

MISSING

2-2

2-3

ZONING Certificate?

Conditional Use Certificate?

ZONING Permit?



Instr: 200806110008348 06/11/2008
P: 4 of 153 F: \$100.00 4:05:53PM
Mona S Losh T20080015504
Allen County V: 2008 P: 08348

ZONING Map?

ZONING Board

Board of Zoning Appeals

PROPOSED

VILLAGE OF BEAVERDAM

ZONING ORDINANCE

Village Planning Commission?

**VILLAGE OF BEAVERDAM
ALLEN COUNTY, OHIO**

Instr: 200806110008348 06/11/2008
P: 1 of 153F: \$100.00 4:05:53PM
Mona S Losh T20080015504
Allen County V:2008 P:08348

ORDINANCE NO. 2008-08

PASSED: March, 2008

ZONING ORDINANCE

WHEREAS, it is in the best interests of the Village of Beaverdam that a Zoning Code be adopted providing for zoning within the Village limits; and

WHEREAS, a Zoning Board was duly appointed, held public meetings, and has provided the Village Council with a proposed Zoning Ordinance; and

WHEREAS, the Council has properly noticed and held public hearings regarding the proposed Zoning Ordinance.

WHEREFORE, it is hereby determined that the attached Proposed Village of Beaverdam Zoning Ordinance, incorporated herein by reference, is found to be an appropriate zoning code, to provide for the needs of the Village and to adequately balance the needs of the Village, its residents, property owners, future property owners, and businesses. That the attached proposed Village of Beaverdam Zoning Ordinance is hereby adopted and enacted by the Village Council.

This Ordinance shall become effective at the earliest time provided by law.

The Clerk is directed to give notice of the adoption of the new Ordinance by publication of the full ordinance at five (5) public places in the Village as previously established by ordinance.

Passed and adopted this 25 day of March, 2008, by the Village Council of Beaverdam, Ohio, by the following vote:

| | First Reading | Second Reading | Third Reading |
|----------------------------|------------------|-------------------|------------------|
| Thelma Cockrell, Council | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| Gary Marshall, Council | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| Barbara Gossard, Council | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| Dorothy Van Meter, Council | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| Tom Gossard, Council | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| Teresa Cameron | <u>Y</u> | <u>Y</u> | <u>Y</u> |

Attest:

Annie Mae Palte
Fiscal Officer - Annie Palte

Roberta Beemer
Mayor Roberta Beemer

Ordinance


3/24/08


3/26/08 Annie Mae Palte

CERTIFICATE OF FISCAL OFFICER

I, **Annie Palte**, Fiscal Officer for the Village of Beaverdam, within and for said Village, hereby certify this to be a true and accurate copy of the Ordinance Zoning, Code and Map of the records within and for said Village.

IN TESTIMONY WHEREOF, I do hereby subscribe my name and affix the seal of The Village of Beaverdam at Beaverdam, Ohio this 25 day of March, 2008.


Annie Palte, Fiscal Officer



PREAMBLE

AN ORDINANCE: TO PROVIDE FOR THE DIVISION OF THE VILLAGE OF BEAVERDAM, 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 Beaverdam, 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 16th day of January, 2008 set the date of 19th day of February, 2008 at 7:00 o'clock (a.m.)/(p.m.), Eastern Daylight Savings Time in the Council Chambers of said Village located at 201 West Main Street, Beaverdam, Ohio, as the time and place for the said public hearing.

The Clerk of the Village has caused to be published in the Bluffton News, a newspaper of general circulation in the Village 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 zoning text and zoning map 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 for the Village of Beaverdam.

TABLE OF CONTENTS


| <u>ARTICLE</u> | <u>PAGE</u> |
|--|-------------|
| PREAMBLE | i |
| 1 - <u>GENERAL PROVISIONS</u> | |
| 1.0 Title | 1-1 |
| 1.1 Purpose | 1-1 |
| 1.2 Interpretation | 1-1 |
| 1.3 Severability | 1-1 |
| 1.4 Repeal of Conflicting Ordinances | 1-1 |
| 1.5 Effective Date | 1-1 |
| 2 - <u>INTERPRETATION AND DEFINITION OF TERMS & WORDS</u> | |
| 2.0 Purpose | 2-1 |
| 2.1 Interpretation of Terms or Words | 2-1 |
| 2.2 Definition of Terms or Words | 2-1 |
| 3 - <u>ESTABLISHMENT OF DISTRICTS</u> | |
| 3.0 Purpose | 3-1 |
| 3.1 Establishment of Districts | 3-1 |
| 3.2 Zoning District Map | 3-1 |
| 3.3 Zoning Map Legend | 3-1 |
| 3.4 Identification of Official Zoning Map | 3-2 |
| 3.5 Zoning Map Amendments | 3-3 |
| 4 - <u>R-1 RESIDENTIAL DISTRICT</u> | |
| 4.0 Purpose | 4-1 |
| 4.1 Uses Permitted in the R-1 Residential District | 4-1 |
| 4.2 Conditional Uses - With Approval by the Board of Zoning Appeals | 4-1 |
| 4.3 Maximum Height Regulations within the R-1 Residential District | 4-2 |
| 4.4 Required Floor Area in the R-1 District | 4-2 |
| 4.5 Required Lot Size Regulations and Frontage Within the R-1 District | 4-2 |
| 4.6 Required Yard Regulations Within the R-1 District | 4-2 |
| 4.7 Required Setback Regulations within the R-1 District | 4-2 |
| 5 - <u>R-2 RESIDENTIAL DISTRICT</u> | |
| 5.0 Purpose | 5-1 |
| 5.1 Uses Permitted in the R-2 Residential District | 5-1 |
| 5.2 Conditional Uses - with Approval by the Board of Zoning Appeals | 5-1 |
| 5.3 Maximum Height Regulations within the R-2 Residential District | 5-2 |

TABLE OF CONTENTS (Continued)

Instr: 200806110008348 06/11/2008
P: 6 of 153 F: \$100.00 4:05:53PM
Mona S Losh T20080015504
Allen County V:2008 P:08348

| <u>ARTICLE</u> | | <u>PAGE</u> |
|---|---|-------------|
| 5 - R-2 RESIDENTIAL DISTRICT | (Continued) | |
| 5.4 | Required Floor Area within the R-2 Residential District | 5-2 |
| 5.5 | Required Lot Size and Frontage Regulation within the R-2 District | 5-2 |
| 5.6 | Required Yard Regulations within the R-2 District | 5-2 |
| 5.7 | Required Setback Regulations within the R-2 District | 5-2 |
| 6 - B-1 LOCAL BUSINESS DISTRICT | | |
| 6.0 | Purpose | 6-1 |
| 6.1 | Uses Permitted in the B-1 Business District | 6-1 |
| 6.2 | Conditional Uses with Approval by the Board of Zoning Appeals | 6-2 |
| 6.3 | Required Lot Area and Frontage Within the B-1 District | 6-2 |
| 6.4 | Building Height Regulation Within the B-1 District | 6-2 |
| 6.5 | Required Yard Regulations Within the B-1 District | 6-2 |
| 6.6 | Required Setback Regulations within the B-1 District | 6-2 |
| 6.7 | Landscaping or Screening Provisions | 6-2 |
| 6.8 | Other Required Conditions | 6-2 |
| 7 - B-2 GENERAL BUSINESS DISTRICT | | |
| 7.0 | Purpose | 7-1 |
| 7.1 | Uses Permitted in the B-2 Business District | 7-1 |
| 7.2 | Conditional Uses - with Approval by the Board of Zoning Appeals | 7-1 |
| 7.3 | Required Lot Area and Frontage within the B-2 Business District | 7-2 |
| 7.4 | Building Height Regulation in the B-2 Business District | 7-2 |
| 7.5 | Required Yard Regulations within the B-2 Business District | 7-2 |
| 7.6 | Required Setback Regulation within the B-2 Business District | 7-2 |
| 7.7 | Landscaping or Screening Provisions | 7-2 |
| 7.8 | Other Required Conditions | 7-2 |
| 8 - M-1 LIGHT MANUFACTURING DISTRICT | | |
| 8.0 | Purpose | 8-1 |
| 8.1 | Uses Permitted in the M-1 Manufacturing District | 8-1 |
| 8.2 | Conditional Uses - with Approval by the Board of Zoning Appeals | 8-2 |
| 8.3 | Accessory Uses in the M-1 District | 8-2 |
| 8.4 | Required Lot Area Within the M-1 District | 8-2 |
| 8.5 | Building Height Regulation Within the M-1 District | 8-2 |
| 8.6 | Required Yard Regulation within the M-1 District | 8-2 |
| 8.7 | Required Setback Regulation within the M-1 District | 8-2 |
| 8.8 | Landscaping and Screening Provisions | 8-3 |
| 8.9 | Other Required Conditions | 8-3 |

**TABLE OF CONTENTS
(Continued)**


Instr: 200806110008348 06/11/2008
P: 7 of 153F: \$100.00 4:05:53PM
Mona S Lesh T20080015504
Allen County V:2008 P:08348

ARTICLE

PAGE

9 - M-2 GENERAL MANUFACTURING DISTRICT

| | | |
|-----|---|-----|
| 9.0 | Purpose | 9-1 |
| 9.1 | Uses Permitted in the M-2 Manufacturing District | 9-1 |
| 9.2 | Conditional Uses - with Approval by the Board of Zoning Appeals | 9-1 |
| 9.3 | Accessory Uses in the M-2 District | 9-1 |
| 9.4 | Required Lot Area and Frontage within the M-2 District | 9-2 |
| 9.5 | Building Height Regulation within the M-2 District | 9-2 |
| 9.6 | Required Yard Regulations within the M-2 District | 9-2 |
| 9.7 | Required Setback Regulation within the M-2 District | 9-2 |
| 9.8 | Landscaping and Screening Provisions | 9-2 |
| 9.9 | Other Required Conditions | 9-2 |

**10 - REGULATIONS FOR SPECIFIC OVERLAY DISTRICTS, ACTIVITIES,
USES AND STRUCTURES**

| | | |
|-------|---|-------|
| 10.0 | Purpose | 10-1 |
| 10.1 | Regulation of Manufactured Home Parks | 10-1 |
| 10.2 | Compliance with the Official Schedule of District Regulations | 10-3 |
| 10.3 | Regulation of Amusement Arcades | 10-8 |
| 10.4 | Regulation of Adult Entertainment Business | 10-10 |
| 10.5 | Regulation of Massage Establishments | 10-13 |
| 10.6 | Regulation of Customary Home Occupations | 10-16 |
| 10.7 | Regulation of Composting Activities | 10-17 |
| 10.8 | Regulation of Activities Associated with the Extraction of Natural Resources | 10-17 |
| 10.9 | Regulation of Swimming Pools as Accessory Uses | 10-20 |
| 10.10 | Regulation of Group Residential Facilities | 10-21 |
| 10.11 | Regulation of Factory-Built Housing; Design and Appearance Standards | 10-24 |
| 10.12 | Regulation of Planned Unit Developments | 10-26 |
| 10.13 | Regulatory Performance Standards | 10-29 |

11 - SUPPLEMENTARY DISTRICT REGULATIONS

| | | |
|------|--|------|
| 11.0 | Purpose | 11-1 |
| 11.1 | Conversion of Dwelling To More Than One Unit | 11-1 |
| 11.2 | Principal Building Per Lot | 11-1 |
| 11.3 | Reduction of Area or Space | 11-1 |
| 11.4 | Construction is Easements | 11-2 |
| 11.5 | Parking and Storage of Vehicles and Trailers | 11-2 |
| 11.6 | Junk | 11-2 |
| 11.7 | Supplemental Yard and Height Regulations | 11-3 |

TABLE OF CONTENTS (Continued)

Instr: 200806110008348 06/11/2008
P: 8 of 153F: \$100.00 4:05:53PM
Mona S Losh T20080015504
Allen County V:2008 P:08348

| <u>ARTICLE</u> | <u>PAGE</u> |
|--|-------------|
| 11 - <u>SUPPLEMENTARY DISTRICT REGULATIONS</u> (Continued) | |
| 11.8 Setback Requirements for Buildings on Corner Lots | 11-3 |
| 11.9 Fence and Wall Restrictions | 11-3 |
| 11.10 Yard Requirements for Multi-Family Dwellings | 11-3 |
| 11.11 Regulation of Agricultural Activities | 11-3 |
| 11.12 Exceptions to Height Regulations | 11-4 |
| 11.13 Architectural Projections | 11-4 |
| 11.14 Obstructions to Roadway Visibility | 11-4 |
| 11.15 Required Refuse Collection Areas | 11-4 |
| 11.16 Objectionable, Noxious, or Dangerous Uses, Practices, or Conditions | 11-5 |
| 11.17 Fireworks | 11-6 |
| 11.18 Assurance Requirements and Plans | 11-6 |
| 11.19 Enforcement Provisions | 11-6 |
| 11.20 Temporary Uses | 11-7 |
| 11.21 Landscaping and Screening Provisions | 11-8 |
| 11.22 Landscaping Mounds, Raised Beds & Other Earth Works | 11-9 |
| 11.23 Drainage | 11-10 |
| 12 - <u>OFF-STREET PARKING AND LOADING FACILITIES</u> | |
| 12.0 General | 12-1 |
| 12.1 Off-Street Parking Design Standards | 12-1 |
| 12.2 Determination of Required Spaces | 12-3 |
| 12.3 Joint or Collective Parking Facilities | 12-3 |
| 12.4 Off-Street Storage Areas for Drive-In Services | 12-4 |
| 12.5 Parking of Disabled Vehicles | 12-5 |
| 12.6 Parking Space Requirements | 12-5 |
| 12.7 Parking and Passenger Loading for Persons with Disabilities | 12-8 |
| 12.8 Elderly Housing Parking | 12-9 |
| 12.9 Off-Street Loading Space Requirements | 12-9 |
| 12.10 Off-Street Loading Design Standards | 12-10 |
| 13 - <u>SIGNS AND SIGNAGE</u> | |
| 13.0 Purpose | 13-1 |
| 13.1 Governmental Sign Excluded | 13-1 |
| 13.2 General Requirements | 13-1 |
| 13.3 Permit Required | 13-3 |
| 13.4 Measurement of Sign Area | 13-3 |
| 13.5 Signs Which are Permitted in all Districts and Which Do Not Require a Permit | 13-3 |
| 13.6 Signs Permitted in all Districts Which Require a Permit | 13-4 |
| 13.7 Limitation | 13-4 |
| 13.8 Signs Permitted in Commercial and Manufacturing Districts Requiring Permit | 13-4 |
| 13.9 Temporary Signs | 13-5 |

TABLE OF CONTENTS (Continued)

Instr: 200806110008348 06/11/2008
P: 9 of 153 F: \$100.00 4:05:53PM
Mona S Losh T20080015504
Allen County V: 2008 P: 08348

| ARTICLE | PAGE |
|--|-------------|
| 13 - <u>SIGNS AND SIGNAGE</u> (Continued) | |
| 13.10 Freestanding Signs | 13-5 |
| 13.11 Directional Signs | 13-6 |
| 13.12 Wall Signs Pertaining to Non-Conforming Uses | 13-6 |
| 13.13 Political Signs | 13-6 |
| 13.14 Sign Setback Requirements | 13-6 |
| 13.15 Increased Setback | 13-7 |
| 13.16 Setbacks for Off-Premises Signs | 13-7 |
| 13.17 Setbacks for Public and Quasipublic Signs | 13-7 |
| 13.18 Special Yard Provisions | 13-7 |
| 13.19 Maintenance | 13-7 |
| 13.20 Non-Conforming Signs and Structures | 13-7 |
| 13.21 Loss of Legal Non-Conforming Status | 13-8 |
| 13.22 Violations | 13-8 |
| 14 - <u>NON-CONFORMITIES</u> | |
| 14.0 Purpose | 14-1 |
| 14.1 Uses Under Conditional Use Provisions not Non-Conforming Uses | 14-1 |
| 14.2 Incompatibility of Non-Conformities | 14-1 |
| 14.3 Avoidance of Undue Hardship | 14-2 |
| 14.4 Certificates for Non-Conforming Uses | 14-2 |
| 14.5 Substitution of Non-Conforming Uses | 14-2 |
| 14.6 Single Non-Conforming Lots of Record | 14-3 |
| 14.7 Non-Conforming Lots of Record in Combination | 14-3 |
| 14.8 Non-Conforming Uses of Structures or of Structures and Land in Combination | 14-3 |
| 14.9 Termination of Non-Conforming Uses | 14-4 |
| 14.10 Termination of Use By Damage or Destruction | 14-5 |
| 14.11 Repairs and Maintenance | 14-5 |
| 15 - <u>PROCEDURES & REQUIREMENTS FOR CONDITIONAL USE PERMITS: SUBSTANTIALLY SIMILAR USES; ACCESSORY USES</u> | |
| 15.0 General | 15-1 |
| 15.1 Purpose | 15-1 |
| 15.2 Contents of Conditional Use Permit Application | 15-1 |
| 15.3 General Standards for All Conditional Uses | 15-2 |
| 15.4 Specific Criteria for Conditional Uses | 15-3 |
| 15.5 Public Hearing | 15-6 |
| 15.6 Notice of Public Hearing | 15-6 |
| 15.7 Notice to Parties of Interest | 15-6 |
| 15.8 Action by the Board of Zoning Appeals | 15-6 |
| 15.9 Supplementary Conditions and Safeguards | 15-7 |
| 15.10 Expiration of Conditional Use Permit | 15-7 |

