

**ZONING ORDINANCE
For
VILLAGE OF SPENCERVILLE
ALLEN COUNTY, OHIO**

PREAMBLE

AN ORDINANCE: TO PROVIDE FOR THE DIVISION OF THE VILLAGE OF SPENCERVILLE OHIO, INTO DISTRICTS FOR THE PURPOSE OF LIMITING AND THE REGULATION OF HEIGHT, BULK AND LOCATION, INCLUDING PERCENTAGE OF LOT LINES AND AREA AND DIMENSIONS OF YARDS, COURTS AND OTHER OPEN SPACES AND THE USES OF BUILDINGS, OTHER STRUCTURES AND TO PROVIDE PROCEDURE FOR THE CHANGE OF SUCH DISTRICTS AS MAY FROM TIME TO TIME BE REQUIRED.

The Planning Commission of the Village of Spencerville, County of Allen and the State of Ohio has certified to the Council thereof a zoning text as amended and map for the districting of the Village according to the use of buildings and other structures and of premises. The Council has determined that in the interest of promoting the public health, safety, convenience, comfort, prosperity and general welfare, it is necessary that it regulate and restrict the location of buildings and other structures and of premises to be used for trade, industry, residence or other specified uses. It is therefore necessary for Council to provide for the districting of the Village into such areas as are required to carry forth the intention heretofore expressed. It is therefore necessary to provide regulations for each of such districts, designating the kinds or classes of trades, industries, residences or other purposes for which buildings or other structures or premises may be permitted to be erected, altered or used.

The Council authorized a public hearing to be held in regard to the plan as amended and certified thereto by the said Planning Commission on the _____ day of _____ set the date of _____ day of _____, _____ at _____ o'clock (a.m.)/(p.m.), Eastern Daylight Savings Time in the Council Chambers of said Village located at _____ Street, Spencerville, Ohio, as the time and place for the said public hearing.

The Clerk of the Village has caused to be published in the Journal News, a newspaper of general circulation in the Village of the time, place and subject of the said hearing at least thirty (30) days in advance of the date thereof, as set forth hereinbefore. During the period of thirty (30) days next following the publication of the Legal Notice as hereinbefore set forth, a complete text as amended and zoning map or a copy thereof, of this Ordinance, as submitted by the Planning Commission was on file for public examination in the office of the Clerk of the Village.

Upon Public Hearing and after consideration of this matter, it is hereby determined by the Council that it would be conducive to the public interest to proceed with the plan as amended and proposed by the Planning Commission. The Planning Commission has approved this ordinance establishing a general and comprehensive zoning text and map as amended for the Village of Spencerville.

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ARTICLE I
GENERAL PROVISIONS

1.0 TITLE

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

1.1 PURPOSE

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

1.2 INTERPRETATION

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

1.3 SEPARABILITY

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

1.4 REPEAL OF CONFLICTING ORDINANCES

All Ordinances in conflict with this Ordinance, or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect.

1.5 EFFECTIVE DATE

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

ARTICLE 2

INTERPRETATION AND DEFINITION OF TERMS & WORDS

2.0 PURPOSE

For the purposes set forth in this Ordinance, the following interpretations and definitions are offered for purposes of clarification. In the event that specific terms and/or words are absent, the administration and enforcement of the zoning ordinance shall be in accordance with the Ohio Revised Code as amended and supplemented.

2.1 INTERPRETATION OF TERMS OR WORDS

For the purposes of this Ordinance, certain terms or words used herein shall be interpreted as follows:

2.1.1 The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular; and,

2.1.2 The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”

2.2 DEFINITION OF TERMS OR WORDS

For the purposes of this Ordinance, certain terms or words used herein shall be defined as follows:

Abutting: Abutting shall mean bordering.

Accessory Building: A subordinate building, located on the same lot as the main building, the use of which is naturally and normally incidental and subordinate to that of the dominant use of the main building or land.

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

Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, aquaculture, horticulture, hydroponics, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for housing, treating or storing the produce, provided that the operation of any such accessory uses shall be secondary to that of normal agricultural activities.

Alcoholic Beverage: Alcoholic beverage embraces any liquid designed or commonly used for human consumption, as a beverage, containing any percentage of grain or ethyl alcohol by volume and shall not be limited to "intoxicating liquor" and "liquor" as defined in Section 4301 .01(A)(1), Ohio Revised Code or in such statute as it may hereafter be amended.

Alignment: Alignment shall mean location with reference to a line touching the foremost enclosed portions of buildings.

Alley: Alley shall mean a public way, contemplated for the use of vehicular traffic, which affords secondary means of access to property abutting thereon.

Alley line: Alley line shall mean a lot line bordering on any alley.

Alteration, Structural: Any change or replacement which would tend to prolong the life of the supporting or structural members of any building or structure, such as bearing walls, columns, joists, beams, girders, etc.

Apartment: See Dwelling Unit.

Apartment Hotel: A building designed for or containing both dwelling units and individual guest rooms or suites of rooms, which building may include accessory uses such as a cigar store or coffee shop when such uses are accessible only from the lobby.

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

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

Automobile Service Station: A building, structure or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils or minor accessories, and other customary incidental service. When such dispensing, sale or offering for sale is incidental to the conduct of a public garage, the use shall be classified as a public garage.

Automobile Wrecking: The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Barn: An accessory or subordinate building located upon the same lot occupied by the main building or use, which use is predominantly agricultural for the storage of equipment, housing of animals or storage of food or fodder.

Basement: That portion of a building the floor of which is more than two (2) feet below grade and the ceiling of which is more than four (4) feet, six (6) inches above grade. A basement shall be included for purposes of bulk and height measurement if used for selling or business purposes.

Beginning of Construction: The incorporation of labor and material within the walls of the building or buildings; the incorporation of labor and materials at the site, lot or parcel where a building is to be constructed; the incorporation of labor and material where land is to be used for purposes other than construction of a building.

Billboard or Signboard: Any sign situated on private premises on which the written or pictorial information is not directly related to the use of the land on which such sign is located. A display sign is a structure that is arranged, intended, or designed or used as an advertisement, announcement or direction.

Board of Zoning Appeals: The Board of Zoning Appeals in Village of Spencerville as established by Article 20.6 of this Ordinance as pursuant to Section 713.11 of the Ohio Revised Code or in such statute may hereafter be amended.

Boarding House: A dwelling or part thereof where lodging and meals for three (3) or more persons are served for compensation by previous arrangement but not transients.

Building: Any structure constructed or used for residential,~ business, industrial or other public or private purposes, or accessory thereto, and including tents, lunch wagons, dining cars, trailer, billboards, signs or similar ~tructures whether stationary or movable located either under or above the surface of the ground.

Building - Front Line Of: The line of that face of the building nearest the front line of the lot including sun parlors and screened-in porches.

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

Building Line: The line beyond which no building or part thereof shall project, except as otherwise provided by this Ordinance.

Building, Main or Principal: A building in which is conducted the principal use of the lot on which it is situated.

Building Permit: A written approval by the Zoning Inspector authorizing the construction, alteration or repair of some building or structure at a specific location and under definite regulations which the owner of the property, building or structure and/or the contractor or builder of the same agrees to follow exactly.

Business: The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services; the maintenance or operation of offices, or recreational and amusement enterprises for profit.

Camp, Public: Any area or tract of land used or designed to accommodate two (2) or more automobile house trailers, tents, cabins or other camping outfits.

Cellar: That portion of a building, the ceiling of which is entirely below or less than four (4) feet six (6) inches above grade. No cellar or portion thereof shall be used as a complete dwelling unit, and the cellar shall not be included in bulk or height measurements.

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

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

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

- a. Child Day-Care Center: Any place in which child day-care is provided, with or without compensation, for thirteen (13) or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for seven (7) to twelve (12) children at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.
- b. Type A Family Day-Care Home: A permanent residence of the administrator in which child day-care is provided for four (4) to twelve (12) children at any one time, if four (4) or more children are under two (2) years of age. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A Family Day-Care Home" does not include a residence in which the needs of children are administered to,

if all such children are siblings of the same immediate family and the residence is their home.

- c. Type B Family Day-Care Home: A permanent residence of the provider in which child day-care or child day-care services are provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at any one time. In counting children for the purposes of this definition, children under six (6) years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B Family Day-Care Home" does not include a residence in which the needs of children are administered to, if all such children are siblings of the same immediate family and the residence is their home.

Church: A building which has as its main purpose assembly to worship.

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

Club: A building or portion thereof or premises owned, used or operated by a corporation, association, person or persons for social, educational or recreational purposes but not primarily for profit or to render a service which is customarily carried on as a business.

Composting: The activities undertaken to promote the biological decomposition of organic matter. Such organic matter is restricted to grass clippings, wood chippings, fruit and vegetable scraps, garden plants, weeds, and leaves.

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

Construction: The erection of a new structure, as compared with alteration.

Court: An unoccupied open space, other than a yard, on the same lot with a building, which is bounded on two (2) sides by the walls of such building.

Demolition Materials: Materials from construction operations and from demolition operations including but not limited to those items that are affixed to a structure, including driveways and highways being constructed or demolished, such as brick, concrete, asphalt, asphalt products, stone, glass, metal, wallboard, framing and finish lumber, roofing materials, wiring and insulation materials.

Directional Sign: See Sign, Directional

Disabled Vehicle: Any vehicle meeting either of the following conditions: (1) Extensively damaged: such damage including, but not limited to, any of the

following: a broken windshield, missing wheels, tires, motor, or transmission; (2) Apparently inoperable as defined in Section 4513.65 of the Ohio Revised Code or in such statute as it may hereafter be amended.

District: All properties or lots of the same use, height and area classification which adjoin or are continuous without intervening property of another classification and regardless of any street, alley, easement or reserve that may intervene shall constitute a district. The greatest dimensions of the area included in a district shall be the length of the projection of the district upon the centerline of a street which passes through the district or upon which the property abuts, such projections being made at right angles to the street.

Dry Cleaning Establishment: Dry cleaning establishment is a use involving the cleaning or dyeing of fabrics by the use of mechanical appliances and the use of chemicals or products other than water.

Dwelling: Any building or structure (except a house trailer or mobile home as defined in Section 4501.01 of the Ohio Revised Code or in such statute as it may hereafter be amended) which is wholly or partly used or intended to be used for living or sleeping by one (1) or more human occupants.

Dwelling, Bed and Breakfast, Tourist Home: A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three (3) or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

Dwelling, Multiple: A building or portion thereof, containing three (3) or more dwelling units and designed for or occupied as the home of three (3) or more families living independently of each other.

Dwelling, Single Family: A detached building containing one (1) dwelling unit and designed for or occupied by only one (1) family.

Dwelling, Two Family: A detached or semi-detached building containing two (2) dwelling units and designed for or occupied by two (2) families.

Dwelling Unit: A group of rooms located within a building and forming a single-habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.

Dwelling Units Attached and/or Semi-Attached: A dwelling for human habitation with exterior walls in whole or in part attached to abutting dwellings within the same building or structure. Arrangements of dwelling units within such buildings include attachment-horizontally-by side and rear walls, vertically by ceilings and floors and combinations thereof

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

Elderly Household: Not more than three (3) persons, related or unrelated, who occupy a single dwelling unit, of whom one (1) person is elderly.

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

Elderly Person: Any person who is sixty-two (62) years of age or older, or any person under sixty-two (62) years of age who is handicapped such that one’s physical impairments are of a long-term duration and impedes one’s ability to live independently without a suitable housing environment.

Erect: Erect shall mean construct, build, raise or establish either under, upon or above the ground surface.

Essential Services: The erection, construction, alteration or maintenance by public utilities or governmental agencies, of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment, and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or government agencies or for the public health or safety or general welfare, including safety service buildings.

Explosive: A chemical or material used to create an explosion.

Extend: Extend shall mean to enlarge or increase area used or occupied.

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

- a. **Manufactured Home:** Any non self-propelled vehicle transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three-hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.

- b. Modular Home: Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.
- c. Mobile Home: A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to compliance with it.

Family: One (1) or more persons occupying a premises and living as a single housekeeping unit, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five (5) persons.

Fence/Fencing: A structure requiring a zoning permit, comprised of either wood, masonry, stone or wire mesh used for purposes of aesthetics, security or privacy.

Floor Area: The sum of the gross horizontal areas of the stories of a building measured from the exterior faces of the building, but excluding basements, garages, breezeways and porches whether or not enclosed.

Freestanding Sign: See Sign, Freestanding

Front of a Building; Front Line of a Building; Building Line: Shall mean respectively, that portion, building line or yard line, adjacent to or fronting on a street or alley line in the sense of affording principal access to the building.

Frontage: All of the property on one side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or the entire street if not intersected, or if the street is dead ended then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.

Garage, Private: An accessory building or portion of a main building designed or used for the parking or temporary storage of motor vehicles owned or used by the occupants of the building to which it is accessory; not more than one (1) of such vehicles may be a commercial vehicle not exceeding one and one-half (1½) ton capacity. Within a private garage no occupation, trade, business or service connected in any way with motor vehicles may be carried on.

Garage, Public: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven or related vehicles.

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

- a. Sales and service of spark plugs, batteries, and distributors parts;
- b. Tire servicing and repair, but not recapping or regrooving;
- c. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease containers, wheel bearings, mirrors, and the like;
- d. Radiator cleaning and flushing;
- e. Radiator welding and repair;
- f. Greasing and lubrication;
- g. Providing and repairing fuel pumps, oil pumps, and lines;
- h. Minor servicing and repair of carburetors;
- i. Adjusting and repairing brakes;
- j. Minor motor adjustment not involving removal of the head or crankcase or racing the motor;
- k. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations;
- l. Provisions of road maps and other informational material to customers, provision of restroom facilities; and,
- m. Warranty maintenance and safety inspections.

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

Garage, Storage: A building or portion thereof designed or used exclusively for storage of motor driven or related vehicles and at which motor fuels and oils are not sold and such vehicles are not equipped, serviced, repaired, hired or sold.

Grade:

- a. For buildings having walls adjoining one (1) street only, the elevation of the sidewalk at the center of the wall adjoining the street;

- b. For buildings having walls adjoining more than one (1) street, the average of the elevation of the sidewalks at the centers of all walls adjoining the streets; and,
- c. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the exterior walls of the building.

Any wall approximately parallel to and not more than five (5) feet from a street line is to be considered as adjoining the street. Where no sidewalk exists or where none of the walls adjoin a street line for the purposes of this Ordinance, the grade shall be established by the Zoning Administrator.

Group Residential Facility: A group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two (2) classes of group residential facilities:

- a. Class I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff; and,
- b. Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class II Type B group residential facility contains five (5) or less residents, exclusive of staff.

Hazardous Wastes: Materials as are described in Section 3734.01(J) of the Ohio Revised Code or as in such statute as it may hereafter be amended.

Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the premises as a dwelling unit by conditional use permit, and does not change the character thereof. Activities such as teaching, tutoring, baby sitting, tax consulting and the like shall not involve more than three (3) employees who are to be limited to immediate family only. The conducting of a clinic, hospital, barber shop, beauty parlor, tea room, tourist home, animal hospital or any similar use shall not be deemed to be a home occupation.

Home, Tourist: A building or part thereof where lodging is provided by a resident in his/her home for compensation, mainly for transients.

Hospital: An institution for surgical or medical care equipped for the overnight stay of sick, injured or infirmed persons.

Hotel: A building in which lodging or boarding and lodging are provided and offered to the public for compensation in which ingress and egress to and from all rooms is made through an inside lobby or office normally supervised by a person in charge at all hours. As such, it is open to the public as distinguished from a boarding house, a lodging house or an apartment which are herein separately defined.

Industry: Industry embraces any operation involving the manufacture, production, processing or conversion of any material into a finished product, or product needing only a relatively small degree of further processing to result in its capability for sale as an article of use.

Institution: A building occupied by a non-profit corporation or a non-profit establishment for public use.

Junk: Pursuant to Section 4737.05 (A) of the Ohio Revised Code or in such statute as may hereafter be amended, junk as used in this Ordinance shall be deemed to be any personal property which is or may be salvaged for reuse, resale, reduction or similar disposition or which is possessed, transported, owned, collected, accumulated, dismantled or assorted for the aforesaid purposes.

Junk Motor Vehicle: Pursuant to Section 4513.63 of the Ohio Revised Code or in such statute as may hereafter be amended, junk motor vehicle as used in this Ordinance shall mean any motor vehicle three (3) years old or older; extensively damaged, including but not limited to missing wheels, motor or transmission and apparently inoperable whether or not the vehicle has a valid motor vehicle registration.

Junk Yard: Pursuant to Section 4737.05(B) of the Ohio Revised Code or in such statute as may hereafter be amended, any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building, and not including establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, salvaged machinery, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

Kennel, Animal: Any lot or premises on which four (4) or more domesticated animals, other than horses, more than four (4) months of age are housed,

groomed, bred, boarded, trained, or sold and which may or may not offer provisions for minor medical treatment.

Laundry - Automatic: A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises or operated for the benefit of retail customers who bring in and call for laundry.

Living Area: The total square footage of usable living floor space within the defined areas created by the walls of a dwelling. Such area does not include open patios, open terraces or courts, open breezeways, outside steps, garages and/or carports.

Least Dimension: The least dimension of a lot is the least of the horizontal dimensions of such lot; and, if two (2) opposite sides of a lot are not parallel, such least dimensions shall be deemed to be the mean distance between them, but shall be not less than sixty percent (60%) of the longest of such distance.

Loading Space: A space within the main building or on the same lot providing for the parking, loading or unloading of trucks. The space having a minimum dimension of twelve (12) feet wide by thirty-five (35) feet in length and a vertical clearance of at least fourteen (14) feet in height.

Loading Space, Off-Street: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

Lodging or Rooming House: A dwelling or part thereof where lodging is provided for three (3) or more but not more than twenty (20) persons.

Lot: For the purpose of this Ordinance, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of: (1) a single lot of record; (2) a portion of a lot of record; or, (3) a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

Lot, Area: The total area (depth times width) within the lot lines of a lot, not including any portion of a publicly dedicated street or road right-of-way.

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

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

Lot, Depth of: The average horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.

Lot, Interior: A lot other than a Corner Lot or Through Lot, with frontage on only one (1) street.

Lot Lines: The property lines between two (2) established parcels of land or one (1) parcel and public property.

- a. The front lot line is the line separating the lot from a street. In the case of corner lots, the street lot line of least dimension shall be deemed to be the front lot line, and the other street lot line, or lines, shall be deemed to be side lot lines, except in cases where deed restrictions or usage in effect specify another line as the front lot line. In the event such street lot lines are of equal dimensions, the front lot lines shall be as designated by the Board of Zoning and Building Appeals.
- b. The rear lot line is the lot line opposite and most distant from the front lot line.
- c. The side lot line is any lot line other than a front or rear lot line.
- d. A street lot line is the lot line separating the lot from a street; an alley lot line is the line separating the lot from an alley.

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

Lot, Through: A lot having frontage on two (2) streets, as distinguished from a corner lot. Through lots abutting two (2) streets may be referred to as double frontage lots.

Lot, Width of: The distance measured between the side lot lines at the front building line.

