimum variance that will accomplish the reasonable use of the subject land or building.

16.034 General Powers

In exercising its powers, the Board, in conformity with the provision of statute and this Code, may reverse or affirm, wholly or in part, may modify the order, requirements, decision or determination appealed from, and may make such order, requirements, decision or determination as in its judgement ought to be made, and to that end shall have all powers of the office from which the appeal is taken. The Board shall have and shall be limited strictly to the powers and duties prescribed by the Ohio Revised Code.

16.04 Expiration of Permits for Exceptions, Conditional Uses and Variances

Every permit or variation from the application of the literal provisions of this Code allowed or granted as provided in this Chapter, shall expire and be of no force or effect after the expiration of six(6) months from the date thereof, unless;

- A. Within said period, the provisions of said variance or permit have been acted upon and placed in effect, or
- B. Unless the Board at the time of granting or allowing such variation or permit granted a longer period, in which event the expiration thereof shall be on the date specified by

the Board, or

- C. Unless the Board grants an extension of time at a later date.

Chapter 17

Administration

17.01 Duties of the Zoning Inspector

17.011 Office of the Zoning Inspector

There is hereby established the Office of Village Zoning Inspector. The Zoning Inspector shall be appointed by the Mayor and shall receive such compensation as the Village Council shall provide. It shall be the duty of the Zoning Inspector to enforce the provision of this Code and keep records of all applications for zoning permits and the action taken thereon. All departments, officials and employees of the Village vested with the duty or authority to issue permits or licenses shall conform to provisions of this Code and shall issue no license or permit for any use building or purpose in conflict with the provisions of this Code. Any permit or license issued in conflict with the provisions of this Code shall be null and void.

17.012 Applications; Zoning Permits

A Zoning Permit shall be required for the construction or alteration of any building or structure, including accessory buildings, fences, etc. Every application for a Zoning Permit shall be accompanied by plans in duplicate drawn to scale in black line or blueprint, showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part; the exact location, size and height of any building or structure to be erected or altered; the existing and intended use of each building or structure or part thereof; the number of families or housekeeping units the building is designed to accommodate if any; and, when no buildings are involved the location of the present use and proposed use to be made of the lot and such other information with regard to the lot and neighboring lots as may be necessary to determine and provide for the enforcement of this Code.

One(1) copy of such plans shall be returned to the owner when such plans shall have been approved by the Zoning Inspector, together with such Zoning Permit as may be granted. All dimensions shown on these plans relating to the location and size of the lot to be built upon shall be based on actual survey. The lot and the location of the building thereon shall be staked out on the ground before construction is started. In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Marion County Sanitarian of the proposed method of water supply and/or disposal of sanitary wastes.

No permit for excavation or construction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Code.

17.013 Occupancy or Use Permits

17.0131 Occupancy Permits; Where Zoning Permit Issued

Upon completion of the work for which a Zoning Permit has been issued in accordance with Section 17.012 the holder of the permit shall notify the Zoning Inspector of such completion. The Zoning Inspector shall grant such holder an Occupancy Permit if the work has been performed in accordance with the application for the Zoning Permit and such conditions, if any, as may have been required by the Zoning Inspector when the Zoning Permit was issued.

17.0132 Occupancy Permits; Where no Zoning Permit Required

Before the use of any land or building is changed, when no Zoning Permit is required by this Code, an application for an Occupancy Permit shall be filed with the Zoning Inspector. Such application shall show the location of the subject lands or buildings, the present and proposed use thereof, and such other information as may be necessary to determine if the proposed use is in conformity with the provisions of this Code; and, if so, the Occupancy Permit shall be granted.

17.0133 Temporary Occupancy Permits

Under such rules as may be adopted by the Board of Zoning Appeals the Zoning Inspector may issue a Temporary Occupancy Permit for a part of a building.

17.014 Action on Applications; Time Limit

The Zoning Inspector shall act upon all such applications on which he is authorized to act by the provisions of this Code within ten(10) days after these are filed in full compliance with all the applicable requirements. He shall either issue a Zoning Permit within said ten(10) days or shall notify the applicant in writing of his refusal of such permit and the reasons therefor. Failure to notify the applicant in case of such refusal within said ten(10) days shall entitle the applicant to a Zoning Permit unless the applicant consents to an extension of time.

17.015 Zoning Permits; Time Limit

A Zoning Permit shall expire one(1) year after issuance unless the construction or alteration permitted by it has been substantially begun and is thereafter pursued to completion, or unless the land or premises have been put to the use permitted by such permit.