TABLE OF CONTENTS (Continued)

Instr: 200806110008348 06/11/2008
P: 10 of 15F: \$100.00 4:05:53PM
Mona S Losh T20080015504
Allen County V: 2008 P: 08348

| <u>ARTICLE</u> | <u>PAGE</u> |
|--|-------------|
| 15 - <u>PROCEDURES & REQUIREMENTS FOR CONDITIONAL USE PERMITS: SUBSTANTIALLY SIMILAR USES; ACCESSORY USES</u> (Continued) | |
| 15.11 Procedure & Requirements to Determine That a Use is Substantially Similar | 15-7 |
| 15.12 Remedy by Application for Amendment | 15-8 |
| 15.13 Standards for Consideration of Substantially Similar Uses | 15-8 |
| 15.14 Effect of Determination that A Use is Substantially Similar | 15-8 |
| 15.15 Record of Substantially Similar Uses | 15-8 |
| 15.16 Regulation of Accessory Uses | 15-9 |
| 15.17 Purpose | 15-9 |
| 15.18 Definition | 15-9 |
| 15.19 General Requirements | 15-9 |
| 15.20 Accessory Buildings in Residential Districts - Without Main Building | 15-10 |
| 15.21 Accessory Uses In Residential Districts | 15-10 |
| 15.22 Dwellings as Accessory Uses | 15-10 |
| 15.23 Accessory Elderly Dwelling Unit | 15-11 |
| 15.24 Retail Sales and Services as Accessory Uses | 15-11 |
| 16 - <u>PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES</u> | |
| 16.0 General | 16-1 |
| 16.1 Appeals | 16-1 |
| 16.2 Stay of Proceedings | 16-1 |
| 16.3 Variances | 16-1 |
| 16.4 Application and Standards for Variances | 16-2 |
| 16.5 Additional Conditions and Safeguards | 16-3 |
| 16.6 Public Hearing by the Board of Zoning Appeals | 16-3 |
| 16.7 Notice of Public Hearing in Newspaper | 16-3 |
| 16.8 Notice to Parties in Interest | 16-3 |
| 16.9 Action by Board of Zoning Appeals | 16-3 |
| 16.10 Term of Variance | 16-4 |
| 16.11 Authorized Variances | 16-4 |
| 17 - <u>AMENDMENTS TO THE ZONING RESOLUTION AND/OR THE ZONING MAP</u> | |
| 17.0 General | 17-1 |
| 17.1 Purpose | 17-1 |
| 17.2 Initiation of Zoning Amendments | 17-1 |
| 17.3 Contents of Application for Zoning Map Amendment | 17-1 |
| 17.4 Contents of Application for Zoning Text Amendment | 17-2 |
| 17.5 Transmittal to Zoning Commission | 17-2 |
| 17.6 Public Hearing by Planning Commission | 17-2 |

TABLE OF CONTENTS
(Continued)

Instr: 200806110008348 06/11/2008
P: 11 of 15F: \$100.00 4:05:53PM
Mona S Losh T20080015504
Allen County V:2008 P:08346

ARTICLE

PAGE

| | |
|--|------|
| 17 - <u>AMENDMENTS TO THE ZONING RESOLUTION AND/OR THE ZONING MAP</u> (Continued) | |
| 17.7 Notice of Public Hearing in Newspaper | 17-3 |
| 17.8 Notice to Property Owners by Planning Commission | 17-3 |
| 17.9 Recommendation by Planning Commission | 17-3 |
| 17.10 Public Hearing by Village Council | 17-3 |
| 17.11 Action by the Village Council | 17-3 |
| 18 - <u>ADMINISTRATION</u> | |
| 18.0 Purpose | 18-1 |
| 18.1 General Provisions | 18-1 |
| 18.2 Zoning Inspector | 18-1 |
| 18.3 Responsibilities of Zoning Inspector | 18-1 |
| 18.4 Planning Commission | 18-2 |
| 18.5 Responsibilities of the Planning Commission | 18-3 |
| 18.6 Board of Zoning Appeals | 18-3 |
| 18.7 Responsibilities of the Board of Zoning Appeals | 18-3 |
| 18.8 Duties of the Zoning Administrator, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal | 18-4 |
| 18.9 Village Council | 18-4 |
| 18.10 Schedule of Fees | 18-4 |
| 19 - <u>ENFORCEMENT</u> | |
| 19.0 General | 19-1 |
| 19.1 Zoning Permits Required | 19-1 |
| 19.2 Contents of Application for Zoning Permit | 19-1 |
| 19.3 Approval of Zoning Permit | 19-2 |
| 19.4 Submission to Director of Transportation | 19-2 |
| 19.5 Expiration of Zoning Permit | 19-3 |
| 19.6 Record of Zoning Permits | 19-3 |
| 19.7 Failure to Obtain a Zoning Permit | 19-3 |
| 19.8 Construction and Use to be as Provided in Applications, Plans, and Permits | 19-3 |
| 19.9 Complaints Regarding Violation | 19-3 |
| 19.10 Entry and Inspection of Property | 19-3 |
| 19.11 Stop Work Order | 19-4 |
| 19.12 Zoning Permit Revocation | 19-4 |
| 19.13 Notice of Violation | 19-4 |
| 19.14 Penalties and Fines | 19-5 |
| 19.15 Additional Remedies | 19-5 |

TABLE OF CONTENTS
(Continued)



Instr: 200806110008348 06/11/2008
P: 12 of 15F: \$100.00 4:05:53PM
Mona S Losh T20080015504
Allen County V: 2008 P: 08348

ARTICLE

PAGE

APPENDIX A

| | |
|--|-----|
| Illustration A: Setback Dimensions | A-1 |
| Illustration B: Lot Types | A-2 |
| Illustration C: Odd Shaped Lot Examples | A-3 |
| Illustration D: Floodplain Cross-Section | A-4 |
| Illustration E: Accessible Parking Space Standards | A-5 |
| Illustration F: Determination of Slope | A-6 |
| Illustration G: Driveway Schematic | A-7 |
| Illustration H: Edge Clearance | A-8 |
| Illustration I: Sight Triangle Easement | A-9 |

ARTICLE 1

GENERAL PROVISIONS

Instr: 200806110008348 06/11/2008
P: 14 of 15F: \$100.00 4:05:53PM
Mona S Losh T20080015504
Allen County V:2008 P:08348

1.0 TITLE

This Ordinance shall be known and may be cited as the "Zoning Ordinance of the Village of Beaverdam," 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 Beaverdam; 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, ordinances, or resolutions, the most restrictive, or that imposing the higher standards, shall govern.

1.3 SEVERABILITY

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

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

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 structures 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.

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, preschool 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 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 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 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 by 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 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 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 the physical impairments are of a long-term duration and impede 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 nonself-propelled vehicle transportable in one or more sections which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three-hundred-twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a 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 comprised of wood, masonry, stone or wire mesh used for purposes of aesthetics, security or privacy. Fences are not subject to any set back regulations. Fences in front yards are limited to 42 inches in height if said fence is less than 50 percent open-faced fencing.

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 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 distributor parts;
- b. Tire servicing and repair, but not recapping or regrooving;
- c. Replacement of mufflers and tail pipes, water hoses, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease containers, wheel bearings, mirrors, and the like;
- 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 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 street, the average of the elevation of the sidewalks at the centers of all walls adjoining the streets.
- 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 Inspector.

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 pre-delinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six (6) or more residents, exclusive of staff. A Class I Type B group residential facility contains five (5) or less residents, exclusive of staff.
- 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 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, babysitting, tax consulting and the like shall not involve more than three 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 of the home for compensation, mainly for transients.

Hospital: An institution for surgical or medical care equipped for the overnight stay of sick, injured or infirm 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 are 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 4513.63 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 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 by 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) 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; (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 degrees (135°).

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.

Manufactured Home Park: Any lot upon which three (3) 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 which require larger sites, open storage and service areas, extensive services and facilities, ready access to regional transportation, and which 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 that are relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures and generate 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 of 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, 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 Inspector, 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 zoning 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 in a surfaced driveway which affords satisfactory ingress and egress.

Person: Person shall include an individual, partnership, corporation, club or association.

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 Beaverdam Planning Commission as established by Article (18.4) of this Ordinance as pursuant to the Ohio Revised Code or in such statute as may be hereafter amended.

Pond: A body of standing water greater than one and one-half (1½) feet in depth, typically artificially formed and not located within an enclosed structure.

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 713.12 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 other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

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

Public 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 has 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.

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.

Shall: The word "shall" as used in this Ordinance is always mandatory.

Sidewalk: That portion of the road right-of-way outside the roadway which is improved by 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 lights, 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; one-half (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.

Slaughterhouse: A slaughterhouse is a use or building arranged, used or devoted to the killing of animals.

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 industrial 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 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 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 one and one-half (1-1/2) 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.

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, 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 degree (180°) 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 operating dealing with the manufacture 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, channels, 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 Certificate: A permit issued by the Zoning Inspector stating that the occupancy of any use, 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.

Zoning Inspector: The Zoning Inspector of the Village of Beaverdam, Allen County, Ohio, or authorized representative.

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

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

ARTICLE 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 Beaverdam, County of Allen, State of Ohio:

- R-1 Residential District
- R-2 Residential 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 expansion.

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 of this Ordinance.

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 Except where references on the zoning map identify a street or alley line or other designated line by dimensions shown on said map, the district boundary lines follow lot lines or the center lines of streets or alleys as they existed at the time of the adoption of this Ordinance.

3.4.2 If the Village Planning Commission, in its consideration of determining the location of such line or lines, is unable to agree as to such location as hereinbefore provided, then the question of location shall be certified to Council, and such body shall determine the location of such separating line, by a simple majority of a quorum, and by resolution, which need not be published.

3.4.3 Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically, depending on the side or sides to which such lands revert, to include the right-of-way thus vacated, which shall thenceforth be subject to all regulations of the extended district or districts.

3.4.4 In every case where property has not been specifically included within a district, the same is hereby declared to be in the R-1 District. Territory annexed to or consolidated with the Village subsequent to the effective date of this ordinance shall, upon the effective date of such annexation or consolidation, become a part of the R-1 District. Such districting shall be temporary and the Commission shall recommend to the Council within a period of not to exceed one (1) year from such date of annexation or consolidation a final zoning district for the annexed territory; provided, however, that nothing shall prevent the Commission from recommending such final zoning map at the time of annexation or consolidation.

3.4.5 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.

3.4.6 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 MAP AMENDMENTS

Within thirty (30) days of the effective date of any change of a zoning district classification or boundary, the Zoning Inspector 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 resolution authorizing such change. The Official Zoning Map shall then be signed by the Chairman of the Planning Commission 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 density 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 Accessory buildings and uses subject to; and,
- 4.1.3 Church and other places of worship, including Sunday School building, but only provided the main building thereof be not less than fifty (50) feet from adjoining property lines.

4.2 CONDITIONAL USES - WITH APPROVAL BY THE BOARD OF ZONING APPEALS:

- 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 fifty (50) feet from any other lot line;
- 4.2.2 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 area of 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 10.7);
- 4.2.3 A tourist 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;

4.2.4 Funeral home; and,

4.2.5 Essential services.

4.3 MAXIMUM HEIGHT REGULATIONS WITHIN THE R-1 RESIDENTIAL DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

4.4 REQUIRED FLOOR AREA IN THE R-1 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

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

See "Official Schedule of District Regulations" Section 10.3.

4.6 REQUIRED YARD REGULATIONS WITHIN THE R-1 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

4.7 REQUIRED SETBACK REGULATIONS WITHIN THE R-1 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

ARTICLE 5

R-2 RESIDENTIAL DISTRICT

Instr: 200806110008348 06/11/2008
P: 42 of 15F: \$100.00 4:05:53PM
Mona S Losh T20080015504
Allen County V: 2008 P: 08348

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 Any permitted use established within the R-1 District;
- 5.1.2 Multiple family dwelling structures for occupancy by not more than two (2) families living independently of each other;
- 5.1.3 Church, school, library, 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

- 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 fifty (50) 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 10.7);

5.2.4 A tourist 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 10.3.

5.4 REQUIRED FLOOR AREA WITHIN THE R-2 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

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

See "Official Schedule of District Regulations" Section 10.3.

5.6 REQUIRED YARD REGULATIONS WITHIN THE R-2 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

5.7 REQUIRED SETBACK REGULATIONS WITHIN THE R-2 DISTRICT.

See "Official Schedule of District Regulations" Section 10.3.

ARTICLE 6

B-1 LOCAL BUSINESS DISTRICT

6.0 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 with 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:

6.1 USES PERMITTED IN THE B-1 BUSINESS DISTRICT:

- 6.1.1 Business and Professional Offices: Banks, savings and loan institutions, public utility offices, insurance offices, office buildings, trade associations, tax consultants, medical and dental office clinics, law, architectural, engineering, accounting, clerical and other professional offices;
- 6.1.2 Food, Drug and Beverages: Grocery stores, supermarkets, meat markets, fish markets, bakeries (in conjunction with retail sales), frozen food locker facilities, delicatessens, enclosed restaurant and ice cream parlors;
- 6.1.3 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;
- 6.1.4 Service and Recreation: 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 and nonflammable fluids, dry cleaning establishments using nonflammable cleaning agents, retail printing shops, funeral homes or mortuaries, hospital, radio or television studios, bowling alleys, assembly halls, enclosed theater or recreation facilities (pursuant to the provisions of Article 10);
- 6.1.5 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;
- 6.1.6 Rest homes, nursing homes, and children's nurseries; and,
- 6.1.7 Essential services.

6.2 CONDITIONAL USES - WITH APPROVAL BY THE BOARD OF ZONING APPEALS:

- 6.2.1 Multi-Family (4+ units) Residential Structures;
- 6.2.2 Commercial storage facilities including garages;
- 6.2.3 Commercial parking lots;
- 6.2.4 Any business facility engaged in the distribution of both retail and wholesale industrial products; and,
- 6.2.5 Hotels, motels and motor lodges.

6.3 REQUIRED LOT AREA AND FRONTAGE WITHIN THE B-1 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

6.4 BUILDING HEIGHT REGULATION WITHIN THE B-1 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

6.5 REQUIRED YARD REGULATIONS WITHIN THE B-1 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

6.6 REQUIRED SETBACK REGULATION WITHIN THE B-1 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

6.7 LANDSCAPING OR SCREENING PROVISIONS

For non-residential uses abutting an R-District, well maintained strips of ground with 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.

6.8 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, fumé, noise, vibration, refuse matter or water-carried waste, and must comply with the performance standards of this Ordinance.

ARTICLE 7

B-2 GENERAL BUSINESS DISTRICT

7.0 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.

7.1 USES PERMITTED IN THE B-2 DISTRICT

- 7.1.1 Any permitted use within the B-1 District;
- 7.1.2 Bookbinding and upholstering shops;
- 7.1.3 Bottling works, plumbing heating and cooling, electrical, concrete masonry, building material establishments (providing no assembly, construction, millwork or concrete block manufacture is done on premises);
- 7.1.4 Veterinary hospital for small animals;
- 7.1.5 Sale at retail of any industrial product, including the repair or maintenance of equipment or facilities used in any residential or industrial connection;
- 7.1.6 Automotive and Related Uses: Automobile sales rooms, farm implement sales and related repair garages, automobile repair garages, customer parking lots associated with a business establishment, motorcycle and bicycle sales and repair shops, motor bus and cab terminals, gasoline service stations, provided all volatile products are stored underground;
- 7.1.7 Accessory Uses or Buildings: Accessory buildings and uses customarily incidental to the above listed uses;
- 7.1.8 Adult Entertainment Business (subject to the provisions of Article 10); and,
- 7.1.9 Essential services.