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

Manufactured Home Park: Any lot upon which two (2) or more manufactured homes are located for residential use, either free of charge or for revenue purposes, including any roadway, building, structure, vehicle, or enclosure used or intended to be used as a part of the facilities of such park.

Manufacturing, Heavy: Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation; and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary. Heavy manufacturing activities are associated with the M-2 Manufacturing District zoning designation.

Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations involving relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and, generating little industrial traffic and no nuisances. Light Manufacturing Activities are associated with the M-1 Manufacturing District zoning designation.

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

Medical Center: A principal building used by one (1) or more physicians, surgeons or dentists as offices, clinics, laboratories and operating rooms for the diagnosis and treatment of human ailments and the care of patients before and after minor operations.

Mineral: Any chemical compound occurring naturally as a product of inorganic processes.

Mixed Occupancy: A single piece of property on which two (2) or more different uses, as defined in this Ordinance, is contemplated or in existence.

Mobile Home Park: Any site, or tract of land under single ownership, upon which three (3) or more mobile homes used for habitation are parked, either free of charge or for revenue purposes; including any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

Motel or Motor Hotel: A series of attached, semi-attached or detached sleeping or living units for the accommodation of automobile transient guests; said units having convenient access to off-street parking spaces for the exclusive use of the guests or occupants.

Non-Conforming Uses: A lawful use of land or of a building, or portion thereof, at the effective date of this Ordinance or at the effective date of an amendment thereto or change of the District Map which use does not conform after the passage of this Ordinance or amendment thereto or change in the District Map with the use requirements of the District in which it is situated.

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

Nursery, Plant Materials: Land, building, structure, or combination thereof for the storage, cultivation, or transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

Nursing Home: A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of immediate family are received, kept and provided with food, or shelter and care, for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.

Occupancy, Certificate of: A statement, signed by the Zoning Administrator, setting forth that the use of the land, building or structure at a specific location complies with the Zoning Ordinance or is a non-conforming use and why.

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

Park: A public, private and/or commercial area which is to be used for recreational purposes.

Parking Lot: An area of land, the primary use of which is for the parking of motor vehicles.

Parking Space: A surfaced area, either enclosed in the main building or in an accessory building or unenclosed, having an area of not less than two-hundred (200) square feet exclusive of driveways, for the parking of one (1) automobile and connected with a street or alley by a surfaced driveway which affords satisfactory ingress and egress.

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

Planning Commission: The Village of Spencerville Planning Commission as established by Article 20.4 of this Ordinance as pursuant to Section 519.13 of the Ohio Revised Code or in such statute as may be hereafter amended.

Porch: A roofed, open structure projecting from the front, side or rear wall of the building without any enclosed features of glass, wood or other material, except screens and support structures.

Premises: Premises shall include lands and all things of a permanent nature which may be appurtenant thereto.

Private Residence: Private residence is a place of usual or customary abode.

Professional Office: Office of members of recognized professions such as architect, artist, dentist, engineer, musician, physician, surgeon, surveyor or other professional person.

Public Notice: Public notice as used in conjunction with this Ordinance shall mean and conform to the provisions of Section 519.06 of the Ohio Revised Code (1970 S159. Eff. 6/1/70, 128 v 128, 127 v 363) or in such statute as it may hereafter be amended.

Public Service Facilities: Utility installations, buildings and distribution facilities providing service to the general public, including electric power plants, water treatment plants, sewage disposal installations, communication facilities and repair and storage buildings and area incident to such facilities not including railroads and railroad facilities.

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

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

Public Utility: Any person, firm, corporation, government or board, duly authorized to furnish, under state or local legislation, to the public electricity, sewers, gas, communication services, transportation or water.

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

Quarry, Sand Pit, Gravel Pit, Top Soil Stripping: A lot or land or part thereof used for the purpose of extracting stone, gravel, or top soil for sale, as an industrial or commercial operation, and exclusive of the process of grading a lot preparatory to the construction of a building for which application for a zoning permit has been made.

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

Rear of a Building, Rear Line of a Building, Rear Yard Line: Rear of a building, rear line of a building, rear yard line shall mean respectively that portion, building line or yard line opposite to the front line of a building, whether or not affording service access to the building.

Recreation Camp: An area of land on which two (2) or more travel trailers, campers, tents or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

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

Regional Planning Commission: The Lima-Allen County Regional Planning Commission.

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

Residence: Residence shall be a general term implying a place of human habitation and embracing either single family house or multiple family house as defined in this Ordinance.

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

Roadside Stand: A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which a stand is located.

Satellite Signal Receiver: "Dish-type Satellite Signal-Receiving Antennas," "earth stations," or "ground stations," whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution

service system, shall mean one (1) or a combination of two (2) or more of the following:

- a. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources;
- b. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer or transmit signals; or,
- c. A coaxial cable whose purpose is to convey or transmit signals to a receiver.

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

Setback: The minimum horizontal distance between the street line and the building or any projection thereof, excepting such projection as may be allowed by this Ordinance and subsequent amendments thereto.

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

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

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

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

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

- c. Sign Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
- d. Sign, Lighting Device: Any light; string of light, or group of lights located or arranged so as to cast illumination on a sign.
- e. Sign, Projecting: Any sign which projects from the exterior of a building.

Sign - Area of: The total exterior surface computed in square feet of a sign having but one (1) exposed exterior surface, or one-half ($\frac{1}{2}$) of the total of the exposed exterior surface computed in square feet of a sign having more than one (1) such surface.

Sign, Directional: A sign located on private property which is used for the direction of traffic and parking; such as a no parking, disabled parking, entrance, exit, or delivery entrance sign; and which does not contain the name of the facility and does not contain any advertising matter.

Sign, Freestanding: A sign that is supported by a pole (sometimes more than one) otherwise separated from the ground by air; or a ground sign for which the entire bottom of the sign is in contact with or in close proximity to the ground and which is separate from buildings.

Solid Wastes: Materials as are described in Section 3734.01(E) of the Ohio Revised Code or in such statute as it may hereafter be amended.

Stable: Any ancillary structure used for the domiciling of one (1) or more horses, cattle, sheep, swine, or other animal excepting dogs and cats. (see Kennel).

Stable, Commercial: A stable for horses, donkeys, mules or ponies which are let, hired, used or boarded on a commercial basis and for compensation.

Stable, Private: An accessory building for the keeping of horses, donkeys, mules, or ponies owned by the occupant of the premises and not kept for remuneration, hire or sale.

Standard Equipment: A criterion for the control of specific types of industrial equipment and the placement (or installation) of said (ndustrial equipment relating to a specific manufacturing plant or process.

Standard Performance: A set of standards (instructions) established by the manufacturer of industrial equipment concerning the proper operation of said manufacturing equipment. These standards being developed by the manufacturer in the interest of protecting the public health and safety, and for the control of noise, odor, smoke, noxious gases and other objectionable or dangerous elements generated by and inherent in or incidental to land uses affected by the industrial equipment.

Storage Shed/Building: A small building consisting of one-hundred-forty (140) square feet or less which is clearly identified by design, and constructed as being intended for storage purposes only.

Story: That portion of a building, other than a cellar, included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it.

Story, Half: A partial story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are more than two (2) feet, but not more than five (5) feet above the floor of such story, except that any partial story used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story.

Street: A public or private way dedicated to public travel thirty (30) feet or more in width. The word "street" shall include the words road, highway, and thoroughfare and shall also include avenue, drive, circle, parkway, boulevard, and/or other similar term.

Street Road Line - Alley Line: A dividing line between a lot, tract or parcel of land and continuous street, road or alley.

Structure: Anything constructed or erected, the use of which requires more or less permanent location on the ground, including but without limiting the generality of the foregoing; fences, buildings, shelters, advertising signs, billboards, backstops for athletic pursuits and pergolas.

Suitably Screened or Fenced: A neat, orderly and healthy screen of evergreen or other suitable plant material not less than three (3) feet in height and with an expected normal growth of at least five (5) feet in height within two (2) years, protected by a galvanized wire link fence of at least five (5) feet in height. A wooden or masonry fence or other landscaping may be substituted for the screening and wire link fence when appropriate. Bumper guards or wheel stops to prevent damage to the screen or fence by automobiles shall be provided when the required screen or fence surrounds parking lots or spaces.

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

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

Tavern: A business which requires an Ohio State alcoholic beverage license and whose trade is primarily the sale of alcoholic beverage, or the sale of alcoholic beverage and meals, which are to be consumed on the premises.

Terrace: A natural or artificial embankment between a building and its lot line. The “height of terrace” shall be the difference in elevation between the curb level and the top of the terrace at the center of the building wall.

Theater: A building or a part of a building devoted to the showing of live entertainment and/or moving pictures on a paid admission basis.

Thoroughfare: An officially designated federal or state numbered highway, county, township or village road designated as a thoroughfare on the Allen County Long Range Transportation Plan including any amendments thereto.

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

- a. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
- b. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic usually on a continuous route.
- c. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- d. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- e. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
- f. Local Street: A street primarily for providing access to residential or other abutting property.
- g. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one-hundred-eighty (180°) degree system of turns are not more than one-thousand (1,000) feet from said arterial or collector street, nor normally more than six-hundred (600) feet from each other.
- h. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial collector streets.

Trade: Trade embraces such commercial activities as are entailed in the interchange of goods and materials but does not include operations dealing with the manufacturing of goods and materials.

Trailer Camp or Mobile Home Camp: A trailer camp or mobile home camp means any park, trailer park, trailer court, camp, site, lot, parcel or tract of land designed, maintained or intended for the purpose of supplying a location or accommodations for any trailer coach and upon which any trailer coach is parked and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is made for use of the trailer camp and its facilities or not. Trailer camp or mobile home camp shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

Trailers and/or Mobile/Motor Homes: A transportable dwelling unit suitable for year-round occupancy and containing the same water supply, waste disposal, and electrical conveniences as in immobile housing. The removal of wheels, frames, and/or other equipment used in transporting said mobile home and placement on a permanent foundation such as concrete blocks, poured concrete, or other materials used in permanent foundations shall not be cause for reclassification to that of a permanent or immobile home. In no event shall a mobile home, often referred to as a trailer, trailer coach, or trailer house, be considered as a permanent, immobile home.

Use: The purpose for which either land or building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

Variance: A variance is a relaxation of the terms of this Zoning Ordinance. Where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this Ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district, unless so authorized by this Ordinance.

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

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

Waterways: A channel or route for water (includes rivers, streams, channel, ditches, swales, etc.)

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

Yard, Front: An open, unoccupied space on the same lot with the building extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.

Yard, Rear: The open, unoccupied space on the same lot with the building extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.

Yard, Side: An open unoccupied space on the same lot with the building extending along the side lot line from the front yard to the rear yard and lying between the side lot line and nearest part of the principal building.

Zoning Administrator: The Zoning Administrator of the Village of Spencerville, Allen County, Ohio, or the authorized representative.

Zoning Certificate: A document issued by the Zoning Administrator authorizing the occupancy or any use of lots, structures, uses of land and structures, and the characteristics of the uses are in conformity with the zoning ordinance.

Zoning Map: The Zoning Map of the Village of Spencerville, Allen County, Ohio, together with all amendments subsequently adopted.

Zoning Permit: A permit issued by the Zoning Administrator stating that the use of a lot, building, or premise which has been created, erected, changed, converted, or wholly or partly altered or enlarged in its use or structure, conforms to the requirements of this Ordinance.

ARTICLE 3

ESTABLISHMENT OF DISTRICTS

3.0 PURPOSE

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

3.1 ESTABLISHMENT OF DISTRICTS

The following zoning districts are hereby established for the Village of Spencerville, County of Allen, State of Ohio:

- R-1 Residential District
- R-2 Residential District
- R-3 Residential District
- PBO Professional Business Office District
- B-1 Business District
- B-2 Business District
- M-1 Manufacturing District
- M-2 Manufacturing District
- MHP Manufactured Home Park District

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

3.2 ZONING DISTRICT MAP

The districts established in Section 3.1, as shown on the Official Zoning Map, which, together with all data, references, explanatory material and notations thereon, are hereby officially adopted as part of this Ordinance and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.

3.3 ZONING MAP LEGEND

There shall be provided on the Official Zoning Map a legend which shall list the name of each zoning district and indicate the symbol for that district. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend. In addition to such legend, the Official Zoning Map shall provide sufficient space for compliance with Section 3.5.

3.4 IDENTIFICATION OF OFFICIAL ZONING MAP

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

- 3.4.1 Where district boundaries are so indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such center lines, street lines, or highway right-of-way lines shall be construed to be said boundaries;
- 3.4.2 Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries;
- 3.4.3 Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines or right-of-way lines of highways, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map;
- 3.4.4 Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line;
- 3.4.5 Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated;
- 3.4.6 Where district boundaries are so indicated that they follow or approximately follow the limits of any political subdivision, such boundaries shall be construed as following such limits; and,
- 3.4.7 Whenever any street, alley, or other public way is vacated by official action, the zoning district adjoining each side of such street, alley or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.

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

3.5 ZONING UPON ANNEXATION

The following regulations shall apply to any areas annexed to the Village of Spencerville:

- 3.5.1 If any lots, tracts, or lands are not subject to zoning at the time of their annexation, they shall be classified into whichever districts established by

this Ordinance most closely resembles the existing uses at the time of the annexation. Such classification shall be recommended to Council by the Planning Commission and shall be approved by Council resolution.

3.5.2 Any lots, tracts, or areas which are subject to zoning at the time of their annexation shall be classified as being in whichever district established by this Ordinance most closely resembles the zoning district that existed in the annexation. Such classification shall be recommended to Council by the Planning Commission and shall be approved by Council resolution.

3.5.3 With respect to any annexation, the Planning Commission shall within ninety (90) days conduct a public hearing on the matter of permanent zoning classification.

3.6 ZONING MAP AMENDMENTS

Within fifteen (15) days of the effective date of any change of a zoning district classification or boundary, the Zoning Administrator shall amend the Official Zoning Map to reflect such change and shall note the effective date of such change, together with appropriate reference to the ordinance authorizing such change. The Official Zoning Map shall then be signed by the Mayor and attested to by the Clerk.

ARTICLE 4

R-1 RESIDENTIAL DISTRICT

4.0 **PURPOSE**

The purpose of the R-1 Residential District is to provide an area for low intensity residential and associated land uses. In an R-1 Residential District no building or premise shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following specified uses.

4.1 **USES PERMITTED IN THE R-1 RESIDENTIAL DISTRICT**

4.1.1 Single family dwelling, but excluding tents, cabins, trailers, trailer coaches, and mobile homes;

4.1.2 Church, school, public park playground and/or buildings pertaining to the use thereof, but only provided the main building therefore, be not less than fifty (50) feet from adjoining property line; and,

4.1.3 Accessory buildings and uses.

4.2 **CONDITIONAL USES - WITH APPROVAL BY THE BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING**

4.2.1 Country clubs, private clubs or lodges, golf courses and similar uses and facilities. Buildings and structures shall be located not less than seventy-five (75) feet from any lot line;

4.2.2 Utility sub-stations and pump houses providing that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety or welfare of the residents of the area;

4.2.3 Any person may maintain an office or may carry on a customary home occupation such as handicrafts, dressmaking, millinery, laundry, preserving and home cooking; provided that such occupations shall be conducted exclusively by resident occupants, that not more than one-quarter (1/4) of the floor area of said residence shall be used for such purpose, that no structural alterations involving features not customarily found in dwellings are required, and that the entrance to the space devoted to such use shall be from within the dwelling.

4.2.4 A tourist Bed and Breakfast house having not more than five (5) guest rooms when located on a State or Federal Highway provided the building in which such use is housed shall be located at least twenty-five (25) feet from other lots in any R-District;

4.2.5 Libraries, college buildings and funeral homes providing that the main building be not less than fifty (50) feet from adjoining property lines;

4.2.6 Cemeteries; and,

4.2.7 Essential services.

4.3 MAXIMUM HEIGHT REGULATIONS WITHIN THE R-1 RESIDENTIAL DISTRICT

See “Official Schedule of District Regulations” Section 12.2.

4.4 REQUIRED FLOOR AREA IN THE R-1 DISTRICT

See “Official Schedule of District Regulations” Section 12.2.

4.5 REQUIRED LOT SIZE REGULATIONS AND FRONTAGE WITHIN THE R-1 DISTRICT

See “Official Schedule of District Regulations” Section 12.2.

4.6 REQUIRED YARD REGULATIONS WITHIN THE R-1 DISTRICT

See “Official Schedule of District Regulations” Section 12.2.

4.7 REQUIRED SETBACK REGULATIONS WITHIN THE R-1 DISTRICT

See “Official Schedule of District Regulations” Section 12.2.

ARTICLE 5

R-2 RESIDENTIAL DISTRICT

5.0 **PURPOSE**

The purpose of the R-2 Residential District is to provide an area for medium density single and multiple-family residential and associated land uses normally considered an integral part of the neighborhood they serve. In an R-2 Residential District, no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following specified uses.

5.1 **USES PERMITTED IN THE R-2 RESIDENTIAL DISTRICT**

5.1.1 Single family dwelling structures;

5.1.2 Multiple family dwelling structures for occupancy by not more than two (2) families living independently of each other (Duplex);

5.1.3 Church, school, library, college building, public park playground and/or buildings pertaining to the use thereof, but only provided the main building therefore, be not less than fifty (50) feet from adjoining property lines; and,

5.1.4 Accessory buildings and uses.

5.2 **CONDITIONAL USES - WITH APPROVAL BY THE BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING**

5.2.1 Country clubs, private clubs or lodges, golf courses and similar uses and facilities. Buildings and structures shall be located not less than seventy-five (75) feet from any other adjoining property line;

5.2.2 Utility sub-stations and pump houses providing that such structure will not detract from the general appearance of the area nor adversely affect the comfort, safety or welfare of the residents of the area;

5.2.3 Any person may maintain an office or may carry on a customary home occupation such as, but not limited to, handicrafts, dressmaking, millinery, laundry, preserving and home cooking; provided that such occupations shall be conducted exclusively by resident occupants, that not more than one-quarter (1/4) of the floor area of said residence shall be used for such purpose, that no structural alterations involving features not customarily found in dwellings are required, and that the entrance to the space devoted to such use shall be from within the dwelling. An unlighted sign of not over two (2) square feet in area and attached flat against the building shall be permitted (See Section 12.6);

5.2.4 A Bed and Breakfast house having not more than five (5) guest rooms when located on a State or Federal Highway provided the building in which such use is housed shall be located at least twenty-five (25) feet from other lots in any R-District;

5.2.5 Funeral home;

5.2.6 Cemeteries; and,

5.2.7 Essential services.

5.3 MAXIMUM HEIGHT REGULATIONS WITHIN THE R-2 RESIDENTIAL DISTRICT

See "Official Schedule of District Regulations" Section 12.2.

5.4 REQUIRED FLOOR AREA WITHIN THE R-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.2.

5.5 REQUIRED LOT SIZE AND FRONTAGE REGULATION WITHIN THE R-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.2.

5.6 REQUIRED YARD REGULATIONS WITHIN THE R-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.2.

5.7 REQUIRED SETBACK REGULATIONS WITHIN THE R-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.2.

ARTICLE 6

R-3 RESIDENTIAL DISTRICT

6.0 **PURPOSE**

The purpose of the R-3 Residential District is to provide an area for high density multiple-family residential and associated land uses normally considered an integral part of the neighborhood they serve. In a R-3 Residential District no building or premise shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following specified areas.