A Zoning Permit shall be revocable, if among other things, the actual use,

construction or alteration does not conform to the terms of the application and the Permit granted thereon.

17.02 Fees

Except as otherwise indicated in this Code, there shall be fee for the issuance of any required permit or for the acceptance and processing of any appeal, application or other matter coming before the Board of Zoning Appeals or Planning Commission, in accordance with the following schedules:

17.021 Zoning Permits

For any Zoning Permit for construction, extension, addition to structural remodeling the Zoning Permit fee shall be as follows:

- Fencing \$.25 per linear foot with a maximum of \$250
- Room addition- \$.75 per square foot with a maximum of \$350
- Decks- \$.50 per square foot with a maximum of \$250
- Room enclosures on deck, porch, or patio- \$.25 per square foot with a maximum of \$250

17.022 Occupancy Permit

In case where a Zoning Permit has been issued no fee shall be charged for the issuance of an Occupancy Permit which pertains thereto. In all other cases the fee for the issuance of the Occupancy Permit shall be \$10.00.

17.023 Sign Permit

Fees for all types of signs, except temporary, shall be \$10.00. Fees for temporary signs shall be \$5.00.

17.024 Tax Exempt Property

The fees set forth for Zoning Permit or Occupancy or Sign Permit shall not be charged when the applicant furnishes proof to the satisfaction of the Zoning Inspector that the subject property has a tax exempt status.

17.025 Matters Coming Before Board of Zoning Appeals

Fees for matters coming before the Board of Zoning Appeals shall be as follows:

Matters	Fee
Appeal for Variance or Application for Special Exception or Conditional Use	\$100
Interpretation of Zoning Ordinance or Map:	
(1) Appeal from decision of Zoning Inspector, if Board of Zoning Appeals over-rules the Zoning Inspector said fee will be refunded.	\$100
(2) Request initiated by the Village Government	No Fee
Application for change in or extension of non-conforming use	\$100
All other matters coming before the Board of Zoning Appeals	\$100

17.026 Matters Coming Before the Planning Commission

Fees for matters coming before the Planning Commission shall be as follows:

Matters	Fee
Application for a Planned Development Project	\$150
Amendment to the Zoning Code:	
(1) Initiated by property owners or lessees of property	\$150
(2) Initiated by the Village Council or the Planning Commission	No Fee
Other matters coming before the Planning Commission	No Fee

17.03 Amendments

It shall be the policy of the Village Government to consider this Zoning Code, together with its Zoning District Maps, to be subject to amendment from time to time, in order to recognize changing conditions of land use and development, and to utilize improved practices in zoning. This Code will be regarded as a flexible means of encouraging good development and use of the land in the Village.

To these ends the Village Council, the Village Planning Commission, property owners or lessees of property may initiate amendments. The procedure for such proposed amendments shall be set forth the Ohio Revised Code, Section 713.12.

The following is a copy of Section 713.12, Ohio Revised Code, as it existed January 1975.

713.12 Notice and hearing on Municipal Zoning measures; approval of legislative authority.

Before any ordinance, measure, regulation, or amendments thereto, authorized by sections 713.07 to 713.11, inclusive of the Revised Code, may be passed the legislative authority of the municipal corporation shall hold a public hearing thereon, and shall give at least thirty days notice of the time and place thereof in a newspaper of general circulation in the municipal corporation. If the ordinance, measure, or regulation intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate written notice of the hearing shall be mailed by the clerk of the legislative authority, by first class mail, at least twenty days before the date of the public hearing to the owners of property within and contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the county auditors current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the legislative authority. The failure of delivery of such notice shall not invalidate any such ordinance, measure or regulation. During such thirty days the text or copy of the text of such ordinance, measure, or regulation, together with the maps or plans, or copies thereof, forming part of or referred to in such ordinance, measure, or regulation and the maps, plans and reports submitted by the planning commission, board, or officer shall be on file, for public examination, in the office of the clerk of the legislative authority or in such other office as is designated by the legislative authority. No such ordinance measure, or regulation which violates, differs from, or departs from the plan or report submitted by the commission, board, or officer shall take effect unless passed or approved by not less than three fourths of the membership of the legislative authority. No ordinance, measure, or regulation which is in accordance with the recommendation, plan, or report submitted by the commission, board, or officer shall be deemed to pass or take effect without the concurrence of at least a majority of the members elected to the legislative authority.