7.2 CONDITIONAL USES - WITH APPROVAL BY THE BOARD OF ZONING APPEALS:

- 7.2.1 Commercial storage facilities including garages;
- 7.2.2 Commercial parking lots or truck terminals;

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

7.2.4 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,

7.2.5 Amusement arcades and adult entertainment businesses (pursuant to the provisions of Article 10 and 11).

7.3 REQUIRED LOT AREA AND FRONTAGE WITHIN THE B-2 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

7.4 BUILDING HEIGHT REGULATION IN THE B-2 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

7.5 REQUIRED YARD REGULATIONS WITHIN THE B-2 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

7.6 REQUIRED SETBACK REGULATION WITHIN THE B-2 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

7.7 LANDSCAPING OR SCREENING PROVISIONS

For non-residential uses abutting an R-District, well maintained strips of ground with 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.

7.8 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 8

M-1 LIGHT MANUFACTURING DISTRICT

8.0 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; 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.

8.1 USES PERMITTED IN THE M-1 MANUFACTURING DISTRICT:

- 8.1.1 Any permitted use established within the B-2 District;
- 8.1.2 Storage in bulk or warehouse for commodities such as building materials, contractors equipment, clothing fibers, 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;
- 8.1.3 Laundry or dry cleaning plants and facilities;
- 8.1.4 Commercial printing or publishing establishments;
- 8.1.5 Cold storage plants, brewery, milk bottling, ice plants and storage, central distribution, wholesaling, or processing plants;
- 8.1.6 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;
- 8.1.7 Lumber yards with planing mills;
- 8.1.8 Administrative, engineering, scientific research, design or experimentation facilities, assaying of ore by laboratory methods, and such processing and fabrication as may be necessary thereto;
- 8.1.9 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;

8.1.10 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; and,

8.1.11 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; and, light metal products.

8.2 CONDITIONAL USES - WITH APPROVAL BY THE BOARD OF ZONING APPEALS:

8.2.1 Essential services; and,

8.2.2 Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibration, or noise detectable at the lot line.

8.3 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.

8.4 REQUIRED LOT AREA WITHIN THE M-1 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

8.5 BUILDING HEIGHT REGULATION WITHIN THE M-1 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

8.6 REQUIRED YARD REGULATIONS WITHIN THE M-1 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

8.7 REQUIRED SETBACK REGULATION WITH THE M-1 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

8.8 LANDSCAPING AND SCREENING PROVISIONS

For M-1 Manufacturing uses abutting an R-District, well maintained strips of ground with acceptable 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.

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, fumes, noise, vibration, refuse matter or water-carried waste and must comply with the performance standards of this Ordinance.

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

See "Official Schedule of District Regulations" Section 10.3.

9.5 BUILDING HEIGHT REGULATION WITHIN THE M-2 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

9.6 REQUIRED YARD REGULATIONS WITHIN THE M-2 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

9.7 REQUIRED SETBACK REGULATION WITHIN THE M-2 DISTRICT

See "Official Schedule of District Regulations" Section 10.3.

9.8 LANDSCAPING AND SCREENING PROVISIONS

For non-residential uses abutting an R-District, well maintained strips of ground with acceptable landscaping or 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.

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 cinders, gas, fumes, and refuse matter or water-carried waste, and must comply with the performance standards of this Ordinance.

ARTICLE 10

REGULATIONS FOR SPECIFIC DISTRICTS, ACTIVITIES, USES AND STRUCTURES

10.0 PURPOSE

It is the purpose of the regulations contained within Article 10 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.

10.1 REGULATION OF MANUFACTURED HOME PARKS

The provision of Sections 10.1.1 through 10.1.6 inclusive, provide for the location and regulation of Manufactured Home Parks as herein described.

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

10.1.2 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 include 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 nonself-propelled vehicle transportable in one (1) or more sections, which in 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 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

which includes plumbing, heating, air conditioning, and electrical systems contained therein.

10.1.3 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 10.1.3 through 10.1.6 inclusive. The procedure to amend the Official Zoning Map to establish the MHP District shall be that procedure for amendments specified in Article 17.

10.1.4 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.

10.1.5 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 of ten (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 11.20;
- e. Shall provide a minimum of one thousand fifty (1,050) square footage;
- 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.

10.1.6 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.

10.2 COMPLIANCE WITH THE OFFICIAL SCHEDULE OF DISTRICT 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:

- 10.2.1 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.
- 10.2.2 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,



Instr: 200806110008348 06/11/2008
P: 55 of 15F: \$100.00 4:05:53PM
Mona S Losh T20080015504
Allen County V:2008 P:08348

- 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.
- 10.2.3 No yard or lot existing at the time of the passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements set forth herein.
- 10.2.4 District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be part of this Ordinance.

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

| Zoning District | Minimum Zoning Lot Size | | Maximum Height of Structure In Feet | Minimum Yard Set Back (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 | |
| R-1 Residential District: Single Family Single Family | 7,500 | 50 | 35 | a | 5 | 10 | 1,300 |
| | 7,500 | 50 | 35 | a | 5 | 10 | 1,600 |
| R-2 Residential District: Single Family Single Family Multi-Family (2 units) Multi-Family (2 units) | 7,500 | 50 | 35 | a | 5 | 10 | 1,300 |
| | 7,500 | 50 | 35 | a | 5 | 10 | 1,600 |
| | 7,500 | 80 | 35 | a | 10 | 20 | 1,000 |
| | 7,500 | 80 | 35 | a | 12 | 25 | 1,300 |

Legend:

- a. - A minimum of 35 feet or as established by the zoning inspector and based on the present and existing setbacks.
- b. - Except 50 feet where abutting a residential district.
- c. - Except where a side yard abuts a residential district in which case a side yard of 75 feet shall be provided.
- d. - Development must meet approval of local and state agencies prior to submission to village government.
- e. - Development must meet district regulations established for use.
- f. - Excluding garages and sheds.

Instr: 200806110008348 06/11/2008
P: 56 of 15F: \$100.00 4:05:53PM
Mona S Losh T20080015504
Allen County V: 2008 P: 08348

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

| Zoning District | Minimum Zoning Lot Size Per Unit | | Maximum Height of Structure in Feet | Minimum Yard Set Back (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 | |
| B-1 Business District: Commercial | 7,500 | 50 | 35 | a | -- | -- | 25(f) | -- |
| B-2 General Business District: Commercial | 7,500 | 50 | 35 | a | -- | -- | 25(f) | -- |

Legend:

- a. - A minimum of 35 feet or as established by the zoning inspector and based on the present and existing setbacks.
- b. - Except 50 feet where abutting a residential district.
- c. - Except where a side yard abuts a residential district in which case a side yard of 75 feet shall be provided.
- d. - Development must meet approval of local and state agencies prior to submission to village government.
- e. - Development must meet district regulations established for use.
- f. - Excluding garages and sheds.

Instr: 200806110008348 06/11/2008
P: 57 of 15F: \$100.00 4:05:53PM
Mona S Losh T20080015504
Allen County V:2008 P:08348

OFFICIAL SCHEDULE OF DISTRICT REGULATIONS

| Zoning District | Minimum Zoning Lot Size Per Unit | | Maximum Height of Structure In Feet | Minimum Yard Set Back (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 | |
| M-1 Manufacturing District: Commercial Manufacturing | 20,000 | 100 | 50 | 50 | 25(c) | -- | 20(b) | -- |
| | 20,000 | 175 | 50 | 50 | 25(c) | -- | 20(b) | -- |
| M-2 Manufacturing District: Commercial Manufacturing | 20,000 | 175 | 50 | 50 | 25(c) | -- | 25(b) | -- |
| | 20,000 | 175 | 50 | 50 | 25(c) | -- | 25(b) | -- |
| MHP - Manufactured Home Park District: | 435,000 | 175 | 30 | 90(e) | 25(d) | -- | 25(b) | 1,050 |

Legend:

- a. - A minimum of 35 feet or as established by the zoning inspector and based on the present and existing setbacks.
- b. - Except 50 feet where abutting a residential district.
- c. - Except where a side yard abuts a residential district in which case a side yard of 75 feet shall be provided.
- d. - Development must meet approval of local and state agencies prior to submission to village government.
- e. - Development must meet district regulations established for use.
- f. - Excluding garages and sheds.

10.3 REGULATION OF AMUSEMENT ARCADES

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

10.3.1 The purpose of Sections 10.3.1 through 10.3.9, 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;

10.3.2 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 such person's own place of business, irrespective of the ownership of such device.



Instr: 200806110008348 06/11/2008
P: 60 of 15F: \$100.00 4:05:53PM
Mona S Losh T20080015504
Allen County V:2008 P:08348

10.3.3 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 15 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 18 years of age or older on the premises and supervising the amusement arcade at all times during its hours of operation;
- c. The interior of the amusement arcades 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 devices 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.

10.3.4 Zoning of Amusement Arcades

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

- a. B-1 Business District; and,
- b. B-2 Business District.

10.3.5 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.

10.3.6 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 electronically 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 carrouseis. Violation of this provision shall be a minor misdemeanor.

10.4 REGULATION OF ADULT ENTERTAINMENT BUSINESS

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

10.4.1 The purpose of Sections 10.4.1 through 10.4.4, 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 of Beaverdam.

10.4.2 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.

10.4.3 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 18 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 two-thousand-five-hundred (2,500) feet of another adult entertainment business;
- c. No adult entertainment business shall be permitted in a location which is within two-thousand-five-hundred (2,500) 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 two-thousand-five-hundred (2,500) 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 two-thousand-five-hundred (2,500) feet of any boundary of any residential district in a local unit of government abutting the Village of Beaverdam.

10.4.4 Zoning of Adult Entertainment Business

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

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

10.5 REGULATION OF MASSAGE ESTABLISHMENTS

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

10.5.1 The purpose of Sections 10.5.1 through 10.5.4, 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 of Beaverdam.

10.5.2 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 certified individual who performs massages at a massage establishment;

"Out-Call Massage Service" means any business of which the function 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 receive 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.

10.5.3 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 4721.16 of the Ohio Revised Code or in such statute as it may hereafter be amended or 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.

10.5.4 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.

10.5.5 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 15 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.

10.5.6 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 | B-2 Business District, M-1 Manufacturing District |

10.6 REGULATION OF CUSTOMARY HOME OCCUPATIONS

Sections 10.6.1 through 10.6.5, inclusive, shall apply to the location, operation, and maintenance of home occupations.

10.6.1 It is the purpose of Sections 10.6.1 through 10.6.5, 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 allow limited non-residential uses in residential structures which are compatible with the residential character of their surroundings.

10.6.2 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.

10.6.3 Home Occupation As A Permitted Use

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

- The external appearance of the structure in which the use is conducted shall not be altered, and not more than one (1) sign not larger than two (2) square feet shall be mounted flush to a wall of the structure;
- 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, no display of products can be visible from the street;
- d. Not more than twenty-five (25) percent 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. No additional parking demand shall be created; and,
- g. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer.

10.7 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.

- 10.7.1 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.
- 10.7.2 Under no conditions, in Residential Districts, shall the size of a compost pile exceed two-hundred-fifty-six (256) cubic feet or be more than 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.

10.8 REGULATION OF ACTIVITIES ASSOCIATED WITH THE EXTRACTION OF NATURAL RESOURCES

- 10.8.1 General Requirements: Any owner, lessee or other person, firm or corporation having an interest in mineral lands in any District may file with the Board of Zoning Appeals an application for authorization to mine minerals therefrom, provided, however, that said owner shall comply with all requirements of the District in which said property is located, and with the following additional requirements:
 - a. Distance from Property Lines: No quarrying operation shall be carried on or any stock pile placed closer than fifty (50) feet to any property line unless a greater distance is deemed necessary for the

protection of adjacent property; provided that this distance requirement may be reduced to twenty-five (25) feet by written consent of the owner or owners of the abutting property;

- b. Distance from Public Right-of-Way: In the event that the site of the mining or quarrying operations is adjacent to the right-of-way of any public street or road, no part of such operation shall take place closer than twenty-five (25) feet to the nearest line of such right-of-way;
 - c. Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Board of Zoning Appeals such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Board of Zoning Appeals;
 - d. Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment; and,
 - e. Processing: The crushing, washing and refining or other similar processing may be authorized by the Board of Zoning Appeals as an accessory use, provided that such accessory processing shall not be in conflict with the use regulations or the District in which the operation is located.
- 10.8.2 Applicant - Financial Ability: In accepting such plan for review, the Commission must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with the plans and specifications submitted.
- 10.8.3 Application - Contents, Procedure: An application for such operation shall set forth the following information:
- a. Name of the owner or owners of land from which removal is to be made;
 - b. Name of applicant making request for such permit;
 - c. Name of the person or corporation conducting the actual removal operation;
 - d. Location, description and size of the area from which removal is to be made;
 - e. Location of processing plant used;
 - f. Type of resources or materials to be removed;

- g. Proposed method of removal and whether or not blasting or other use of explosives will be required;
- h. Description of equipment to be used; and,
- i. Method of rehabilitation and reclamation of the mined area.

10.8.4 Public Hearing: Upon receipt of such application, the Commission shall set the matter for a public hearing following the procedures as shown in Article 17.

10.8.5 Rehabilitation: To guarantee the restoration, rehabilitation, and reclamation of mine-out area, every applicant granted a mining permit as herein provided shall furnish a performance bond in an amount of not less than \$1,000 and not more than \$10,000 as a guarantee that such applicant, in restoring, reclaiming and rehabilitating such land shall, within a reasonable time and to the satisfaction of the Commission, meet the following minimum requirements:

a. Surface Rehabilitation: All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, nonflammable and noncombustionable solids, or ensure:

- (1) that the excavated area shall not collect and permit to remain therein stagnant water; or,
- (2) that the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof - so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area.

b. Vegetation: Vegetation shall be restored by appropriate seeds of grasses or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinabove provided; and,

c. Banks of Excavations not Backfilled: The banks of all excavations not backfilled shall be sloped to the waterline at a slope not less than three (3) feet horizontal to one (1) foot vertical and said bank shall be seeded.

10.8.6 Additional Requirements: In addition to the foregoing, the Commission may impose such other conditions, requirements or limitations concerning the nature, extent of the use and operation of such mines, quarries or gravel pits as the Commission may deem necessary for the protection of adjacent properties and the public interest. The said conditions and the amount of the performance bond shall be determined by the Commission prior to issuance of the permit.

- 10.8.7 Compliance with all applicable laws of the State of Ohio.
- 10.8.8 Gas and Oil Wells: In any and all districts, a well may be drilled for the exploration for or production of natural oil or gas only after or when the following conditions have been complied with:
- a. Compliance with all applicable laws of the State of Ohio; and,
 - b. No tanks or reservoirs erected or intended for the storage of petroleum products shall be located within fifty (50) feet of any public right-of-way nor within one-hundred (100) feet of a residential lot line.

10.9 REGULATION OF SWIMMING POOLS AS ACCESSORY USES

Sections 10.9.1 through 10.9.3, inclusive, shall apply to the location and maintenance of swimming pools.

- 10.9.1 It is the purpose of Sections 10.9.1 through 10.9.3, 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.

10.9.2 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 three (3) feet to any property line or easement; 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 four (4) feet in height, and it shall be maintained in good condition with a gate and lock.

10.9.3 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 or adjacent properties. The said fence or wall shall not be 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.

10.10 REGULATION OF GROUP RESIDENTIAL FACILITIES

Sections 10.10.1 through 10.10.6, inclusive, shall apply to the location, operation, and maintenance of group residential facilities.

10.10.1 It is the purpose of Sections 10.10.1 through 10.10.6, 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.

10.10.2 "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 pre-delinquent 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;

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.

10.10.3 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 15 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, to include a structured procedure where by 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.

10.10.4 Zoning of Group Residential Facilities

Group residential facilities shall be conditionally permitted uses as follows:

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

10.10.5 Variance to Distancing Requirement

The Board of Zoning Appeals may grant a variance with respect to the distancing requirement contained in Section 10.9.3(e) if the applicant clearly demonstrated that the proposed location has unique advantages with respect to proximity to employment opportunities, social services, public transportation, or similar amenities.

10.10.6 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.

10.11 REGULATION OF FACTORY-BUILT HOUSING: DESIGN AND APPEARANCE STANDARDS

10.11.1 It is the purpose of Sections 10.11.1 through 10.11.5, 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.

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

- a. **Manufactured Home:** Any nonself-propelled vehicle transportable in one (1) or more sections, which in traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length, or when erected on site is three hundred twenty (320) or more square feet 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 which includes 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 Ohio Basic Building Code (OBBC), the State Building Code as applicable to modular housing. Once certified, modular homes shall be subject to the same standards as site-built homes; and,
- 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.

10.11.3 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 this Ordinance.

10.11.4 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 10.11.5 shall be permitted accordingly.