6.1 **USES PERMITTED IN THE R-3 RESIDENTIAL DISTRICT**

6.1.1 Single family and two- (2) family dwelling units;

6.1.2 Multiple family dwelling structures comprised of not more than four (4) units per structure;

6.1.3 Churches, schools, libraries, college buildings, public parks, playgrounds and/or buildings pertaining to the use thereof. Buildings and permanent structures shall be located not less than twenty-five (25) feet from any other lot in any R-District;

6.1.4 Private clubs, fraternities, sororities, lodges, and meeting places for other organizations not including any use that is conducted as a gainful business, provided that the buildings in which such uses are housed shall be located at least twenty-five (25) feet from any other lot in any R-District;

6.1.5 Accessory buildings; and,

6.1.6 Essential services.

6.2 **CONDITIONAL USES - WITH APPROVAL BY THE BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING**

6.2.1 Rest homes, clinics, nursing homes, assisted living facilities and day care facilities;

6.2.2 A tourist house having not more than five (5) guest rooms provided the building in which such use is housed shall be located at least twenty-five (25) feet from other lots in any R-District;

6.2.3 Apartment hotels for any number of families or house-keeping units, but not primarily for transients;

6.2.4 Rooming or boarding houses, provided they are not primarily operated for transients and provided also that any building in which such uses are housed be located at least twenty-five (25) feet from any other lot in any R-District; and,

6.2.5 Building to be used exclusively to house the offices of civic, religious, or charitable organizations provided that the buildings in which such uses are housed shall be located at least twenty-five (25) feet from any other lot in any R-District.

6.3 MAXIMUM HEIGHT REGULATIONS WITHIN THE R-3 RESIDENTIAL DISTRICT

See “Official Schedule of District Regulations” Section 12.2.

6.4 REQUIRED FLOOR AREA WITHIN THE R-3 DISTRICT

See “Official Schedule of District Regulations” Section 12.2.

6.5 REQUIRED LOT SIZE AND FRONTAGE REGULATION WITHIN THE R-3 DISTRICT

See “Official Schedule of District Regulations” Section 12.2.

6.6 REQUIRED YARD REGULATIONS WITHIN THE R-3 DISTRICT

See “Official Schedule of District Regulations” Section 12.2.

6.7 REQUIRED SETBACK REGULATIONS WITHIN THE R-3 DISTRICT.

See “Official Schedule of District Regulations” **Section 12.2.**

6.8 LANDSCAPING OR MOUNDS, RAISED BEDS AND OTHER EARTHWORKS

See Section 13.19 “Landscaping and Screening Provisions” located on page 13-8.

6.9 LANDSCAPING OR SCREENING PROVISIONS WITHIN THE R-3 DISTRICT

For R-3 residential uses abutting any other R-District, the minimum yards may be reduced to fifty percent (50%) of the minimum side or rear yard requirements if acceptable landscaping or screening consisting of a wall or solid fence approved by the Board of Zoning Appeals is provided. Such screening shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or solid fence shall consist of a well maintained strip of land not less than ten (10) feet in width planted with evergreen hedge or dense planting of evergreen shrubs with interlocking branches not less than four (4) feet in height and closer than five (5) feet from the abutting property line at the time of planting.

See “Official Schedule of District Regulations” Section 12.2.

ARTICLE 7

PBO PROFESSIONAL AND BUSINESS OFFICE DISTRICT

7.0 PURPOSE

The PBO Professional and Business Office Districts are designed to accommodate and promote the availability of professional and personal services. The districts are to serve as a transition between residential and nonresidential districts. In a Professional and Business Office District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses.

7.1 USES PERMITTED IN THE PBO PROFESSIONAL AND BUSINESS OFFICE DISTRICTS

7.1.1 Office buildings for any of the following occupations: accounting, legal, engineering, architectural or planning, clerical, and stenographic services;

7.1.2 Medical or dental offices;

7.1.3 Banks, credit unions, savings and loan associations;

7.1.4 Personal service establishments including barber shops and beauty shops;

7.1.5 Offices devoted to business management, trade associations, insurance companies, real estate, tax consultants, notary public; and,

7.1.6 Day care facilities.

7.2 CONDITIONAL USES WITH APPROVAL BY THE BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING

7.2.1 Single family dwelling units;

7.2.2 Mortuary establishments, when adequate assembly area is provided off-street for vehicles to be used in funeral processions, provided further that such assembly area shall be provided in addition to any required off-street parking area. A caretaker's residence may be provided within the main building of mortuary establishments;

7.2.3 Publicly owned buildings, telephone exchange buildings, and public utility offices, but not including storage yards, transformer stations, or gas regulator stations; and,

7.2.4 Churches, civic or charitable organizations offices.

7.3 **MAXIMUM HEIGHT REGULATIONS WITHIN THE PBO RESIDENTIAL DISTRICT**

See “Official Schedule of District Regulations” Section 12.2.

7.4 **REQUIRED FLOOR AREA WITHIN THE PBO DISTRICT**

See “Official **Schedule of District Regulations**” Section 12.2.

7.5 **REQUIRED LOT SIZE AND FRONTAGE REGULATION WITHIN THE PBO DISTRICT**

See “Official Schedule of District Regulations” Section 12.2.

7.6 **REQUIRED YARD REGULATIONS WITHIN THE PBO DISTRICT**

See “Official Schedule of District Regulations” Section 12.2.

7.7 **REQUIRED SETBACK REGULATIONS WITHIN THE PBO DISTRICT.**

See “Official Schedule of District Regulations” Section 12.2.

7.8 **LANDSCAPING OR SCREENING PROVISIONS**

For non-residential uses abutting an R-District, the minimum yards may be reduced to fifty percent (50%) of the minimum side or rear yard requirements if acceptable landscaping or screening consisting of a wall or solid fence approved by the Board of Zoning Appeals is provided. Such screening shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or solid fence shall consist of a well maintained strip of land not less than ten (10) feet in width planted with evergreen hedge or dense planting of evergreen shrubs with interlocking branches not less than four (4) feet in height and closer than five (5) feet from the abutting property line at the time of planting.

See “Official Schedule of District Regulations” Section 12.2.

ARTICLE 8

B-1 LOCAL BUSINESS DISTRICT

8.0 PURPOSE

The purpose of the B-1 Local Business District is to provide an area for a wide range of retail facilities and services of such nature as to be fully compatible to those residential areas immediately adjacent. In a B-1 Business District, no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following described uses.

8.1 USES PERMITTED IN THE B-1 BUSINESS DISTRICT:

8.1.1 Business and Professional Offices: Banks, savings and loan institutions, public utilities offices, insurance and real estate offices, office buildings, medical and dental office clinics, law, architectural, engineering, accounting and other professional offices;

8.1.2 Food, Drug and Beverages: Grocery stores, supermarkets, meat markets, fish markets, bakeries (in conjunction with retail sales), frozen food locker facilities, delicatessens, enclosed restaurants and ice cream parlors;

8.1.3 Specialty Shops: Gift shops, book, magazine and stationery outlets, florist shops, camera shops, photography studios, sporting goods and drive-in stores dealing entirely in the retail sale of any product and/or the servicing in conjunction with the sale of any product or service not restricted by the provisions of this Section;

8.1.4 Service and Recreation: Barber shops, beauty shops or any school engaged in the teaching of, or instruction in, any trade, shoe repair and tailor shops, appliance repair shops, laundromats using self-operating automatic washers, dryers and appliances using nonflammable fluids, dry cleaning establishments using nonflammable cleaning agents, retail printing shops, funeral homes or mortuaries, hospitals, radio or television studios, bowling alleys, assembly halls, enclosed theater or recreation facilities (pursuant to the provisions of Article 12);

8.1.5 Major Retail Outlets: Furniture, hardware, appliance, clothing, jewelry, shoe, paint and wall paper stores dealing entirely in the retail sale of any product not restricted by the provisions of this Section;

8.1.6 Rest homes, nursing homes, day care facilities and children's nurseries; and,

8.1.7 Essential services.

8.2 CONDITIONAL USES WITH APPROVAL BY THE BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING

8.2.1 Multi-family (3+) residential structures;

8.2.2 Commercial storage facilities including garages;

8.2.3 Commercial parking lots;

8.2.4 Any business facility engaged in the distribution of both retail and wholesale industrial products; and,

8.2.5 Hotels, motels, and motor lodges.

8.3 MAXIMUM HEIGHT REGULATIONS WITHIN THE B-1 DISTRICT

See “Official Schedule of District Regulations” Section 12.2.

8.4 REQUIRED FLOOR AREA WITHIN THE B-1 DISTRICT

See “Official Schedule of District Regulations” Section 12.2.

8.5 REQUIRED LOT SIZE AND FRONTAGE REGULATION WITHIN THE B-1 DISTRICT

See “Official Schedule of District Regulations” Section 12.2.

8.6 REQUIRED YARD REGULATIONS WITHIN THE B-1 DISTRICT

See “Official Schedule of District Regulations” Section 12.2.

8.7 REQUIRED SETBACK REGULATIONS WITHIN THE B-1 DISTRICT

See “Official Schedule of District Regulations” Section 12.2.

8.8 LANDSCAPING OR SCREENING PROVISIONS

For non-residential uses abutting an R-District, acceptable landscaping or screening, approved by the Board of Zoning Appeals shall be provided. Such screening consisting of a wall or solid fence shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting.

See “Official Schedule of District Regulations” Section 12.2.

8.9 OTHER REQUIRED CONDITIONS

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fume, noise, vibration, refuse matter or water-carried waste, and must comply with the performance standards of this Ordinance.

ARTICLE 9

B-2 GENERAL BUSINESS DISTRICT

9.0 **PURPOSE**

The purpose of the B-2 General Business District is to provide for those businesses and services which require a location other than in the local business districts being either highway oriented or requiring larger tracts of land not normally available in local business districts abutting residential developments.

9.1 **USES PERMITTED IN THE B-2 DISTRICT**

9.1.1 Any permitted use within the B-1 District;

9.1.2 Bookbinding and upholstering shops;

9.1.3 Bottling works, plumbing heating and cooling, electrical, concrete masonry, or building material establishments (providing no assembly, construction, millwork or concrete block manufacture is done on premises);

9.1.4 Veterinary hospital for small animals;

9.1.5 Sale at retail of any industrial product, including the repair or maintenance of equipment or facilities used in any residential or industrial connection;

9.1.6 Automotive and Related Uses: Automobile sales rooms, farm implement sales and related repair garages, automobile repair garages including body repair, customer parking lots associated with a business establishment, motorcycle and bicycle sales and repair shops, tnotor bus and cab terminals, gasoline service stations, provided all volatile products are stored underground;

9.1.7 Accessory Uses or Buildings: Accessory buildings and uses customarily incidental to the above listed uses; and,

9.1.8 Essential services.

9.2 **CONDITIONAL USES - WITH APPROVAL BY THE BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING**

9.2.1 Multi-family (3+) residential structures;

9.2.2 Commercial storage facilities including garages;

9.2.3 Commercial parking lots or truck terminals;

9.2.4 Any wholesale distributing business, providing that such activities shall not include the wholesaling of or distribution of live animals in preparation thereof for sale;

9.2.5 Animal kennels, display and housing or boarding of pets and other domestic animals, provided that any enclosures or buildings in which the animals are kept shall be at least two hundred (200) feet from any R-District and exercise runs shall be enclosed on four (4) sides by a sight obscuring, unpierced fence or wall at least five (5) feet in height; and,

9.2.6 Amusement arcades and adult entertainment businesses (pursuant to the provisions of Articles 12 and 13).

9.3 MAXIMUM HEIGHT REGULATIONS WITHIN THE B-2 GENERAL BUSINESS DISTRICT

See "Official Schedule of District Regulations" Section 12.2.

9.4 REQUIRED FLOOR AREA WITHIN THE B-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.2.

9.5 REQUIRED LOT SIZE AND FRONTAGE REGULATION WITHIN THE B-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.2.

9.6 REQUIRED YARD REGULATIONS WITHIN THE B-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.2.

9.7 REQUIRED SETBACK REGULATIONS WITHIN THE B-2 DISTRICT.

See "Official Schedule of District Regulations" Section 12.2.

9.8 LANDSCAPING OR SCREENING PROVISIONS

For non-residential uses abutting an R-District, acceptable landscaping or screening, approved by the Board of Zoning Appeals shall be provided. Such screening, consisting of a wall or solid fence, shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a well maintained strip of land not less than fifteen (15) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs with interlocking branches not less than four (4) feet in height at the time of planting.

See "Official Schedule of District Regulations" Section 12.2.

9.9 OTHER REQUIRED CONDITIONS

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste, and must comply with the performance standards of this Ordinance.

ARTICLE 10

M-1 LIGHT MANUFACTURING DISTRICT

10.0 PURPOSE

The purpose of the M-1 Manufacturing District is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet, and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare; and operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy industrial uses and other less intense uses.

10.1 USES PERMITTED IN THE M-1 MANUFACTURING DISTRICT

- 10.1.1 Any permitted use established within the B-2 District;
- 10.1.2 Storage in bulk of, or warehouse for, commodities such as building materials, contractor's equipment, clothing fibers (raw or finished), drugs, dry goods, feed, fertilizer, food, solid fuels, furniture, hardware, ice, machinery, metals, paint and paint materials, pipe, rubber and rubber products, shop supplies, liquid fuels, petroleum or petroleum products or volatile oils and liquids, provided, however, that the storage of liquid fuels, petroleum products, or volatile oils and liquids shall be underground in tanks of a maximum capacity of twenty thousand (20,000) gallons, built and constructed in accordance with the minimum regulations of the State of Ohio;
- 10.1.3 Laundry or dry cleaning plants and facilities;
- 10.1.4 Commercial printing or publishing establishments;
- 10.1.5 Cold storage plants, breweries, milk bottlers, ice plants and storage, central distribution, wholesaling, or processing plants;
- 10.1.6 Commercial storage facilities including garages;
- 10.1.7 Freight terminals, truck terminals and railroad yards, to include the building of spur lines or switching facilities required or desirable in connection with any use permitted under this Section;
- 10.1.8 Lumber yards with planing mills;
- 10.1.9 Administrative, engineering, scientific research, design or experimentation facilities, assaying of ore by laboratory methods, and such processing and fabrication as may be necessary thereto;

- 10.1.10 Manufacturing, compounding, processing, packaging or treatment of: bakery goods, candy, cosmetics, dairy products, drugs and pharmaceutical products, soap (cold process only) and food products and bottling works, except the following: fish or meat products, sauerkraut, sugar beets, vinegar, yeast and the rendering or refining of fats and oils;
- 10.1.11 Manufacturing or processing of small items, including gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors or generators, and textile products;
- 10.1.12 Assembling of electrical appliances, radios and phonographs and televisions, including the manufacturing of small parts only, such as coils, condensers, transformers, crystal holders; electric and electronic parts and equipment for wholesale; musical instruments; novelties; and light metal products; and,
- 10.1.13 Essential services.

10.2 CONDITIONAL USES - WITH APPROVAL BY THE BOARD OF ZONING APPEALS AFTER PUBLIC HEARING

- 10.2.1 Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line; and,
- 10.2.2 Adult entertainment businesses (subject to provisions of Article 12).

10.3 ACCESSORY USES IN THE M-1 DISTRICT

Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted uses in the M-1 District.

10.4 MAXIMUM HEIGHT REGULATIONS WITHIN THE M-1 DISTRICT

See "Official Schedule of District Regulations" Section 12.2.

10.5 REQUIRED FLOOR AREA WITHIN THE M-1 DISTRICT

See "Official Schedule of District Regulations" Section 12.2.

10.6 REQUIRED LOT SIZE AND FRONTAGE REGULATION WITHIN THE M-1 DISTRICT

See "Official Schedule of District Regulations" Section 12.2.

10.7 REQUIRED YARD REGULATIONS WITHIN THE M-1 DISTRICT

See "Official Schedule of District Regulations" Section 12.2.

10.8 REQUIRED SETBACK REGULATIONS WITHIN TUE M-1 DISTRICT

See “Official Schedule of District Regulations” Section 12.2.

10.9 LANDSCAPING AND SCREENING PROVISIONS

For M-1 Manufacturing uses abutting an R-District, screening must be approved by the Board of Zoning Appeals. Such screening, consisting of a wall or solid fence, shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting.

See “Official Schedule of District Regulations” Section 12.2.

10.10 OTHER REQUIRED CONDITIONS

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste and must comply with the performance standards of this Ordinance.

ARTICLE 11

M-2 GENERAL MANUFACTURING DISTRICT

11.0 PURPOSE

The purpose of the M-2 General Manufacturing District is to encourage the development of manufacturing facilities of a moderate and heavy nature.

11.1 USES PERMITTED IN THE M-2 MANUFACTURING DISTRICT

11.1.1 Any permitted use established within the M-1 District;

11.1.2 Grain elevators, concrete plants and the manufacture, storage and sale of related products;

11.1.3 Metal fabrication and casting plants;

11.1.4 Establishments involved in the manufacturing, assembling, remodeling and distribution of new automobiles, trucks, boats, household goods, farm equipment, construction and building equipment and products, and plastic and metal products; and,

11.1.5 Carpentry, woodworking and machine shops.

11.2 CONDITIONAL USES - WITH APPROVAL BY THE BOARD OF ZONING APPEALS AFTER PUBLIC HEARING

11.2.1 Processing facilities for the storage or dressing for sale as wholesale or retail of poultry, meat or game, or a meat packing, curing or dressing establishment;

11.2.2 Chemical plants not emitting corrosive or toxic fumes beyond the limits of the premises, including any plant the main operation of which is concerned with the processing or synthesizing of chemical compounds or derivatives, volatile in nature; and,

11.2.3 Any industrial manufacturing, storage or distribution establishment not specifically mentioned above and deemed acceptable by the Board of Zoning Appeals.

11.3 ACCESSORY USES IN THE M-2 DISTRICT

Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted uses in the M-2 District.

11.4 REQUIRED LOT AREA AND FRONTAGE WITHIN THE M-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.2.

11.5 BUILDING HEIGHT REGULATION WITHIN THE M-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.2.

11.6 REQUIRED YARD REGULATIONS WITHIN THE M-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.2.

11.7 REQUIRED SETBACK REGULATION WITHIN THE M-2 DISTRICT

See "Official Schedule of District Regulations" Section 12.2.

11.8 LANDSCAPING AND SCREENING PROVISIONS

For M-2 Manufacturing uses abutting an R-District, screening must be approved by the Board of Zoning Appeals. Such screening, consisting of a wall or solid fence, shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting.

See "Official Schedule of District Regulations" Section 12.2.

11.9 OTHER REQUIRED CONDITIONS

Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of cinders, gas, fumes, and refuse matter or water-carried waste, and must comply with the performance standards of this Ordinance.