10.11.5 Single-Family Design and Appearance Standards

Single-family residential homes (modular, manufactured, or site-built construction) shall be permitted in all residential districts when they 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 asbestos shingles;
- c. The structure shall be serviced by at least two (2) entry doors;
- d. 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 the siting and immediately thereafter verified by the Zoning Administrator; and,

- e. The structure and any accessory structures or uses will conform to all other regulations in effect for the district in which it is located.

10.12 REGULATION OF PLANNED UNIT DEVELOPMENTS

Village officials concerned with property development shall take into account that it is increasingly difficult to forecast the various conditions and factors that may be encountered in sizable developments, and that certain latitude, flexibility and freedom in the execution of the design and layout of a project should be suggested or otherwise permitted by the Village so as to encourage and provide amenities which are unique to the community. The purpose of a Planned Unit Development is to allow for a maximum choice of living environments by allowing: a variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements; a more useful pattern of open space and recreation areas and, if permitted, as part of the project, more convenience in the location of accessory commercial uses and services; a development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns; a more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets; a development pattern in harmony with land use density, transportation facilities, community facilities and objectives of the Village Comprehensive Plan.

- 10.12.1 Planned Unit Developments (PUD's) may be residential, commercial or industrial developments, or any combination thereof. The minimum site area for a residential development shall be ten (10) acres, for a commercial development five (5) acres, and for an industrial development thirty (30) acres. In combination developments, the amount of land devoted to commercial usage shall not exceed eight percent (8%) of the total land area. Not more than twelve percent (12%) of the total land area shall be devoted to industrial activities.

Residential PUD's may be developed subject to the following provisions:

- a. Lot area per dwelling unit may be reduced to not less than seventy percent (70%) of the minimum lot area required in the R-2 District. A diversification of lot sizes is encouraged;
- b. Lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied;
- c. Every property developed under the PUD approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encouraged. In areas where town houses are used there shall be no more than eight (8) town house units in any contiguous group;

- d. A minimum of twenty percent (20%) of the land developed in any PUD project shall be reserved for common open space and recreational facilities for the residents or uses of the area being developed;
- e. The required amount of common open space land reserved under a planned unit development shall be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development and retained as common open space for parks, recreation and related uses. All land must meet the Commission's requirement as to size, shape and location;
- f. Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is useable as a trail or other similar purpose and approved by the Commission; and,
- g. The responsibility for the maintenance of all open space shall be specified by the developer before approval of the final development plan.

10.12.2 A PUD plan shall be submitted to the Commission and be referred to the Village Council for their review prior to any public hearing.

- a. In order for the Commission to determine that the PUD meets all requirements, the developer shall furnish a preliminary plan for the entire tract showing: general lot layout, existing building locations and general land use areas; proposed traffic circulation, projected traffic impact, parking areas, common open space areas, pedestrian walks and landscaping; and, the proposed construction sequence for buildings, parking spaces and landscaped areas. Such plans shall be reviewed in conjunction with existing subdivision regulations and comprehensive plans for compatibility;
- b. The owner/developer shall submit a final development plan to the Commission for review, together with the application for a change of district classification, once the preliminary plan has been approved by the Commission. The development plan shall be prepared by an architect, landscape architect, engineer or planning consultant, and shall include the following information: survey of the property, showing existing features of the property, including contours, buildings, structures, trees over four (4) inches in trunk diameter, streets, utility easements, rights-of-way and land use; site plan showing proposed building locations and land use areas, circulation, park areas, open space areas and pedestrian walks; landscaping plans, including site grading and landscape design; preliminary drawings for buildings to be constructed in the current phase, including floor plans, exterior elevations and sections;

preliminary engineering plans, including street improvements, drainage system and public utility extensions; engineering feasibility studies of the anticipated problems which might arise due to the proposed development as required by the Commission; construction sequence and time schedule for completion of each phase for buildings, parking space and landscaped areas; the development plan shall be in general conformance with the approved preliminary development plan. Approval shall be secured by the owner for each phase of the development. Such approval shall be valid for three years, at which time, unless the proposed development has been completed, the development plan approval shall expire; and,

- c. The Commission, after determining that all the requirements of the Ordinance dealing with PUD Districts have been met, shall recommend the approval, approval with modifications, or disapproval of the development plan. The Commission shall enter its reasons for such action in its record. The Commission may recommend the establishment of a PUD District provided that they find the facts submitted with the development plan establish that: the uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under any other district; any exception from the Zoning Ordinance requirements is warranted by the design and amenities incorporated in the development plan; land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in use; the proposed change to a PUD District is in conformance with the general intent of the Village Comprehensive Plan; existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed District and in the vicinity of the proposed District; existing and proposed utility services are adequate for the proposed development; each phase of the proposed development, as it is proposed to be completed contains the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and suitable environment; the proposed District and all proposed buildings, parking spaces and landscape and utility areas can be completely developed within five years of the establishment of the district; and, that height restrictions shall not exceed fifty (50) feet.

- 10.12.3 Following the recommendation of the Zoning Commission and a public hearing, the Village Council may approve, approve with modification or disapprove the plan consistent with the intent and meaning of this ordinance; and, if the plan is approved, may re-zone the property to the PUD classification in conformity with the final plan as approved by the Commission. After the final development plan has been approved by the Village Council and in carrying out this plan, adjustment or

rearrangements of buildings, parking areas, entrances, heights or yards may be requested by the proponents, and provided such requests conform to the standards established by the final development plan and this Ordinance, such adjustments or rearrangements may be authorized by the Commission. Planned Unit Developments shall be encouraged, but they shall conform to the regulations of this Ordinance or to the following modifications of the regulations found elsewhere in this Ordinance.

10.13 REGULATORY PERFORMANCE STANDARDS

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition unless the following performance standards are observed:

- 10.13.1 Fire Hazards: Any activity involving the use of flammable or explosive materials shall be protected by adequate fire fighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
- 10.13.2 Radioactivity or Electrical Disturbances: No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- 10.13.3 Noise: Noise which is objectionable as determined by the Board due to volume, frequency or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- 10.13.4 Vibration: No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- 10.13.5 Air Pollution: Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.
- 10.13.6 Glare: No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.
- 10.13.7 Erosion: No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- 10.13.8 Water Pollution: Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

10.13.9 Transmission Towers, Masts & Aerials: Such structures shall not exceed seventy (70) feet above grade level without approval of the Board of Zoning Appeals.

ARTICLE 11

SUPPLEMENTARY DISTRICT REGULATIONS

11.0 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.

11.1 CONVERSION OF DWELLING TO MORE THAN ONE UNIT

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

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

11.2 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 14.0 through 14.11 of this Ordinance.

11.3 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.

11.4 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 channels within the easement. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility is responsible.

11.5 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.

11.6 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.

11.7 SUPPLEMENTAL YARD AND HEIGHT REGULATIONS

In addition to the regulations specified in Article 11 and in other sections of this Ordinance, Section 11.8 through 11.13, inclusive, shall be used for clarification and interpretation.

11.8 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.

11.9 FENCE AND WALL RESTRICTIONS

All fences and walls 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:

- 11.9.1 Fencing constructed around swimming pools will comply with Section 10.11 of this Ordinance;
- 11.9.2 Fencing around commercial or industrial properties may exceed the six (6) feet height limitation;
- 11.9.3 Fences constructed as screens for privacy around patios may exceed the six (6) feet height limitations with a variance from the Board of Zoning Appeals;
- 11.9.4 No fence shall be erected nearer the street than the rear of the house abutting same and shall not be located so as to extend in front of any residence on the lot or lots adjacent thereto; and,
- 11.9.5 In any required front yard, no fence or wall shall be permitted above the height of four (4) feet, and no structure, hedge or other vegetation shall be permitted on the street right-of-way.

11.10 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.

11.11 REGULATION OF AGRICULTURAL ACTIVITIES

Land in any district may be used for "limited agricultural" purposes, except those lots five (5) acres or less located in any Residential District. Such "limited

agricultural" shall only include cereal crops, pasturage, horticulture, forestry, floriculture, and viticulture. Restrictions in residential lots of one (1) acre or less shall not pertain to suitable landscaping and non-commercial flower and vegetable gardening activities.

11.12 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.

11.13 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.

11.14 OBSTRUCTIONS TO ROADWAY VISIBILITY

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

11.14.1 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 (2½) 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 sixty-five (65) feet from the edge of roadway pavement; and,

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

11.15 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 Inspector. In addition, the following requirements shall be met:

- 11.15.1 The storage of hazardous or toxic materials or wastes shall not be permitted without documented approval of the Ohio Environmental Protection Agency;
- 11.15.2 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,
- 11.15.3 Storage areas in residential districts shall utilize such additional screening as required in this Ordinance.

11.16 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 any time:

- 11.16.1 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;
- 11.16.2 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;
- 11.16.3 Radioactivity or air pollution present in violation of the regulations of the Ohio Environmental Protection Agency;
- 11.16.4 Hazardous wastes present in violation of the regulations of the Ohio Environmental Protection Agency;

- 11.16.5 Objectionable noise as determined by the Zoning Inspector due to volume, frequency or beat;
- 11.16.6 Vibration discernible by the Zoning Inspector without instruments present on an adjoining lot or property;
- 11.16.7 Direct or reflected glare which is visible from any street or from any property not within a manufacturing district;
- 11.16.8 Erosion caused by wind or water carrying objectionable substances onto any adjacent lot or property; or,
- 11.16.9 Water pollution or contamination present in violation of the regulation of the Ohio Environmental Protection Agency.

11.17 FIREWORKS

No person shall possess at any location other than his principal place of residence, any fireworks as defined herein, nor shall any person possess for sale at wholesale or retail; or, sell at retail, or discharge, ignite or explode any fireworks, as defined herein, within the Village except as provided in Section 1519.02 of the Ohio Revised Code.

"Fireworks" means any combustible or explosive compositions, or any substance or combination of substances or articles prepared for the purpose of producing a visible or audible effect by combustion, explosion, deflagration or detonation, but shall not mean or include toy pistols, toy cannons, toy guns or other compounds that are used provided they are so constructed that the hand cannot come in contact with the cap when in place for the explosion, or toy pistol paper or plastic caps which contain less than 0.20 grains of explosive mixture.

No person shall sell or give fireworks of any kind to children under the age of eighteen years.

11.18 ASSURANCE REQUIREMENTS AND PLANS

Prior to the issuance of a Zoning Permit, the Zoning Inspector 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.

11.19 ENFORCEMENT PROVISIONS

Any occupancy, use, conditions or circumstances existing in violation of Section 11.16 and 11.18 of this Ordinance shall constitute a violation of this Ordinance and be subject to the enforcement procedures contained in this Ordinance.

11.20 TEMPORARY USES

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring temporary zoning permits, at least seven (7) days before the instigation of such use, an application for a Zoning Permit shall be made to the Zoning Inspector, 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:

- 11.20.1 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 (6) 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;
- 11.20.2 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;
- 11.20.3 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 Inspector shall not issue a permit for such temporary use if it is determined that it encroaches upon more than twenty-five percent (25%) of the required parking area;
- 11.20.4 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 authorizing 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,

- 11.20.5 Garage sales, which for the purposes of this section shall include yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings are permitted. Any individual or family may conduct four (4) such sales within any twelve (12) month period upon the property at which they reside for a period not to exceed three (3) consecutive days without obtaining a zoning permit, so long as the provisions of this Ordinance pertaining to signs and parking are observed. Garage sale permits shall only be issued to groups of families, neighborhood organizations and community organizations four (4) times within any twelve (12) month period and shall not exceed a period of three (3) consecutive days so long as the provisions of this Ordinance pertain to signs and parking are observed.

11.21 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 15 of this Ordinance. The following provisions shall apply with respect to screening.

- 11.21.1 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.
- 11.21.2 Screening may 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.

11.21.3 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 not be greater than two and one-half (2½) 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.

11.21.4 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;

11.21.5 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,

11.21.6 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.

11.22 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 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 Inspector has determined that adequate provision is made to retain runoff and eliminate the negative consequences of standing water.

11.23 DRAINAGE

Drainage criteria for all construction on lots in Village of Beaverdam 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 12

OFF-STREET PARKING AND LOADING FACILITIES

12.0 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 12.0 through 12.10 if 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 Inspector 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.

12.1 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:

- 12.1.1 **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;
- 12.1.2 **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.
- 12.1.3 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;
- 12.1.4 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 11.21 of this Ordinance;
- 12.1.5 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;
- 12.1.6 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 11.23.
- 12.1.7 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;
- 12.1.8 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;

- 12.1.9 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 Inspector, and shall be maintained in a clearly visible condition;
- 12.1.10 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;
- 12.1.11 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,
- 12.1.12 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.

12.2 DETERMINATION OF REQUIRED SPACES

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

- 12.2.1 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;
- 12.2.2 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.
- 12.2.3 Fractional numbers shall be increased to the next whole number; and,
- 12.2.4 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 15.11 through 15.15 inclusive, of this Ordinance.

12.3 JOINT OR COLLECTIVE PARKING FACILITIES

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

- 12.3.1 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;
- 12.3.2 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,
- 12.3.3 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.

12.4 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:

- 12.4.1 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;
- 12.4.2 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;
- 12.4.3 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 per entrance; and,
- 12.4.4 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.

12.5 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.

12.6 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 15.12 through 15.15 of this Ordinance:

12.6.1 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.

12.6.2 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 Stations - One (1) for each four-hundred (400) square feet of floor area and one (1) for each employee;
- c. Motor Vehicle Salesrooms - One (1) 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 Homes - 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.

12.6.3 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) person capacity;
- g. Private Clubs and Lodges - One (1) for each ten (10) members; and,
- h. Tennis Facilities, Racquetball Facilities or Similar Uses - Two for each playing area, one (1) for each employee, and one (1) for each one hundred (100) square feet of other activity area.

12.6.4 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. Hospitals - 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.

12.6.5 Various Educational Institutions (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. Businesses, Technical Institutions, Trade Schools or Colleges - One (1) for each four (4) students; and,
- d. Child Care Centers, Nursery Schools, and Similar Uses - Four (4) for each classroom.

12.6.6 Various Manufacturing Uses Shall Require:

- a. 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.

12.7 PARKING AND PASSENGER LOADING FOR PERSONS WITH DISABILITIES

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

- 12.7.1 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;
- 12.7.2 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;

12.7.3 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 |

12.7.4 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;

12.7.5 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 sloped not exceeding 1:50 in all directions; and,

12.7.6 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.

12.8 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 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 ingress/egress for parking purposes, should additional parking spaces be deemed necessary by the Board of Zoning Appeals, subsequently thereafter.

12.9 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 similar, 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.

12.10 OFF-STREET LOADING DESIGN STANDARDS

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

- 12.10.1 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;
- 12.10.2 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;
- 12.10.3 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 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;
- 12.10.4 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,
- 12.10.5 Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

ARTICLE 13

SIGNS AND SIGNAGE

13.0 PURPOSE

The purpose of this Article is to encourage the effective use of signs as a means of communication within 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.

13.1 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.

13.2 GENERAL REQUIREMENTS

- 13.2.1 All signs, with the exception of garage sale signs and political signs, shall be permitted only on the property or lot on which the use or activity they identify are located;
- 13.2.2 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;
- 13.2.3 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;
- 13.2.4 All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall require a state electrical permit;

- 13.2.5 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;
- 13.2.6 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;
- 13.2.7 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;
- 13.2.8 No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of various uses of property;
- 13.2.9 Should any sign become unsafe, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Zoning Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign within thirty (30) days;
- 13.2.10 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;
- 13.2.11 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;
- 13.2.12 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 13.3 herein;
- 13.2.13 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;
- 13.2.13 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;
- 13.2.15 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,
- 13.2.16 No sign shall contain words, images, or graphic illustrations of any obscene or indecent nature.

13.3 PERMIT REQUIRED

- 13.3.1 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;
- 13.3.2 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,
- 13.3.3 The repainting, changing of parts and preventive maintenance of signs shall not be deemed alterations requiring a sign permit.

13.4 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.

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

- 13.5.1 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;
- 13.5.2 Signs denoting the name and address of the occupants of the premises, provided such signs do not exceed four (4) square feet in area;
- 13.5.3 Agricultural signs denoting the name of the farm, provided such signs do not exceed twelve (12) square feet in area; and,

13.5.4 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.

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

Public Schools, churches in existence in September of 1997, 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 resolution 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.

13.7 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 in Section 5516 of the Ohio Revised Code or in such statute as it may hereafter be amended and the regulations adopted pursuant thereto.

13.8 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.