ARTICLE 12

REGULATIONS FOR SPECIFIC DISTRICTS, ACTIVITIES, USES AND STRUCTURES

12.0 PURPOSE

It is the purpose of the regulations contained within Article 12 to promote the public health, safety, and welfare and to establish regulations affecting uses and practices which, were they to be established and maintained without any guidance or restriction or control, would tend to result in dangerous situations threatening the safety of citizens, to contribute to circumstances undermining the morals of the youth of the community, or to generate conflicts in uses or practices upsetting the harmony of the community and impinging upon the property rights of others.

12.1 REGULATION OF MANUFACTURED HOME PARKS

The provisions of Sections 12.2.1 through 12.2.6, inclusive, provide for the location and regulation of Manufactured Home Parks as herein described.

12.1.1 The purpose of regulating Manufactured Home Parks is to foster their development and maintenance as an integral and stable part of the community.

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

‘Manufactured Home Park’ means any tract of land upon which three (3) or more manufactured homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park. A tract of land which is subdivided and the individual lots are not for rent or rented, but are for sale or sold for the purpose of installation of manufactured homes on the lots, is not a manufactured home park even though three (3) or more manufactured homes are parked thereon if the roadways are dedicated to the local government authority. ‘Manufactured Home Park’ does not include any tract of land used solely for the storage or display for sale of manufactured homes; and,

‘Manufactured Home’ means any non self-propelled vehicle transportable in one (1) or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three-hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

12.1.3 Approval Procedures

Manufactured home parks shall be located only in the Manufactured Home Park District (MHP) and shall be developed according to the standards and regulations stated and referenced in Sections 12.1.3 through 12.1.6 inclusive. The procedure to amend the Official Zoning Map to establish the MHP District shall be that procedure for amendments specified in Article 19.

12.1.4 General Standards for Manufactured Home Parks

The Planning Commission shall review the particular facts and circumstances of each proposed manufactured home park development in terms of the following standards and shall find adequate evidence that such development meets these standards:

- a. The proposed park will be served adequately by essential public facilities and services such as highways, streets, drainage, refuse disposal, schools, police and fire protection, or that the persons or agencies proposing the establishment of the park shall be able to provide any such services adequately;
- b. The vehicular approaches to the proposed park property will be so designed as not to create traffic interference or congestion on surrounding public streets or roads;
- c. The establishment of the proposed park will not result in the damage, destruction, or loss of any natural, scenic, or historic features of major importance; and,
- d. The establishment of the proposed park shall not be demonstrably detrimental to the value of surrounding properties or to the character of the adjacent neighborhoods.

12.1.5 Specific Standards for Manufactured Home Parks

In a manufactured home park, no building or premises shall be used and no building shall be erected or designed to be used for other than the following uses and shall conform to the following requirements:

- a. Shall contain a minimum often (10) acres;
- b. Shall provide a clearly defined minimum lot size of six-thousand-two-hundred (6,200) square feet;
- c. A safe, usable recreation area shall be conveniently located in each manufactured home park and shall not be less than ten (10) percent of the gross area of the park;

- d. Where said manufactured home park abuts a residential district, said abutting area shall include landscaped screening as defined by Section 13.20;
- e. Shall provide a minimum of one-thousand-fifty (1,050) square footage of living space;
- f. Skirting shall be present on the bottom of the trailer to the ground level with the tongue removed; and,
- g. Shall not have greater than one (1) model in said park for sales purposes.

12.1.6 Additional Manufactured Home Park Requirements

In addition to aforementioned standards, all manufactured home parks must comply with the minimum requirements of Ohio Administrative Code, Chapter 3701 promulgated by the Ohio Public Health Council in accordance with Chapter 3733 of the Ohio Revised Code or in such statute as it may hereafter be amended.

12.2 COMPLIANCE WITH THE OFFICIAL SCHEDULE OF DISTRICT OF REGULATIONS

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

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

12.2.2 No building or other structure shall be erected or altered to:

- a. Provide for greater height or bulk;
- b. Accommodate or house a greater number of families than which the structure was originally designed/constructed;
- c. Occupy a greater percentage of lot area; or,
- d. Have narrower or smaller rear yards, front yards, side yards, or other open spaces or in any other manner contrary to the provisions of this Ordinance than herein required.

12.2.3 No yard or lot existing at the time of this passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set

forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements set forth herein.

12.2.4 District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be part of this Ordinance.

12.3 REGULATION OF AMUSEMENT ARCADES

The following regulations shall apply to amusement arcades as herein defined:

12.3.1 The purpose of Sections 12.3.1 through 12.3.9, inclusive, of this Ordinance is to promote the public health, safety and welfare by regulating amusement arcades where mechanically or electronically operated amusement devices are kept, operated, or maintained. It is further the intent of these Sections to coordinate the provisions of this Ordinance with other local requirements governing the licensing and regulation of mechanical amusement devices in such a manner that, in the event of any conflict between the respective regulations, the more restrictive requirement or the more severe penalty shall prevail;

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

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

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

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

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS
WITH CENTRAL/PUBLIC SEWAGE SYSTEM**

Zoning District	Minimum Zoning Lot Size		Maximum Height of Structure in Feet	Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (sq. ft.)
	Area in Sq. Ft.	Frontage Width in Feet		Front	Side Least One	Total of Two	Rear	
R-1 Residential District:								
Single Family 1 to 1½ Stories	7,800	65	35	(a)	7	15	25i	1,300
Single Family 2 to 2½ Stories	7,800	65	35	(a)	7	15	25i	1,600
R-2 Residential District:								
Single Family 1 to 1½ Stories	7,800	65	35	(a)	7	15	25i	1,300
Single Family 2 to 2½ Stories	7,800	65	35	(a)	10	20	25i	1,600
Multi-Family (2 units) 1 to 1½ Stories	9,600	80	35	(a)	10	20	25i	1,000
Multi-Family (2 units) 2 to 2½ Stories	9,600	80	35	(a)	12	25	25i	1,300
R-3 Residential District:								
Single Family 1 to 1½ Stories	6,000	50	35	(a)	7	15	25i	1,000
Single Family 2 to 2½ Stories	6,000	50	35	(a)	10	20	25i	1,300
Multi-Family (2 units) 1 to 1½ Stories	9,600	80	35	(a)	8	20	25i	1,000
Multi-Family (2 units) 2 to 2½ Stories	9,600	80	35	(a)	10	20	25i	1,300
Multi-Family (3 - 4 units) 1 to 1½ Stories	12,000	100	35	(a)	10	20	25	800
Multi-Family (3 - 4 units) 2 to 2½ Stories	12,000	100	35	(a)	12	25	25	800

Legend:

- a. - A minimum of 35 feet from the property line or as established by the zoning inspector based on present and existing setbacks.
- b. - Where a lot line abuts an alley, one-half the width of the alley may be considered in meeting the rear yard requirements.
- c. - No minimum side yard required, except lots adjoining residential districts shall provide a side yard on that adjoining side equal to that required in the adjoining residential district.
- d. - Except 40 feet where abutting a residential district.
- e. - Except 50 feet where abutting a residential district.
- f. - Except 55 feet where abutting a residential district.
- g. - 25 feet except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided.
- h. - Development must meet approval of all applicable state and local agencies prior to any submission to village government.
- i. - Storage sheds no more than 140 sq. ft. shall provide 5 feet setback.

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS
WITH CENTRAL/PUBLIC SEWAGE SYSTEM
(Continued)**

Zoning District	Minimum Zoning Lot Size Per Unit		Maximum Height of Structure in Feet	Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (Sq. Feet)
	Area in Sq. Ft.	Frontage Width in Feet		Front	Side Least One	Total of Two	Rear	
Professional, Business, Office District:								
Single Family 1 to 1½ Stories	6,000	50	35	(a)	7	15	25i	1,300
Single Family 2 to 2½ Stories	6,000	50	35	(a)	10	20	25i	1,600
Multi-Family (2 units) 1 to 1½ Stories	9,600	80	35	(a)	10	20	25i	1,000
Multi-Family (2 units) 2 to 2½ Stories	9,600	80	35	(a)	12	25	25i	1,300
Multi-Family (3+units) 1 to 1½ Stories	12,000	100	35	(a)	10	20	25	800
Multi-Family (3+units) 2 to 2½ Stories	12,000	100	35	(a)	12	25	25	800
Multi-Family (3+units) 3 to 3½ Stories	12,000	100	45	(a)	14	30	25	800
Professional Business Office	6,000	50	40	(a)	(c)	--	25(b)	--

Legend:

- a. - A minimum of 35 feet from the property line or as established by the zoning inspector based on present and existing setbacks.
- b. - Where a lot line abuts an alley, one-half the width of the alley may be considered in meeting the rear yard requirements.
- c. - No minimum side yard required, except lots adjoining residential districts shall provide a side yard on that adjoining side equal to that required in the adjoining residential district.
- d. - Except 40 feet where abutting a residential district.
- e. - Except 50 feet where abutting a residential district.
- f. - Except 55 feet where abutting a residential district.
- g. - 25 feet except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided.
- h. - Development must meet approval of all applicable state and local agencies prior to any submission to village government.
- i. - Storage sheds no more than 140 sq. ft. shall provide 5 feet setback.

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS
WITH CENTRAL/PUBLIC SEWAGE SYSTEM
(Continued)**

Zoning District	Minimum Zoning Lot Size		Maximum Height of Structure in Feet	Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (sq. ft.)
	Area in Sq. Ft.	Frontage Width in Feet		Front	Side Least One	Total of Two	Rear	
B-1 Business District:								
Multi-Family (3+units) 1 to 1½ Stories	12,000	100	35	(a)	10	20	25	800
Multi-Family (3+units) 2 to 2½ Stories	12,000	100	35	(a)	12	25	25	800
Multi-Family (3+units) 3 to 3½ Stories	12,000	100	45	(a)	14	30	25	800
Professional Business Office	7,500	100	45	(a)	(c)	--	25(b)	--
Commercial	7,500	100	40	(a)	(c)	--	25(e)	--
B-2 General Business District:								
Multi-Family (3+units) 1 to 1½ Stories	12,000	100	35	(a)	10	20	25	800
Multi-Family (3+units) 2 to 2½ Stories	12,000	100	35	(a)	12	25	25	800
Multi-Family (3+units) 3 to 3½ Stories	12,000	100	45	(a)	14	30	25	800
Professional Business Office	20,000	100	40	(a)	(c)	--	25(b)	--
Commercial	20,000	100	50	(a)	(c)	--	(b)	--

Legend:

- a. - A minimum of 35 feet from the property line or as established by the zoning inspector based on present and existing setbacks.
- b. - Where a lot line abuts an alley, one-half the width of the alley may be considered in meeting the rear yard requirements.
- c. - No minimum side yard required, except lots adjoining residential districts shall provide a side yard on that adjoining side equal to that required in the adjoining residential district.
- d. - Except 40 feet where abutting a residential district.
- e. - Except 50 feet where abutting a residential district.
- f. - Except 55 feet where abutting a residential district.
- g. - 25 feet except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided.
- h. - Development must meet approval of all applicable state and local agencies prior to any submission to village government.
- i. - Storage sheds no more than 140 sq. ft. shall provide 5 feet setback.

**OFFICIAL SCHEDULE OF DISTRICT REGULATIONS
WITH CENTRAL/PUBLIC SEWAGE SYSTEM
(Continued)**

Zoning District	Minimum Zoning Lot Size		Maximum Height of Structure in Feet	Minimum Yard Setback (Per Lot in Feet)				Minimum Floor Area Per Unit (sq. ft.)
	Area in Sq. Ft.	Frontage Width in Feet		Front	Side Least One	Total of Two	Rear	
M-1 Manufacturing District:								
Commercial	20,000	100	50	(a)	(g)	--	30(b,d)	--
Manufacturing	20,000	100	50	(a)	(g)	--	30(b,d)	--
M-2 Manufacturing District:								
Commercial	20,000	100	50	(a)	(g)	--	30(b,e)	--
Manufacturing	20,000	100	50	(a)	(g)	--	30(b,e)	--
MHP - Manufactured Home Park District:	871,200	55	35	(a)	(g)	--	30(b,f)	1,050

Legend:

- a. - A minimum of 35 feet from the property line or as established by the zoning inspector based on present and existing setbacks.
- b. - Where a lot line abuts an alley, one-half the width of the alley may be considered in meeting the rear yard requirements.
- c. - No minimum side yard required, except lots adjoining residential districts shall provide a side yard on that adjoining side equal to that required in the adjoining residential district.
- d. - Except 40 feet where abutting a residential district.
- e. - Except 50 feet where abutting a residential district.
- f. - Except 55 feet where abutting a residential district.
- g. - 25 feet except where a side yard abuts a residential district in which case a side yard of 50 feet shall be provided.
- h. - Development must meet approval of all applicable state and local agencies prior to any submission to village government.
- i. - Storage sheds no more than 140 sq. ft. shall provide 5 feet setback.

12.3.3 Conditional Use Permit Required

No amusement arcade shall be established, operated or maintained in any place of business or on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 17 of this Ordinance. In addition to said provisions, amusement arcades shall comply with the following conditional use criteria:

- a. Amusement arcades shall comply with the district regulations applicable to all properties in any zoning district in which they are located;
- b. Amusement arcades shall have an adult who is eighteen (18) years of age or older on the premises supervising the amusement arcade at all times during its hours of operation;
- c. The interior of the amusement arcade shall provide a minimum area per coin-operated amusement device equal to the size of the device plus two (2) feet of area on each side plus an area of four (4) feet in front of the device
- d. Prior to the issuance of a conditional use permit the applicant shall provide evidence that the structure meets the minimum requirements of the appropriate electrical and fire codes;
- e. If the place of business or premises for which an amusement arcade is proposed is a free standing building, the application for the conditional use permit shall include an approvable exterior lighting plan;
- f. No amusement arcade may be established, operated or maintained in any place of business or on any premises which is within one-thousand-five-hundred (1,500) feet of any adult entertainment business; and,
- g. The application for the conditional use permit shall be accompanied by a copy of the applicant's license to operate and exhibit amusement device, and a notarized statement that the applicant shall not permit any person sixteen (16) years of age or younger to operate any devices on the premises before 4:00 p.m. on days when school is in session.

12.3.4 Zoning of Amusement Arcades

Amusement arcades shall be conditionally permitted uses only in the following districts:

- a. B-1 Business District;

- b. B-2 Business District;
- c. M-1 Manufacturing District; and,
- d. M-2 Manufacturing District.

12.3.5 Maintenance of a Nuisance Prohibited

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

12.3.6 Restricted Access to Certain Minors

No amusement arcade exhibitor shall permit, on days when school is in session, any person sixteen (16) years of age or younger to operate any mechanical or electrically operated amusement device or to be or remain in an amusement arcade before 4:00 p.m. This provision does not apply to jukeboxes, mechanical musical instruments, or other mechanical amusement devices designed to be ridden, such as mechanical horses, automobiles, and carrousel. Violation of this provision shall be a minor misdemeanor.

12.4 REGULATION OF ADULT ENTERTAINMENT BUSINESS

The following regulations shall apply to adult entertainment businesses as herein defined.

12.4.1 The purpose of Sections 12.4.1 through 12.4.4, inclusive, of this Ordinance is to promote the public health, safety and welfare through the regulation of adult entertainment businesses. It is the intent of these Sections to regulate entertainment businesses, as defined herein, in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing churches, amusement arcades, parks and playgrounds within the village.

12.4.2 The following definitions shall apply in the interpretation of this Article:

“Adult Entertainment Business” means an adult book store, adult motion picture theater, adult drive-in motion picture theater, or an adult only entertainment establishment as further defined in this Section;

“Adult Book Store” means an establishment which utilizes fifteen (15) percent or more of its retail selling area for the purpose of retail sale or rental; or for the purpose of display by coin or slug-operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, or other image-producing devices, or both; and, books, magazines, other periodicals, films, tapes and cassettes

which are distinguished by their emphasis on adult materials as defined in this Section;

“Adult Motion Picture Theater” means an enclosed motion picture theater which is regularly used or utilizes fifteen (15) percent or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this Section;

“Adult Motion Picture Drive-In Theater” means an open air drive-in theater which is regularly used or utilizes fifteen (15) percent or more of its total viewing time for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this Section;

“Adult Only Entertainment Establishment” means an establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this Section, or which features exhibitions, dance routines, or gyrational choreography of persons totally nude, topless, bottomless, or strippers, male or female impersonators or similar entertainment or services which constitute adult material;

“Adult Material” means any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture film, phonographic record or tape, other tangible thing, or any service capable of arousing interest through sight, sound, or touch; and,

- a. Which material is distinguished or characterized by an emphasis on matter displaying, describing, or representing sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination; or,
- b. Which service is distinguished or characterized by an emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality, or human bodily functions of elimination;

“Bottomless” means less than full opaque covering of male or female genitals, pubic area or buttocks;

“Nude or Nudity” means the showing, representation, or depiction of human male or female genitals pubic area, or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernable turgid state;

“Topless” means the showing of a female breast with less than a full opaque covering of any portion thereof below the top of the nipple;

“Sexual Activity” means sexual conduct or sexual contact, or both;

“Sexual Contact” means any touching of an erogenous zone of another, including without limitation the thigh, genitals, buttock, pubic region, or, if the person is a female, a breast, for the purpose of sexually arousing or gratifying either person; and,

“Sexual Excitement” means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

12.4.3 Conditional Use Permit Required

No building shall be erected, constructed, or developed, and no buildings or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 17 of this Ordinance. In addition to said provisions, an adult entertainment business shall comply with the following conditional use criteria:

- a. Adult entertainment business shall comply with the district regulations applicable to all properties in any district in which they are located;
- b. No adult entertainment business shall be permitted in a location which is within one-thousand-five-hundred (1,500) feet of another adult entertainment business;
- c. No adult entertainment business shall be permitted in a location which is within one-thousand-five-hundred (1,500) feet of any church, any public or private school, any park, any playground, or any social service facility or neighborhood center;
- d. No adult entertainment business shall be permitted in a location which is within one-thousand-five-hundred (1,500) feet of any residence or boundary of any residential district; and,
- e. No adult entertainment business shall be permitted in a location which is within one-thousand-five-hundred (1,500) feet of any boundary of any residential district in a local unit of government abutting the village.

12.4.4 Zoning of Adult Entertainment Business

Adult entertainment businesses shall be conditionally permitted in accordance with the following schedule:

Conditionally <u>Permitted use</u> Adult Book Store	Districts <u>Wherein Permitted</u> M-1 Manufacturing District M-2 Manufacturing District
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Adult Motion Picture Theater	M-1 Manufacturing District M-2 Manufacturing District
Adult Motion Picture Drive-In Theater	M-1 Manufacturing District M-2 Manufacturing District
Adults Only Entertainment Establishment	M-1 Manufacturing District M-2 Manufacturing District

12.5 REGULATION OF MASSAGE ESTABLISHMENTS

The following regulation shall apply to massage establishments as herein defined:

12.5.1 The purpose of Sections 12.5.1 through 12.5.4, inclusive, of this ordinance is to promote the public health, safety, and welfare through the regulation of massage establishments. It is the intent of these Sections to regulate massage establishments, as defined herein in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing churches, amusement arcades, parks and playgrounds within the village.

12.5.2 The following definitions shall apply in the interpretation of this Article:

“Massage” means any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external soft tissue of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance;

“Massage establishment” means any fixed place of business where a person offers massages in exchange for anything of value or in connection with the provision of another legitimate service;~.

“Masseur” or “Masseuse” means any individual who performs massages at a massage establishment;

“Out-call massage service” means any business the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment;

“Employee” means any and all persons, other than the massage technician, who renders any service to the operator, and who receives compensation directly from the operator;

“Person” means any individual, co-partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character;

“Operator” means the person in whose name the permit is issued for a massage establishment; and,

“Sexual or genital area” means the genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of a female.

12.5.3 Exemptions

This Article as the regulation of massage establishments, masseur or masseuse shall not be construed to regulate the practice of any limited branch of medicine or surgery in accordance with Section 4731.15 and 4731.16 of the Ohio Revised Code or in such statute as it may hereafter be amended, the practice of providing therapeutic massage by a licensed physician, licensed chiropractor, a licensed podiatrist, or a licensed nurse. As used in this Section, “licensed” means licensed, certified, or registered to practice in the State of Ohio.

12.5.4 Application for Conditional Use Permit: Contents, Fee, Expiration of Permit

The application for a conditional use permit to operate a massage establishment shall be made to the Board of Zoning Appeals and shall include the following:

- a. An initial, non-refundable filing fee of two-hundred-fifty dollars (\$250.) and an annual non-refundable renewal fee of one hundred-twenty-five dollars (\$125.);
- b. A health and safety report of an inspection of the premises performed within thirty (30) days of the application to determine compliance with applicable health and safety codes, which inspection appropriate state or local authorities acting pursuant to an agreement with the Board of Zoning Appeals shall perform;
- c. The full name and address of any person applying for a permit, including any partner or limited partner of a partnership applicant, or any officer or director of a corporate applicant, and any stock holder holding more than two percent (2%), and the social security number of each individual, and the federal identification number of any partnership or corporation;
- d. Authorization for an investigation into the criminal record of any person applying for a permit; and,
- e. Any other information determined by the Board of Zoning Appeals to be necessary.

12.5.5 Conditional Use Permit Required

No building shall be erected, constructed, or developed, and no buildings or premises shall be reconstructed, remodeled, arranged for use or used for any massage establishment unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 17 of this Ordinance. In addition to said provisions, a massage establishment shall comply with the following conditional use criteria:

- a. Massage establishments shall comply with the district regulations applicable to all properties in any district in which they are located;
- b. No massage establishment shall be permitted in a location which is within one-thousand-five-hundred (1,500) feet of another massage establishment;
- c. No massage establishment shall be permitted in a location which is within one-thousand-five-hundred (1,500) feet of any church, any public or private school, any park, any playground, or any social service facility or neighborhood center;
- d. No massage establishment shall be permitted in a location which is within one-thousand-five-hundred (1,500) feet of any residence or boundary of any residential district; and,
- e. No massage establishment shall be permitted in a location which is within one-thousand-five-hundred (1,500) feet of any boundary of any residential district in a local unit of government abutting the village.

12.5.6 Zoning of Massage Establishments

Massage establishments shall be conditionally permitted in accordance with the following schedule:

<u>Conditionally Permitted use</u>	<u>Districts Wherein Permitted</u>
Massage Establishment	M-1 Manufacturing District M-2 Manufacturing District

12.6 REGULATION OF CUSTOMARY HOME OCCUPATIONS

Sections 12.6.1 through 12.6.5, inclusive, shall apply to the location, operation, and maintenance of home occupations as herein defined:

- 12.6.1 It is the purpose of Sections 12.6.1 through 12.6.5, inclusive, of this Ordinance to promote the public health, safety and welfare through the regulation of home occupations. It is further the intent of these Sections

to regulate limited non-residential uses in residential structures which are compatible with the residential character of their surroundings.

12.6.2 The definition of "Home Occupation" means an accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, tax consulting services and the like shall involve not more than three (3) receivers of such services at any one time, with the exception of certified or uncertified Type B Family Day-Care Homes which constitute a residential use and not an accessory use.

12.6.3 Conditional Use Permit Required

No building shall be erected, constructed, or developed, and no buildings or premises shall be reconstructed, remodeled, arranged for use or used for any massage establishment unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 17 of this Ordinance. In addition to said provisions, a home occupation shall comply with the following conditional use criteria:

- a. The external appearance of the structure in which the use is conducted shall not be altered, and not more than one (1) sign no larger than two (2) square feet shall be mounted flush to a wall of the structure;
- b. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted;
- c. There shall be no outside storage of any kind related to the use, and only commodities produced on the premises~ may be sold on the premises, and no display of products can be visible from the street;
- d. Not more than twenty-five percent (25%) of the gross floor area of the dwelling shall be devoted to the use;
- e. No equipment, process, materials or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, glare, x-rays, radiation, or electrical disturbances;
- f. Parking demand shall not exceed the paved facilities provided at the time of issuance of permit; and, nor shall any additional off site parking demand be created; and,
- g. No person who is not a resident family member of the premises may participate in the home occupation as an employee or volunteer.

12.7 REGULATION OF COMPOSTING ACTIVITIES

Composting refers to activities undertaken to promote the biological decomposition of organic matter. Such organic matter is restricted to grass clippings, wood chippings, fruit and vegetable scraps, garden plants, weeds, leaves or other botanical waste.

12.7.1 Under no conditions, in Residential Districts, shall meat or dairy products or offensive animal or fowl waste be incorporated into such pursuits as they may emit odors and/or attract insects, rodents and other pests.

12.7.2 Under no conditions, in Residential Districts, shall the size of a compost pile exceed two-hundred-fifty-six (256) cubic feet or four (4) feet in height. The site of the activity shall be provided with good drainage, restricted to rear yards and located at least four (4) feet from all adjacent property lines. Structures or bins used to contain such activities do not require a zoning permit.

12.8 REGULATION OF SWIMMING POOLS AS ACCESSORY USES

Sections 12.8 through 12.8.3, inclusive, shall apply to the location and maintenance of swimming pools.

12.8.1 It is the purpose of Sections 12.8 through 12.8.3, inclusive, of this Ordinance to promote the public health, safety, and welfare through the regulation of swimming pool facilities which are constructed, operated or maintained as an accessory use.

12.8.2 Private Swimming Pools

No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve (12) feet or with an area of less than one hundred (100) square feet, shall be allowed in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:

- a. The pool is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests;
- b. The pool may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than twelve (12) feet to any property line; and,
- c. The swimming pool or the entire property upon which it is located shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. No such fence shall be less than six (6) feet in height, and it shall be maintained in good condition with a gate and lock.

12.8.3 Community or Club Swimming Pools

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

- a. The pool is intended solely for and is used solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;
- b. The pool and accessory structures thereto, including the area used by the bathers, shall not be located closer than seventy-five (75) feet to any property line or easement;
- c. The swimming pool, its accessory facilities, and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street of adjacent properties. The said fence or wall shall be no less than six (6) feet in height and maintained in good condition with a gate and lock. The area surrounding the enclosure, except for the parking spaces shall be suitably landscaped with grass, hardy shrubs, and trees and maintained in good condition;
- d. Exterior lighting shall be so shaded or directed that it does not cast light directly upon adjacent properties; and,
- e. Such pool facilities shall not be operated prior to 9:00 a.m. in the morning or after 10:00 p.m. in the evening.

12.9 **REGULATION OF GROUP RESIDENTIAL FACILITIES**

Sections 12.9 through 12.9.6, inclusive, shall apply to the location, operation, and maintenance of group residential facilities.

12.9.1 It is the purpose of Sections 12.9 through 12.9.6, inclusive, of this Ordinance to regulate the location, operation, and maintenance of group residential facilities in order to promote the public health, safety, and welfare. It is the intent of these Sections to provide for the assimilation of these facilities in stable and suitable neighborhoods so that the living environments of their residents are conducive to their care and/or rehabilitation.

12.9.2 "Group Residential Facility" shall mean any community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two (2) classes of Group Residential Facilities:

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

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

12.9.3 Conditional Use Permit Required

A Class I Type B group residential facility is permitted by law in residential districts. No other group residential facility shall be established, operated or maintained on any premises unless authorized by the issuance of a conditional use permit in accordance with the provisions of Article 17 of this Ordinance. In addition to said provisions, such group residential facilities shall comply with the following conditional use criteria:

- a. Evidence is presented that the proposed facility meets the certification, licensing, or approval requirements of the appropriate state agency;
- b. Evidence is presented that the proposed facility meets local fire safety requirements for the proposed use and level of occupancy;
- c. Evidence is presented that the proposed facility will not generate an increase in traffic volume or require special off-street parking;
- d. Such facilities shall comply with the district regulations applicable to other properties in the zoning district in which they are located;
- e. No such facility may be located within one-thousand (1,000) feet of another such facility;
- f. No signs shall be erected by such facility for purposes of identification except a permitted street address sign;

- g. The exterior of all such facilities shall not be altered in character and shall be compatible with the aesthetics of other residential dwellings. However, any improvement required by code or necessitated by licensing requirements shall not be deemed incompatible;
- h. The applicant shall provide a plan indicating the manner in which the facility will maintain contact with neighborhood residents, which includes a structured procedure whereby their grievances may be filed and resolved; and,
- i. The applicant shall provide documentation indicating the need for the facility, the specific clientele it will serve, and the location and type of similar facilities operated by the applicant.

12.9.4 Zoning of Group Residential Facilities

Group residential facilities shall be conditionally permitted uses as follows:

Class I Type A	R-3 Residential District B-1, B-2 Business District M-1 Manufacturing District
Class I Type B	All Residential Districts B-1, B-2 Business District M-1 Manufacturing Districts
Class II Type A	R-3 Residential District B-1, B-2 Business District M-1 Manufacturing District
Class II Type B	R-3 Residential District B-1, B-2 Business District M-1 Manufacturing District

12.9.5 Variance to Distancing Requirement

The Board of Zoning Appeals may grant a variance with respect to the distancing requirement contained in Section 12.9.3(e) if the applicant clearly demonstrates that the proposed location has unique advantages with respect to proximity to employment opportunities, social services, public transportation, or similar amenities.

12.9.6 Uniformity With Respect to Granting of Conditional Use Permits

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

12.10 REGULATION OF FACTORY-BUILT HOUSING; DESIGN AND APPEARANCE STANDARDS

12.10.1 It is the purpose of Sections 12.10.1 through 12.10.5, inclusive, of this Ordinance to promote the health, safety, and welfare of the community by establishing regulations governing the siting, construction, and maintenance of factory-built housing. It is further the intent of these Sections to permit a wider range of housing opportunities while assuring the compatibility of a variety of housing types within certain residential districts.

12.10.2 The following definitions of the various types of factory built housing shall apply in the interpretation of this Ordinance:

- a. **Manufactured Home:** Any non self-propelled vehicle transportable in one (1) or more Sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three-hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a permanent dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical system contained therein, and which bears a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards.
- b. **Modular Home:** Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.
- c. **Mobile Home:** A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to compliance with it.

12.10.3 Siting Requirements

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

- a. The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line;

- b. All hitches, axles, wheels, and conveyance mechanisms shall be removed from the structure;
- c. The structure shall be so oriented on the site that its long axis is parallel with the street, and it shall have an entrance way facing the street, except where diagonal placement and the addition of a garage, carport, or other accessory structure may be permitted by subdivision regulation and yard requirement;
- d. The site shall be suitably landscaped with adequate screening devices as elsewhere required;
- e. The siting of the structure shall comply with all yard and setback requirements in effect for the district for which it is proposed; and,
- f. The site shall be serviced by utilities in such manner as required by Ordinance.

12.10.4 Zoning Of Factory-Built Housing

Mobile homes shall be permitted only in approved Manufactured Home Parks. Manufactured homes and modular homes which meet the design and appearance standards contained in Section 12.10.5 shall be permitted accordingly.

12.10.5 Single-Family Design and Appearance Standards

Single-family residential homes (modular, manufactured, or site-built construction) shall comply with the following design and appearance standards:

- a. The structure shall be installed and permanently attached to a basement, crawl space or slab foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these forces and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line;
- b. The roof of the structure shall be constructed with at least a 3-12 pitch and asphalt shingles;
- c. The structure shall be serviced by at least two (2) external doors;
- d. The structure shall be situated so that the longest axis of the structure is parallel with the street, and it shall have an entrance-way door facing the street;

- e. The structure shall have windows on each floor and on all sides of the unit except where a garage, carport or other accessory structure is part of the structure;
- f. Any factory-built home must comply with the Ohio Revised Code governing manufactured home conversion to real property with the title of the unit submitted to the County Auditor within 30 days of siting and immediately thereafter verified by the Zoning Administrator;
- g. The structure must be in conformance with the siting requirements in effect for the district in which it is located; and,
- h. The structure and any accessory structures or uses will conform to all other regulations in effect for the district in which it is located.

ARTICLE 13

SUPPLEMENTARY DISTRICT REGULATIONS

13.0 PURPOSE

The purpose of supplementary district regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems and to promote the harmonious experience of property rights without conflict.

13.1 CONVERSION OF DWELLING TO MORE THAN ONE UNIT

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

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

13.2 PRINCIPAL BUILDING PER LOT

No more than one (1) principal building or structure may be constructed upon any one lot for the purposes of this Ordinance. Rear dwellings shall be prohibited and shall be considered non-conforming uses subject to the requirements of Sections 16.0 through 16.11 of this Ordinance.

13.3 REDUCTION OF AREA OR SPACE

No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Ordinance. Furthermore, any lot, yard, parking area, or other space which is already less than the required minimum shall not be reduced further. However, nothing in this Section shall be

interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Ordinance.

13.4 CONSTRUCTION IN EASEMENTS

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

13.5 PARKING AND STORAGE OF VEHICLES AND TRAILERS

No commercial trucks in excess of one (1) ton, to include commercial tractors, automobiles, trucks, buses, house trailers, semi-trailers, or recreational vehicles, shall be parked or stored on any property or upon a public roadway within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking.

No automotive vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building. A maximum of one (1) boat and/or one (1) unoccupied recreational vehicle may be stored in either the rear or side yard of any residentially zoned property if it has a current license, meets the requirements of this Ordinance for accessory structures, and is screened according to the requirements of this Ordinance.

13.6 JUNK

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in Section 4737.05(A) of the Ohio Revised Code or in such statute as it may hereafter be amended shall be prohibited outside of a completely enclosed, roofed facility or outside of an existing, registered, approved salvage yard in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.

13.7 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS

In addition to the regulations specified in Article 13 and in other Sections of this Ordinance, Sections 13.8 through 13.13, inclusive, shall be used for clarification and interpretation.

13.8 SETBACK REQUIREMENTS FOR BUILDINGS ON CORNER LOTS

The principal building and its accessory structures located on any corner lot shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

13.9 FENCE AND WALL RESTRICTIONS

All fences and walls except those consisting of shrubs are to be considered structures for the purpose of constructing or siting and shall not be constructed to a height of more than six (6) feet in any district except as follows:

- 13.9.1 Fencing in front yards shall not exceed three (3) feet in height;
- 13.9.2 Fencing constructed around swimming pools will comply with Section 12.8 of this Ordinance;
- 13.9.3 Fencing around commercial and industrial properties may be built to a height of fifteen (15) feet;
- 13.9.4 Fencing constructed as sound barriers; and,
- 13.9.5 All fences permitted pursuant to this ordinance shall be maintained in good condition, shall be structurally sound and installed in a workman like manner of materials normally used in fence materials, shall be constructed such that the structured pieces of the fence shall face inward to the property, and shall be attractively finished on both sides at all times. The fence shall be constructed at least one foot from the property line to provide easy maintenance by the owner. When a fence totally encloses either the front or the back yard, there shall be one gate for access for emergency for the said yard enclosed.

13.10 YARD REQUIREMENTS FOR MULTI-FAMILY DWELLINGS

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

Restrictions in residential lots of one (1) acre or less shall not pertain to suitable landscaping and non-commercial flower and vegetable gardening activities.

13.11 EXCEPTIONS TO HEIGHT REGULATIONS

The height limitations contained in the Official Schedule of District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys, or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such

structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

13.12 ARCHITECTURAL PROJECTIONS

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

13.13 OBSTRUCTIONS TO ROADWAY VISIBILITY

In order to protect the safety, comfort and general welfare of village residents, nothing shall be installed, erected, placed, planted or allowed to grow in such a manner as to impede vision to area roadways.

13.13.1 On a corner lot at the intersection of two (2) streets in any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such a manner as to impede vision materially between a height of two and one half (2¼) feet and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lot and a line joining points along said street lines fifty (50) feet from the point of the intersection;

13.13.2 On a corner lot at the intersection of two (2) alleys, or at the intersection of an alley and a street, within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede vision materially between a height of two and one half (2¼) feet and ten (10) feet above the center line grades of the intersecting alleys, or of the intersecting alley and street, in the area bounded by the right-of-way lines of such corner lot and a line joining points along said alley lines, or alley and street lines, twenty-five (25) feet from the point of intersection; and,

13.13.3 On the right-of-way of any street, in any district, nothing shall be installed, erected, placed or planted.

13.14 REQUIRED REFUSE COLLECTION AREAS

The storage and collection of garbage and refuse within each district shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards or air pollution. In all Residential 1 and 2 Districts and Manufactured Home Parks, all garbage/refuse shall be stored in rust resistant, water-tight, fly-tight, rodent-proof containers. In Manufactured Home Parks these containers shall be located no more than one-hundred-fifty (150) feet from any manufactured home lot, and shall be collected at least once weekly.

The refuse collection areas provided by commercial, industrial, and all other residential uses for the collection of trash, garbage, and other refuse shall be

enclosed on three (3) sides by a solid wall or fence. Such fence/wall will be at least six (6) feet in height and be suitably landscaped and screened, or the area should be within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes as determined necessary by the Zoning Administrator. In addition, the following requirements shall be met:

13.14.1 The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency;

13.14.2 Materials or wastes which might cause fumes or dust or otherwise constitute a fire hazard, or which may attract rodents or insects, shall be stored only in enclosed containers constructed of impervious materials; and,

13.14.3 Storage areas in residential districts shall utilize such additional screening as required in this Ordinance.

13.15 OBJECTIONABLE, NOXIOUS, OR DANGEROUS USES, PRACTICES, OR CONDITIONS

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

13.15.1 The use or storage of flammable or explosive materials not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;

13.15.2 Activities involving the use and storage of flammable and explosive materials are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;

13.15.3 Radioactivity or air pollution present in violation of the regulations of the Ohio Environmental Protection Agency;

13.15.4 Hazardous wastes present in violation of the regulations of the Ohio Environmental Protection Agency;

13.15.5 Objectionable noise as determined by the Zoning Administrator due to volume, frequency or beat;

- 13.15.6 Vibration discernible by the Zoning Administrator without instruments present on an adjoining lot or property;
- 13.15.7 Direct or reflected glare which is visible from any street or from any property not within a manufacturing district;
- 13.15.8 Erosion caused by wind or water carrying objectionable substances onto any adjacent lot or property; or,
- 13.15.9 Water pollution or contamination present in violation of the regulation of the Ohio Environmental Protection Agency.

13.16 ASSURANCE REQUIREMENTS AND PLANS

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

13.17 ENFORCEMENT PROVISIONS

Any occupancy, use, conditions or circumstances existing in violation of Section 13.15 and 13.16 of this Ordinance shall constitute a violation of this Ordinance and be subject to the enforcement procedures contained in this Ordinance.