13.8.1 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 (1-1/2) 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,

- 13.8.2 In a commercial or manufacturing district, two (2) off-premises signs with a total area not exceeding six hundred (600) square feet may be permitted at a single location. No single off-premises sign shall exceed one thousand two hundred (1,200) square feet, nor shall off-premises signs visible to approaching traffic have a minimum spacing of less than two hundred (200) feet. Off-premises signs shall conform to all applicable yard and height regulations for the appropriate zoning district, 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.

13.9 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 13.2, the setback requirements in Sections 13.5 through 13.18, and in addition, such other standards deemed necessary to accomplish the intent of this Article as stated in Section 13.0.

13.10 FREESTANDING SIGNS

One freestanding sign may be erected on a lot with less than two hundred (200) feet of frontage, and a maximum of two (2) freestanding signs may be erected on a lot with two hundred (200) or more feet of frontage, or to be consistent with signs within one thousand (1,000) feet, subject to the following restrictions:

- 13.10.1 The height of the sign or signs shall not exceed twenty (20) feet from the bottom of the sign;
- 13.10.2 The area of the sign, or the combined area of two (2) signs, shall not exceed one and one half (1-1/2) square feet per linear foot of lot width, and shall in no case exceed one-hundred (100) square feet. In a Recreation District and in a Flood Plain District the area of the sign, or the combined area of two (2) signs, shall not exceed fifty (50) square feet;
- 13.10.3 No sign shall be located closer than twenty (20) feet from any adjoining lot line;

- 13.10.4 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;
- 13.10.5 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,
- 13.10.6 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.

13.11 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.

13.12 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.

13.13 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.

13.14 SIGN SETBACK REQUIREMENTS

Except as modified in Sections 13.15 through 13.18, 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.

13.15 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.

13.16 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.

13.17 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.

13.18 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.

13.19 MAINTENANCE

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

13.20 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.

13.21 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.

13.22 VIOLATIONS

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance, the Zoning Inspector 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 19 of this Ordinance.

ARTICLE 14

NON-CONFORMITIES

14.0 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.

14.1 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.

14.2 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.

14.3 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.

14.4 CERTIFICATES FOR NON-CONFORMING USES

The Zoning Inspector may upon the Inspector'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 copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Inspector, who shall maintain as a public record a file of all such certificates.

14.5 SUBSTITUTION OF NON-CONFORMING USES

So long as no structural alterations are made, except as required by enforcement of other codes or resolutions, 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.

14.6 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 12 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.

14.7 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.

14.8 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:

- 14.8.1 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;

- 14.8.2 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;
- 14.8.3 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 non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Ordinance;
- 14.8.4 Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
- 14.8.5 When a non-conforming use of a structure, or structure and land in combination, is discontinued or abandoned for more than two (2) years (except when 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,
- 14.8.6 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.
- 14.8.7 Any building or structure existing prior to the adoption of this Ordinance or any subsequent amendment thereto, which is a permitted use in said district but is nonconforming due to encroachment(s) of the building(s) on the property set back line(s) may be extended, enlarged or expanded on said property so long as such extension, enlargement, or expansion does not in any way further encroach on the existing set backs.

14.9 TERMINATION OF NON-CONFORMING USES

When any non-conforming use is discontinued or abandoned for more than two (2) years, 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 non-conforming use shall not be evidence of its continuance.

14.10 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:

- 14.10.1 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,
- 14.10.2 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.

14.11 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 15

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

15.0 GENERAL

The provisions of Sections 15.0 through 15.22, inclusive, of this Ordinance apply to the location and maintenance of any and all conditional uses.

15.1 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 15.2 through 15.10 of this Ordinance.

15.2 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 Inspector, who shall within seven (7) days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

- 15.2.1 Name, address and phone number of applicant;
- 15.2.2 Legal description of the property;
- 15.2.3 Zoning district;
- 15.2.4 Description of existing use;
- 15.2.5 Description of proposed conditional use;
- 15.2.6 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 areas, utilities, signs, yards, landscaping features, and such other information as the Board of Zoning Appeals may require;

- 15.2.7 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;
- 15.2.8 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;
- 15.2.9 A fee as established by a Ordinance of the Board of Trustee's; and,
- 15.2.10 A narrative addressing each of the applicable criteria contained in Section 15.3.

15.3 GENERAL STANDARDS FOR ALL CONDITIONAL USES

In addition to the specific requirements for conditionally permitted uses as specified in Section 15.4, 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:

- 15.3.1 It is in fact a conditional use as established under the provisions of Article 3 through 8 inclusive and appears on the Schedule of District Regulations adopted for the zoning district involved;
- 15.3.2 Will be in accordance with the general objectives or with any specific objectives of the comprehensive plan and/or the Zoning Ordinance;
- 15.3.3 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;
- 15.3.4 Will not be hazardous or disturbing to existing or future neighboring uses;
- 15.3.5 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;
- 15.3.6 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;

- 15.3.7 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;
- 15.3.8 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,
- 15.3.9 Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

15.4 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 15.

15.4.1 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.

15.4.2 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 Section 14.4.3 of this Ordinance.

15.4.3 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.

15.4.4 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.

15.4.5 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 which will be utilized 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.

15.4.6 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 sign, not exceeding four (4) square feet in area and mounted flush against the building, shall be permitted.

15.4.7 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.

15.4.8 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.

15.5 PUBLIC HEARING

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after it receives an application for a Conditional Use Permit submitted by an applicant through the Zoning Inspector.

15.6 NOTICE OF PUBLIC HEARING

Before conducting the public hearing required in Section 15.5, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the 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.

15.7 NOTICE TO PARTIES OF INTEREST

Prior to conducting the public hearing required in Section 15.5, 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 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 15.6 for notices published in newspapers.

15.8 ACTION BY THE BOARD OF ZONING APPEALS

Within thirty (30) days after the date of the public hearing required in Section 15.5, the Board of Zoning Appeals shall take one of the following actions:

- 15.8.1 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 15.9. Upon making an affirmative finding, the Board shall direct the Zoning Inspector 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;

- 15.8.2 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,
- 15.8.3 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 16 and 18.

15.9 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.

15.10 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.

15.11 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 15.4 of this Ordinance. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Planning Commission and Village Council of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within thirty (30) days of its receipt by the Village Council, such substantially similar use determination by the Board shall become effective.

15.12 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 Village Council, but remedy may be sought by the appellant through the submission of an application for amendment as prescribed in Article 18.

15.13 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:

- 15.13.1 The compatibility of the proposed use with the nature and scope of adjacent uses;
- 15.13.2 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,
- 15.13.3 The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Ordinance.

15.14 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.

15.15 RECORD OF SUBSTANTIALLY SIMILAR USES

The Zoning Inspector 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 and/or the Village

Council. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future permits.

15.16 REGULATION OF ACCESSORY USES

The provisions of Sections 15.15 through 15.22, inclusive, of this Ordinance shall apply to the location and maintenance of accessory uses as herein defined.

15.17 PURPOSE

It is the purpose of Sections 15.15 through 15.22, 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.

15.18 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.

15.19 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:

15.19.1 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;

15.19.2 It shall not contain or be used as a dwelling unit;

15.19.3 It shall not exceed the height requirements of the principal use; and,

15.19.4 It shall meet all yard requirements of the principal use.

15.20 ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS - WITHOUT MAIN BUILDING:

In any R-Residential District, no accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building (exception - contractors' temporary building).

15.21 ACCESSORY USES IN RESIDENTIAL DISTRICTS:

An accessory building may be erected detached from the principal building or may be erected as an integral part of the principal building, or it may be connected therewith by a breeze-way or similar structure. No accessory building shall be erected in any required yard except a rear yard and shall not occupy more than thirty-five percent (35%) of a required rear yard. Accessory buildings shall be distant: at least six (6) feet from any dwelling situated on the same lot unless an integrated part thereof; at least six (6) feet from any other accessory building; and, at least five (5) feet from any lot lines of adjoining lots which are within any Residential District.

In any Residential district where a corner lot adjoins the rear of a lot fronting on a side street, no part of any accessory building on such corner lot shall be nearer a side street lot line than twenty-five (25) feet and in no case shall any part of such accessory building be nearer to the side street lot line than the least width of the side yard required for a principal building.

No accessory use or structure in any Residential District, except an off-street parking area subject to the provisions of Article 19, shall be permitted nearer than the front of the main building, unless such uses or structure is contained within or constitutes an integral part of the main building. Provided that in case of a corner lot, where the owner has chosen the longer street lot line, all side and rear lot line requirements are met in accordance with this Ordinance.

An accessory building, if not located in the rear yard, shall be an integral part of, or connected with the principal building to which it is accessory and shall be so placed as to meet all yard requirements for the principal building of the same height and other dimensions as said accessory building.

15.22 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.

15.23 ACCESSORY ELDERLY DWELLING UNIT

Notwithstanding the provisions of Sections 11.1 through 11.3 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.

15.24 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, and beauty and barber shops.

ARTICLE 16

PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES

16.0 GENERAL

Appeals and variances shall conform to the procedures and requirements of Sections 16.1 through 16.11.8, inclusive, of this Ordinance. As specified in Article 16, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

16.1 APPEALS

Pursuant to Section 713 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 affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a Notice of Appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed was taken.

16.2 STAY OF PROCEEDINGS

An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Inspector from whom the appeal is taken certifies to the Board of Zoning Appeals after the Notice of Appeal is filed with the Inspector, that by reason of facts stated in the application, a stay would, in the Inspector'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 Inspector from whom the appeal is taken on due cause shown.

16.3 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.

16.4 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:

- 16.4.1 Name, address, and phone number of applicant(s);
- 16.4.2 Legal description of property;
- 16.4.3 Description or nature of variance requested;
- 16.4.4 A fee as established by Ordinance; and,
- 16.4.5 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.

16.5 ADDITIONAL CONDITIONS AND SAFEGUARDS

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

16.6 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS

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

16.7 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before conducting the public hearing required in Section 16.6, notice of such hearing shall be given in a newspaper of general circulation 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.

16.8 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 16.6, written notice of such hearing shall be mailed by the Chairman of the Board of 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 16.7.

16.9 ACTION BY BOARD OF ZONING APPEALS

Within thirty (30) days after the public hearing required in Section 16.6, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 16.5, 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 18.6.

16.10 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 zoning 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.

16.11 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 16.4 and Section 16.5, if applicable, have been met by the applicant. Variances may be granted as guided by the following:

- 16.11.1 To permit any yard or setback less than the yard or setback required by the applicable regulations;
- 16.11.2 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 required area and width;
- 16.11.3 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;
- 16.11.4 To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty percent (30%) of the required facilities;
- 16.11.5 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;
- 16.11.6 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%);
- 16.11.7 To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five percent (25%); and,
- 16.11.8 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 17

AMENDMENTS TO THE ZONING ORDINANCE AND/OR THE ZONING MAP

17.0 GENERAL

This Ordinance and the Zoning Map may be amended by utilizing the procedures specified in Section 17.1 through 17.13, inclusive, of this Ordinance.

17.1 PURPOSE

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

17.2 INITIATION OF ZONING AMENDMENTS

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

- 17.2.1 By adoption of a motion by the Planning Commission;
- 17.2.2 By adoption of a resolution by the Village Council; or,
- 17.2.3 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.

17.3 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 5 through 9 shall contain at least the following information:

- 17.3.1 The name, address, and telephone number of applicant;
- 17.3.2 A statement of the reason(s) for the proposed amendment;
- 17.3.3 Present use;
- 17.3.4 Present zoning district;
- 17.3.5 Proposed use;
- 17.3.6 Proposed zoning district;

- 17.3.7 A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require;
- 17.3.8 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;
- 17.3.9 A statement on the ways in which the proposed amendment relates to the comprehensive plan; and,
- 17.3.10 A fee as established by resolution of the Village Council.

17.4 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:

- 17.4.1 The name, address, and telephone number of the applicant;
- 17.4.2 The proposed amending resolution;
- 17.4.3 A statement of the reason(s) for the proposed amendment;
- 17.4.4 A statement explaining the ways in which the proposed amendment relates to the comprehensive plan; and,
- 17.4.5 A fee as established by resolution of the Village Council.

17.5 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 resolution or application shall be transmitted to the Planning Commission.

17.6 PUBLIC HEARING BY PLANNING COMMISSION

Pursuant to Section 713 of the Ohio Revised Code or as in such statute as it may hereafter be amended, the Planning Commission shall schedule a public hearing after the adoption of their motion, the transmittal of a resolution from the Village Council, or the filing of an application for zoning amendment. Said hearing shall be not less than thirty (30) days from the date of adoption of such motion, transmittal of such resolution, or filing of such application.

17.7 NOTICE OF PUBLIC HEARING IN NEWSPAPER

Before holding the public hearing as required in Section 17.7, notice of such hearing shall be given by the Planning Commission by at least one (1) publication in one (1) or more newspapers of general circulation in the Village of Beaverdam at least ten (10) days before the date of said hearing. This notice shall set forth the time and place of the public hearing, the nature of the proposed amendment, and a statement that after the conclusion of such public hearing the matter will be referred to the Planning Commission for further determination.

17.8 NOTICE TO PROPERTY OWNERS BY PLANNING COMMISSION

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 Planning Commission, 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 17.8. The failure to deliver the notice to property owners, as provided herein, shall not invalidate any such amendment.

17.9 RECOMMENDATION BY PLANNING COMMISSION

Within thirty (30) days after the public hearing required by Section 17.7, the Planning Commission shall recommend to the Village Council that the amendment be granted as requested, or it may recommend a modification of the amendment requested, or it may recommend that the amendment be denied. 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.

17.10 PUBLIC HEARING BY VILLAGE COUNCIL

Within thirty (30) days from the receipt of the recommendation of the Planning Commission, the Village Council shall hold a public hearing. Notice of such public hearing in a newspaper of general circulation shall be given by the Village Council as specified in Section 17.8.

17.11 ACTION BY VILLAGE COUNCIL

Within twenty (20) days after the public hearing required by Section 17.6, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof.

ARTICLE 18

ADMINISTRATION

18.0 PURPOSE

This Article sets forth the powers and duties of the Zoning Inspector, the Planning Commission, the Board of Zoning Appeals, and City Council with respect to the administration of the provisions of the Ordinance.

18.1 GENERAL PROVISIONS

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

- 18.1.1 Zoning Inspector (See Sections 18.2 and 18.3);
- 18.1.2 Planning Commission (See Sections 18.4 and 18.5);
- 18.1.3 Board of Zoning Appeals (See Sections 18.6 and 18.7); and,
- 18.1.4 Village Council (See Section 18.8).

18.2 ZONING INSPECTOR

A Zoning Inspector designated by the Mayor shall administer and enforce this Ordinance. Assistance may be provided by such other persons as the Village Council may authorize and direct.

18.3 RESPONSIBILITIES OF ZONING INSPECTOR

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

- 18.3.1 Enforce the provisions of this Ordinance and interpret the meaning and application of its provisions;
- 18.3.2 Respond to questions concerning applications for amendments to the Zoning Ordinance text and the Official Zoning District Map;
- 18.3.3 Issue zoning permits and zoning certificates as provided by this Ordinance and keep a record of same with a notation of any special conditions involved;
- 18.3.4 Act on all applications upon which the Inspector is authorized to act by the provisions of this Ordinance within the specified time or notify the

applicant in writing of such refusal or disapproval of said 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 this request to The Board of Zoning Appeals;

- 18.3.5 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;
- 18.3.6 Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the offices;
- 18.3.7 Maintain permanent and current records required by Ordinance, including but not limited to zoning permits, occupancy permits, zoning certificates, inspection documents, and records of all variances, amendments and special uses;
- 18.3.8 Make such records available for the use of the Village Council, the Planning Commission, the Board of Zoning Appeals, and the public;
- 18.3.9 Review and approve site plans pursuant to this Ordinance;
- 18.3.10 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,
- 18.3.11 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.

18.4 PLANNING COMMISSION

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

The Planning Commission shall be composed of five (5) members who reside in the Village. The terms of the members shall be of such length and so arranged that the term of one (1) member will expire each 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.

18.5 RESPONSIBILITIES OF THE PLANNING COMMISSION

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

- 18.5.1 Recommend the proposed Zoning Ordinance, including text and Official Zoning District Map representing the recommendations of the Planning Commission to the Board of Trustees for formal adoption;
- 18.5.2 Initiate advisable Official Zoning District Map changes or changes in the text of this Ordinance where same will promote the best interest of the public in general; and,
- 18.5.3 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.

18.6 BOARD OF ZONING APPEALS

The Mayor shall appoint a Board of Zoning Appeals of five members who shall be residents of the Village. The terms of all members shall be so arranged that the term of one member will expire each year. Each member shall serve until his successor is appointed and qualified. The Board of Zoning Appeals may within the limits of the moneys appropriated by the Board of Trustees for the purpose, employ such executives, professional, technical, and other assistance as it deems necessary.

18.7 RESPONSIBILITIES OF THE BOARD OF ZONING APPEALS

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

- 18.7.1 Hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official;
- 18.7.2 Authorize upon appeal, in specific cases, such variance from the terms of the zoning resolution as will not be contrary to the public interest;
- 18.7.3 Grant conditional zoning certificates for the use of land, buildings, or other structures as such certificates for specific uses are provided for in the zoning resolution; and,
- 18.7.4 Revoke an authorized variance or conditional use certificate if any condition of the variance or certificate is violated.

18.8 DUTIES OF ZONING INSPECTOR, BOARD OF ZONING APPEALS, LEGISLATIVE AUTHORITY AND COURTS ON MATTERS OF APPEAL

It is the intent of the Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this Ordinance that the duties of the Board of Trustees in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement stated in this section and this Ordinance. Under this Ordinance the Village Council shall only have the duties of considering and adopting or rejecting proposed amendments or the repeal of schedule of fees and charges as stated in Section 18.8 of this Ordinance. Nothing in this Ordinance shall be interpreted to prevent any official or resident 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.

18.9 VILLAGE COUNCIL

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

- 18.9.1 Approve the appointments of members of the Planning Commission;
- 18.9.2 Approve the appointments of members to the Board of Zoning Appeals;
- 18.9.3 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,
- 18.9.4 Override a written recommendation of the Planning Commission on a text or map amendment provided that such legislative action is passed by a simple majority of the legislative authority.

18.10 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 Inspector with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Board of Trustees. 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 19

ENFORCEMENT

19.0 GENERAL

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

19.1 ZONING PERMITS REQUIRED

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

19.2 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 one (1) year or substantially completed within two and one-half (2-1/2) years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

- 19.2.1 Name, address, and phone number of applicant;
- 19.2.2 Legal description of property;
- 19.2.3 Existing use;
- 19.2.4 Proposed use;
- 19.2.5 Zoning district;
- 19.2.6 Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and, the location and dimensions of the proposed building(s) or alteration;
- 19.2.7 Building heights;

- 19.2.8 Number of off-street parking spaces or loading berths, and their layout;
- 19.2.9 Location and design of access drives;
- 19.2.10 Number of dwelling units;
- 19.2.11 Health Department permit for septic system;
- 19.2.12 If applicable, application for a sign permit or a conditional, special, or temporary use permit, unless previously submitted; and,
- 19.2.13 Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Ordinance.

19.3 APPROVAL OF ZONING PERMIT

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

19.4 SUBMISSION TO DIRECTOR OF TRANSPORTATION

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



19.5 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 Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been substantially completed within two and one-half (2-1/2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the cancelled permit shall not proceed unless and until a new zoning permit has been obtained or an extension granted.

19.6 RECORD OF ZONING PERMITS

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

19.7 FAILURE TO OBTAIN A ZONING PERMIT

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

19.8 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 Inspector authorize only the use, and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Ordinance.

19.9 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 Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Ordinance.

19.10 ENTRY AND INSPECTION OF PROPERTY

The Zoning Inspector 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 Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the County Prosecutor in securing a valid search warrant prior to entry.

19.11 STOP WORK ORDER

Subsequent to the Zoning Inspector's determination that work is being done contrary to this Ordinance, the Zoning Inspector 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 Inspector, shall constitute a punishable violation of this Ordinance.

19.12 ZONING PERMIT REVOCATION

The Zoning Inspector 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.

19.13 NOTICE OF VIOLATION

Whenever the Zoning Inspector or the Zoning Inspector'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:

- 19.13.1 Be in writing;
- 19.13.2 Identify the violation;
- 19.13.3 Include a statement of the reason or reasons why it is being issued and refer to the sections of this Ordinance being violated; and,
- 19.13.4 State the time by which the violation shall be corrected.
- 19.13.5 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;
 - 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 Inspector. Service shall be deemed complete when the fact of mailing is entered in 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.

19.14 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 Section 713 of the Ohio Revised Code or in such statute as it may hereafter be amended. Each day such violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

19.15 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 Inspector, the Prosecuting Attorney, or the owner of any neighboring property who would be especially damaged by such violation, may seek an injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

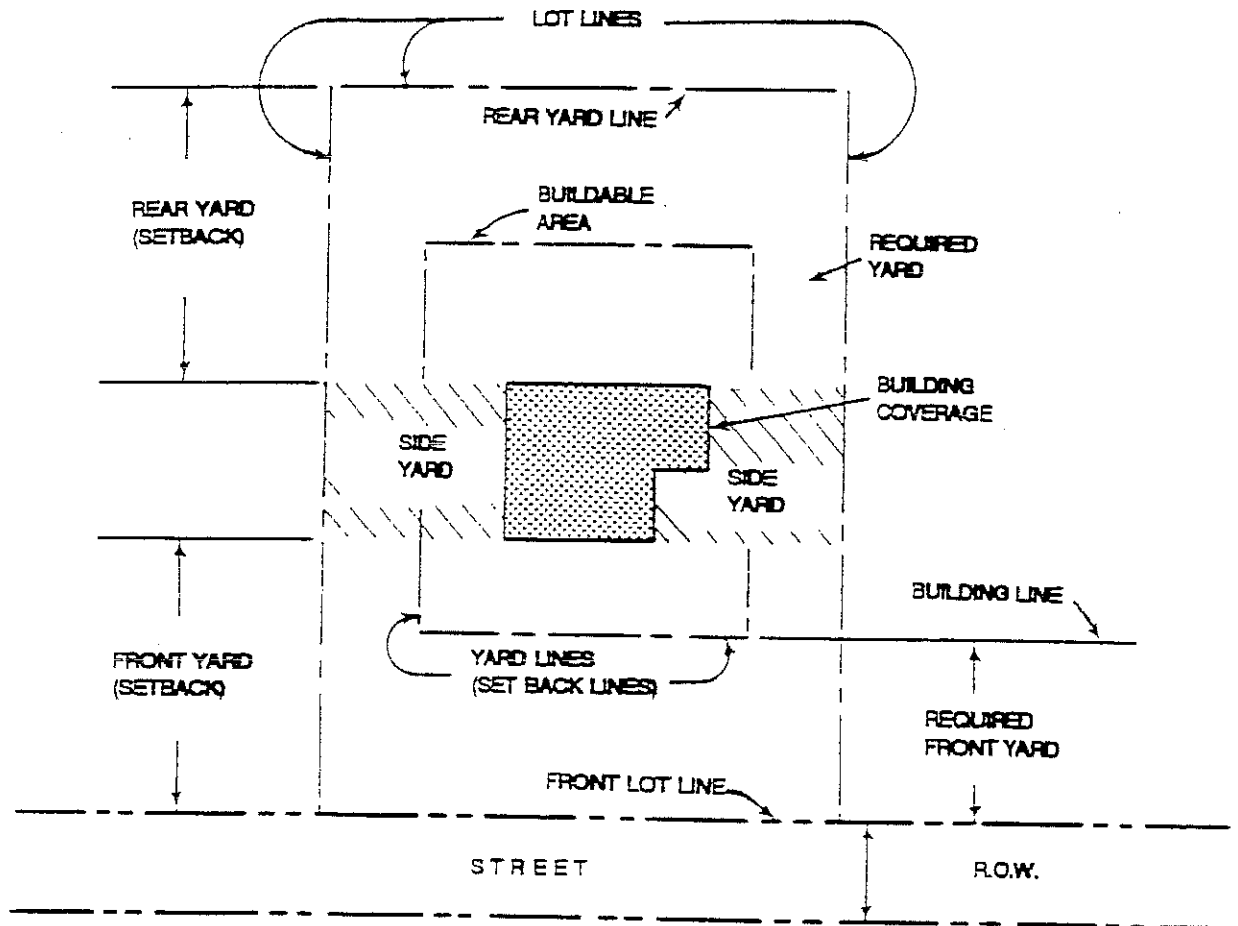


Instr: 200806110008348 06/11/2008
P: 142 of 1F: \$100.00 4:05:53PM
Mona S Losh T20080015504
Allen County V:2008 P:08348

APPENDIX A

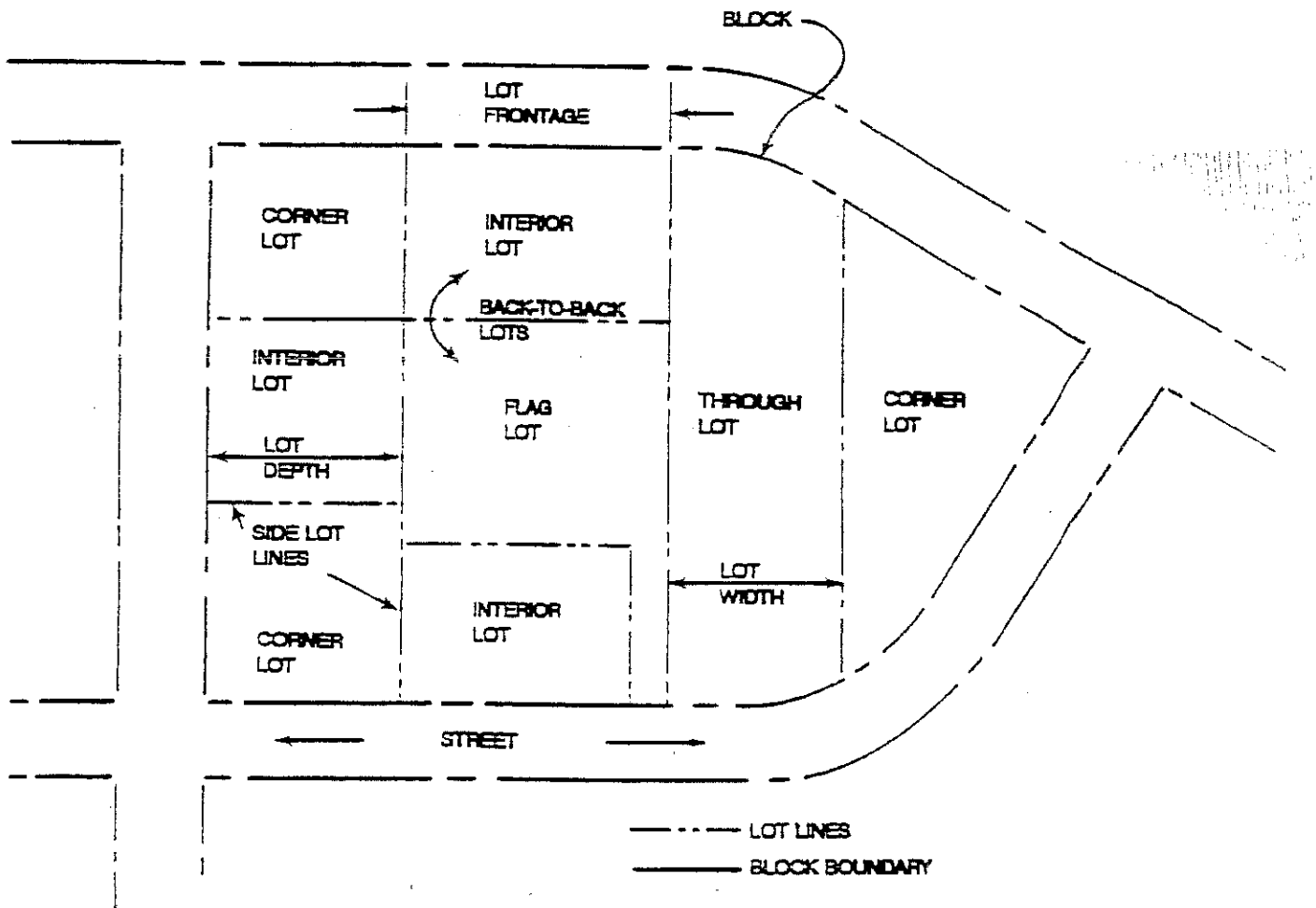
Appendix is provided for information purposes only.

ILLUSTRATION A: SETBACK DIMENSIONS



(For informational purposes only.)

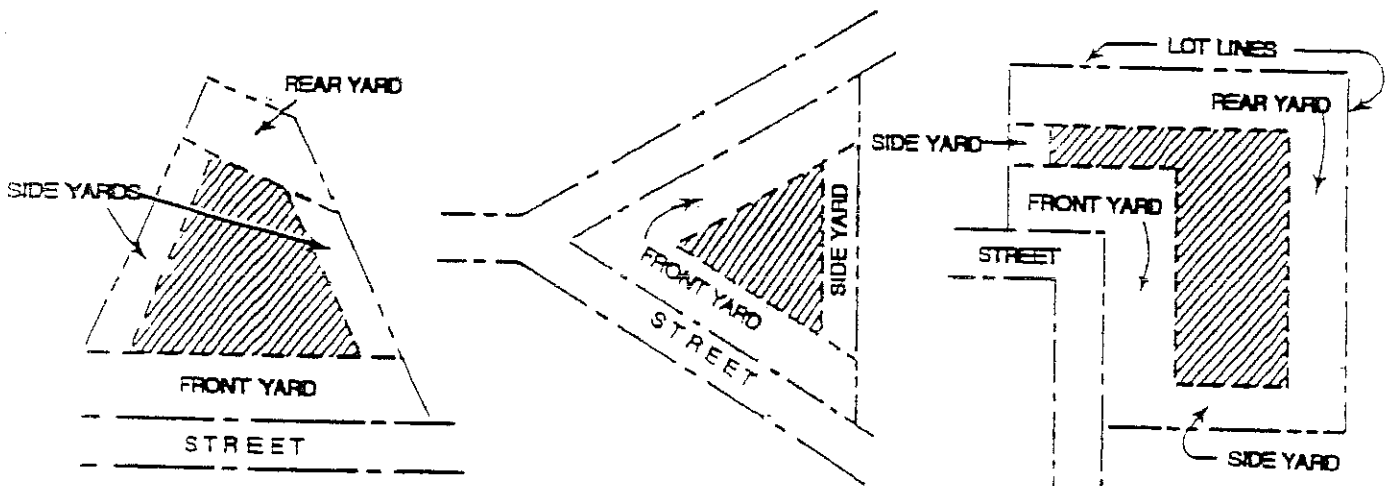
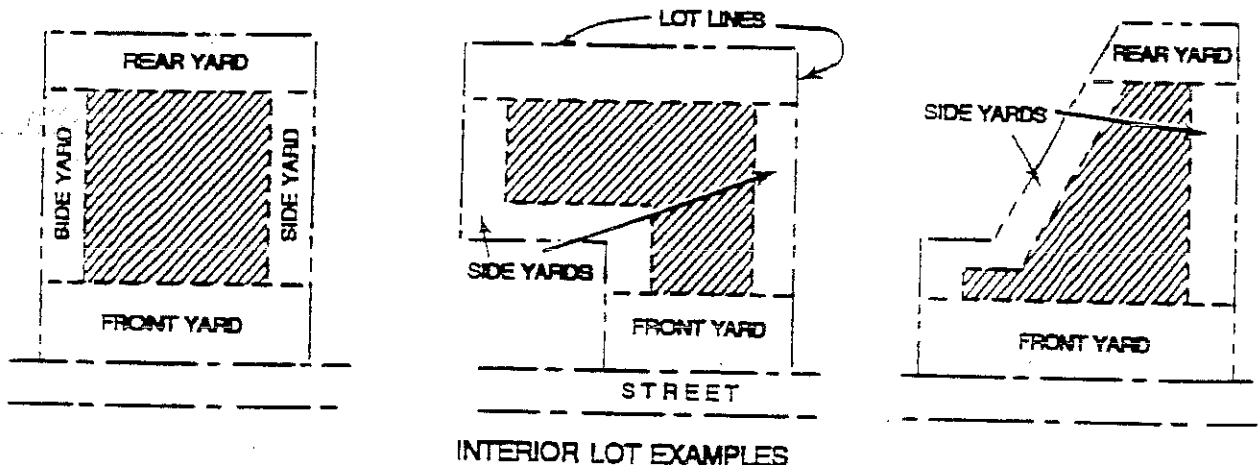
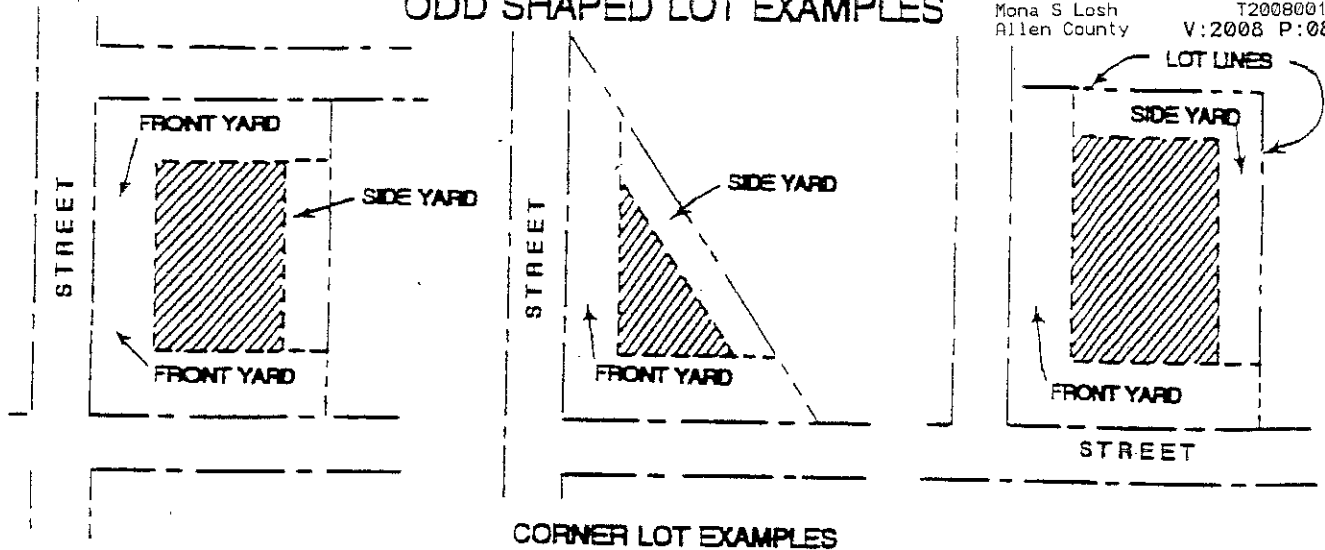
ILLUSTRATION B: LOT TYPES




(For informational purposes only.)