13.18 TEMPORARY USES

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

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

- 13.18.1 Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of one (1) year, except that two (2) six-month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the zoning permit, whichever occurs first;
- 13.18.2 Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted

within any district for a period of one (1) year, except that six (6) month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the zoning permit, whichever occurs first;

- 13.18.3 Temporary sales and services may be permitted within parking areas within any commercial district. A Zoning Permit valid for a period not to exceed four (4) consecutive days shall only be issued three (3) times within any twelve (12) month period to any individual or organization. The application for the temporary zoning permit shall be accompanied by written permission of the property owners, and shall be prominently displayed at the site. The Zoning Administrator shall not issue a permit for such temporary use if a determination is made that it encroaches upon more than twenty-five percent (25%) of the required parking area;
- 13.18.4 Temporary retail sales and services, such as sales of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A Zoning Permit valid for a period not to exceed two (2) consecutive days shall only be issued three (3) separate times for any particular lot within any twelve (12) month period, and not more than one (1) permit may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license and a written statement from the property owner giving permission for such use. This Section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any case, the zoning permit shall be prominently displayed at the site; and,
- 13.18.5 Garage sales, which for the purposes of this Section shall include yard sales, barn sales, and similar activities, may be permitted within any district. Any individual, family, or group may conduct two (2) such sales within any twelve (12) month period not to exceed three (3) consecutive days without obtaining a zoning permit so long as the provisions of this Ordinance pertaining to signs and parking are observed.

13.19 LANDSCAPING AND SCREENING PROVISIONS

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

conditional use procedure specified in Article 17 of this Ordinance. The following provisions shall apply with respect to screening.

13.19.1 Screening shall be provided for one (1) or more of the following purposes:

- a. A visual barrier to partially or completely obstruct the view of structures or activities;
- b. An acoustic screen to aid in absorbing or deflecting noise; and/or,
- c. A physical barrier to contain debris and litter.

13.19.2 Screening shall consist of one (1) of the following, or a combination of two (2) or more, as determined by the Board of Zoning Appeals in the event of an appeal, variance, or conditional use:

- a. A solid masonry wall;
- b. A solidly constructed wooden decorative fence;
- c. A louvered fence;
- d. A chain link fence;
- e. Dense vegetative plantings; and/or,
- f. Landscaped mounding.

13.19.3 Height of screening shall be in accordance with the following:

- a. Visual screening walls, fences, plantings, or mounds shall be a minimum of six (6) feet in height in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than two and one-half (2-1/2) feet. Plantings shall be a minimum of four (4) feet in height at the time of planting; and,
- b. A dense vegetative planting with a minimum height of four (4) feet at planting and a mature height of at least six (6) feet or greater, or a solidly constructed decorative fence, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.

13.19.4 Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be

adequate to redirect noise as determined by the Board of Zoning Appeals in relation to the nature of the use.

13.19.5 Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles; and,

13.19.6 All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.

13.20 LANDSCAPING MOUNDS, RAISED BEDS AND OTHER EARTH WORKS

No land shall be graded, cut, or filled so as to create a mound with a slope exceeding a vertical rise of one (1) foot for each three (3) feet of horizontal distance from base of mound between abutting lot lines. Major cuts, excavation, grading, and filling, where the same materially changes the site and its relationship with the surrounding areas or materially affects such areas, shall not be permitted if such excavation, grading and filling will result in a slope exceeding a vertical rise of one (1) foot for each three (3) feet of horizontal distance between abutting lot lines or adjoining tracts of land, except where the Zoning Administrator has determined that adequate provision is made to retain runoff onto adjacent properties and eliminate the negative consequences of standing water.

13.21 DRAINAGE

Drainage criteria for all construction on lots in the Village of Spencerville shall conform to the most current drainage criteria of Allen County Subdivision Regulations and the Allen County Storm Water and Sediment Control Regulations that may be in effect.

ARTICLE 14

OFF-STREET PARKING AND LOADING FACILITIES

14.0 GENERAL

In all districts, except the Central Business District, at any time any building, structure or use of land is erected, enlarged, increased in capacity, or use, there shall be provided for every use off-street parking spaces for automobiles in accordance with the provisions of Section 14.0 through 14.10 of this Article. A parking plan shall be required for all uses except for single or two- (2) family residential uses. The parking plan shall be submitted to the Zoning Administrator as a part of the application for a zoning permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

Except in the Central Business District, whenever a building or use constructed or established after the effective date of this Ordinance is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity, or otherwise to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. Whenever a building or use existing prior to the effective date of this Ordinance is enlarged to the extent of fifty percent (50%) or more in floor area or in the area used, such building or use shall then and thereafter comply with the parking requirements set forth herein.

14.1 OFF-STREET PARKING DESIGN STANDARDS

All off-street parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

- 14.1.1 Parking Space Dimensions: Each off-street parking space shall have an area of not less than one-hundred-sixty-two (162) square feet (9x18) exclusive of access drives or aisles, and shall be of usable shape and condition;
- 14.1.2 Access: There shall be adequate provision for ingress and egress to all parking spaces, Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided, with a dedicated easement of access, as follows:
- a. For single- or two- (2) family residential dwellings, the access drive shall be a minimum of nine (9) feet in width;
 - b. For all other residential uses and all other uses, the access drive shall be a minimum of eighteen (18) feet in width; and,

- c. All parking spaces, except those required for single, two- (2), or three- (3) family dwellings, shall have access to a public street or alley in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
- 14.1.3 Setbacks: The location of off-street parking facilities for more than five (5) vehicles may be located in required yards as specified elsewhere in this Ordinance notwithstanding the requirements specified in the Official and Supplementary Schedules of District Regulations and Dimensional Requirements. In no case, however, shall parking area be located on the road right-of-way;
- 14.1.4 Screening: In addition to the setback requirements specified in this Ordinance for off-street parking facilities for more than five (5) vehicles, screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with the requirements of Section 13.19 of this Ordinance;
- 14.1.5 Paving: All required parking spaces, except for uses within any M-District if said parking area is at least seven-hundred (700) feet from any Residential District, together with driveways and other circulation areas, shall be hard-surfaced with a pavement having an asphalt or concrete binder, provided, however, that variances for parking related to school auditoriums, assembly areas, sports fields and other community meeting or recreation areas may be granted. Paved areas shall be provided for daily use parking areas. Where paving is not required, proper dust control measures shall be undertaken and maintained;
- 14.1.6 Drainage: All parking spaces, together with driveways, aisles, and other circulation areas, shall be graded and drained so as to dispose of surface water which might accumulate within or upon such areas, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system pursuant to Section 13.21.
- 14.1.7 Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line;
- 14.1.8 Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley;

- 14.1.9 Marking: All parking areas for twenty (20) or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Administrator and shall be maintained in a clearly visible condition;
- 14.1.10 Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without holes and free of all dust, trash, or other debris;
- 14.1.11 Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked; and,
- 14.1.12 Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any R-District.

14.2 DETERMINATION OF REQUIRED SPACES

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

- 14.2.1 Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls, excluding only stairs, washrooms, elevator shafts, and similar nonusable areas;
- 14.2.2 Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated or each eighteen (18) linear inches of benches, or pews, except where occupancy standards are set by the fire marshal;
- 14.2.3 Fractional numbers shall be increased to the next whole number; and,
- 14.2.4 The parking space requirements for a use not specifically specified in this Ordinance shall be determined following the procedure for Substantially Similar Uses as required by Sections 17.11 to 17.15, inclusive, of this Ordinance.

14.3 JOINT OR COLLECTIVE PARKING FACILITIES

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

- 14.3.1 All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two (2) or more

buildings or establishments, the required spaces may be located not farther than five-hundred (500) feet from the building served;

- 14.3.2 Not more than fifty (50) percent of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns and similar uses, and up to one-hundred percent (100%) of the parking spaces required for churches, schools, auditoriums and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments and similar uses that are not normally open, used, or operated during the same hours as the uses with such spaces are jointly or collectively used; and,
- 14.3.3 In any case where the required parking spaces are not located on the same lot with the building or use served or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be approved as to form by legal counsel and filed with the application for a zoning permit.

14.4 OFF-STREET STORAGE AREAS FOR DRIVE-IN SERVICES

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

- 14.4.1 Photo pickups, drive-thru beverage docks, and other similar commercial establishments that can normally serve customers in three (3) minutes or less shall provide no less than five (5) storage spaces per window. Drive-thru restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three (3) additional storage spaces for each such stopping point;
- 14.4.2 Other commercial establishments such as banks, savings and loan offices or other similar facilities shall provide no less than four (4) storage spaces per window;
- 14.4.3 Self-serve automobile washing facilities shall provide no less than three (3) storage spaces per stall. All other automobile washing facilities shall provide a minimum of six (6) storage spaces per entrance; and,
- 14.4.4 Motor vehicle service stations shall provide no less than two (2) storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than twenty (20) feet to any street right-of-way line.

14.5 PARKING OF DISABLED VEHICLES

The parking of a disabled vehicle within a residential district for a period of more than one (1) week shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building.

14.6 PARKING SPACE REQUIREMENTS

For the purpose of this Ordinance the following parking space requirements shall apply, and the number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals following the Substantially Similar Use procedure as specified in Sections 17.13 through 17.15 of this Ordinance:

14.6.1 Various Residential Uses Shall Require:

- a. Single family or two (2) family dwelling, two (2) for each unit;
- b. Apartments, townhouses or multi-family dwellings, two (2) for each unit; and,
- c. Mobile homes, two (2) for each unit.

14.6.2 Various Business Related Uses Shall Require:

- a. Animal hospitals and kennels - One (1) for each four-hundred (400) square feet of floor area and one (1) for each two (2) employees;
- b. Motor vehicle repair station - One (1) for each four-hundred (400) square feet of floor area and one (1) for each employee;
- c. Motor vehicle salesroom - One for each four-hundred (400) square feet of floor area and one (1) for each employee;
- d. Motor vehicle service stations - Two (2) for each service bay, one (1) for each employee and one (1) for every two (2) gasoline pumps;
- e. Car washing facilities - One (1) for each employee;
- f. Banks, financial institutions, post offices, and similar uses - One (1) for each two-hundred-fifty (250) square feet of floor area and one (1) for each employee;
- g. Barber and beauty shops - Three (3) for each barber or beauty operator;
- h. Carry-out restaurants - One (1) for each two-hundred (200) square feet of floor area and one (1) for each two (2) employees;
- i. Drive-in restaurants - One (1) for each one-hundred-twenty-five (125) square feet of floor area and one (1) per each two (2) employees;

- j. Hotels, motels - One (1) for each sleeping room plus one (1) space for each two (2) employees;
- k. Boarding, Rooming, Tourist and Bed/Breakfast Home - One (1) for each sleeping room;
- l. Furniture, appliance, hardware, machinery or equipment sales and service, and wholesale establishments - Two (2) plus one (1) additional space for each two-hundred (200) square feet of floor area over one-thousand (1,000) square feet;
- m. Consumer and trade service uses not otherwise specified - One (1) for each employee;
- n. Funeral homes, mortuaries and similar type uses - One (1) for each fifty (50) square feet of floor area in slumber rooms, parlors, or service rooms;
- o. Laundromats - One (1) for every two (2) washing machines;
- p. Administrative, business and professional office uses - One (1) for each two-hundred (200) square feet of floor area;
- q. Sit-down restaurants, taverns, night clubs, and similar uses - One (1) for each three (3) persons of capacity;
- r. Retail stores - One (1) for each two-hundred (200) square feet of floor area; and,
- s. All other type of business or commercial uses permitted in any business district - One (1) for each one-hundred-fifty (150) square feet of floor area.

14.6.3 Various Recreational and Entertainment Uses Shall Require:

- a. Bowling alleys - Four (4) for each alley or lane; one (1) for each three (3) persons of capacity of the area used for restaurant, cocktail lounge, or similar use; and one (1) for each three (3) employees;
- b. Dance halls, skating rinks - One (1) for each one-hundred (100) square feet of floor area used for the activity; one (1) for each three (3) persons of capacity in a restaurant, snack bar, or cocktail lounge; and one (1) for each three (3) employees;
- c. Outdoor swimming pools: public, community or club - One (1) for each ten (10) persons of capacity, and one (1) for each three (3) persons of capacity for a restaurant;

- d. Auditoriums, sport arenas, theaters, and similar uses - One (1) for each four (4) seats;
- e. Miniature golf courses - Two (2) for each hole and one (1) for each employee;
- f. Public and Private Golf Courses - Four (4) for each hole and one (1) for each employee, in addition where a restaurant and/or lounge is provided at the facility, one (1) space is required for each three (3) persons capacity;
- g. Private clubs and lodges - One (1) for each ten (10) members; and,
- h. Tennis facilities, racquetball facilities or similar uses - Two (2) for each playing area; one (1) for each employee; and one (1) for each one-hundred (100) square feet of other activity area.

14.6.4 Various Institutional Uses Shall Require:

- a. Churches and other places of religious assembly - One (1) for each eight (8) seats in main assembly room, or one (1) for each classroom, whichever is greater;
- b. Hospital - One (1) for each three (3) beds;
- c. Sanitariums, homes for the aged, nursing homes, rest homes, similar uses - One (1) for each three (3) beds;
- d. Medical and Dental clinics - One (1) for every one-hundred (100) square feet floor area; and,
- e. Libraries, museums, and art galleries - Ten (10), and one (1) for each three-hundred (300) square feet floor area in excess of two-thousand (2,000) square feet.

14.6.5 Various Educational Institution (Public, Parochial, Or Private) Uses Shall Require:

- a. Elementary schools and kindergartens - One (1) for every ten (10) students, one (1) for each additional non-teaching employee, and one (1) for every four (4) seats in auditoriums/assembly halls;
- b. High schools and middle schools - One (1) for every four (4) students, and one (1) for each teacher and employee, or one (1) for every four (4) seats in auditoriums, assembly areas and sports fields, whichever is greater;
- c. Business, technical institution, trade school or college - One (1) for each four (4) students; and,

- d. Child care centers, nursery schools, and similar uses - Four (4) for each classroom.

14.6.6 Various Manufacturing Uses Shall Require:

- a. All types of manufacturing, storage, and wholesale uses permitted in any manufacturing district - One (1) for every employee (on the largest shift for which the building is designed) and one (1) for each motor vehicle maintained on the premises.

14.7 PARKING AND PASSENGER LOADING FOR PERSONS WITH DISABILITIES

In accordance with Section 4511.69 of the Ohio Revised Code or such statute as it may hereafter be amended, all parking facilities serving buildings and facilities within the Village of Spencerville are required to be accessible to persons with disabilities and shall comply with the requirements as stated hereafter.

14.7.1 Location - Parking spaces for disabled people and accessible passenger loading zones that serve a particular building shall be the spaces or zones located closest to the nearest accessible entrance on an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for disabled people shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility;

14.7.2 Parking Spaces - Parking spaces for disabled people shall be at least eight (8) feet wide and shall have an adjacent access aisle five (5) feet wide. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two (2) accessible parking spaces may share a common access aisle. Parked vehicle overhangs shall not reduce the clearance width of an accessible circulation route. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions;

14.7.3 The number of signed, designated spaces shall be provided as follows:

<u>Total Spaces in Lot/Structure</u>	<u>Number of Designated Accessible Spaces</u>
Up to 100	1 space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100
201 to 500	6 spaces, plus one per 75 spaces over 200
Over 500	10 spaces, plus one per 100 spaces over 500

14.7.4 Signage - Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the symbol of accessibility. Such signs shall not be obscured by a vehicle parked in the space;

- 14.7.5 Passenger Loading Zones - Passenger loading zones shall provide an access aisle at least five (5) feet wide and twenty (20) feet long adjacent and parallel to the vehicle pull-up space. If there are curbs between the access aisle and the vehicle pull-up space, then a curb ramp with a slope not exceeding 1:20 shall be provided. Vehicle standing spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions; and,
- 14.7.6 Vertical Clearance - Provide minimum vertical clearances of one-hundred-fourteen (114) inches at accessible passenger loading zones and along vehicle access routes to such areas from site entrances.

14.8 ELDERLY HOUSING PARKING

Each parking space provided for an elderly housing facility shall as a minimum measure ten (10) feet in width and twenty (20) feet in length, with aisles measuring twenty-one (21) feet in width. There shall be provided one (1) such parking space per dwelling unit and one (1) per regular shift employee, except that the Board of Zoning Appeals may approve a parking plan for an elderly housing facility which provides three (3) such parking spaces for every four (4) dwelling units and one (1) per regular shift employee, if the site plan includes a set-aside of landscaped area, which set-aside is not part of any open-space requirement and which is accessible to egress/entrance for parking purposes, should additional parking spaces be deemed necessary by the Board of Zoning Appeals, subsequently thereafter.

14.9 OFF-STREET LOADING SPACE REQUIREMENTS

In any district, every building or part thereof hereafter erected and having a gross floor area of three-thousand (3,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least one (1) off-street loading space and one (1) additional loading space for each ten-thousand (10,000) square feet or fraction thereof of gross floor area so used in excess of three-thousand (3,000) feet.

14.10 OFF-STREET LOADING DESIGN STANDARDS

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

- 14.10.1 Loading Space Dimensions: Each loading space shall have minimum dimensions not less than twelve (12) feet in width, sixty-five (65) feet in length, and a vertical clearance of not less than fourteen (14) feet;
- 14.10.2 Setbacks: Notwithstanding other provisions of this regulation and the Official and Supplementary Schedules of Permitted Uses and

Dimensional Requirements, off-street loading spaces may be located in the required rear or side yard of any Commercial or Manufacturing Districts provided that not more than ninety percent (90%) of the required rear or side yard is occupied, and no part of any loading space shall be permitted closer than fifty (50) feet from any street or alley;

- 14.10.3 Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with the requirements of Section 13.20 of this Ordinance;
- 14.10.4 Access: All required off-street loading spaces shall have access from a public street or alley in such a manner that any vehicle leaving the premises shall be traveling in a forward motion;
- 14.10.5 Paving: All required off-street loading spaces(except for uses within any M-District if said loading spaces are at least two-hundred (200) feet from any Residential District), together with driveways and other circulation areas shall be hard-surfaced with pavement, having an asphaltic or portland cement binder pavement in order to provide a durable or dust free surface. Where paving is not required, proper dust control measures shall be undertaken and maintained;
- 14.10.6 Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways or onto the public streets. Arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system; and,
- 14.10.7 Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

ARTICLE 15

SIGNS AND SIGNAGE

15.0 PURPOSE

The purpose of this article is to encourage the effective use of signs as a means of communication in the village and to protect property values and the physical appearance of the community. It is intended to protect property values, create a more visually attractive economic climate, as well as to enhance and protect the physical appearance of the community. It is further the intent of this Article to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents; to reduce hazards that may be caused by signs overhanging or projecting over public right-of-ways; and to curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

15.1 GOVERNMENTAL SIGN EXCLUDED

For the purpose of the Ordinance, ‘sign’ does not include a sign erected and maintained pursuant to and in discharge of any governmental function or required by any law or governmental regulation.

15.2 GENERAL REQUIREMENTS

- 15.2.1 All signs, with the exception of governmental, garage sale and political signs, shall be permitted only on the property or lot on which the use or activity they identify are located except as Otherwise specified in this Article;
- 15.2.2 Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, or constitute a traffic hazard or nuisance. No illuminated sign shall be colored to conflict with any highway or railroad stop or warning signal or emergency vehicle. No illuminated advertising sign shall be permitted in a Residential District;
- 15.2.3 No sign shall employ any parts or elements which revolve, rotate, whirl, spin or otherwise make use of motion to attract attention unless it is a sign that performs a public service function indicating time, temperature, stock market quotations, or similar information;
- 15.2.4 All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall require a state electrical permit;

- 15.2.5 No sign shall be placed on the roof of any building, except those signs which have their supporting structure screened so the sign appears to be a continuation of the face of the building;
- 15.2.6 No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving any access to any fire escape;
- 15.2.7 No sign shall be attached to or supported by a tree, utility pole, trash receptacle, bench, vending machine or public shelter for a period in excess of thirty (30) days;
- 15.2.8 No permanently mounted sign placed in an R-1 Residential District shall exceed two (2) square feet unless specifically exempted in this Article;
- 15.2.9 Should any sign become unsafe, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Administrator, proceed at once to put such sign in a safe and secure condition or remove the sign within thirty (30) days;
- 15.2.10 No vehicle or trailer shall be parked on a business premises or a lot for the purpose of advertising a business, product, service, or the like;
- 15.2.11 No projecting sign shall be erected or maintained from the front or face of a building a distance of more than two (2) feet, including those projecting from the face of any theater, hotel, or motel marquee;
- 15.2.12 No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 15.3 herein;
- 15.2.13 No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) percent of the window surface;
- 15.2.14 All signs hung and erected shall be plainly marked with the name and telephone number of the person, firm, or corporation responsible for maintaining the sign;
- 15.2.15 No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property; and,
- 15.2.16 No sign shall contain words, images, or graphic illustrations of any obscene or indecent nature.

15.3 PERMIT REQUIRED

- 15.3.1 No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Article have been met. To assure compliance with these regulations, a sign permit issued pursuant to this Ordinance shall be required for each sign unless specifically exempted in this Article;
- 15.3.2 A sign initially approved for which a permit has been issued shall not be modified, altered or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations; and,
- 15.3.3 The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

15.4 MEASUREMENT OF SIGN AREA

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

The sign area for a sign with more than one (1) face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) identical sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such faces are part of the same structure, the sign area shall be computed by the measurement of one (1) of the faces.

15.5 SIGNS WHICH ARE PERMITTED IN ALL DISTRICTS AND WHICH DO NOT REQUIRE A PERMIT

- 15.5.1 Signs advertising the sale, lease, or rental of the premises upon which the sign is located, provided that such signs do not exceed sixteen (16) square feet in area;
- 15.5.2 In residential districts, signs denoting the name and address of the occupants of the premises, provided such signs do not exceed two (2) square feet in area;
- 15.5.3 Agricultural signs denoting the name of the farm, provided such signs do not exceed twelve (12) square feet in area; and,
- 15.5.4 A sign for a special event, limited to one (1) temporary sign not exceeding thirty-two (32) square feet in area, announcing special or

institutional events, the erection of a building, the identity of the building contractor, or signs for similar uses. Such sign shall not be located in the road right-of-way and shall be no more than five (5) feet in height. Such signs shall be removed within two (2) weeks of the completion of the event or project.

15.6 SIGNS WHICH ARE PERMITTED IN ALL DISTRICTS WHICH REQUIRE A PERMIT

Public Schools, churches in existence in January of 1999, and other public uses may erect one (1) sign not larger than thirty-two (32) square feet in area provided that such sign is located on the premises of such institution.

Any sign advertising a commercial enterprise, excluding customary home occupations but including real estate developers or subdividers, in a district zoned residential shall not exceed thirty-two (32) square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

Non-conforming businesses in existence prior to the effective date of this ordinance may erect a sign or signs in accordance with the provisions of this Article which would apply to such business if it was located in a zone in which it is a permitted use.

15.7 LIMITATION

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

15.8 SIGNS PERMITTED IN COMMERCIAL AND MANUFACTURING DISTRICTS REQUIRING A PERMIT

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

15.8.1 In a commercial or manufacturing district, each business shall be permitted one (1) flat or wall, on-premises sign. Projection of wall signs shall not exceed two (2) feet measured from the face of the main building. The area of all permanent on-premises signs for any single business enterprise may be an area equivalent to one and one-half (1½) square feet of sign area for each linear foot of building width, or part of a building, occupied by such enterprise but shall not exceed a maximum area of one-hundred (100) square feet; and,

15.8.2 In a commercial or manufacturing district, one (1) off-premises sign with a total area not exceeding three-hundred (300) square feet may be permitted at a single location. Off-premises signs visible to approaching traffic shall have a minimum spacing of not less than one-thousand (1,000) feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, except that such signs intended to be viewed from an elevated highway shall be not more than twenty (20) feet above the level of the roadway at its nearest point. Off-premises wall signs shall have all structural and supporting members concealed from view.

15.9 TEMPORARY SIGNS

Temporary signs not exceeding fifty (50) square feet in area announcing special public or institutional events, the erection of a building, the architect, the builders, or contractors may be erected for a period of sixty (60) days plus the construction period. Such temporary signs shall conform to the general requirements listed in Section 15.2, the setback requirements in Sections 15.5 through 15.18 and, in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in Section 15.0.

15.10 FREESTANDING SIGNS

Subject to the requirements of Article 15.8.2, only one freestanding sign may be erected on a parcel:

15.10.1 The height of the sign shall not exceed twenty (20) feet from the elevation of the centerline of the closest roadway and the maximum height shall not exceed thirty-two (32) feet from the elevation of the nearest centerline of the closest roadway;

15.10.2 The area of the sign shall not exceed one and one half (1 $\frac{1}{2}$) square feet per linear foot of lot width, and in no case shall exceed three-hundred (300) square feet.;

15.10.3 No sign shall be located closer than twenty (20) feet from any adjoining lot line;

15.10.4 There shall be only one (1) freestanding sign for each lot regardless of the number of buildings or businesses located on such lot. However, businesses or institutions located on a corner lot shall be allowed signage for each side of the lot that abuts a road right-of-way;

15.10.5 The sign or signs shall not be located in the road right-of-way, but may be located at the road right-of-way; and,

15.10.6 No sign located in a twenty (20) foot triangle abutting each corner of an intersection shall have any part of such sign, other than supporting pole or poles, located in an area between three (3) feet and eight (8) feet

above the elevation of the center line of the closest roadway. Additionally, no soil, shrubbery, or other obstruction shall be placed in such area. This twenty (20) foot triangle shall be that triangle which has, as two (2) of its sides, lines which begin at the intersection of the two (2) road rights-of-way and which proceed, parallel to each of the roads, for a distance of twenty (20) feet.

15.11 DIRECTIONAL SIGNS

One (1) or more directional signs are permitted on private property. Such signs may be located at, but not in, the road right-of-way. The area of all directional signs shall not exceed twelve (12) square feet.

15.12 WALL SIGNS PERTAINING TO NON-CONFORMING USES

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

15.13 POLITICAL SIGNS

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within one (1) week following election day.

15.14 SIGN SETBACK REQUIREMENTS

Except as modified in Sections 15.5 through 15.18, on-premises signs where permitted shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet. No off-premises sign shall be erected in front of the required setback line for the appropriate zoning district.

15.15 INCREASED SETBACK

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

15.16 SETBACKS FOR OFF-PREMISES SIGNS

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

15.17 SETBACKS FOR PUBLIC AND QUASIPUBLIC SIGNS

Real estate signs and bulletin boards for a church, school or any other public, religious or educational institution may be erected not less than ten (10) feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

15.18 SPECIAL YARD PROVISIONS

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

15.19 MAINTENANCE

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

15.20 NON-CONFORMING SIGNS AND STRUCTURES

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

15.21 LOSS OF LEGAL NON-CONFORMING STATUS

A legal non-conforming sign shall immediately lose its legal non-conforming status, and therefore must be brought into conformance with this Article or be removed, if the sign is altered in copy (except for changeable copy signs) or structure; or if it is enlarged, relocated, or replaced; or if it is part of an establishment which discontinues operation for ninety (90) consecutive days; or if it is structurally damaged to an extent greater than one-half (1/2) its estimated replacement value. Similarly, any legal non-conforming advertising structure so damaged must be brought into compliance or be removed.

15.22 VIOLATIONS

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance, the Zoning Administrator shall notify, in writing, the owner or lessee thereof to alter such sign so as to comply with this Ordinance. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Article 21 of this Ordinance.

ARTICLE 16

NON-CONFORMITIES

16.0 PURPOSE

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

16.1 USES UNDER CONDITIONAL USE PROVISIONS NOT NON-CONFORMING USES

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

16.2 INCOMPATIBILITY OF NON-CONFORMITIES

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

16.3 AVOIDANCE OF UNDUE HARDSHIP

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or

amendment of this Ordinance although non-conforming if completed within one (1) year of the effective date of this Ordinance. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

Any building or structures, existing and in use as a non-conforming use on the effective date of this Ordinance, which shall be damaged to the extent of more than fifty percent (50%) of the cost of replacement of such structure, exclusive of foundation, shall not be rebuilt, restored or reoccupied for any use unless it conforms to all district regulations. When such a non-conforming use is damaged to the extent of less than fifty percent (50%) of the replacement cost, no repairs or rebuilding shall be permitted except in conforming with all applicable regulations of this Ordinance and said restoration is completed within two (2) years of damage assessment.

16.4 CERTIFICATES FOR NON-CONFORMING USES

The Zoning Administrator may upon the Administrator's own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure or use of land and structure in combination that certifies that the lot, structure or use is a valid non-conforming use. The certificate shall specify the reason why the use is a non-conforming use including a description of the extent and kind of use made of the property in question, the portion of the structure or land used for the non-conforming use and the extent that dimensional requirements are non-conforming. The purpose of this Section is to protect the owners of lands or structures that are or become non-conforming. No fee shall be charged for such a certificate. One (1) copy of the certificate shall be returned to the owner, and one (1) copy shall be retained by the Zoning Administrator, who shall maintain as a public record a file of all such certificates.

16.5 SUBSTITUTION OF NON-CONFORMING USES

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

16.6 SINGLE NON-CONFORMING LOTS OF RECORD

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variance of requirements listed in Article 13 of this Ordinance other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Article 18.

16.7 NON-CONFORMING LOTS OF RECORD IN COMBINATION

If two (2) or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirement stated in this Ordinance.

16.8 NON-CONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION

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

- 16.8.1 No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- 16.8.2 Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;
- 16.8.3 If no structural alterations are made, any non-conforming use of a structure or structure and land in combination, may, upon appeal to the

Board of Zoning Appeals, be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Ordinance;

16.8.4 Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;

16.8.5 When a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than one (1) year (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not hereafter be used except in conformity with the regulations of the district in which it is located; and,

16.8.6 Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

16.9 TERMINATION OF NON-CONFORMING USES

Pursuant to Section 713.15 of the Ohio Revised Code or as in such statute as it may hereafter be amended, when any non-conforming use is discontinued or abandoned for more than one (1) year, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the non-conforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

16.10 TERMINATION OF USE BY DAMAGE OR DESTRUCTION

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

16.10.1 A Zoning Permit pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and building shall be diligently pursued to completion; and,

16.10.2 Such restoration shall not cause a new non-conformity, nor shall it increase the degree of non-conformance or non-compliance existing prior to such damage or destruction.

16.11 REPAIRS AND MAINTENANCE

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

ARTICLE 17

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

17.0 GENERAL

The provisions of Sections 17.0 through 17.22, inclusive, of this Ordinance apply to the location and maintenance of any and all conditional uses.

17.1 PURPOSE

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Ordinance should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of Sections 17.2 through 17.10 of this Ordinance.

17.2 CONTENTS OF CONDITIONAL USE PERMIT APPLICATION

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a Conditional Use Permit by filing with the Zoning Administrator, who shall within seven (7) days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

17.2.1 Name, address and phone number of applicant;

17.2.2 Legal description of the property;

17.2.3 Zoning district;

17.2.4 Description of existing use;

17.2.5 Description of proposed conditional use;

17.2.6 A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service area, utilities, signs yards landscaping features, and such other information as the Board of Zoning Appeals may require;

- 17.2.7 A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;
- 17.2.8 A list containing the names, phone numbers, and mailing addresses of all owners of property within five hundred (500) feet of the property in question; and,
- 17.2.9 A narrative addressing each of the applicable criteria contained in Section 17.3.

17.3 GENERAL STANDARDS FOR ALL CONDITIONAL USES

In addition to the specific requirements for conditionally permitted uses as specified in Section 17.4, the Board of Zoning Appeals shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- 17.3.1 Is in fact a conditional use as established under the provisions of Articles 3 through 11, inclusive, and appears on the Schedule of District Regulations adopted for the zoning district involve;
- 17.3.2 Will be in accordance with the general objectives, or with any specific objective, of the Village's comprehensive plan and/or the zoning ordinance;
- 17.3.3 Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- 17.3.4 Will not be hazardous or disturbing to existing or future neighboring uses;
- 17.3.5 Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- 17.3.6 Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- 17.3.7 Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property,

or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

- 17.3.8 Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and,
- 17.3.9 Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

17.4 SPECIFIC CRITERIA FOR CONDITIONAL USES

The following are specific conditional use criteria and requirements for those uses conditionally permitted in this Ordinance as provided for hereafter. Nothing in this Section shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in accordance with Article 17.

17.4.1 Public Service Facility:

- a. All permanent buildings shall be constructed and designed so as to conform with the setback and building design of existing uses in the district; and,
- b. Screening and plantings to buffer any structures from adjacent residential uses are required.

17.4.2 Church:

- a. The lot area shall be adequate to accommodate the required off-street parking requirements of the church;
- b. The church building shall be set back from any adjacent residential property line a minimum of fifty (50) feet;
- c. Parking shall not be permitted within twenty-five (25) feet of any side or rear property line; and,
- d. A cemetery shall not be a permitted use in conjunction with the church unless it meets the criteria of 17.4.3 of this Ordinance.

17.4.3 Cemetery:

- a. The site shall have direct access to a major thoroughfare which the Board of Zoning Appeals determines is adequate to serve the size of the facility proposed;
- b. Any new cemetery shall be located on a site containing not less than twenty-five (25) acres;

- c. All buildings, including but not limited to mausoleums and maintenance buildings, shall not be located within one-hundred (100) feet of any property line; and,
- d. All graves or burial lots shall be set back not less than fifty (50) feet from any property line.

17.4.4 Attorney, Architect, Accountant, Engineer, Insurance Agency, Real Estate, Tax Preparation Service, Bookkeeping Service Offices, and similar uses:

- a. Parking spaces shall be provided as required in this Ordinance, provided that the Board of Zoning Appeals may increase the number of required spaces on the basis of the nature of the office and on the basis of generally known parking conditions in the neighborhood;
- b. The design, location, and surface of the parking area shall be subject to approval of the Board of Zoning Appeals so as to reduce congestion, promote safety, and to reduce the impact on the residential character of the neighborhood; and,
- c. One (1) sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.

17.4.5 Veterinary Clinic, Kennel and similar uses:

- a. Outdoor pens and exercise runs shall be kept in a clean and sanitary condition and shall be screened from public view. A screening plan shall be submitted to the Board of Zoning Appeals for approval;
- b. Sanitation practices shall be adequate to assure that objectionable odors shall not be noticeable on or off the lot considering various wind conditions;
- c. The applicant shall submit a written statement showing the measures and practices that will be used to reduce the noise level in the design of the building and the management or rotation of animals in outdoor exercise runs; and,
- d. No dead animals shall be buried on the premises, and no incineration of dead animals shall be permitted.

17.4.6 Child Day-Care Center/Type A Family Day-Care Home:

- a. Outdoor playgrounds, tot lots, exercise areas, etc., shall be fully enclosed by a fence, the height and design which shall be approved by the Board of Zoning Appeals;

- b. The applicant shall submit a parking and traffic circulation plan to the Board of Zoning Appeals for approval. The design, location, and surface of the parking areas and vehicular approaches shall be subject to approval by the Board of Zoning Appeals so as to reduce congestion, promote safety, and reduce the impact on the residential character of the neighborhood. The plan shall provide for the separation of incoming and outgoing vehicles during high volume periods and shall provide a safe drop-off point for children that will not impede other traffic; and,
- c. One (1) sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.

17.4.7 Funeral Home:

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

17.4.8 Tourist Home, Bed/Breakfast Home:

- a. No more than two (2) adults shall occupy each sleeping room. Children under twelve (12) years of age are permitted in the same occupancy provided that no more than five (5) persons occupy one (1) room;
- b. Fire escapes shall be provided as approved by the Board of Zoning Appeals;
- c. Fire exit instructions shall be posted in each sleeping room;
- d. All applicable provisions of the fire code shall be met, and certification of such compliance by the appropriate official shall accompany the application;
- e. The facility shall be operated so that guests reside at the home for not longer than one (1) continuous week; and,
- f. The facility shall contain not more than four (4) sleeping rooms for guests.

17.5 PUBLIC HEARING

Pursuant to 713.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, the Board of Zoning Appeals shall hold a public hearing within thirty (30) days after it receives an application for a Conditional Use Permit submitted by an applicant through the Zoning Administrator.

17.6 NOTICE OF PUBLIC HEARING

Pursuant to 713.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, before conducting the public hearing required in Section 17.5, notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing and shall provide a summary explanation of the conditional use proposed.

17.7 NOTICE TO PARTIES OF INTEREST

Pursuant to 713.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, prior to conducting the public hearing required in Section 17.5, written notice of such hearing shall be mailed by the Clerk, by first class mail, at least ten (10) days before the date of the hearing to all parties of interest, to include all property owners listed in the application. The notice shall contain the same information as required in Section 17.6 for notices published in newspapers.

17.8 ACTION BY THE BOARD OF ZONING APPEALS

Within thirty (30) days after the date of the public hearing required in Section 17.5, the Board of Zoning Appeals shall take one of the following actions:

- 17.8.1 Approve issuance of the Conditional Use Permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 17.9. Upon making an affirmative finding, the Board shall direct the Zoning Administrator to issue a Conditional Use Permit for such use which shall list all conditions and safeguards specified by the Board of Zoning Appeals for approval;
- 17.8.2 Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary; or,

17.8.3 Make a written finding that the application is denied, such finding specifying the reason(s) for disapproval.

If an application is disapproved by the Board of Zoning Appeals, the applicant may seek relief through the Court of Common Pleas. Appeals of Board decisions shall be made in the manner specified in Articles 18 and 20.

17.9 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS

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

17.10 EXPIRATION OF CONDITIONAL USE PERMIT

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

17.11 PROCEDURE AND REQUIREMENTS TO DETERMINE THAT A USE IS SUBSTANTIALLY SIMILAR

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

In formulating a determination that a proposed use is a substantially similar use, the Board of Zoning Appeals shall follow the procedures relating to appeals and variances as specified in Section 18 of this Ordinance. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Council of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within thirty (30) days of its receipt by the Council, such substantially similar use determination by the Board shall become effective.