ILLUSTRATION C: ODD SHAPED LOT EXAMPLES

Instr: 200806110008348 06/11/2008
P: 145 of 1F: \$100.00 4:05:53PM
Mona S Losh T20080015504
Allen County V: 2008 P: 08348

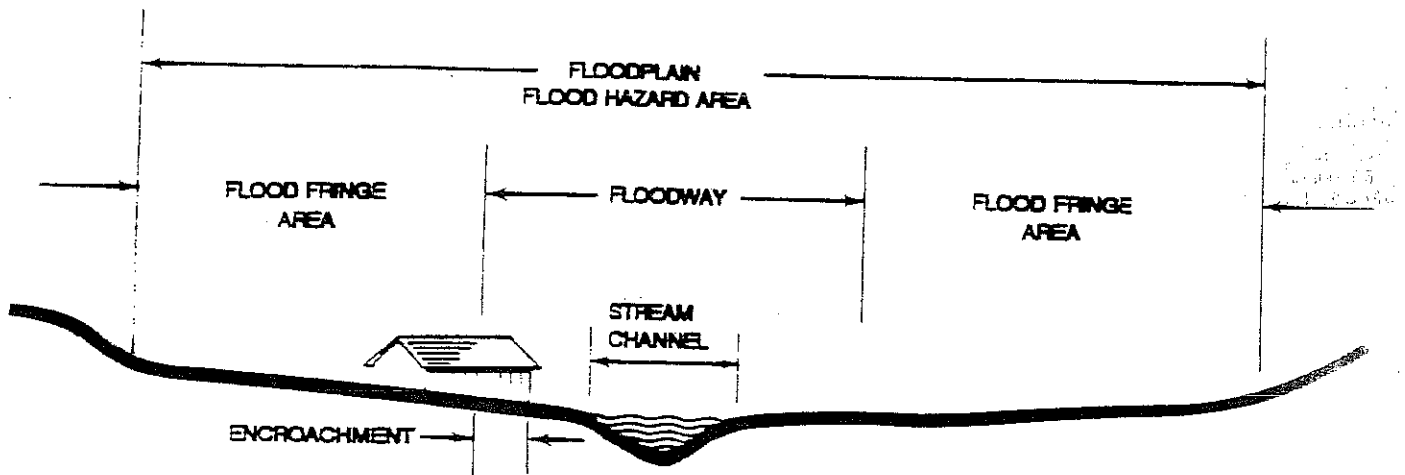


REQUIRED YARDS

 BUILDING (ZONING) ENVELOPE
(TWO DIMENSIONAL)

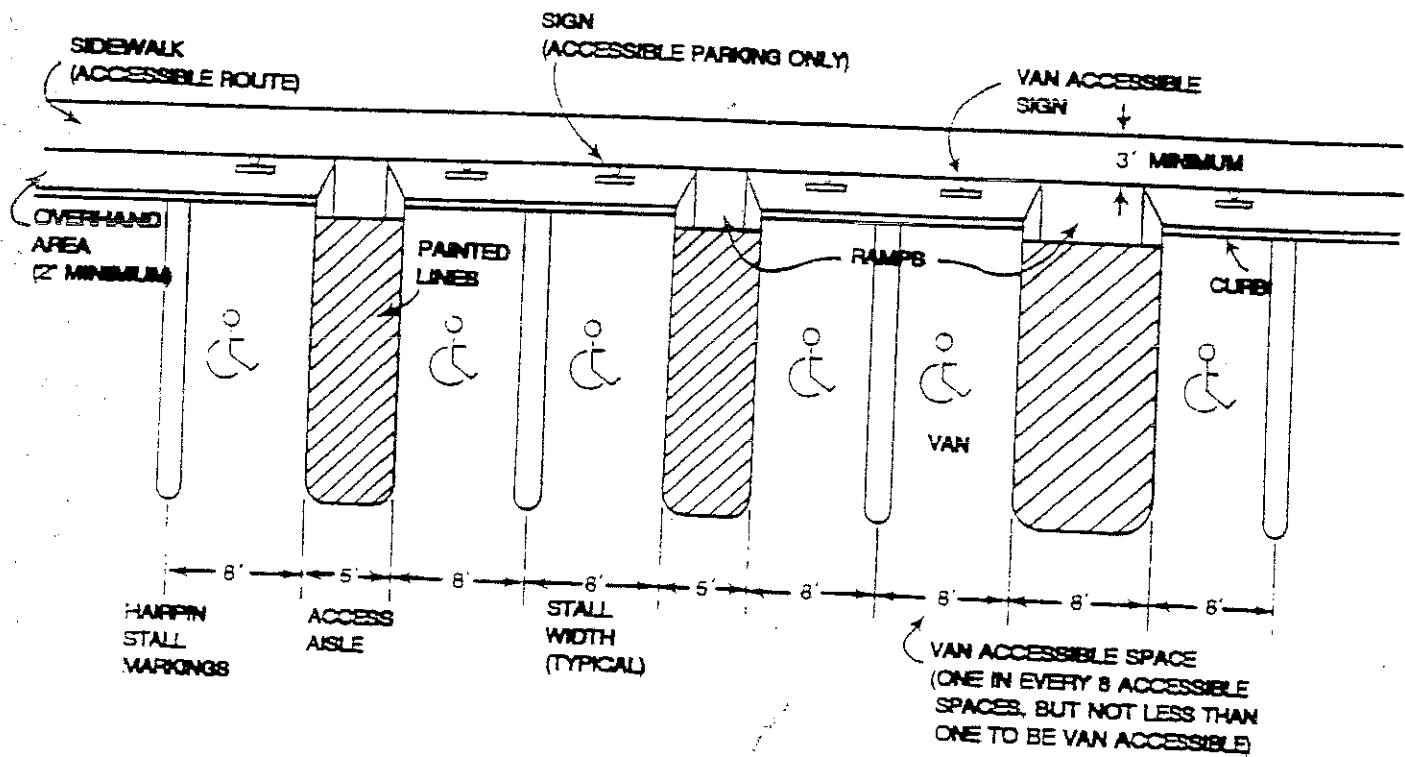
(For informational purposes only.)

ILLUSTRATION D: FLOODPLAIN CROSS-SECTION



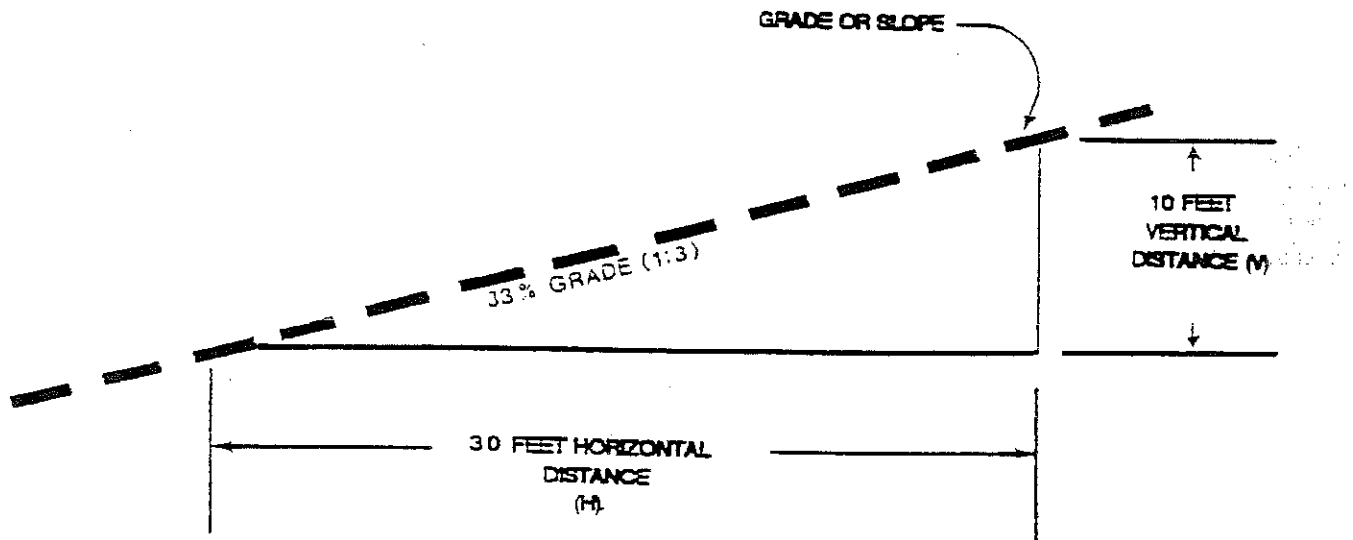
(For informational purposes only.)

ILLUSTRATION E: ACCESSIBLE PARKING SPACE STANDARDS



(For informational purposes only.)

ILLUSTRATION F: DETERMINATION OF SLOPE

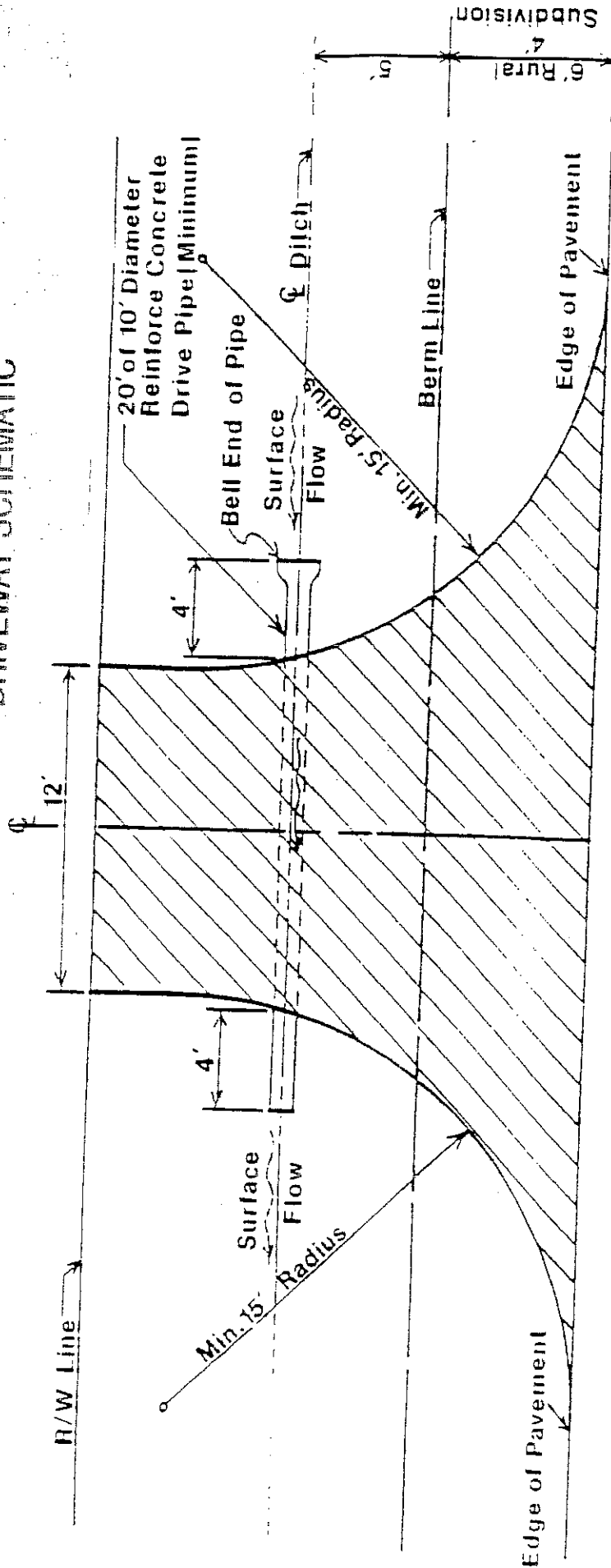


$$\text{SLOPE CALCULATION} = \frac{V}{H}$$
$$(\text{DEGREE OF SLOPE} = \text{TANGENT OF } \frac{V}{H})$$

(For informational purposes only.)

ILLUSTRATION G:

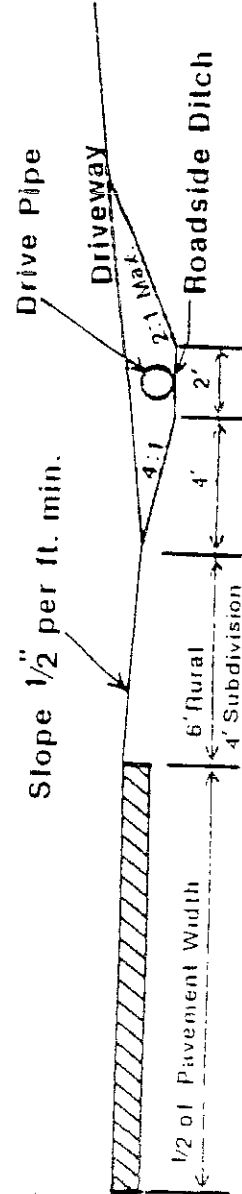
DRIVEWAY SCHEMATIC



Note:

Roadside Ditch Shall Not Be Filled In

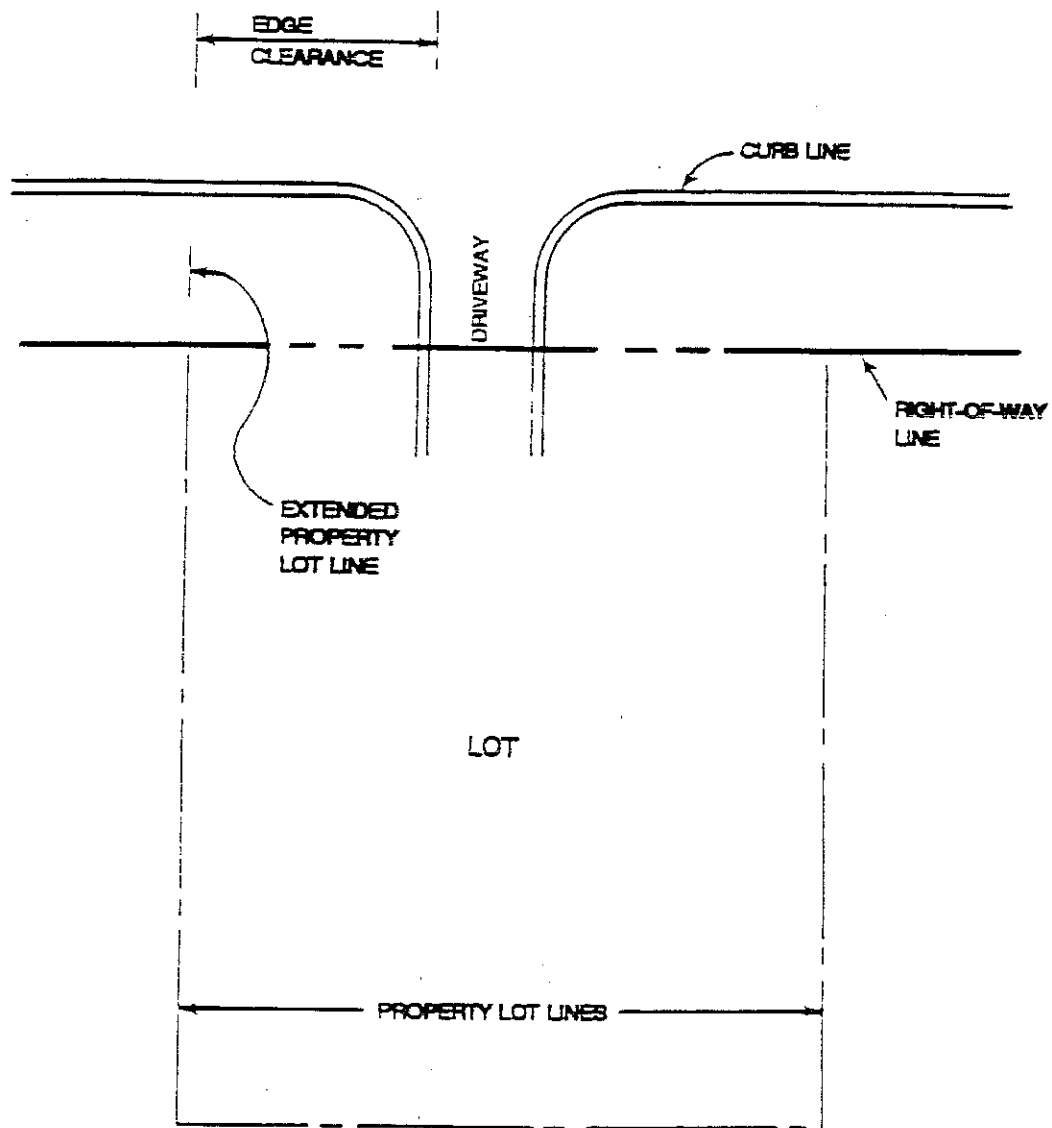
PLAN



ELEVATION

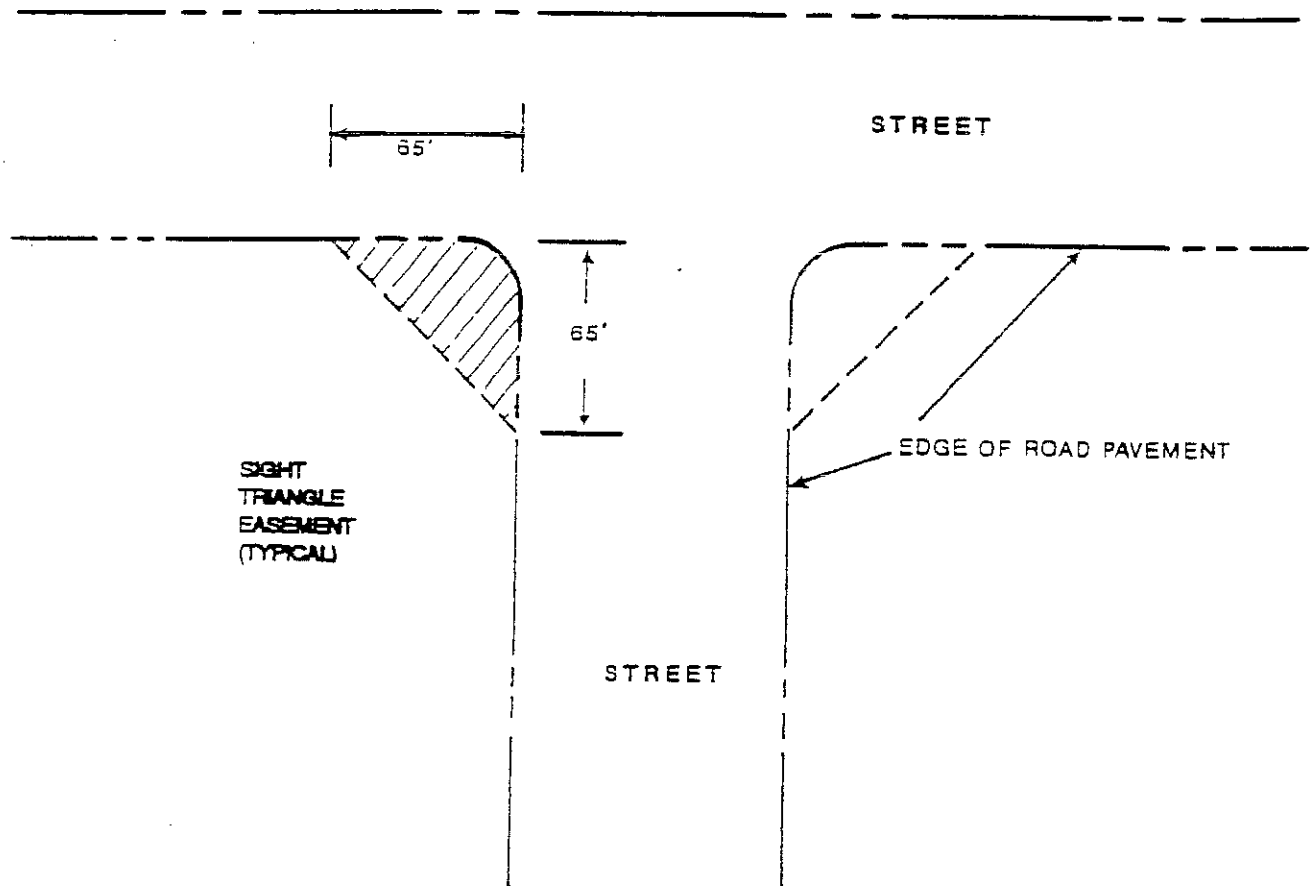
(For informational purposes only.)

ILLUSTRATION H: EDGE CLEARANCE



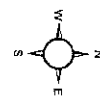
(For informational purposes only.)

ILLUSTRATION I: SIGHT TRIANGLE EASEMENT



(For informational purposes only.)

VILLAGE OF BEAVERDAM ZONING



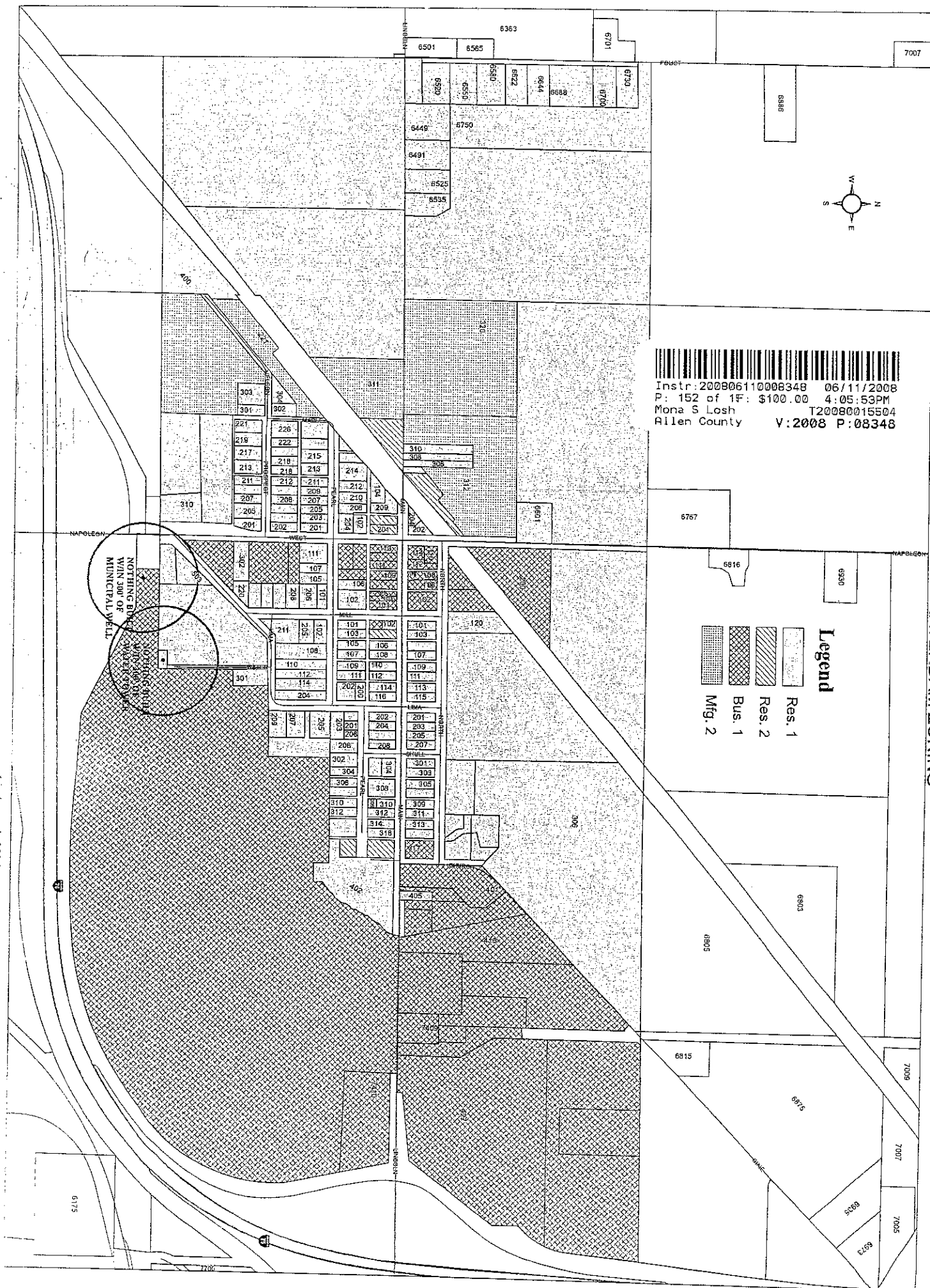
Instr: 200806110008348 06/11/2008
 P: 152 of 1F: \$100.00 4:05:53PM
 Mona S Losh T20080015504
 Allen County V:2008 P:08348

Legend

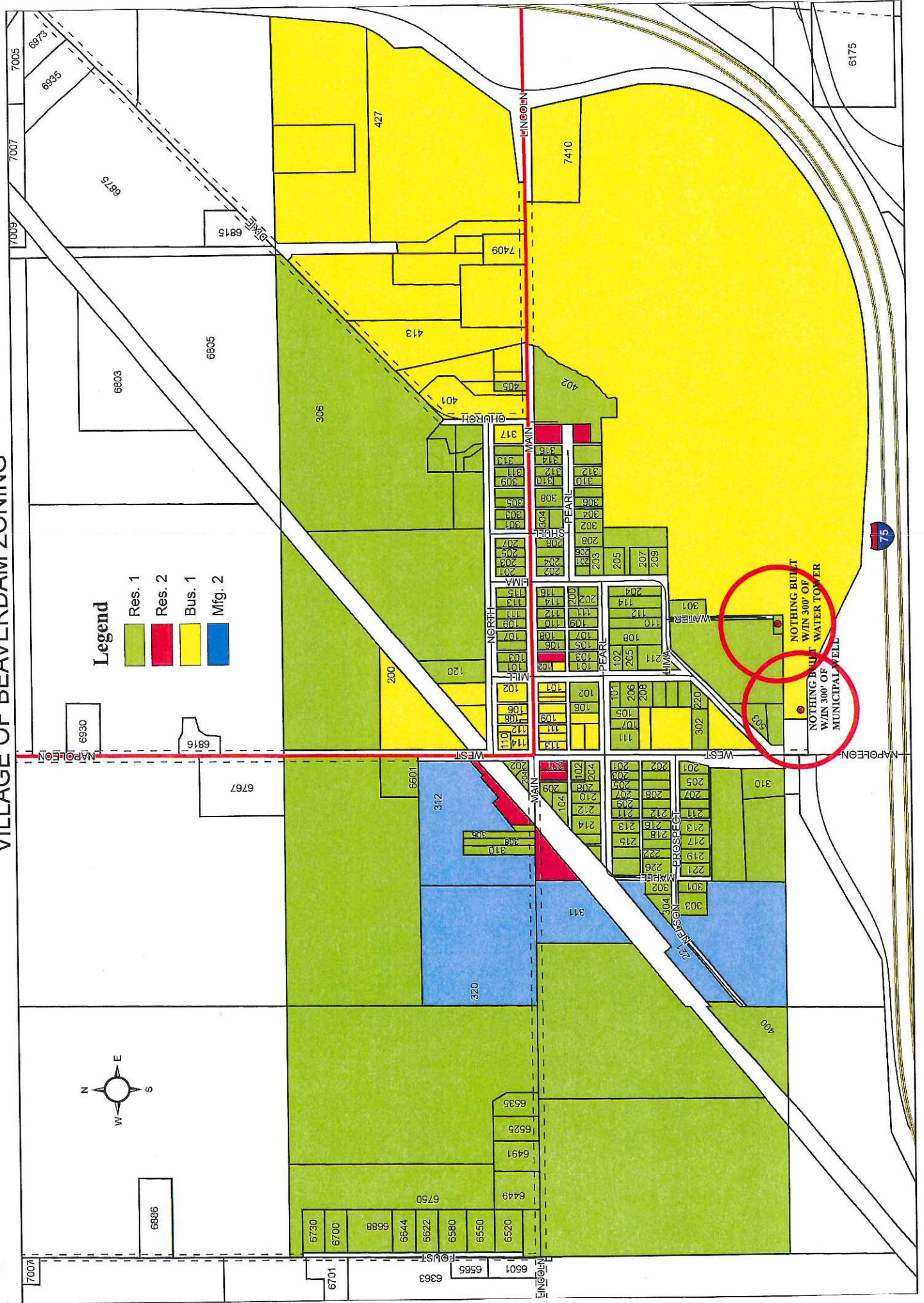
- Res. 1
- Res. 2
- Bus. 1
- Mfg. 2

NOTHING BUT
 WIN 300' OF
 MUNICIPAL WELL

1 inch equals 300 feet



VILLAGE OF BEAVERDAM ZONING



**VILLAGE OF BEAVERDAM
ALLEN COUNTY, OHIO**

ORDINANCE NO. 2008-08

PASSED: March, 2008

ZONING ORDINANCE

WHEREAS, it is in the best interests of the Village of Beaverdam that a Zoning Code be adopted providing for zoning within the Village limits; and

WHEREAS, a Zoning Board was duly appointed, held public meetings, and has provided the Village Council with a proposed Zoning Ordinance; and

WHEREAS, the Council has properly noticed and held public hearings regarding the proposed Zoning Ordinance.

WHEREFORE, it is hereby determined that the attached Proposed Village of Beaverdam Zoning Ordinance, incorporated herein by reference, is found to be an appropriate zoning code, to provide for the needs of the Village and to adequately balance the needs of the Village, its residents, property owners, future property owners, and businesses. That the attached proposed Village of Beaverdam Zoning Ordinance is hereby adopted and enacted by the Village Council.

This Ordinance shall become effective at the earliest time provided by law.

The Clerk is directed to give notice of the adoption of the new Ordinance by publication of the full ordinance at five (5) public places in the Village as previously established by ordinance.

Passed and adopted this 25 day of March, 2008, by the Village Council of Beaverdam, Ohio, by the following vote:

| | First Reading | Second Reading | Third Reading |
|----------------------------|------------------|-------------------|------------------|
| Thelma Cockrell, Council | <u>Y</u> | <u>Y</u> | <u>X</u> |
| Gary Marshall, Council | <u>Y</u> | <u>Y</u> | <u> </u> |
| Barbara Gossard, Council | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| Dorothy Van Meter, Council | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| Tom Gossard, Council | <u>Y</u> | <u>Y</u> | <u>Y</u> |
| Teresa Cameron | <u>Y</u> | <u>Y</u> | <u>Y</u> |

Attest:

Annie Mae Palte
Fiscal Officer - Annie Palte

Roberta Beemer
Mayor Roberta Beemer

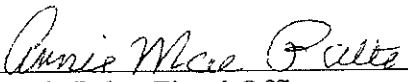
3/26/08

3/26/08 Annie Mae Palte

CERTIFICATE OF FISCAL OFFICER

I, **Annie Palte**, Fiscal Officer for the Village of Beaverdam, within and for said Village, hereby certify this to be a true and accurate copy of the Ordinance Zoning, Code and Map of the records within and for said Village.

IN TESTIMONY WHEREOF, I do hereby subscribe my name and affix the seal of The Village of Beaverdam at Beaverdam, Ohio this 25 day of March, 2008.


Annie Palte, Fiscal Officer