17.12 REMEDY BY APPLICATION FOR AMENDMENT

If the Board of Zoning Appeals determines that a proposed use is not substantially similar, such determination shall not be appealed to the Council, but

remedy may be sought by the appellant through the submission of an application for amendment as prescribed in Article 19.

17.13 STANDARDS FOR CONSIDERATION OF SUBSTANTIALLY SIMILAR USES

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

17.13.1 The compatibility of the proposed use with the nature and scope of adjacent uses;

17.13.2 The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Ordinance as being permitted, or in the case of a conditional use, conditionally permitted, in that district; and,

17.13.3 The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Ordinance.

17.14 EFFECT OF DETERMINATION THAT A USE IS SUBSTANTIALLY SIMILAR

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

17.15 RECORD OF SUBSTANTIALLY SIMILAR USES

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

17.16 REGULATION OF ACCESSORY USES

The provisions of Sections 17.16 through 17.22, inclusive, of this Ordinance shall apply to the location and maintenance of accessory uses as herein defined.

17.17 PURPOSE

It is the purpose of Sections 17.16 through 17.22, inclusive, of this Ordinance to regulate accessory uses in order to promote the public health, safety, and welfare. It is the intent of these Sections to permit such uses to be established

and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.

17.18 DEFINITION

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

17.19 GENERAL REQUIREMENTS

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

- 17.19.1 It shall be thirty-five percent (35%) or less of the gross floor area of the principal use or structure, except where additional space is needed to comply with off-street parking requirements;
- 17.19.2 It shall not contain or be used as a dwelling unit;
- 17.19.3 It shall not exceed the height requirements of the principal use; and,
- 17.19.4 It shall meet all yard requirements of the principal use.

17.20 DWELLINGS AS ACCESSORY USES

Dwellings may be accessory uses in residential districts if located inside the principal home or if detached as a garage apartment only if used as a residence by relatives or household servants and no rent is charged. Mobile home trailers shall not be permitted as accessory uses.

17.21 ACCESSORY ELDERLY DWELLING UNIT

Notwithstanding the provisions of Sections 13.1 through 13.3 of this Ordinance, an owner-occupied single-family dwelling unit may be converted to allow the incorporation of one (1) additional dwelling unit for the exclusive occupancy of an elderly household, a member of which shall be an elderly person related to the owner of the single-family dwelling unit. Such accessory elderly dwelling unit shall be wholly contained within the existing principal building or shall be attached to it by a common wall, floor or ceiling. The application for the zoning permit for such conversion shall be accompanied by an affidavit attesting to the

owner's present occupancy of the dwelling unit and to the age and relationship of the elderly person.

17.22 RETAIL SALES AND SERVICES AS ACCESSORY USES

Retail sales and services are permitted as accessory uses when clearly incidental to the principal use. With the exception of restaurants in conjunction with a motel, such uses shall be conducted wholly within the principal building. No exterior advertising or displays are permitted. These activities shall be conducted solely for the convenience of the employees, patients, patrons, students or visitors and not for the general retail public. In hospitals and clinics these accessory uses may include drug stores, florists, gift and book shops, restaurants, cafeterias and coffee shops, lounges, beauty and barber shops.

ARTICLE 18

PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

18.0 GENERAL

Appeals and variances shall conform to the procedures and requirements of Sections 18.1 to 18.11.8 inclusive of this Ordinance. As specified in Article 20, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

18.1 APPEALS

Pursuant to 713.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Administrator. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Administrator and with the Board of Zoning Appeals, a Notice of Appeal specifying the grounds upon which the appeal is being taken. The Zoning Administrator shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.

18.2 STAY OF PROCEEDINGS

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

18.3 VARIANCES

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

18.4 APPLICATION AND STANDARDS FOR VARIANCES

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

- 18.4.1 Name, address, and phone number of applicant(s);
- 18.4.2 Legal description of property;
- 18.4.3 Description or nature of variance requested;
- 18.4.4 Narrative statements establishing and substantiating that the variance conforms to the following standards:
 - a. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Ordinance on the district in which it is located and shall not be injurious to the area or otherwise detrimental to the public welfare;
 - b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district;
 - c. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally. to land or buildings in the area, and which are such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land;
 - d. There must be proof of hardship created by the strict application of this Ordinance. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Ordinance; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered;
 - e. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose;
 - f. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion

in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area; and,

- g. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

18.5 ADDITIONAL CONDITIONS AND SAFEGUARDS

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

18.6 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

Pursuant to 713.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, the Board of Zoning Appeals shall hold a public hearing within thirty (30) days after the receipt of an application for an appeal or variance from the Zoning Administrator or an applicant.

18.7 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Pursuant to 713.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, before conducting the public hearing required in Section 18.6, notice of such hearing shall be given in a newspaper of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.

18.8 NOTICE TO PARTIES IN INTEREST

Pursuant to 713.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, before conducting the public hearing required in Section 18.6, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten (10) days before the day of the hearing to all parties of adjoining properties. The notice shall contain the same information as required of notices published in newspapers as specified in Section 18.7.

18.9 ACTION BY BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Section 18.6, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 18.5, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing that the

reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building or structure. Appeals from Board decision shall be made in the manner specified in Section 20.6.

18.10 TERM OF VARIANCE

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

18.11 AUTHORIZED VARIANCES

Variances from the regulations of this Ordinance shall not be granted unless the Board of Zoning Appeals makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section 18.4, and Section 18.5 if applicable, have been met by the applicant. Variances may be granted as guided by the following:

- 18.11.1 To permit any yard or setback less than the yard or setback required by the applicable regulations;
- 18.11.2 To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots should not be less than eighty percent (80%) of the re~uired area and width;
- 18.11.3 To permit the same off-street parking facility to qualify as required facilities for two (2) or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
- 18.11.4 To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty percent (30%) of the required facilities;
- 18.11.5 To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance;
- 18.11.6 To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty percent (40%);
- 18.11.7 To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five percent (25%); and,
- 18.11.8 To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five percent (25%).

ARTICLE 19

AMENDMENTS TO THE ZONING ORDINANCE AND/OR THE ZONING MAP

19.0 GENERAL

This Ordinance and the Zoning Map may be amended by utilizing the procedures specified in Section 19.1 through 19.13, inclusive, of this Ordinance.

19.1 PURPOSE

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the Village Council may by ordinance and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classification of property.

19.2 INITIATION OF ZONING AMENDMENTS

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

19.2.1 By adoption of a motion by the Planning Commission;

19.2.2 By adoption of a resolution by the Village Council; or,

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

19.3 CONTENTS OF APPLICATION FOR ZONING MAP AMENDMENT

Applications for amendments to the official Zoning Map adopted as part of this Ordinance by Article 3 and Articles 4 through 11 inclusive shall contain at least the following information:

19.3.1 The name, address, and telephone number of applicant;

19.3.2 A statement of the reason(s) for the proposed amendment;

19.3.3 Present use;

19.3.4 Present zoning district;

19.3.5 Proposed use;

19.3.6 Proposed zoning district;

- 19.3.7 A vicinity map at a scale approved by the Zoning Administrator showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Administrator may require;
- 19.3.8 A list of all property owners, their telephone numbers, and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that telephone numbers and addresses need not be included where more than ten (10) parcels are to be rezoned;
- 19.3.9 A statement on the ways in which the proposed amendment relates to the comprehensive plan; and,
- 19.3.10 A fee as established by ordinance of the Village Council.

19.4 CONTENTS OF APPLICATION FOR ZONING TEXT AMENDMENT

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

- 19.4.1 The name, address, and telephone number of the applicant;
- 19.4.2 The proposed amending ordinance;
- 19.4.3 A statement of the reason(s) for the proposed amendment;
- 19.4.4 A statement explaining the ways in which the proposed amendment relates to the comprehensive plan; and,
- 19.4.5 A fee as established by the Village Council.

19.5 TRANSMITTAL TO PLANNING COMMISSION

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

19.6 SUBMISSION TO DIRECTOR OF TRANSPORTATION

Before any zoning amendment is approved affecting any land within three-hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission shall give notice, by registered or certified mail, to the Director of Transportation. The Commission may proceed as required by law; however, the Council shall not approve the amendment for one-hundred-twenty (120) days

from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the Village that he shall proceed to acquire the land needed, then the Village shall refuse to approve the rezoning. If the Director of Transportation notifies the Village that acquisition at this time is not in the public interest, or upon the expiration of the one-hundred-twenty (120) day period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Village Council shall proceed as required by law.

19.7 RECOMMENDATION BY PLANNING COMMISSION

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

19.8 PUBLIC HEARING BY VILLAGE COUNCIL

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

19.9 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Pursuant to 713.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, before holding the public hearing as required in Section 19.8, notice of such hearing shall be given by the Village Council by at least one (1) publication in one (1) or more newspapers of general circulation in the Village of Spencerville at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing and the nature of the proposed amendment.

19.10 NOTICE TO PROPERTY OWNERS BY VILLAGE COUNCIL

Pursuant to 713.12 of the Ohio Revised Code or as in such statute as it may hereafter be amended, if the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least ten (10) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the thoroughfare from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by the Village Council. The notice shall contain the same information as required of notices published in newspapers as specified in Section 19.9. The failure to deliver the notice to property owners, as provided herein shall not invalidate any such amendment.

19.11 ACTION BY THE VILLAGE COUNCIL

Within thirty (30) days after the public hearing required by Section 19.8, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than a three-fourths (3/4) of the full membership of Village Council. No such ordinance shall be passed unless it is fully and distinctly read on three (3) different days except that such ordinance may become emergency legislation if three-fourths (3/4) of the Village Council vote to dispense with this rule.

19.12 EFFECTIVE DATE AND REFERENDUM

Such amendment adopted by the Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the adoption of the amendment there is presented to the Village Clerk a petition, not less than ten (10%) percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village Council to submit the zoning amendment to the electorate of such area, for approval or rejection, at the next general election.

19.13 ANNEXATION

All land annexed to the Village subsequent to the adoption of this ordinance shall remain subject to the previous township zoning district regulations until such time as the official zoning map is amended according to the provisions of this article.

ARTICLE 20
ADMINISTRATION

20.0 PURPOSE

This Article sets forth the powers and duties of the Planning Commission and the Zoning Administrator with respect to the administration of the provisions of the Ordinance.

20.1 GENERAL PROVISIONS

The formulation, administration and enforcement of this Ordinance is hereby vested in the following offices and bodies:

- 20.1.1 Zoning Administrator; (See Section 20.2)
- 20.1.2 Planning Commission; (See Section 20.4)
- 20.1.3 Board of Zoning Appeals; (See Section 20.7)
- 20.1.4 Village Council; and, (See Section 20.11)
- 20.1.5 Law Director.

20.2 ZONING ADMINISTRATOR

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

20.3 RESPONSIBILITIES OF ZONING ADMINISTRATOR

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

- 20.3.1 Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions;
- 20.3.2 Respond to questions concerning applications for amendments to the Zoning Ordinance text and the Official Zoning district Map;
- 20.3.3 Issue zoning permits as provided by this Ordinance, and keep a record of same with a notation of any special conditions involved;
- 20.3.4 Act on all applications upon which the Administrator is authorized to act by the provisions of this Ordinance within the specified time or notify the applicant in writing of the Administrator's refusal or disapproval of such

application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit said request to the Board of Zoning Appeals;

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

20.4 VILLAGE PLANNING COMMISSION

The Planning Commission shall assist in the amendment, interpretation, administration and enforcement of this Ordinance. The Planning Commission may, within the limits appropriated by this Ordinance and with the approval of council, employ or contract with such planning consultants and other assistants as it deems necessary.

The Commission shall be composed of five (5) members consisting of the Mayor, one member of the legislative authority and three members of the Village appointed by the Mayor. The terms of the members shall be of such length and so arranged that the term of one (1) member will expire every second year. Each member shall serve until a successor is appointed and qualified. Vacancies shall be filled by the Mayor and shall be for the unexpired term.

20.5 PROCEEDINGS OF PLANNING COMMISSION

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

20.6 DUTIES OF PLANNING COMMISSION

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

- 20.6.1 Recommend the proposed Zoning Ordinance, including text and Official Zoning District Map, to the Village Council for formal adoption;
- 20.6.2 Initiate advisable Official Zoning District Map changes or changes in the text of the Zoning Ordinance where same will promote the best interest of the public in general through recommendation to the Village Council;
- 20.6.3 Review all proposed amendments to the text of this Ordinance and the Official Zoning District Map and make recommendations to the Village Council as provided in this Ordinance;
- 20.6.4 Review all Planned Unit Development Applications and make recommendations to the Village Council as provided in this Ordinance;
- 20.6.5 Review all special uses as identified in the respective zoning districts according to provisions and criteria stated in this Ordinance; and,
- 20.6.6 Carry on a continuous review of the effectiveness and appropriateness of this Ordinance and recommend such changes or amendments as it feels would be appropriate.

20.7 BOARD OF ZONING APPEALS

A Board of Zoning Appeals is hereby created, which shall consist of five (5) members to be appointed by the Mayor. The term of all members shall be five (5) years, and their terms shall be so arranged that the term of one (1) member shall expire each year. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other reasonable cause by the Mayor upon written

charges and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing either personally or by registered mail, or by leaving the same at his place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by appointment by the Mayor and shall be for the unexpired term.

20.8 PROCEEDINGS OF THE BOARD OF ZONING APPEALS

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

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

20.9 DUTIES OF THE BOARD OF ZONING APPEALS

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

20.9.1 Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Administrator.

20.9.2 Authorize such variances from the terms of this Ordinance as will not be contrary to the public interest, where owing to the special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done.

20.10 DUTIES OF ZONING ADMINISTRATOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Administrator, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Administrator, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Ordinance that the

duties of the Village Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this Section and this Ordinance. Under this Ordinance Village Council shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of this Ordinance as provided by law and of establishing a schedule of fees and charges as stated in Section 20.12 of this Ordinance. Nothing in this Ordinance shall be interpreted to prevent any official of the Village from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code or in such statute as it may hereafter be amended. Any such appeal shall be made within ten (10) days of the Board's written decision.

20.11 DUTIES OF THE VILLAGE COUNCIL

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

20.11.1 Approve the appointments of members to the Planning Commission;

20.11.2 Approve the appointments of members to the Board of Zoning Appeals;

20.12.3 Initiate or act upon suggested amendments to the Zoning Ordinance text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing; and,

20.11.4 Override a written recommendation of the Planning Commission on a text or map amendment provided that such legislative action is passed by a vote of not less than three-quarters (3/4) of the Village Council.

20.12 SCHEDULE OF FEES

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

ARTICLE 21
ENFORCEMENT

21.0 GENERAL

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

21.1 ZONING PERMITS REQUIRED

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

21.2 CONTENTS OF APPLICATION FOR ZONING PERMIT

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

21.2.1 Name, address, and phone number of applicant;

21.2.2 Legal description of property;

21.2.3 Existing use;

21.2.4 Proposed use;

21.2.5 Zoning district;

21.2.6 Plans in triplicate showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or a iteration;

21.2.7 Building heights;

21.2.8 Number of off-street parking spaces or loading berths, and their layout;

21.2.9 Location and design of access drives;

- 21.2.10 Number of dwelling units;
- 21.2.11 Health Department permit for septic system;
- 21.2.12 If applicable, application for a sign permit or a conditional, special, or temporary use permit, unless previously submitted; and,
- 21.2.13 Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Ordinance.

21.3 APPROVAL OF ZONING PERMIT

Within thirty (30) days after the receipt of an application, the Zoning Administrator shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year. One (1) copy of the plans shall be returned to the applicant by the Zoning Administrator after the Zoning Administrator shall have marked such copy either as approved or disapproved and attested to same by the Administrator's signature on such copy. One (1) copy of plans, similarly marked, shall be a placard to be posted in a conspicuous place on the property in question.

21.4 SUBMISSION TO DIRECTOR OF TRANSPORTATION

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

21.5 EXPIRATION OF ZONING PERMIT

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Administrator; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one-half (2-1/2) years of the date of issuance thereof,

said permit shall expire and be revoked by the Zoning Administrator, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

21.6 RECORD OF ZONING AND BUILDING PERMITS

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

21.7 FAILURE TO OBTAIN A ZONING PERMIT

Failure to obtain a zoning permit shall be a punishable violation of this Ordinance.

21.8 CONSTRUCTION AND USE TO BE AS PROVIDED IN APPLICATIONS, PLANS, AND PERMITS

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

21.9 COMPLAINTS REGARDING VIOLATION

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

21.10 ENTRY AND INSPECTION OF PROPERTY

The Zoning Administrator is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Ordinance. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Administrator shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Administrator shall request the assistance of the Village Solicitor in securing a valid search warrant prior to entry.

21.11 STOP WORK ORDER

Subsequent to the Administrator's determination that work is being done contrary to this Ordinance, the Zoning Administrator shall write a stop work order and post it on the premises involved. Removal of a stop work order, except by the order of

the Zoning Administrator, shall constitute a punishable violation of this Ordinance.

21.12 ZONING PERMIT REVOCATION

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

21.13 NOTICE OF VIOLATION

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

21.13.1 Be in writing;

21.13.2 Identify the violation;

21.13.3 Include a statement of the reason or reasons why it is being issued and refer to the Sections of this Ordinance being violated; and,

21.13.4 State the time by which the violation shall be corrected.

21.13.5 Service of notice of violation shall be as follows:

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

21.14 TICKETING PROCEDURE

If, upon re-inspection following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be issued a ticket. Such ticket shall:

- 21.14.1 Be served personally by a village police officer;
- 21.14.2 Be in writing;
- 21.14.3 Identify the violation; and,
- 21.14.4 State the time, date and place for appearance in court; and, If the ticket cannot be served personally, the Zoning Administrator shall request that a summons be issued by the Court.

21.15 PROSECUTION OF VIOLATION

If upon re-inspection following the issuance of a notice of violation the condition has not been corrected, the person or persons responsible shall be referred to the Village Solicitor for prosecution.

21.16 PENALTIES AND FINES

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure or land in violation of any provision of this Ordinance or any amendment thereto. Any person, firm or corporation who violates this Ordinance or fails to comply with any of its requirements shall be fined the maximum allowable pursuant to the Ohio Revised Code. Each day such violation shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

21.17 ADDITIONAL REMEDIES

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

CERTIFICATION

The Village of Spencerville Zoning Commission hereby certifies that the foregoing proposed Resolution constitutes the text of its recommendations for the zoning plan.

Date: 4-5-99

- /s/ Lyman D. Timmins Mayor
- /s/ LaVerne M. Purdy
- /s/ Steve [unclear]
- /s/ Ken Schafer 10-18-00
- /s/ Robin G. Richardson 10-18-00

VILLAGE OF SPENCERVILLE
ZONING COMMISSION

Adopted by the Village Council:

Date: 4-5-99

- /s/ Mary Zimmerman
- /s/ Anna Belle Kennedy
- /s/ Metz S. Fayer
- /s/ Ed [unclear]
- /s/ Emerson [unclear] ^{deceased 10-99} by [unclear]
- /s/ Robin G. Richardson 10-18-00

VILLAGE OF SPENCERVILLE COUNCIL

AMENDMENTS: