

ZONING ORDINANCE

VILLAGE OF BLUFFTON, OHIO

TABLE OF CONTENTS

PREAMBLE	1
ARTICLE 1, TITLE	2
ARTICLE 2, PROVISIONS DECLARED MINIMUM STANDARDS	2
ARTICLE 3, SEVERABILITY AND REPEAL	2
ARTICLE 4, DEFINITIONS	2
ARTICLE 5, DISTRICTS AND BOUNDARIES THEREOF	16
5.0 Division of Village into Districts.....	16
5.1 Districts and Boundaries Established.....	16
5.2 District Boundaries.....	16
5.3 Uncertainty as to District Boundaries.....	16
5.4 Vacated Street or Alley.....	16
5.5 Property Not Included-Annexations.....	17
ARTICLE 6, EFFECTS OF DISTRICTING AND GENERAL REGULATIONS	18
6.1 Conformance Required.....	18
6.2 Additional Uses - Commission Determination..	18
6.3 Prohibited Uses.....	18
6.4 Additional Prohibited Uses - Commission Determinations.....	19
6.5 Conversion of Dwellings.....	19
6.6 Yard Requirements Along Zoning Boundary Line in the Less Restricted Districts.....	19
6.7 Accessory Buildings in R-Residential Districts - Without Main Building.....	20
6.8 Performance Standards - Compliance.....	20
6.9 Street Frontage Required.....	20
6.10 Traffic Visibility Across Corner Lots.....	20

6.11	Required Area or Space Cannot be Reduced....	20
6.12	Off-Street Parking and Loading.....	20
6.13	Accessory Uses in R-Residential Districts...	20
6.14	Essential Services.....	21
6.15	Unsafe Buildings.....	21
6.16	Pending Applications for Building Permits...	21
6.17	Parking of Trucks in R-Residential Districts	22
6.18	Parking and Occupancy of House Trailers and Campers.....	22
 ARTICLE 7, NON-CONFORMING USES.....		23
7.1	Abandonment.....	23
7.2	Reconstruction.....	23
7.3	Alteration and Enlargement.....	23
7.4	Structures Under Construction.....	24
 ARTICLE 8, R-1 RESIDENTIAL DISTRICT.....		25
8.0	Purpose.....	25
8.1	Uses Permitted in the R-1 Residential District	25
8.2	Conditional Uses - With Approval by the Village Zoning and Building Board of Appeals after a Public Hearing.....	25
8.3	Required Lot Area, Frontage and Yard in the R-1 Residential District.....	26
8.4	Corner Lots.....	26
8.5	Height Regulation within the R-1 Residential District.....	26
8.6	Required Floor Area in the R-1 District.....	26
 ARTICLE 9, R-II RESIDENTIAL DISTRICT.....		27
9.0	Purpose.....	27
9.1	Uses Permitted in the R-II Residential District.....	27
9.2	Conditional Uses - With Approval by the Village Zoning and Building Board of Appeals after a Public Hearing.....	27

9.3	Required Lot Area, Frontage and Yard in the R-II Residential District.....	28
9.4	Corner Lots.....	29
9.5	Height Regulations within the R-II Residential District.....	29
9.6	Required Floor Area in the R-II District....	29
ARTICLE 10, R-III RESIDENTIAL DISTRICT.....		30
10.0	Purpose.....	30
10.1	Uses Permitted in the R-III Residential District.....	30
10.2	Conditional Uses - With Approval by the Village Zoning and Building Board of Appeals After a Public Hearing.....	31
10.3	Required Lot Area, Frontage and Yard in the R-III Residential District.....	31
10.4	Corner Lots.....	31
10.5	Height Regulation within the R-III Residential District.....	31
10.6	Required Floor Area in the R-III District...	31
ARTICLE II, C-1 COMMERCIAL DISTRICT.....		32
11.0	Purpose.....	32
11.1	Uses Permitted in the C-1 Commercial District	32
11.2	Conditional Uses with Approval by the Village Board of Zoning and Building Appeals after a Public Hearing.....	33
11.3	Required Lot Area and Lot Width in the C-1 District.....	33
11.4	Building Height Regulation in the C-1 District	34
11.5	Required Yards in the C-1 District.....	34
11.6	Landscaping or Screening Provisions.....	34
ARTICLE 12, C-II COMMERCIAL DISTRICT.....		35
12.0	Purpose.....	35
12.1	Uses Permitted in the C-II Commercial District	35
12.2	Sale of Alcoholic Beverages.....	35
12.3	Conditional Uses - With Approval by the Village Zoning and Building Board of Appeals after a Public Hearing.....	36
12.4	Required Lot Area and Lot Width in the C-II	

District.....	36
12.5 Building Height Regulation in the C-II District	36
12.6 Required Yards in the C-II District.....	36
12.7 Landscaping or Screening Provisions.....	37
12.8 Other Required Conditions.....	37
ARTICLE 13, I-1 LIGHT INDUSTRIAL DISTRICT.....	38
13.0 Purpose.....	38
13.1 Uses Permitted in the I-1 Industrial District..	38
13.2 Conditional Uses - With Approval by the Village Zoning and Building Board of Appeals after Public Hearing.....	39
13.3 Accessory Uses in the I-1 District.....	39
13.4 Other Required Conditions.....	39
13.5 Height Regulations in the I-1 District.....	39
13.6 Required Lot Area in the I-1 District.....	39
13.7 Yards Required in the I-1 District.....	40
13.8 Screening Required Between Industrial and Residential Districts.....	40
ARTICLE 14, I-II GENERAL INDUSTRIAL DISTRICT.....	41
14.0 Purpose.....	41
14.1 Uses Permitted in the I-II Industrial District.	41
14.2 Conditional Uses - With Approval by the Village Zoning and Building Board of Appeals after Public Hearing.....	41
14.3 Accessory Uses in the I-II District.....	42
14.4 Other Required Conditions.....	42
14.5 Height Regulations in the I-II District.....	42
14.6 Required Lot Area in the I-II District.....	42
14.7 Yards Required in the I-II District.....	42
14.8 Screening Required between Industrial and Residential Districts.....	42
ARTICLE 15, FLOOD PLAIN DISTRICT.....	43
15.0 Purpose.....	43
15.1 Uses Permitted in the FP Flood Plain District..	43
15.2 Conditional Uses with Approval by the Village Zoning and Building Board of Appeals after Public Hearing.....	43
15.3 Required Conditions.....	44
15.4 Required Lot Area and Lot Width in the FP District.....	44

15.5 Height Regulations in the FP District.....	44
ARTICLE 16, MH, MOBILE HOME PARK DISTRICT.....	45
16.0 Purpose.....	45
16.1 Approval Procedures.....	45
16.2 General Standards.....	45
16.3 Contents of Application.....	46
16.4 Mobile Home Park Requirements.....	47
16.5 Mobile Home Park Lot Requirements.....	47
16.6 Mobile Home Utilities and Other Service.....	48
16.7 Length of Occupancy.....	50
16.8 Supplementary Conditions and Safeguards.....	50
16.9 Permitted Uses.....	50
16.10 Prohibited Uses.....	51
ARTICLE 17, PUD, PLANNED UNIT DEVELOPMENT DISTRICT.....	52
17.0 Purpose.....	52
17.1 General.....	52
17.2 Residential Planned Unit Development.....	53
17.3 Common Open Space.....	53
17.4 Disposition of Open Space.....	53
17.5 Submittal.....	53
17.6 Preliminary Plan.....	54
17.7 Final Development Plan.....	54
17.8 Commission Findings Required.....	55
17.9 Uses Permitted in PUD Districts.....	55
17.10 Height Requirements.....	56
17.11 Acceptance by Action of Village Council.....	56
ARTICLE 18, SPECIAL PROVISIONS.....	57
18.0 Performance Standards.....	57
18.1 Enforcement Provisions.....	57
ARTICLE 19, OFF-STREET PARKING AND LOADING REGULATIONS...	59
19.0 Off-Street Parking.....	59
19.1 Number of Parking Spaces Required.....	59
19.2 Development and Maintenance of Parking Areas...	61
19.3 Off-Street Loading.....	62
19.4 Loading Space - Dimensions.....	62
19.5 Loading Space - Occupy Yard.....	62

19.6 Loading Space - Distance from R District.....	62
ARTICLE 20, EXTRACTION OF MINERALS.....	63
20.0 General Requirements.....	63
20.1 Applicant - Financial Ability.....	63
20.2 Application - Contents, Procedure.....	63
20.3 Public Hearing.....	64
20.4 Rehabilitation.....	64
20.5 Additional Requirements.....	65
20.6 Compliance.....	65
20.7 Gas and Oil Wells.....	65
ARTICLE 21, SWIMMING POOLS.....	66
21.0 General Provisions.....	66
ARTICLE 22, MOTELS AND MOTOR HOTELS.....	67
22.0 General Requirements.....	67
ARTICLE 23, EXCEPTIONS AND MODIFICATIONS.....	68
23.0 Lot of Record.....	68
23.1 Exception to Yard Requirements.....	68
23.2 Exception to Height Limits.....	68
ARTICLE 24, YARD PROJECTIONS IN R DISTRICTS.....	69
24.0 Projections of Architectural Features.....	69
24.1 Fences, Walls and Hedges.....	69
ARTICLE 25, ENFORCEMENT.....	71
25.0 Enforcement by Zoning Inspector.....	71
25.1 Zoning Certificates.....	71
25.2 Conditions Under Which Certificates are Required.....	71
25.3 Application and Issuance of Zoning Certificate.	72
25.4 General Provisions.....	73
25.5 Fees.....	73
25.6 Violation and Penalties.....	73
25.7 Violations - Remedies.....	73

ARTICLE 26, BOARD OF ZONING AND BUILDING APPEALS.....	75
26.0 Appointment.....	75
26.1 Procedure.....	75
26.2 Quorum.....	75
26.3 Assistance.....	76
26.4 Appeals, Hearings and Stay of Proceedings.....	76
26.5 Appeal from Decisions of the Board.....	77
26.6 Decisions of the Board.....	77
26.7 Stay of Proceedings.....	77
26.8 Powers of the Board of Zoning and Building Appeals.....	77
26.9 Fees.....	80
 ARTICLE 27, DISTRICT CHANGES AND REGULATION AMENDMENTS...	 81
27.0 Council May Amend Ordinance.....	81
27.1 Procedure for Change.....	81
27.2 Commission Hearing, Notice.....	82
27.3 Council Hearing.....	82
27.4 Council - Final Action.....	82
27.5 Map Change Pending - Zoning Certificate Building Permit.....	82
27.6 Fees.....	82

PREAMBLE

AN ORDINANCE: TO PROVIDE FOR THE DIVISION OF THE VILLAGE OF BLUFFTON, 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 Bluffton, 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 August, 1977, set the date of 21 day of Sept, 1977 at 7:00 o'clock p.m. Eastern Standard Time in the Council Chambers of the said Village, located on the first floor of the Village Building, North Main Street and Elm Streets, Bluffton, Ohio, as the time and place for the said public hearing.

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

Upon public hearing and after consideration of the 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 test and map as amended for the Village of Bluffton.

ARTICLE 1

TITLE

VILLAGE OF BLUFFTON, OHIO, ZONING ORDINANCE: This ordinance shall be known and may be cited and referred to as the Village of Bluffton, Ohio, Zoning Ordinance.

ARTICLE 2

PROVISIONS DECLARED MINIMUM STANDARDS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Wherever, this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of this ordinance shall govern.

ARTICLE 3

SEVERABILITY AND REPEAL

3.0 SEVERABILITY: This ordinance and the various parts, articles

and paragraphs thereof are hereby declared to be severable. If any article, section, subsection, paragraph, sentence or phrase of this ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

- 3.1 REPEAL:** All other ordinances of the Village inconsistent herewith and to the extent of such inconsistency and no further are hereby repealed.

ARTICLE 4

DEFINITIONS

For the purpose of this ordinance, certain terms are herein defined. All words used in the present tense include the future tense. All words in the singular include plural and all words in the plural include the singular. The word "shall" is mandatory and not directory. The word "used", shall be deemed to include "designed, intended, or arranged to be used".

1. Abutting: Abutting shall mean bordering.
2. 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. No accessory buildings shall be used for any purpose other than that allowed by existing or future village ordinances.
3. Accessory Use: An accessory use is a subordinate use customarily incident to and located on the same lot occupied by the principal use, and the term as herein defined shall include in its definition any improvement appurtenant to such lot.
4. Agriculture: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the

necessary accessory uses for packaging, treating or storing the produce.

5. Alcoholic Beverage: Alcoholic beverage embraces any liquid designed or commonly used for human consumption, as a beverage, containing any percentage of grain or ethyl alcohol by volume and shall not be limited to "intoxicating liquor" and "liquor" as defined in section 4301.01 (a) (1), Ohio Revised Code.

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

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

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

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

10. Apartment: See Dwelling Unit.

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

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

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

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

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

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

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

18. Board: The Board of Zoning and Building Appeals in the Village of Bluffton as established by Article 26 of this ordinance.

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

19.1 Boat: Any structure designed and constructed in such manner as will permit transport upon water, or any number of persons and any amount of cargo and powered either by oars, sails or motors, or any combination thereof. This definition shall also include any wheeled vehicle used for transporting such structure, and commonly known as a boat trailer. (Ordinance No. 26-82, 11-2-82)

20. 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, trailers, billboards, signs or similar structures whether stationary or movable located either under or above the surface of the ground.

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

22. 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.

23. 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.

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

25. 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.

26. 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.

27. 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.

28. 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.

29. 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.

30. Commission: Planning Commission of the Village of Bluffton, Ohio.

31. 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 abutts, such projections being made at right angles to the street.

32. 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.

33. Dwelling: Any permanent building or portion thereof which is designed for or used exclusively for residential purposes containing one or more dwelling units.

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

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

36. 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.

37. 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.

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

39. Essential Services: The erection, construction, alteration or maintenance by public utilities or municipal or other governments of underground or overhead gas, electrical, steam or water transmission or distribution systems, collection, communication, supply or disposal systems, 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; reasonable necessity for the furnishing of adequate service by such public utilities or municipal or other government or for the public health or safety or general welfare, but not including buildings.

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

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

42. Family: One 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 persons.

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

44. Frontage: All of the property on one side of a street between two 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.

45. 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.

46. 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 (1 1/2) ton capacity. Within a private garage no occupation, trade, business or service connected in any way with motor vehicles may be carried on.

47. 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.

48. 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.

49. 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 Director of Village Services.

50. 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 dwelling for the dwelling purposes and does not change the character thereof. 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.

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

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

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

54. 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.

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

56. Junk: 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.

57. Junk Yard: 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 conditon, salvaged machinery, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

58. Kennel, Dog Kennels: The keeping and care of more than three (3) dogs that are more than six (6) months old.

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

60. Least Dimension: The least dimension of a lot is the least of the horizontal dimensions of such lot, and if two 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 (60) percent of the longest of such distance.

61. 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 distance of twelve (12) by thirty-five (35) feet in length and a vertical clearance of at least fourteen (14) feet in height.

62. 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.

63. Lot: A parcel of land occupied or intended for occupancy by a use permitted in this ordinance, including one (1) main building together with its accessory buildings, the open space and parking spaces required by this ordinance and having its principal frontage upon a street or upon an officially approved place.

64. 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.

65. Lot, Corner: A lot abutting upon two (2) or more streets at their intersection.

66. 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.

67. Lot, Interior: A lot other than a Corner Lot or Through Lot.

68. 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.

69. 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.

70. Lot, Through: A lot having frontage on two (2) streets, as distinguished from a corner lot.

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

72. Medical Center: A principal building used by one 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.

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

74. 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.

75. 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.

76. 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.

77. 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.

78. 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.

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

80. 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.

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

82. 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.

83. 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.

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

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

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

87. Public Notice: Public notice as used in conjunction with this ordinance shall mean and conform to the provisions of Section 713.12, Ohio Revised Code (1970 S159. Eff. 6/1/70, 128 v 128, 127 v 363).

88. 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 areas incident to such facilities not including railroads and railroad facilities.

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

90. Rear of a Building, Rear Line of a Building, Rear Yard Line: Rear of a building, rearline 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.

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

92. 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.

93. Retail Filling Station (see Automobile Service Station)

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

95. 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.

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

97. Sign: A name, identification, description, display or illustration which is affixed to, painted or represented, directly or indirectly upon a building structure, parcel or lot and which directs attention to an object, product, place, activity, person, institution, organization or business.

A sign shall not include official court or government notices nor shall it include the flag, emblem or insignia of a nation, political unit, school or religion. Further, it shall not include the display of merchandise in a window but shall include temporary or permanent signs attached to the outside or inside of a window.

98. Sign - Area of: The total exterior surface computed in square feet of a sign having but one 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 such surface.

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

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

101. 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.

102. 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.

103. 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.

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

105. 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.

106. 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.

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

108. 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; advertising signs, billboards, backstop for tennis courts and per goals.

109. 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, protected by a galvanized wire line 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.

110. 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.

111. Thoroughfare: An officially designated federal or state numbered highway, county, township or village road designated as a thoroughfare on the Bluffton Comprehensive Plan including any amendments thereto.

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

113. Trailer or Mobile Home: A trailer or mobile home means any vehicle or structure so designed and constructed in such manner as

will permit occupancy thereof as sleeping quarters for one or more persons, or the conduct of any business or profession, occupation or trade or used as a selling or advertising device and so designed that it is or may be mounted on wheels and used as a conveyance on highways or city streets, propelled or drawn by its own or other motive power, excepting a device used exclusively upon stationary rails or tracks.

114. 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 the use of the trailer camp and its facilities or not. Trailer camp or mobile home camp shall not include automobile or trailer sale lots on which unoccupied trailers are parked for purposes of inspection and sale.

115. 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.

116. 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.

117. 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.

118. 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.

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

120. 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.

121. Zoning Inspector: The Zoning Inspector of the Village of Bluffton, Ohio, or his authorized representative.

122. Zoning Map: The Zoning Map of the Village of Bluffton, Ohio, together with all amendments subsequently adopted.

ARTICLE 5

DISTRICTS AND BOUNDARIES THEREOF

5.0 DIVISION OF VILLAGE INTO DISTRICTS: For the purpose of this ordinance, the Village of Bluffton is hereby divided into ten (10) zoning districts. Said ten (10) districts are designated as follows:

R-I	Residential or Single Family House District
R-II	Residential or Low Density Multiple Family District
R-III	Residential or High Density Multiple Family District
C-I	Commercial District
C-II	Commercial District
I-I	Light Industrial District
I-II	General Industrial District
FP	Flood Plain District
MH	Mobile Home Park District
PUD	Planned Unit Development District

5.1 DISTRICTS AND BOUNDARIES ESTABLISHED: Said ten (10) districts and boundaries thereof are hereby adopted and established as

shown on the Zoning Map of the Village of Bluffton, Ohio, which map, together with all notation, references, data, district boundaries and other information shown thereon, shall

be and the same are hereby made a part of this ordinance. Said Zoning Map, properly attested, shall be and remain on file in the Office of the Director of Village Services. Said

Zoning Map to be subject to change in accordance with this ordinance.

5.2 DISTRICT BOUNDARIES: Except where references on said map to 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.

5.3 UNCERTAINTY AS TO DISTRICT BOUNDARIES: 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.

5.4 VACATED STREET OR ALLEY: 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.

5.5 PROPERTY NOT INCLUDED - ANNEXATIONS: In every case where property has not be 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 (provided such territory is not subject to county or township zoning regulations at the time of annexation). 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. (Upon annexation of territory which is subject to county or township zoning regulations at the time of annexation, the zoning regulations then in effect shall remain in full force and shall be enforced by the respective county or township zoning officials until the Village Council, upon recommendation of the Commission, shall officially adopt new regulations for such territory in accordance with Article 27.

ARTICLE 6

EFFECTS OF DISTRICTING AND GENERAL REGULATIONS

6.1 CONFORMANCE REQUIRED: Except as hereinafter specified, no land, building, structure or premises shall hereafter be used, and no building or part thereof, or other structure, shall be located, erected, moved, reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located; such regulations including, but without limitation, the following:

the use of buildings, structures or land, including performance standards for the control of any "dangerous and objectionable elements, " as defined herein, in connection with such use; the height, size, dimensions or buildings or structures; the size or dimensions of lots, yards, and other open spaces surrounding buildings; the provision, location, size, improvement and operation of off-street parking, loading and unloading spaces.

6.2 ADDITIONAL USES - COMMISSION DETERMINATION: Uses other than those specifically mentioned in this ordinance as permitted uses in each of the districts may also be allowed therein, provided that, in the judgment of the Commission, as evidenced by resolution of record, such other uses are of similar character to those mentioned and will have no adverse influence or no more adverse influence on adjacent properties or the neighborhood or the community than the permitted uses specifically mentioned for the district.

6.3 PROHIBITED USES: Within the limits of the Village, no building or premises shall be used and no building shall be erected which is arranged, intended, or designed to be used for any of the following specified purposes.

1. Petroleum refining, blending or mixing of gasoline, benzol, kerosene or any volatile petroleum derivative.
2. Cement, lime, gypsum or plaster of Paris manufacturer.
3. Chlorine or hydrochloric, nitric, pricric or sulphuric acid manufacture or the smelting of any metallic ore.
4. The manufacture or storage of explosives.
5. Slaughterhouse, distillation of bones, fat rendering, fertilizer, manufacture or glue manufacture.
6. Hair manufacture, reduction or dumping of offal or dead animals.
7. Trailer or mobile home unless located in a Mobile Home Park District as provided for in Article 16.

6.4 ADDITIONAL PROHIBITED USES - COMMISSION DETERMINATION: Uses

other than those specifically prohibited in this ordinance in any district shall also be prohibited therefrom, provided that in the judgement of the Commission, as evidenced by resolution of record, such other uses are similar in character to those specifically prohibited in that they would have similar or more serious adverse influence on adjacent properties or the neighborhood or the community than the uses specifically mentioned as prohibited in the district.

6.5 CONVERSION OF DWELLING: The conversion of any building into a dwelling or the conversion of any dwelling so as to accomodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this ordinance and only when the resulting occupancy will comply with the requirements governing new construction in such district, with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yards and other open spaces and off-street parking. Each conversion shall be subject also to such further requirements as may be specified hereinafter within the Article applying to such district. The aforesaid requirements with respect to lot coverage, yards and other open spaces, shall not apply in case the conversion will not involve major exterior structural changes and: (1) there is either a shortage of not more than 10 percent in the required dimensions or area of each of not more than two said requirements as to coverage, yards and other open spaces or (2) in case the conversion will result in lot area per dwelling unit for family, at least 20 percent greater than required for new buildings in the district.

6.6 YARD REQUIREMENT ALONG ZONING BOUNDARY LINE IN THE LESS RESTRICTED DISTRICT: Along any zoning boundary line, on a lot adjoining such boundary line in the less restricted district, any abutting side yard, rear yard or court, unless subject to greater restrictions or requirements stipulated by other provisions of this ordinance, shall have a minimum width and depth equal to the average of the required minimum width or depth for such yards, rear yards or courts in the two districts on either side of such zoning boundary line. In cases where the height of a proposed structure on such lot in the less restricted district is greater than the

maximum height permitted in the adjoining more restricted district, the minimum depth or width of the side yard, rear yard or court for such structure shall be determined by increasing the minimum width or depth for the highest structure permitted in such more restricted district by one (1) foot for each two (2) feet by which the proposed structure exceeds the maximum height permitted in said more restricted district.

6.7 ACCESSORY BUILDINGS IN R-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).

6.8 PERFORMANCE STANDARDS - COMPLIANCE: Even though compliance with performance standards procedure, Article 18 may not be expressly required for a particular use, initial and continued

compliance with performance standards is required of every use.

6.9 STREET FRONTAGE REQUIRED: Except as permitted by other provisions of this ordinance, no lot shall contain any building used in whole or part for residential purposes unless such lot abutts for at least fifty (50) feet on a street; and there shall not be more than one (1) single family dwelling for such frontage. A dwelling otherwise in compliance with any section of this ordinance may be erected on any lot separately owned on the effective date of this ordinance or any lot in a recorded subdivision that was on record on the effective date of this ordinance.

6.10 TRAFFIC VISIBILITY ACROSS CORNER LOTS: In any R-Residential district on any corner lot, no fence, structure or planting shall be erected or maintained within twenty-five (25) feet of

the corner (the point of intersection of the right-of-way lines), which interferes with traffic visibility across the corner.

6.11 REQUIRED AREA OR SPACE CANNOT BE REDUCED: No lot, yard, court, parking area or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this ordinance. No part of a yard, parking area or other space provided about or for, any

building or structure for the purpose of complying with the provisions of this ordinance, shall be included as part of a yard, parking area or other space required under this ordinance for another building or structure.

6.12 OFF-STREET PARKING AND LOADING: In every district, spaces for off-street parking and for off-street loading and unloading shall be provided in accordance with the provisions of Article 19.

6.13 ACCESSORY USES IN "R" RESIDENTIAL DISTRICTS: The following shall apply:

1. Accessory Buildings in R-Residential Districts - General:

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 breezeway or similar structures. Except as provided in Article 24, no accessory building shall be erected in any required yard except a rear yard and shall not occupy more than thirty-five (35) percent 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 an R-Residential district.

2. Accessory Buildings in R-Residential District - Corner

Lots: In any R-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.

3. Accessory Buildings in R-Residential District - Front Setback: No accessory use or structure in any R-Residential district, except an off-street parking area subject to the provisions of Article 19, shall be permitted nearer to any front lot line than sixty (60) feet, unless such use 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 and all side and rear lot line requirements are met in accordance with this ordinance.
4. Accessory Buildings in R-Residential District - Yard Requirements: Except as provided in Article 24, 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 a principal building of the same height and other dimensions as said accessory building.

6.14 ESSENTIAL SERVICES: Essential services shall be permitted as authorized and regulated by law and other ordinances of the Village subject to review by the Board.

6.15 UNSAFE BUILDINGS: Nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority (Building Permit is required).

6.16 PENDING APPLICATIONS FOR BUILDING PERMITS: Nothing herein contained shall require any change in the overall layout plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this ordinance, the construction of which shall have been started prior to the effective date of this ordinance.

6.17 PARKING OF TRUCKS IN R-RESIDENTIAL DISTRICTS: No truck or other commercial vehicle of a rated weight of more than three-quarters (3/4) ton shall be parked on any street or on any residential premises in any R-Residential district for any consecutive period of four (4) hours or more; provided that nothing herein shall prevent the parking of

such vehicle in a fully enclosed garage or similar permanent structure.

6.18 PARKING AND OCCUPANCY OF HOUSE TRAILERS AND CAMPERS: No person shall occupy any house trailer, mobile home or motor home or camper for more than seventy-two (72) hours. The storage of a mobile home, house trailer, motor home or camper shall not be permitted in any front yard or the street side yard of a corner lot for more than seventy-two (72) hours. Camper body attached to a pick-up truck or other similar vehicle shall not be construed as a motor home or mobile home.

6.19 PARKING OF BOATS AND TRAILERS: The storage of a boat or a boat trailer shall not be permitted in any front yard or the street side yard of a corner lot or the street front yard of any lot or the street abutting any lot for more than seventy-two (72) hours. (Ordinance No. 26-82, 11-2-82)

ARTICLE 7

NON-CONFORMING USES

7.1 ABANDONMENT: A non-conforming use existing on the effective

date of this ordinance may be continued provided, however, that should such use be discontinued for a period of two (2) years or more, then such use shall be deemed abandoned and any further use of such premises or a structure located on such premises shall be in conformity with the use permitted in the district or location.

7.2 RECONSTRUCTION: Any building or structure, existing and in use as a non-conforming use on the effective date of this ordinance which shall be destroyed by casualty or act of God, may be reconstructed and restored, provided, however, that such is commenced within one (1) year from the date of such destruction.

7.3 ALTERATION AND ENLARGEMENT: Any building or structure, existing and in use, or land devoted to a non-conforming use on the effective date of this ordinance may not be altered or enlarged in a manner and form resulting in the extension of such non-conforming use, provided, however, that the Village Board of Zoning and Building Appeals shall have the power to grant a variance under the provisions of Article 26 hereof, allowing such extension under conditions as follows:

1. The total alteration, enlargement, or extension of existing structure or structures or the erection of additional structures shall not increase the non-conforming area of such original structures by a total of more than twenty-five (25) percent.
2. Such enlargement and/or extension shall not be detrimental in consideration of the surrounding neighborhood, but that the granting thereof shall remove an unnecessary hardship as to the owner thereof.
3. The extension of such non-conforming use shall not reduce the area of a contiguous or adjacent conforming use.
4. When authorized by the Board, in accordance with the provisions of Article 26, the substitution for a non-conforming use of another not more objectionable non-conforming use may be considered.

7.4 **STRUCTURES UNDER CONSTRUCTION:** Any structure commenced as of the effective date of this ordinance may be completed, although non-conforming if completed within one (1) year of the effective date of this ordinance.

ARTICLE 8

R-1 RESIDENTIAL DISTRICT

8.0 PURPOSE: The purpose of the R-1 Residential District 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.

8.1 USES PERMITTED IN THE R-1 RESIDENTIAL DISTRICT:

1. Single family dwelling structure.
2. Church, school, library, college building (including residence halls, maintenance buildings and sports facilities), public park, playground and/or buildings pertaining to the use thereof. Buildings and permanent structures shall be located not less than twenty-five (25) feet from any other lot in any R-1 Residential District.
3. Farming, truck gardening or nursery, provided however, that any such use permitted shall not be construed to permit the sale, trading or dealing in the commodities or products thereof, other than as to those transactions which are completely of a casual or incidental nature.
4. Accessory buildings and uses.

8.2 CONDITIONAL USES - WITH APPROVAL BY THE VILLAGE ZONING AND BUILDING BOARD OF APPEALS AFTER A PUBLIC HEARING

1. Country clubs, private clubs or lodges, golf courses and similar uses and facilities. Buildings and structures shall be located not less than seventy-five (75) feet from any other lot.
2. Utility sub-stations and pump houses providing that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety or welfare of the residents of the area.
3. Two-family dwelling structures.
4. Home Occupations: customary home occupations, 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 of the area of one floor 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 one square foot in area and attached flat against the building shall be permitted.
5. Funeral home.
6. Essential services.

8.3 REQUIRED LOT AREA, FRONTAGE AND YARD IN THE R-1 RESIDENTIAL DISTRICT: All structures shall meet the following minimum standards: Amended by Ordinance No. 12-80, 8-5-80.

Use	Lot Area (Square Ft)	Lot Width (Feet)	Front Yard (Feet)	Side Yard		
				Least Width (Feet)	Sum Width (Feet)	Least Rear Yard (Feet)
Single family	8,000	80	30 *	8	20	40**
Two-family	9,000	80	30 *	8	20	40**

Other permitted 12,000 100 30 * 10 30 40**
Uses (except agri)

8.4 CORNER LOTS: Corner lots shall have the same minimum front yard requirements on each street side of the lot.

8.5 HEIGHT REGULATION WITHIN THE R-1 RESIDENTIAL DISTRICT: No residential or other permitted or approved structure within the R-1 Residential District shall exceed two and one-half (2 1/2) stories or thirty (30) feet.

8.6 REQUIRED FLOOR AREA IN THE R-1 DISTRICT: Any building intended in whole or part for residential purposes shall provide a minimum livable floor area as hereinafter specified:

Single-family structure	1,000 square feet
Two-family structure	750 square feet per unit

* The least dimension of a front yard shall be thirty (30) feet or not less than twenty (20) percent of the average or normal depth of the lot, whichever is largest.

** The least dimension of a rear yard shall be forty (40) feet or not less than fifteen (15) percent of the depth of the lot, whichever is largest.

ARTICLE 9

R-II RESIDENTIAL DISTRICT

- 9.0 **PURPOSE:** The purpose of the R-II Residential District is to provide an area for low density single and multiple-family residential and associated land uses normally considered an integral part of the neighborhood they serve. In an R-II

Residential District, no building on 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.

9.1 USES PERMITTED IN THE R-II RESIDENTIAL DISTRICT:

1. Any uses permitted in the R-I District.
2. Multiple family dwelling structures for occupancy by not more than three families living independently of each other.
3. Church, school, library, college building, public park playground and/or buildings pertaining to the use thereof. Buildings and permanent structures shall be located not less than twenty-five (25) feet from any other lot in any R-II Residential District.
4. Accessory buildings and uses.

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

1. Offices of doctors engaged in the practice of medicine, surgery, optometry or dentistry, offices of attorneys at law, accountants, architects, engineers, insurance brokers or salesmen or other service related activities or occupations shall be permitted. This paragraph shall not include any such activities or occupations, the primary characteristic of which is the sale, at retail or wholesale of products, goods or commodities. Occupations including the repair or maintenance of equipment or facilities used in residential, commercial or industrial connections shall not be permitted. The approval of both the Planning Commission and the Council of the Village shall first be obtained before the issuance of a building permit for the erection or change in the structural form, either external or internal, of any building or residence used for such office in order that the external appearance and architectural design shall conform to the residential appearance of the immediate neighborhood. Such approval shall be given by both such bodies by simple resolution, on a majority vote to the affirmative and publication thereof shall not be required.

2. County clubs, private clubs or lodges, golf courses and similar uses and facilities. Buildings and structures shall be located not less than seventy-five (75) feet from any other lot.
3. 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.
4. Home Occupations: Customary home occupations, 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 of the area of one floor 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 one square foot in area and attached flat against the building shall be permitted.
5. Funeral home.
6. Cemeteries.
7. Essential services.

9.3 REQUIRED LOT AREA, FRONTAGE AND YARD IN THE R-II RESIDENTIAL DISTRICT: All structures shall meet the following minimum standards:

Use	Lot Area (Square Ft)	Lot Width (Feet)	Front Yard (Feet)	Side Yard		
				Least Width (Feet)	Sum Least Width (Feet)	Rear Yard (Feet)
Single family	8,000	80	30 *	8	20	30**
Two-family	9,000	80	30 *	8	20	30**
Three-family	9,000	90	30 *	10	26	30**
Other permitted Uses	12,000	100	30 *	10	30	40**

* The least dimension of a front yard shall be thirty (30) feet or not less than twenty (20) percent of the average or normal depth of the lot, whichever is largest.

** The least dimension of a rear yard shall be thirty/forty (30/40) feet or not less than fifteen (15) percent of the depth of the lot, whichever is largest.

9.4 CORNER LOTS: Corner lots should have the same minimum front yard requirements on each street side of the lot.

9.5 HEIGHT REGULATION WITHIN THE R-II RESIDENTIAL DISTRICT: No residential or other permitted or approved structure within the R-II Residential District shall exceed two and one-half (2 1/2) stories or thirty (30) feet.

9.6 REQUIRED FLOOR AREA IN THE R-II DISTRICT: Any building intended in whole or part for residential purposes shall provide a minimum livable floor area as hereinafter specified:

Single-family structure	1,000 square feet
Two-family structure	750 square feet per unit
Three-family structure	600 square feet per unit

ARTICLE 10

R-III RESIDENTIAL DISTRICT

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

10.1 **USES PERMITTED IN THE R-III RESIDENTIAL DISTRICT:**

1. Any uses permitted in the R-II District.
2. Multiple family dwelling structures and apartment hotels for any number of families or housekeeping units, but not primarily for transients.
3. Rooming or boarding houses, provided they are not primarily operated for transients and provided also

that any building in which such uses are housed be located at twenty-five (25) feet from any other lot in any Residential District.

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

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

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

8. Accessory buildings and uses.

10.2 **CONDITIONAL USES - WITH APPROVAL BY THE VILLAGE ZONING AND BUILDING BOARD OF APPEALS AFTER A PUBLIC HEARING**

1. Same uses as are conditionally permitted and as regulated in the R-II Residential District, except as specifically limited in this Article.
2. Rest homes, clinics, nursing homes.

10.3 **REQUIRED LOT AREA, FRONTAGE AND YARD IN THE R-III RESIDENTIAL DISTRICT:** All structures shall meet the following minimum standards:

Use	Lot Area (Square Ft)	Lot Width (Feet)	Front Yard (Feet)	Side Yard		
				Least Width (Feet)	Sum Width (Feet)	Least Rear (Feet)
Single family	8,000	80	30 *	8	2030	**
Two-family	8,000	80	30 *	8	20	30 **
Three-family	9,000	90	30 *	10	26	30 **
Multi-family	2,500	100	30 *	12	26	40 **
	sq. ft./ dwell. unit					
Other Permitted Uses	12,000	100	30 *	12	2640	**

10.4 **CORNER LOTS:** Corner lots shall have the same minimum front yard requirements on each street side of the lot.

10.5 **HEIGHT REGULATION WITHIN THE R-III RESIDENTIAL DISTRICT:**
No residential or other permitted or approved structure within the R-III Residential district shall exceed four (4) stories or fifty (50) feet.

10.6 **REQUIRED FLOOR AREA IN THE R-III DISTRICT:** Any building

intended in whole or part for residential purposes shall provide a minimum livable floor area as herinafter specified:

	Single-family structure	1,000 square feet
	Two-family structure	750 square feet per unit
unit	Three-family structure	600 square feet per
unit	Multi-family structure	550 square feet per

* The least dimension of a front yard shall be thirty (30) feet or not less than twenty (20) percent of the average or normal depth of the lot, whichever is largest.

** The least dimension of a rear yard shall be thirty/forty (30/40) feet or not less than fifteen (15) percent of the depth of the lot, whichever is largest.

ARTICLE II

C-1 COMMERCIAL DISTRICT

11.0 **PURPOSE:** The purpose of the C-1 Commercial District is to provide an area for a wide range of retail facilities and services of such a nature as to be fully compatible in the close proximity they must enjoy in a centralized commercial district. In a C-1 Commercial 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:

11.1 **USES PERMITTED IN THE C-1 COMMERCIAL DISTRICT:**

1. Any use permitted in the R-III District except residences. *
2. Major Retail Outlets: Furniture, hardware, department, appliance, clothing, jewelry, shoe, paint and wallpaper stores dealing entirely in the retail sales of any product not restricted by the provisions of this section.
3. Food, Drug and Beverage: Grocery stores, supermarkets, meat markets, fish market, bakery (in conjunction with retail sales), frozen food locker facility, delicatessen, enclosed restaurant ice cream parlor and bars, provided, however, that no establishment selling or serving alcoholic beverages shall be located within five hundred (500) feet of a public school, playground, church,

or private school, college or library measured from the nearest entrance and along street lines.

shops,
4. Specialty Shops: Gift shops, book, magazine, and stationery outlets, florist shops, camera 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.

shops
5. Service and Recreation: Barber shops, beauty or any school engaged in the teaching of or instruction in any trade, shoe repair and tailor shop, appliance repair shop, laundromats using self-operating automatic washers, dryers and appliances and non-inflammable fluids, dry cleaning establishments using non-inflammable cleaning agents, printing shops with not more than 10 full-time regular employees, a funeral home or mortuary, hospital, radio or television studio, bowling alley,
poolroom, assembly hall, enclosed theater or any recreation facility.

* Refer to Article 11.2 for Conditional Uses

Savings
buildings,
6. Business and Professional Offices: Banks, and loan institutions, public utilities offices, insurance and real estate offices, office medical and dental office clinics, law and other professional offices.

room,
7. Automotive and Related Uses: Automobile sales farm implement sales and related repair garage, automobile repair garage, customer parking lots associated with a business establishment, motorcycle and bicycle sales and repair shops, motor bus and cab terminals, gasoline service stations, provides all volatile products are stored underground.

8. Motels and Hotels: Hotel, motel, motor lodge.
9. Rest homes, nursing homes and children's nurseries.
10. Accessory uses or buildings.

11.2 CONDITIONAL USES WITH APPROVAL BY THE VILLAGE BOARD OF ZONING AND BUILDING APPEALS AFTER A PUBLIC HEARING

1. Single, two, three and multi-family residential structures.
2. Commercial storage facilities including garages.
3. Commercial parking lots.
4. Any wholesale distributing business.
5. Any retail or wholesale industrial product distributing business.
6. Laundry and dry cleaning plants.
7. Building trades or equipment including building concrete, electrical, masonry, sheet metal, plumbing and heating and cooling shops, building material establishments and lumber yards.
8. Drive-in theaters, drive-in restaurants and refreshment stands.
9. Accessory uses or buildings.

11.3 REQUIRED LOT AREA AND LOT WIDTH IN THE C-1 DISTRICT:

1. Residential Uses: Each residential use to be accommodated in the C-1 District shall meet the minimum lot area and minimum lot width requirements of the R-II Residential District.
2. Commercial Uses: No minimum lot area or minimum lot width is required for commercial uses.

11.4 BUILDING HEIGHT REGULATION IN THE C-1 DISTRICT: No building shall exceed four (4) stories or fifty (50)

feet in height, except as provided in Article 23.

11.5 **REQUIRED YARDS IN THE C-1 DISTRICT:**

1. Residential Uses: Each residential use to be accommodated in the C-1 Commercial District shall meet the minimum yard requirements of the R-III Residential District.

2. Commercial Uses:

Front Yard - 25 Feet. *

Side Yard - No minimum yard required, except lots adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining Residential District.

Rear Yard - 25 Feet. Where a lot line abuts any alley, one-half of the width of such alley may be considered in meeting a part of the rear yard requirements.

11.6 **LANDSCAPING OR SCREENING PROVISIONS:** For non-residential uses abutting an "R" District the minimum yards may be reduced to 50 percent of the minimum side

or

rear yard requirements, if acceptable landscaping or screening, approved by the Board is provided. Such screening shall be 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 15 feet in

width

planted with evergreen hedge, or dense planting of evergreen shrubs not less than 4 feet in height at the time of planting.

* Or 55 feet from the center of the road if no R/O/W has been established.

ARTICLE 12

C-II COMMERCIAL DISTRICT

12.0

PURPOSE: The purpose of the C-II Commercial District is to provide for those retail businesses and services

which

require a location other than in the central business district being either highway oriented, requiring larger tracts of land not normally available in the central business district, or to provide local neighborhood retail shopping facilities to those residential areas immediately adjacent.

12.1

USES PERMITTED IN THE C-II COMMERCIAL DISTRICT:

1. Any uses permitted in the Residential Districts.
2. Any uses permitted in the C-I Commercial District.
3. Dance Hall.
4. Book binding and upholstering shops, laundry or dry cleaning employing a maximum of not more than ten (10) persons, new and second hand automobile, truck, trailer, farm implement sales and repair facilities; provided that the premises shall be enclosed by a wall or fence at least six (6) feet high when it adjoins in the rear or on the side of any R District, public park, school or church.
5. 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).
6. Veterinary hospital for small animals.
7. Sale at retail of any industrial product, including the repair or maintenance of equipment or facilities used in any residential or industrial connection.
8. An accessory use customarily incident to a use authorized by this section shall be permitted in a C-II Commercial District provided such is not

otherwise classified by the terms of this ordinance.

12.2 In a Class II Commercial District, no establishment selling or serving alcoholic beverages shall be located within five hundred (500) feet of a public school, playground, church, hospital, private school, library or college, measured from the nearest entrance and along street lines.

12.3 CONDITIONAL USES - WITH APPROVAL BY THE VILLAGE ZONING AND BUILDING BOARD OF APPEALS AFTER A PUBLIC HEARING.

1. Commercial storage facilities including garages.
2. Commercial parking lots or truck terminals*.
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.
4. Lumber yards.
5. Drive-in theaters, drive-in restaurants and refreshment stands.
6. 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 a sight obscuring, unpierced fence or wall at least five (5) feet in height.
7. Accessory uses or buildings.

12.4 REQUIRED LOT AREA AND LOT WIDTH IN THE C-II DISTRICT:

1. Residential Uses: Each residential use to be accommodated in the C-II District shall meet the minimum lot area and minimum lot width requirements of the R-III District.
2. Commercial Uses: A minimum required lot area of 12,000 square feet and a minimum lot width of 100

feet is required for commercial uses in the C-II District.

12.5 **BUILDING HEIGHT REGULATION IN THE C-II DISTRICT:** No building shall exceed two and one-half (2 1/2) stories or thirty (30) feet in height, except as provided in Article 23.

12.6 **REQUIRED YARDS IN THE C-II DISTRICT:**

1. Residential Uses: Each residential use to be accommodated in the C-II Commercial District shall meet the minimum yard requirements of the R-III Residential District.

*Provided, however, that adequate off-street parking facilities shall be provided to avoid congestion of abutting streets, ways, or alleys.

2. Commercial Uses:

Front Yard - 30 feet*

Side Yard - No minimum yard required, except lots adjoining a residential district shall provide a side yard on that adjoining side equal to that required in the adjoining Residential District.

Rear Yard - 40 feet. Where a lot line abuts any alley, one-half (1/2) of the width of such alley may be considered in meeting a part of the rear yard

requirements.

12.7 **LANDSCAPING OR SCREENING PROVISIONS:** For non-residential uses abutting an R District, the minimum yards may be reduced to 50 percent of the minimum side or rear yard requirements, if acceptable landscaping or screening, approved by the Board is provided. Such screening shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or 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 scrubs not less than four (4) feet in height at the time of planting.

12.8 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.

*or 55 feet from the center of the road if no right-of-way has been established.

ARTICLE 13

I-1 LIGHT INDUSTRIAL DISTRICT

13.0 PURPOSE: The purpose of I-1 Industrial 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 traditional use between heavy industrial uses and other less intense business and residential uses.

13.1 USES PERMITTED IN THE I-1 INDUSTRIAL DISTRICT:

1. Storage in bulk of or warehouse for, commodities such as building materials, contractors, equipment, clothing, fibres, raw or finished, drugs, dry goods,

feed, fertilizer, food, solid fuels, furniture, hardware, ice, machinery, metals, paint and paint materials, pipe, rubber and rubber products, shop supplies, liquid fuels, petroleum or petroleum products or volatile oils and liquids, ,provided, however, that the storage of liquid fuels,

petroleum

or petroleum products, or volatile oils and liquids shall be underground and 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.

2. Laundry or dry cleaning plants and facilities, printing, publishing and reproduction establishments.
3. Cold storage plants, brewerys, milk bottling, ice plants and storage, central distribution, wholesaling, or processing plants.
4. Veterinary hospital and animal kennels.
5. Freight terminal, 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.
6. Lumber yard or planning mill.
7. Administrative, engineering, scientific research, design or experimentation facility, assaying of ore by laboratory methods, and such processing and fabrication as may be necessary thereto.
8. 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 products, except the following: fish or meat products, sauerkraut, sugar beets, vinegar, yeast and the rendering of fats and oils.

9. Manufacturing or processing of small items, including gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors or generators, and textile products.

10. Assembling of electrical appliances, radios and phonographs and televisions, including the manufacturing of small parts only, such as coils, condensers, transformers, crystal holders, electric and electronic parts and equipment for wholesale; musical instruments, novelties, and light metal products.

11. Essential services.

13.2 CONDITIONAL USES - WITH APPROVAL BY THE VILLAGE ZONING AND BUILDING BOARD OF APPEALS AFTER PUBLIC HEARING:

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

2. One dwelling unit for a caretaker and his family.

13.3 ACCESSORY USES IN THE I-1 DISTRICT: Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted uses in the I-1 District.

13.4 OTHER REQUIRED CONDITONS: 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.

13.5 HEIGHT REGULATIONS IN THE I-1 DISTRICT: No building in the I-1 District shall exceed 50 feet in height.

13.6 REQUIRED LOT AREA IN THE I-1 DISTRICT: Each use to be established in the I-1 Light Industrial District shall provide a minimum lot area of 15,000 square feet and a minimum lot width of 100 feet.

13.7 **YARDS REQUIRED IN THE I-1 DISTRICT:** All structures to be constructed, altered, or moved, in the I-1 District shall provide yards of the following minimum depths:

Front Yard - 30 feet

Side Yard - 10 feet, except where a yard abuts a residential district in which case a side yard of 30 feet shall be

provided.

Rear Yard - 30 feet

13.8 **SCREENING REQUIRED BETWEEN INDUSTRIAL AND RESIDENTIAL DISTRICT:** Newly established industrial uses adjacent

or backing on a residential district shall provide on that adjacent property line a dense hedge, tree row, fence, or other suitable landscape device adequate to visually screen the industrial area from the residential area. Plant material shall be a minimum of four (4) feet tall at the time of planting. Fences, walls or other landscape devices shall be a minimum height of six (6) feet.

ARTICLE 14

I-II GENERAL INDUSTRIAL DISTRICT

14.0 **PURPOSE:** The purpose of the I-II General Industrial District is to encourage the development of manufacturing facilities of a moderate and heavy nature which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, smoke or glare.

14.1 **USES PERMITTED IN THE I-II INDUSTRIAL DISTRICT:**

1. Any use permitted in I-1 Light Industrial District.
2. Grain elevators, concrete plants and the manufactur, storage and sale of related products.
3. Light metal fabrication and casting plants (no noxious fumes).
4. Establishments involved in the manufacturing, assembling, remodeling and distribution of automobiles, trucks, boats, aircraft*, gliders*, household goods, farm equipment, construction and building equipment and products and plastic and metal products. *(Ordinance No. 13-82)
5. Carpentry, woodworking and machine shops.

14.2 **CONDITIONAL USES - WITH APPROVAL BY THE VILLAGE ZONING AND BUILDING BOARD OF APPEALS AFTER PUBLIC HEARING:**

1. Any industrial manufacturing, storage or distribution establishment not specifically mentioned above and deemed acceptable by the Board of Zoning and Building Appeals for the district.
2. One dwelling unit for a caretaker and his family.
3. Storage, accumulation or baling of scrap, metals, bottles, rags, paper, rubber or other articles or matter commonly known as junk, or the wrecking, dismantling or salvaging of motor vehicles or parts thereof.
4. Stockyards or storage area for live animals.
5. Processing facilities for the storage or dressing for sale as wholesale or retail of poultry, meat or game or a meat packing, curing or dressing establishment.
6. Sewage disposal or treatment plant, including sanitary landfill and other similar uses.
7. Chemical plants not emitting corrosive or toxic fumes beyond the limits of the premises, including any plant the main operation of which is concerned with the processing or synthesizing of chemical compounds or derivatives, volatile in nature.

14.3 ACCESSORY USES IN THE I-II DISTRICT: Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted uses in the I-1 District.

14.4 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.

14.5 HEIGHT REGULATIONS IN THE I-II DISTRICT: No building in the I-II District shall exceed 50 feet in height.

that will not hinder the movement of floodwaters.

15.1 USES PERMITTED IN THE FP FLOOD PLAIN DISTRICT:

1. Any customary agricultural use, forestry.
2. Any public or private noncommercial recreation facility, including fishing lakes, golf courses, parks and other similar uses.
3. Water conservation works, including water supply works, flood control and watershed protection, fish and game hatcheries and preserves, hydro-electric power installations, etc.
4. Accessory uses and buildings.

15.2 CONDITIONAL USES WITH APPROVAL BY THE VILLAGE ZONING AND BUILDING BOARD OF APPEALS AFTER A PUBLIC HEARING:

1. Commercial recreation; such as commercial fishing lakes, rifle ranges and gun clubs, providing they are not located closer than a 200 foot distance from any R-District.
2. Commercial mining; in accordance with all provisions of the Ohio Revised Code.
3. Reclamation of lands subject to flooding, providing that no filling, draining, construction of levees or other improvements intended to reduce the danger of flood or erosion shall be authorized by the Board, unless the Board finds that such reclamation work is in concert with objectives of the Bluffton Comprehensive Plan; and that any such work is done under the supervision of a competent, professional civil engineer.

15.3 REQUIRED CONDITIONS; Buildings or structures authorized in the Flood Plain District shall be built on a permanent foundation and not obstruct natural drainage

in courses and floodways. Equipment and materials stored
in areas subject to flooding

15.4 REQUIRED LOT AREA AND LOT WIDTH IN THE FP DISTRICT:
None, except as may be specified by the Board; provided that no structure shall be located closer than 35 feet to any existing or proposed public right-of-way, no closer than 15 feet to any side or rear lot line and no closer than 50 feet from the waters edge of any stream, river or body of water.

15.5. HEIGHT REGULATION IN THE FP DISTRICT: No structure shall exceed 2 1/2 stories or 30 feet in height.

ARTICLE 16

MH, MOBILE HOME PARK DISTRICT

- 16.0 **PURPOSE:** It is the intent and purpose of this Article to regulate the location and to encourage, stabilize, and protect the development of well planned Mobile Home Parks.
- 16.1 **APPROVAL PROCEDURES:** Mobile Home Parks may be located only in the MH District. The procedure for approval shall follow those as shown in this Article.
- 16.2 **GENERAL STANDARDS:** The Commission shall review the particular facts and circumstances of each proposed Mobile Home Park in terms of the following standards and shall find adequate evidence showing that the Mobile Home Park Development:
- (a) 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;
 - (b) Will not be hazardous or detrimental to existing or future neighboring uses;
 - (c) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal, and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;
 - (d) 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;

(e) Will be consistent with the intent and purpose of this ordinance and the Bluffton Comprehensive Plan;

which (f) Will have vehicular approaches to the property shall be so designed as not to create an interference with traffic on surrounding public streets or roads;

(g) Will not result in the destruction, loss, or damage of natural, scenic, or historic features of major importance; and

electric (h) Will meet all applicable National, State and Local Codes and Laws including, but not limited to the Ohio Revised Code, State of Ohio Department of Health or local health district, Ohio Sanitary Code, national or applicable local or state code.

16.3 shall **CONTENTS OF APPLICATION:** A written application

be filed with the Zoning Inspector. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant;

2. Legal description of property;

3. Present use; existing and proposed zoning district;

4. A vicinity map at a scale approved by the Commission, showing existing property lines, streets, utility lines, drainage ways, structures and such other items as the Commission may require to show the relationship of the development to the Bluffton Comprehensive Plan;

5. A proposed plan at a scale approved by the Commission showing the location and dimensions of streets, and other roadways, lots, typical lot

improvements; areas for recreation, storage, off or on street parking; a landscape plan showing plant material location and size; buffering, screening or fencing; provisions for garbage and trash removal; location of utilities including street lighting, pedestrian walkways; and such other things the Commission deems necessary.

16.4 **MOBILE HOME PARK REQUIREMENTS:** Mobile Home Parks shall meet the following requirements:

1. Park Size: A Mobile Home Park shall contain a minimum of 10 acres.
2. Density: The maximum density shall not exceed 6 mobile homes per gross acres.
3. Width and Depth: The minimum width of the Mobile Home Park development shall not be less than 300 feet. The ratio of width to depth shall not exceed one to five (1:5)
4. Yards: All mobile homes or accessory buildings shall be located no closer than 35 feet from the front property lines, nor closer than 20 feet from the side or rear property line. However, if the side or rear property line abuts an arterial street as shown on the Major Thoroughfare Plan, the minimum side or rear yard shall be 35 feet.
 - 4.1 All Mobile Home Parks containing 3 or more mobile homes shall be licensed by the State of Ohio.
5. Access: All Mobile Home Parks should have access to adequate collector streets with right-of-way not less than 60 feet in width. Marginal access roads may be required if deemed necessary for Mobile Home Parks that would have direct access onto an arterial street.
6. Streets: The design and construction of the interior street system shall be sufficient to adequately serve the size and density of the development. All streets shall be paved (curbs

and gutters shall be included) and shall not be less than 30 feet in width. The design and construction of the interior street system shall conform to requirements of the Bluffton Village Council. Parking on interior streets shall not be permitted unless the pavement width is 35 feet at a minimum. Street width shall be measured from back of curb to back of curb.

7. Walkways: All Mobile Home Parks shall have paved pedestrian walkways at least 4 feet in width and be made of Portland cement concrete of a thickness of not less than 4 inches. The design and construction of the system shall be subject to the approval of the Bluffton Village Council. The location of necessary walkways shall be decided by the Commission and may vary relative to location, intensity of use, and location of recreational areas and service buildings.

8. Recreation and Open Space: At least 10 percent of the gross land area of the Mobile Home Park shall be reserved for recreational and open space uses. This figure is in addition to any other open space areas required by yard requirements or other sections of this Ordinance. A clustering of units is encouraged.

9. Buffering and Screening: The outer boundaries of a Mobile Home Park shall contain a buffer zone. This buffer zone shall be composed of a green strip, not less than 20 feet in width, located along all park boundaries. The type of plantings shall be approved by the Commission. The green strip may be in a yard adjacent to a street or road, provided all other provisions of the Ordinance are met.

16.5 MOBILE HOME PARK LOT REQUIREMENTS: Individual mobile home lots within Mobile Home Parks shall conform to the

following requirements:

1. Lot Size: Each mobile home lot shall contain a minimum area of 4,000 square feet.
2. Lot Width and Depth: The minimum width of each mobile home lot shall be 40 feet and the minimum depth of each lot shall be 100 feet. The minimum width of corner lots shall be 50 feet.
3. Clearance: There shall be a minimum clearance of 20 feet between individual mobile homes and a minimum clearance of 30 feet between an individual mobile home and another building not directly accessory to the mobile home itself. Any free standing auxiliary building shall not be placed in the clear area required between trailers, trailers and lot lines and trailers and roadways.
4. Driveway and Parking: Each mobile home lot shall be provided with a paved driveway to accommodate off-street parking for two vehicles. The size of the driveway shall not be less than 400 square feet.
5. Walkway: Each mobile home lot shall be provided with a 2 foot in width walkway made of Portland concrete of a thickness of not less than 4 inches, leading from the main entrance to the main walkway or adjacent street. The design and construction of the system shall be subject to the approval of the Bluffton Village Council.
6. Mobile Home Base: Each mobile home lot shall be provided with a stable base upon which to place the mobile home. This base shall be approved by the Commission.
7. Patio: Each mobile home lot shall be provided with a paved concrete patio area at least 100 square feet in area. The patio should be located

on the entrance side of the mobile home.

- concrete
8. Anchors: Each mobile home lot shall be provided with anchors and tie downs such as cast-in-place concrete "dead men" eyelets imbedded in the runways, screw augers, arrowhead anchors, or other devices for securing the stability of the mobile home.
 9. Corner Markers: The four corners of each mobile home lot shall be marked in a manner acceptable to the Commission.
 10. Skirting: Each mobile home shall be skirted, entirely enclosing the bottom section, within 90 days after its placement.
 11. Landscaping: On each mobile home lot at least one deciduous hardwood tree of a minimum of 1-1/2 inch caliper measuring at a height of four feet on the trunk shall be planted in the front yard.
 12. Floor Area: Each mobile home placed within the Mobile Home Park shall have a minimum area of 400 square feet.
 13. Height: The maximum height of mobile homes and accessory buildings shall not exceed 20 feet.

16.6 **MOBILE HOME UTILITIES AND OTHER SERVICE:** Mobile Home Park utility and other services shall conform to the following requirements:

1. Storm Drainage: Within each Mobile Home Park storm drainage shall be provided in accordance with the following requirements:
 - (a) All areas of a Mobile Home Park shall be graded in a manner so that there will be no poorly drained areas. Grading shall not obstruct the natural drainage of surrounding properties.
 - (b) Open drainage ditches are prohibited. All drainage systems shall be designed in accordance with the requirements of

the Bluffton Village Council.

2. Water: Within each Mobile Home Park there shall be installed a water supply and distribution system in conformance with the requirements of the County Board of Health and the Ohio Environmental Protection Agency. Each mobile home lot shall be connected to this system.
3. Sewage Disposal: Within each Mobile Home Park there shall be installed a sanitary waste distribution system which shall be connected with the municipal sewer system where available. Where a municipal sewer system is not available, a central treatment plant shall be located, constructed, and maintained in accordance with the regulations of the County Board of Health and the Ohio Environmental Protection Agency. Each mobile home lot shall be connected to this system.
4. Electrical System: Each mobile home shall be provided with suitable electrical equipment in accordance with the National Electrical Code and local codes to provide not less than 60 amperes of power capability. All equipment shall be grounded and weatherproofed.
5. Lighting: All interior streets and walkways shall be lighted by not less than 3/10 foot candle of artificial light.
6. Underground Utilities: Within each Mobile Home Park, all utility lines, including those for electricity and telephone service shall be located underground.
7. Garbage and Refuse Storage: The storage and collection of garbage and refuse within each Mobile Home Park shall be conducted so as to create no health hazards, rodent harborage, insect breeding area, fire hazards, or air pollution. All garbage shall be stored in rust resistant, water tight, fly-tight, rodent-proof containers. These containers shall be located no more than 150 feet from any mobile home lot, and shall be collected at least once weekly.
8. Fire Protection: Within each Mobile Home Park there

shall be provided a fire protection system approved by the Ohio Department of Health and local fire authority. Standard fire hydrants should be located within 400 feet of all mobile homes. If standard fire hydrants are not feasible, there shall be installed within 300 feet of each mobile home lot a two inch frost protected riser with a 2 1/2 inch hose connection. Portable fire extinguishers should be provided at convenient and accessible locations.

9. Service Buildings: Service buildings may be provided by the management of offices, repair and storage, laundry facilities, and indoor recreation areas. No such building shall be located closer than 50 feet from any mobile home.

16.7 LENGTH OF OCCUPANCY: No mobile home shall remain in a Mobile Home Park for a period exceeding 10 days without connection to the permanent sanitary sewer system of the park.

16.8 SUPPLEMENTARY CONDITIONS AND SAFEGUARDS: In approving and Mobile Home Park, the Commission may prescribe appropriate conditions and safeguards in conformity with this Article. Violation of such conditions and safeguards, when made a part of the zoning permit, shall be deemed a violation of this ordinance and punishable under Article 25 of this ordinance.

16.9 PERMITTED USES: Within a Mobile Home Park the following uses only shall be permitted:

1. One permanent type dwelling structure if such dwelling is to be occupied by a resident-manager.
2. Buildings or permanent type structures used exclusively to provide services for occupants of the Park; such as a recreation building, swimming pool and bath house, laundry room, Mobile Home Park office, storage rooms, and the like.

3. Accessory buildings or structures that are clearly incidental and attached to a mobile home; such as a carport, cabana, Florida room, and the like.
4. Advertising signs subject to all the following provisions:
 - (a) One identification type sign advertising the Mobile Home Park upon which it is located may be erected provided that no portion of the sign or its supports shall be double faced, and may be lighted if lighting is arranged in such manner that it will not distract or temporarily blind a motorist on the adjacent public street. The maximum area of the sign, including any border around it, shall be not more than one square foot for each lineal foot of frontage of the Mobile Home Park or 50 square feet, whichever is least.

The maximum height of the sign shall not exceed 25 feet above ground.

- (b) Directional signs as approved necessary by the Commission to assist in guiding persons to various locations within the park. Such signs may be double faced and lighted. The maximum area of each sign shall not exceed two square feet.

16.10 PROHIBITED USES; Within a Mobile Home Park only those uses specifically listed as permitted uses shall be authorized, and all other uses including but not necessarily limited to the following shall be prohibited:

1. Boats and recreational vehicles of any type, except those owned by the occupants of the park and stored in the area within the park designed and intended as a common storage area for such vehicles.
2. Repair and/or sale of vehicles of any type, including mobile homes, except for the repair or sale of an individual vehicle by the owner or

occupant thereof.

3. Buildings or permanent type structures for uses other than those listed as permitted uses.
4. Any advertising sign other than listed as a permitted use.

ARTICLE 17

PUD-PLANNED UNIT DEVELOPMENT DISTRICT

- 17.0** **PURPOSE:** The 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

PUD-Planned Unit Development District is to provide for an area that offers a maximum choice of living environments by allowing:

1. 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;
2. A more useful pattern of open space and recreation areas and, if permitted as part of the project, convenience in the location of accessory commercial uses and services;
3. 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;
4. A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets;
5. A development pattern in harmony with land use density, transportation facilities, community facilities and objectives of the Bluffton Comprehensive Plan.

more

17.1 **GENERAL:** Planned unit developments may be residential, commercial or industrial developments , or any combination. 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. If a combination of uses is proposed, a minimum area shall be thirty (30) acres. In combination developments, the amount of land devoted to commercial usage shall not exceed eight (8) percent of the total land area. Not more than twelve (12) percent of the total land area shall be devoted to industrial activities.

17.2 **RESIDENTIAL PLANNED UNIT DEVELOPMENT:** Residential planned unit developments may be developed subject to the following provisions:

1. Minimum Lot Sizes

- a. Lot area per dwelling unit may be reduced to not less than 70 percent of the minimum lot area required in the R-III 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.

2. Lots to Abut Upon Common Open Space: Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwellings is encourage. In areas where town houses are used there shall be no more than 8 town house units in any contiguous group.

17.3 COMMON OPEN SPACE: A minimum of 20 percent of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or uses of the area being developed. The open space shall be disposed of as required in Article 17.4 of this Ordinance.

17.4 DISPOSITION OF OPEN SPACE: 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 Commissioner's requirements as to size, shape, and location.

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 usable as a trail or other similar purpose and approved by the Commission.

The responsibility for the maintenance of all open spaces shall be specified by the developer before

approval of the final development plan.

17.5 **SUBMITTAL:** A Planned unit development plan shall be submitted to the Commission and shall be referred to the Village Council for study, report and for public hearings. Notice and publication of such public hearings shall conform to the procedures prescribed in Article 27 for hearings on changes and amendments.

17.6 **PRELIMINARY PLAN:** In order for the Commission to determine that the planned unit development meets all requirements, the developer shall furnish a preliminary plan for the entire tract showing:

1. Proposed general lot layout, existing building locations and general land use areas.
2. Proposed traffic circulation, parking area, common open space areas, pedestrian walks and landscaping.
3. Proposed construction sequence for buildings, parking spaces and landscaped areas.

17.7 **FINAL DEVELOPMENT PLAN:** The owner/developer shall submit

a final development plan to the Commission for review, together with the application for a change of district classification, if applicable 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:

1. Survey of the property, showing existing features of the property, including contours, buildings, structures, trees over 4 inches in trunk diameter, streets, utility easements, rights-of-way, and land use.
2. Site plan showing proposed building locations and land use areas.

3. Traffic circulation, parking areas, open space areas and pedestrian walks.
4. Landscaping plans, including site grading and landscape design.
5. Preliminary drawings for buildings to be constructed in the current phase, including floor plans, exterior elevations and sections.
6. Preliminary engineering plans, including street improvements, drainage system, and public utility extensions.
7. Engineering feasibility studies of the anticipated problems which might arise due to the proposed development as required by the Commission.
8. 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.

17.8 **COMMISSION FINDINGS REQUIRED:** The Commission,

after

determining that all the requirements of the Ordinance dealing with Planned Unit Development 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 Planned Unit Development District provided that they find the facts submitted with the development plan establish that:

1. 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.

2. Any exception from the Zoning Ordinance requirements is warranted by the design and amenities incorporated in the development plan.
3. Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in use.
4. The proposed change to a Planned Unit Development District is in conformance with the general intent of the Bluffton Comprehensive Plan.
5. Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed district and in the vicinity of the proposed district.
6. Existing and proposed utility services are adequate for the proposed development.
7. Each phase of the proposed development, as it is proposed to be completed contains the required parking spaces, landscape and utility area necessary for creating and sustaining a desirable and suitable environment.
8. The proposed Planned Unit Development 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.

17.9 USES PERMITTED IN PUD DISTRICTS: Only those uses permitted or conditionally permitted in previous districts of this Ordinance may be proposed for inclusion in a planned unit development. Compatible residential, commercial, industrial, public, and quasi-public uses may be combined provided that the proposed location of

the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety, and general welfare.

The amount of land devoted to commercial and/or industrial use in a residential-commercial-industrial or residential-commercial development shall be determined by the Commission.

17.10 HEIGHT REQUIREMENTS: Height regulations shall be specified in the R-III District or as approved by the Commission.

17.11 ACCEPTANCE BY ACTION OF THE VILLAGE COUNCIL:

1. 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 rezone the property to the PUD classification permitting the proposal, for development in conformity with the final plan as approved by the Commission.
2. After the final development plan has been approved by the Village Council and in carrying out this plan, consistent with the intent and meaning of this ordinance, and if the plan is approved, may rezone the property to the PUD classification permitting the proposal, for development in conformity with the final plan as approved by the Commission.
3. 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.

ARTICLE 18

SPECIAL PROVISIONS

- 18.0 **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:
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.
 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.
 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.
 4. **Vibration:** No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
 5. **Air Pollution:** Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.
 6. **Glare:** No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.
 7. **Erosion:** No erosion, by either wind or water,

shall be permitted which will carry objectionable substances onto neighboring properties.

subject 8. Water Pollution: Water pollution shall be to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.

18.1 ENFORCEMENT PROVISIONS: All uses existing on the effective date of this ordinance shall conform to these performance requirements within two (2) years, provided, that an extension of up to six (6) months may be granted by the Board. Extensions may be granted by the Board if the owner or operator of the use can demonstrate that compliance would create an unreasonable hardship.

The Zoning Inspector shall refer any proposed use which is likely to violate performance requirements to the Village Council.

ARTICLE 19

OFF-STREET PARKING AND LOADING REGULATIONS

19.0 **OFF-STREET PARKING:** Surfaced off-street automobile parking shall be provided on any lot on which any of the following uses are hereafter established: such space shall be provided with vehicular access to a street or alley. For purposes of computing gross off-street parking area required, the ratio of 200 square feet per parking space shall be used.

19.1 **NUMBER OF PARKING SPACES REQUIRED:** The number of off-street parking spaces required shall be as set forth in the following:

<u>Use</u>	<u>Parking Spaces Required</u>
Automobile or Machinery Sales and Service Garages	-One (1) for each six hundred (600) square feet floor area
Banks, Business, and Three or more Professional Offices	-One (1) for each four hundred (400) square feet of floor area

	Bowling Alleys	-Five (5) for each alley plus one (1) for each employee
(4)	Churches or Temples	-One (1) for each four seats in the main auditorium
	Country Club or Golf Club	-One (1) for each five (5) members
	Dance Halls and Assembly Halls without fixed seats, Exhibition Halls except Church Assembly Rooms in conjunction with Auditorium	-One (1) for each one hundred (100) square feet of floor area used for assembly or dancing
	Dwellings, including One (1), Two (2), and Three (3) Families, Multiple Dwellings, and Summer Cottages	-Two (2) for each family or dwelling unit
	Funeral Homes, Mortuaries	-One (1) for each fifty (50) square feet of floor area in slumber rooms, parlors, or individual funeral service rooms
(1)	Furniture & Appliance Stores, Household Equipment or Furniture Repair Shop	-One (1) for each two hundred (200) square feet of floor area plus one space for each employee
(3) for	Hospitals	-One (1) for each three beds plus one (1) space each employee
	Hotels, Lodging Houses	-One (1) for each bedroom

of square	Libraries, Museum, or Art Galleries or Community Center	-Ten (10) plus one (1) additional for each three hundred (300) square feet of floor area in excess two thousand (2000) feet
(3) (1200) area,	Manufacturing Plants, Research or Testing Laboratories, Bottling Plants over one thousand (1000) square feet in area	-One (1) for each three employees in the maximum working shift or one thousand two-hundred square feet of floor whichever is greater
	Medical or Dental Clinics	-One (1) for each four hundred (400) square feet of floor area
	Motel, Motor Hotels, and Tourist Home	-One (1) for each living or sleeping unit
(10)	Private Club or Lodge	-One (1) for each ten members
each	Restaurants, Beer Parlors and Night Clubs or over one thousand (1000) square feet in area	-One (1) for each two (2) seats plus one (1) for employee
(1)	Retail Stores, Shops, etc, of over two thousand (2000) square feet floor area	-One (1) for each two hundred (200) square feet of floor area plus one for each employee
	Sanitariums, Convalescent	-One (1) for each three (3)

each	Homes, Children's Homes	beds plus one (1) for employee
(8)	School, Technical Institution or College	-One (1) for each eight seats in an auditorium or three (3) for each one classroom, whichever is greater
(1)	Sports Arena, Auditoriums, Theaters, Assembly Halls, other than Schools	-One (1) for each three (3) seats or bench seating spaces
(3)	Wholesale Establishments or Warehouses	-One (1) for each three employees on maximum or for each three (3000) square feet of area, whichever is greater
shift		
thousand		
floor		
greater		

19.2 **DEVELOPMENT AND MAINTENANCE OF PARKING AREAS:** Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

1. **Screening and Landscaping:** Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins premises situated in any R-District by a masonry wall or solid fence of acceptable design. Such wall or fence shall be between four (4) and six (6) feet in height and shall be maintained in good condition. 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 an evergreen hedge, or dense planting

of evergreen shrubs not less than four (4) feet in height.

2. Surfacing: Any off-street parking area for more than five (5) vehicles shall be graded for proper drainage and surfaced with a durable hard surface, such as concrete or asphaltic concrete.

off- 3. Lighting: Any lighting used to illuminate any street parking area shall be so arranged as to reflect the light away from adjoining premises in any R-District.

be 4. Joint Use of Parking Areas: Parking spaces may located on a lot other than that containing the principle use with approval of the Board provided a written agreement, approved by the Board and accepted by the Village Council shall be filled with the application for a zoning permit.

5. Parking Area - Modifications: The Board may authorize on appeal a modification, reduction or waiver of the foregoing requirements, if it should find that, in the particular case appealed the peculiar nature of the residential, business, trade, industrial or other use, or in the exceptional shape or size of the property or other exceptional situation or condition, would justify such action. No action shall be taken by the Board unless and until it has first received the recommendation of the Planning Commission regarding the appeal.

19.3 OFF-STREET LOADING: In any district, in connection with every building or part thereof erected and having a gross floor area of 5,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, hotel, hospital, mortuary, laundry, dry cleaning or other uses similarly requiring the receipt or distribution by

vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building, at least one off-street loading space, plus one additional such loading space for each 10,000 square feet or major fraction thereof, or gross floor area so used in excess of 10,000 square feet.

19.4 **LOADING SPACE - DIMENSIONS:** Each loading space shall be

not less than ten (10) feet in width, twenty-five (25) feet in length, and fourteen (14) feet in height.

19.5 **LOADING SPACE - OCCUPY YARD:** Subject to the limitations in Article 19.6 such may occupy all or any part of any required yard.

19.6 **LOADING SPACE - DISTANCE FROM R-DISTRICT:** No space shall be closer than 50 feet to any other lot located in any R-District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid board fence not less than 6 feet in height.

ARTICLE 20

EXTRACTION OF MINERALS

20.0 **General Requirements:** Any owner, lessee or other person, firm or corporation having an interest in mineral lands in any District may file with the Commission an application for authorization to mine minerals therefrom, provided, however, that he shall comply with all requirements of the District in which said property is located, and with the following additional requirements.

1. Distance from Property Lines: No quarrying operation shall be carried on or any stock pile placed closer than 50 feet to any property line unless a greater distance is specified by the Commission where such is deemed necessary for the protection of adjacent property; provided that this distance requirement may be reduced to 25 feet by written consent of the owner or owners of the abutting property.

2. 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 25 feet to the nearest line of such right-of-way.

3. Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where in the opinion of the Commission such fencing is necessary for the protection of the public safety, and shall be of a type specified by the Commission.

4. 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.

5. Processing: The crushing, washing and refining or other similar processing may be authorized by the Commission as an accessory use, provided, however, that such accessory processing shall not be in conflict with the use regulations or the District in which the operation is located.

20.1 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.

20.2 **Application-Contents, Procedure:** An application for such operation shall set forth the following information:

1. Name of the owner or owners of land from which removal is to be made.
2. Name of applicant making request for such permit.
3. Name of person or corporation conducting the actual removal operation.
4. Location, description and size of the area from which removal is to be made.
5. Location of processing plant used.
6. Type of resources or materials to be removed.
7. Proposed method of removal and whether or not blasting or other use of explosives will be required.
8. Description of equipment to be used.
9. Method of rehabilitation and reclamation of the mined area.

20.3 **Public Hearing:** Upon receipt of such application, the Commission shall set the matter for a public hearing following the procedures as shown in Article 27.

20.4 **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 running to the Village 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:

1. Surface Rehabilitation: All excavation shall be made either to a water producing depth, such depth to be not less than 5 feet below the low water mark, or shall be graded or backfilled with nonnoxious, noninflammable and noncombustionable solids, or secure:

- (a) that the excavated area shall not collect and permit to remain therein stagnant water; or,
- (b) 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.

2. 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.

3. 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.

20.5 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.

20.6 Compliance with all applicable laws of the State of Ohio.

20.7 **Gas and Oil Wells:** In any and all Districts of the Village 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:

1. Compliance with all applicable laws of the State of Ohio.

2. No tanks or reservoirs erected or intended for the storage of petroleum products shall be located within 50 feet of any public right-of-way nor within 100 feet of a residential lot line.

Ordinance No. 7-82, 2-16-82, Amends 20.7

- 1.) Location of the property in question
 - 2.) Its zoned use for industrial, commercial or residential.
 - 3.) Its proximity to:
 - A.) Dwellings
 - B.) Commercial Buildings
 - C.) Industrial Buildings
 - D.) Highways
 - E.) Railroads
 - F.) Streams
 - G.) Airports
 - H.) Sewer and Water Control Systems
 - I.) Other potentially hazardous structures or
- uses
of surrounding land.

- 4.) The Planning Commission shall consider whether the land upon which the well is to be located is then in use for a permissible use under the Zoning Ordinance or whether the owner of the land has immediate plans for construction on the premises within one (1) year from the date the application to drill is made.
- 5.) The Planning Commission shall also examine any other factors that might be considered detrimental to the public health, safety and welfare.

ARTICLE 21

SWIMMING POOLS

21.0 General Provisions:

1. Private Swimming Pools: A private swimming pool, but not including farm ponds, as regulated herein, shall be any pool, lake or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth at any point greater than one and one-half (1 1/2) feet. No such swimming pool exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than 100 square feet, shall be allowed in

any "R" District except as an accessory use and unless it complies with the following conditions and requirements:

- (a) The pool is intended and is to be used solely for the enjoyment of the occupants of the principle building 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 it shall not be located closer than fifteen (15) feet to any property line on which located.
- (c) The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or from adjacent properties.

2. 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 for use and employment by members and their families. Such swimming pools shall comply with the following:

- (a) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated.

- (b) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than 100 feet to any property line of the property on which located.

(c) The swimming pool 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. 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.

ARTICLE 22

MOTELS AND MOTOR HOTELS

22.0 General Requirements: The following requirements shall

be complied with:

1. Area and Yard Requirements: Motels and motor hotels shall comply with all area and yard requirements prescribed for such uses in the district in which located.
2. Parking: All areas used for automobile access and parking shall comply with the applicable provisions of this Ordinance.
3. Entrance: No vehicular entrance to or exit from any motel or motel hotel, wherever such may be located, shall be within 200 feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.
4. Landscaping - Unused Areas: All areas not used for access, parking circulation, buildings, and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than ten (10) feet in width, shall be established and maintained along its exterior boundaries when adjoining and "R" District.
5. Enclosure: Motels and motor hotels shall be enclosed on the sides and in the rear by appropriate privacy fences, not less than six (6) feet high, or by a combination of landscaped screens and other suitable fences acceptable to the Commission.

6. Enlargement - Permit: Any enlargement or extension to any existing motel or motor hotel shall require application for a zoning certificate, as if it were a new establishment.

7. Enlargement - Existing Facilities to Comply: No enlargements or extensions to any motel or motor hotel shall be permitted unless the existing facility is made to conform substantially with all the requirements for new construction for such an establishment.

ARTICLE 23

EXCEPTIONS AND MODIFICATIONS

23.0 Lot of Record: When a lot which is an official lot of record at the time of adoption of this Ordinance does not comply with the area, yard, or other requirements of this Ordinance, such lot may be used as a building site provided, however, that the yard and other requirements of the district are complied with as closely as possible in the opinion of the Board of Zoning and Building Appeals.

23.1 Exception to Yard Requirements:

1. Allowable Projections of Residential Structure Into Yards: Any structure may project into the required front yard if existing structures on both adjacent lots in the same district have less than the required minimum front yard, provided, however, that such projection shall extend no closer to the street than either of the adjacent structures.

Architectural features of residential buildings such as window sills, cornices, roof overhangs, may project into the requirements provided such projection is not more than four (4) feet and does

not reach closer than four (4) feet to any lot line.

2. Allowable Projections of Business Structures Over Sidewalk: Signs, awnings, canopies, marquees, are permitted to overhang the sidewalk in the commercial districts only, providing that overhanging signs are a minimum of eight (8) feet above the sidewalk at any point and that all other structures are a minimum of six (6) feet eight (8) inches above the sidewalk at any point.

3. Allowable Projection of Accessory Building Into Rear Yard: One-story accessory buildings may project into only rear yards abutting in an alley providing such projection extends not closer than five (5) feet to the rear lot line.

23.2 Exception to Height Limits: The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, transmission towers, chimneys, smoke stacks, masts, and aerials.

ARTICLE 24

YARD PROJECTIONS IN R-DISTRICTS

24.0 Projections of Architectural Features

Certain architectural features may project into required yards as follows:

1. Front and Side Yards: Into any required front yard, or required side yard adjoining a side street lot line.
2. Cornices, canopies, eaves or other architectural features, may project a distance not exceeding

two feet, 6 inches.

3. Fire escapes may project a distance not exceeding 4 feet, 6 inches.
4. An uncovered stair and necessary landings may project a distance not to exceed 6 feet, provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding 3 feet in height.
5. Bay windows, balconies, uncovered porches and chimneys may project a distance not exceeding three feet, provided that such features do not occupy, in the aggregate, more than one-third of the length of the building wall on which they are located.
6. Interior Side Yards: Subject to the limitations in Paragraph 24.0-1, the above-named features may project into any required side yard adjoining an interior side lot line, a distance not to exceed one-fifth of the required least width of such side yard, but not exceeding 3 feet in any case.
7. Rear Yards: Subject to the limitation in Paragraph 24.0-6, the features named therein may project into any required rear yards the same distance they are permitted to project into a front yard.

24.1 Fences, Walls and Hedges

May be located in required yards as follows:

1. Under Four Feet: If not exceeding at any point four feet in height above the elevation of the surface of the ground at such point, they may be located in any yard.
2. Under Six Feet: If not exceeding at any point 6 feet in height above the elevation of the surface

of the ground at such point, they may be located in any required rear yard or side yard, provided that on a corner lot, abutting in the rear the side lot line of another lot in an R-District, no such

fence,

wall or hedge within 25 feet of the common lot line shall be closer to the side street lot line than the depth of the front yard required on such other lot fronting the side street.

3. Barbed-Wire Fences: or fences or walls having wire or metal prongs or spikes or cutting points or edges of any kind whatsoever shall be prohibited.

24.1.4 Type of Construction: All fences permitted under

this Article shall be constructed so that the finished fence is presented to the abutting

property owners and the supports for the fence are on the installers side of the fence. If the fence is finished by the application of varnish, paint, lacquer, etc., it shall be finished the same on both sides.

(Ordinance No. 26-82, 11-2-82).

ARTICLE 25

ENFORCEMENT

25.0 **ENFORCEMENT BY ZONING INSPECTOR:** There is hereby established the office of Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce this ordinance in accordance with the administrative provisions of this Ordinance.

All departments, officials and public employees of the Village vested with the duty or authority to issue permits and licenses shall conform with the provisions of this ordinance and shall issue no permit or license for any use, building or purpose in conflict with the provisions of this ordinance. Any permit or license in conflict with the provisions of this ordinance shall be null and void.

An appeal from the decision of the Zoning Inspector may be made to the Board of Zoning and Building Appeals as provided in Article 26.

25.1 **ZONING CERTIFICATES:** It shall be unlawful for an owner to use or permit the use of any structure, building or land or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a zoning certificate shall have been issued by the

Zoning

Inspector. It shall be the duty of the Zoning Inspector to issue a certificate, provided he is satisfied that

the

structure, building or premises and the proposed use thereof conforms with all the requirements of this ordinance. No permit for excavation, construction, or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this ordinance.

Upon written request from the owner or tenant the Zoning Inspector shall issue a zoning certificate for any

building or premises existing at the time of enactment of this ordinance certifying after inspection the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this ordinance.

25.2 **CONDITIONS UNDER WHICH CERTIFICATES ARE REQUIRED:** A zoning certificate shall be required for any of the following except as herein provided:

1. Construction or structural alteration of any building, including accessory building.
2. Change in use of an existing building or accessory building to a use of different classification.
3. Occupancy and use of vacant land.
4. Change in the use of land to a use of a different classification.
5. Any change in the use of a nonconforming use.

25.3 **APPLICATION AND ISSUANCE OF ZONING CERTIFICATES:** The following shall apply in the application and issuance of zoning certificates:

1. Written application shall be made for a zoning certificate for the construction of a new building or the alteration of an existing building. Said certificate shall be issued within thirty (30) days after a written request for the same has been made to the Zoning Inspector or his agent, provided such construction or alteration is in conformity with the provisions of this ordinance.
2. Written application for a zoning certificate for the use of vacant land or for a change in the use of land or of a building or for a change in a nonconforming use, as herein provided, shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of this ordinance, the certificate therefor shall be issued within thirty (30) days after the application for same has been made.
4. Failure to notify the applicant in case of such

refusal within the said thirty (30) days shall entitle the applicant to a zoning certificate unless the applicant consents to an extension of time.

25.4 GENERAL PROVISIONS

1. Each plan shall show:
 - (a) The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.
 - (b) The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
 - (c) The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
 - (d) The location and size of the proposed structure and/or the proposed enlargement of the existing structure.
 - (e) Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this ordinance.

2. Each plan shall bear statements declaring:
 - (a) That no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
 - (b) Which abutting land was formerly that of the owner of the land involved in the application and, if any, the approximate date of title transfer.

3. Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor.

4. Each property owner or authorized agent shall be required to attest to the correctness of the

statements and data furnished with the application.

5. A file of such applications and plans shall be kept in the office of the Zoning Inspector.
6. The Zoning Inspector shall not issue a zoning certificate for any application requiring site review by the Zoning Commission such as:
 - (a) Mobile Home Parks (Article 16)
 - (b) Planned Unit Developments (Article 17)
 - (c) Extraction of Minerals (Article 20)
 - (d) Motels and Motor Hotels (Article 22)

25.5 **FEES:** For each application for a zoning certificate a fee of Seven (\$7.00) Dollars shall be paid at the time of application. Improvements costing One Thousand (\$1,000.00) Dollars or less shall be exempt from the provisions of this ordinance.

25.6 **VIOLATION AND PENALTIES:** It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building or land in violation of the provisions of this ordinance or any amendment or supplement thereto adopted by the Village Council. Any person, firm, or corporation violating any of the provisions of this ordinance or any amendment or supplement thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

25.7 **VIOLATIONS - REMEDIES:** In case any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used in violation of this ordinance or any amendment or supplement thereto, the Village Council, the Village Solicitor, the Zoning Inspector or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration,

conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of said building, structure or land; to prevent any illegal act, conduct business or use in or about such premises.

ARTICLE 26

BOARD OF ZONING AND BUILDING APPEALS

26.0 **APPOINTMENT:** There is hereby established a Board of Zoning and Building Appeals. The Board shall consist of three electors of Bluffton who hold no other public

office or public employment, selected by the Village Council, for terms of three years for overlapping terms. They shall serve without compensation. Vacancies shall be filled in the same manner for the unexpired terms. Members of the Board may serve two consecutive terms as a maximum. An unexpired term shall count as a full term if it is two years or longer. After a year shall have passed from date of last service, any Board member is re-eligible for appointment for one or two terms. Service of Board members shall terminate one each January unless, in the discretion of the Mayor, pending hearings require the temporary continuation of the Board member whose term is to expire, but only until that business shall be completed. All appointments of Board members are by the Mayor with the confirmation of Council. Removal of members for cause upon written charges and after public hearings shall be in the jurisdiction of Village Council.

- 26.1** **PROCEDURE:** The Board shall adopt its own rules and elect its officers annually, a Chairman, Vice-Chairman and Secretary from its membership. The Chairman, or in his absence the Vice-Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Secretary shall keep minutes of the proceedings, indicating the vote of each member on each question, or if absent or failing to vote, so note. Also, the Secretary shall keep records of the Board's examinations and other official actions, all of which are to be immediately filed in the office of the Village and become public record. Finally, the Secretary shall conduct all official correspondence and supervise the clerical work of the Board. The duties of the Secretary may be cared for by the Village Clerk. Normally,
- notices
- of hearing and decisions of the Board shall be communicated directly to property owners affected and through newspapers and bulletin boards to the people of the Village.

26.2 **QUORUM:** There shall be a first, second and third alternate named by the Mayor and also confirmed by Council. Once the Chairman has decided on a date acceptable to the applicant and with reasonable time for notice to adjacent property owners and tenants, as well as the general public, the Village Clerk shall call the Chairman, Vice-Chairman and the Secretary about their attendance. Should one or more of them be unable to attend, an alternate shall be contacted to constitute a full Board of three. Normally, two of the three must approve Board decisions. Should only two Board members or alternates actually attend, the applicant has the option of re-scheduling the hearing or seeking a unanimous decision from the two present. The applicant must agree to the two member Board in advance of the hearing and thereby be bound by their decision for or against his cause and if they fail to be unanimous shall be denied his permit.

26.3 **ASSISTANCE:** The Chairman of the Board may call upon the employees of the Village of Bluffton for assistance in the performance of the duties of the Board.

26.4 **APPEALS, HEARINGS AND STAY OF PROCEEDING:** The following shall apply for Applications, Appeals and Hearings:

1. **Applications - When and By Whom Taken:** The Board shall have power to hear and decide applications for exceptions to and variances in, the application of resolutions, ordinances, regulations and orders of administrative officials or agencies governing zoning and building in the Village, as may be required to afford justice and avoid unreasonable hardship, subject to such reasonable standards and procedures as shall be prescribed by ordinance.
2. **Appeals - When and By Whom Taken:** An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the Village Planning Commission or Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision,

by filing with the Board a notice of appeal specifying the grounds thereof. The Village Planning Commission or Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

3. Contents of Notice of Appeal or Application: No notice of appeal or application may be filed with the Board which does not contain drawings and written descriptions of the project sufficient to inform the Board and the adjacent property owners and tenants, as well as the people of the Village, of the total scope of the project, along with the names and addresses of the property owners and tenants within two hundred (200) feet of the property in question. In communicating to neighbors and to the newspapers, care shall be taken by the Board Chairman that the applicant's project is fairly described to the mutual satisfaction of applicant and Board before a hearing date shall be selected.

4. Hearings: The Board shall fix a reasonable time for the public hearing of the application or appeal and shall give notice by one (1) publication in a news media of general circulation in the Village at least ten (10) days before the date of such hearing* and, further, shall give written notice of said hearing to the parties in interest including all property owners within two hundred (200) feet of the property

*Amended by Ordinance No. 7-80, 4-1-80

in question. Each application or appeal shall be accompanied by a check, payable to the Village of Bluffton, or a cash payment, sufficient in the amount to cover the cost of publishing and/or posting and mailing the notices of the hearing or hearings, but in no event shall it be less than fifty (\$50) dollars. At the hearing, any party may appear in person or be represented by an agent or attorney. Normally, the applicant or appellant shall present his position first at the hearing. Others who chose to speak shall identify themselves and their support or opposition in advance, so that equal time can be afforded both views.

26.5 **APPEAL FROM DECISIONS OF THE BOARD:** Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or any officer, department, board or bureau of the Village may present to the Court of Common Pleas of the County in which the property is located a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds for the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Appeals. Any such case shall be heard and determined by the Court without a jury.

26.6 **DECISIONS OF THE BOARD:** The Board shall decide all appeals within thirty (30) days after the date of notice of the required hearing thereon.

A signed copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Building or Zoning Inspector. Such decision shall be binding upon the Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board.

A decision of the Board shall not become final until the expiration of five (5) days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

26.7 **STAY OF PROCEEDINGS:** An appeal shall stay all proceedings in furtherance of the action appealed from unless the Mayor certifies to the Board after notice of appeal shall have been filed with him, that by reason of acts stated in the certificate, a stay would,

in his opinion, cause imminent peril to life or property.

26.8 **POWERS OF THE BOARD OF ZONING AND BUILDING APPEALS:** The Board of Zoning and Building Appeals shall have jurisdiction of the following:

1. Conditional Uses, Special Exceptions and Interpretation of Zoning Map: The Board shall have the power to hear and decide, in accordance with the provisions of this Ordinance, applications filed as hereinbefore provided, for conditional uses, special exceptions or for interpretation of the Zoning Map or for decisions upon other special questions upon which the Board is authorized to pass by this ordinance. In considering an application for a conditional use, a special exception or interpretation of the Zoning Map, the Board shall give due regard to the nature and condition of all adjacent uses and structures; and in authorizing a conditional use or special exception, the Board may impose such requirements and conditions with respect to location, construction, maintenance and operation- in addition to those expressly stipulated in this ordinance for the particular conditonal use or special exception as the Board may deem necessary for the protection of adjacent properties and the public interest.

2. Nonconforming Uses - Substitutions: If no structural alterations are made, any nonconforming use of a structure or structures and premises, may as a conditional use be changed to another nonconforming use provided that the Board of Zoning and Building Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning and Building Appeals may require appropriate conditions and safeguards in accordance with other provisions of this ordinance.

3. Temporary Structures and Uses: The Board may authorize the temporary use of a structure or premise in any District for a purpose or use that does not conform to the regulations prescribed

erection elsewhere in this ordinance for the District in which it is located, provided that such use be of a temporary nature and does not involve the

of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a twelve (12) month period subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

4. Interpretation of Zoning Ordinance and Map:
Where the street or lot layout actually on the ground or as recorded differs from the street and lot lines as shown on the Zoning Map, the Board, after notice to the owners of the property and after public hearing shall interpret the map in such a way as to carry out the intent and purpose of this ordinance. In case of any question as to the location of any boundary line between zoning districts or where there is uncertainty as to the meaning and intent of a textual provision of the ordinance, a request for interpretation of the Zoning Map or the textual provision in question may be made to the Board and a determination shall be made by said Board.

5. Presumptions: The presumption is that any property owner should be permitted the fullest enjoyment of his property and to make any improvements thereon which do not additionally adversely affect neighbors or the neighborhood, or the public interest.

6. Changes in Districting: Such presumption does not extend to changes in the property which appear to be, or to resemble changes to a different class or district (i.e., R-I to R-II, C-I to C-II, etc.) for that property alone. This is particularly to be avoided in cases where this is found to be the first such property in the neighborhood to seek

a shift in classification or to request the first major change in the character of the neighborhood.

No grant of a variance shall be authorized unless the Board specifically finds that the condition or situation of the specific piece of property or the intended use of said property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situation.

In such circumstances, the Board may request the views of the Planning Commission, Zoning Inspector or of Village Council, expressed in whatever way they may choose, and may read these views as part of the hearing process.

7. Central Village Plat: In variance proceedings where substantially the same structure will result from a tearing down and sensible rebuilding, with some modest enlargement which technically violates the strict wording of the village ordinance, the Board would do well to keep in mind the age of the lot plan of the central part of the Village and the fact that most residents are now in technical violation if they were to seek to rebuild their present dwellings on the same foundation dimensions and lot lines.

8. Unusual Conditions: The Board shall have the power to authorize upon appeal in specific cases, filed as hereinbefore provided, such variances from the terms, provisions or requirements of this ordinance as will not be contrary to the public interest; provided, however, cases where, owing to special and unusual conditions pertaining to a specific piece of property the literal enforcement of the provisions or requirements of this ordinance would result in practical difficulty or undue hardship, they act so that the spirit of the ordinance shall be upheld, public safety and welfare secured and substantial justice done.

9. Exceptional Circumstances: Whereby reason of the exceptional narrowness, shallowness or unusual shape of a specific piece of property on the effective date of this ordinance or by reason of exceptional topographic conditions or other extraordinary situation or condition of such piece of property or of the use or development of property immediately adjoining the piece of property in question, the literal enforcement of the requirements of this ordinance would involve practical difficulty or would cause unnecessary hardship-unnecessary to carry out the spirit and purpose of this ordinance - the Board shall have the power to authorize a variance from the terms of this ordinance so as to relieve such hardship. In authorizing a variance, the Board may attach thereto such conditions regarding the location, character and other features of the proposed structure or use as it may deem necessary in the interest of the furtherance of the purposes of the ordinance and in the public interest. In authorizing a variance, with attached conditions, the Board shall require such evidence and guarantee or bond as it may deem to be necessary to enforce compliance with the conditions attached.

10. Hardships: Hardship cases for variance should be considered from all sides...that which the owner will suffer (economic, aesthetic, inconvenience, lack of full enjoyment, inhibited modernization) and that which adjoining neighbors will receive (change in property value, encroachment of light or air space, change in general character of the neighborhood, aesthetic concerns).

11. Performance Violations: If the Zoning Inspector has grounds to believe that permits which may be issued may result in violations of performance standards outlined in Article 18, or in any other Articles of the Ordinance, he is entitled to seek the advise of the Board before granting any permit. The Board, by majority vote of its members or

alternates in their place, is empowered to hear witnesses concerning the proposal which is questioned and to seek expert advice at the expense of the proponent, as agreed in advance, and paid for by him, or such permit shall not be issued, until the Board is satisfied no danger to the public exists.

12. Continued Supervision: If such permit is issued, continued supervision is expected by the Village Officials, and violations of its terms will result in action recommended by the Board and enacted by the Mayor and Council to enjoin further operations as a threat to life, property, health, safety, and public environmental welfare. In accepting

permits,

the applicants expressly waive any defenses against such injunctions for non-performance brought in the public interest; subject only to an appeal to Common Pleas Court while their operation is

enjoined

by such previously agreed upon procedure.

26.9 FEES: Fees shall be charged in accordance with orders and directions of the Village Council.

ARTICLE 27

DISTRICT CHANGES AND REGULATION AMENDMENTS

- 27.0 **COUNCIL MAY AMEND ORDINANCE:** Whenever, because of public necessity, convenience, general welfare or when good zoning practices require, the Village Council may by ordinance after recommendation thereon by the Village Planning Commission and subject to the procedure provided in this Article, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by this ordinance or amendments thereof. It shall be the duty of the Planning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Village Council. An amendment, supplement, reclassification or change may be initiated by the Commission on its own motion or by a verified application of one or more of the owners or lessees of property within the area proposed to be changed or affected by this ordinance.
- 27.1 **PROCEDURE FOR CHANGE:** Applications for any change of district boundaries or classification of property as shown on the zoning map and for regulation amendments

shall be submitted to the Planning Commission at its public office, on appropriate forms and all shall be accompanied by such data and information as may be prescribed for that purpose by the Commission so as to assure the fullest practicable presentation of facts for the permanent record. Such data shall include:

1. The name and street address of the petitioner.
2. The lot number of any real estate owned by the petitioner adjacent or within the areas proposed to be changed.
3. A list of names of the owners of property within, contiguous to and directly across the street from the parcel sought to be affected, including the addresses of such owners or if unknown a statement of that fact and the address of the property.
4. An accurate legal description of the district or area proposed to be altered.
5. An accurate map, diagram, or sketch of the district or area to be so altered and the lands contiguous thereto.
6. Facts indicating that the proposed change requested will not be detrimental to the public health, safety or welfare and is in the public interest.
7. The interest, if any, of the petitioner in the parcel, the subject of the petition.

27.2

COMMISSION HEARING, NOTICE: Before submitting its recommendations, an applicaton or its own motion to the Village Council, the Planning Commission shall hold at least one (1) public hearing thereon, notice of which shall be given by one (1) publication in a news media of general circulation in the Village at least ten (10) days before the date of such hearing. Within thirty (30) days after the public hearing, the Planning

Commission shall recommend to Council that the amendment be granted as requested or it may recommend a modification of its amendment requested, or it may recommend that its amendment not be granted.

27.3 **COUNCIL HEARING:** After receiving from the Commission the certification of said recommendation on the proposed amendment or supplement, and before adoption of such amendment, the Council shall hold a public hearing thereon at least thirty (30) days notice of the time and place of which shall be given by publication in a news media of general circulation in the village. If the proposed ordinance amendment intends to rezone or redistrict ten (10) or less parcels of land as listed in the tax duplicate, written notice of the hearing shall be mailed by the Clerk by first class mail, at least twenty (20) days before the date of the public hearing to the owners of property across the street from such parcel or parcels, to the addresses of such owners appearing on the county auditor's current tax list.

27.4 **COUNCIL - FINAL ACTION:** Following such hearing and after reviewing the recommendations of the Commission thereon, the Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the ordinance or the zoning map. The Council may overrule the recommendations of the Commission by four-sixths (4/6) vote of the full membership of the Council.

27.5 **MAP CHANGE PENDING - ZONING CERTIFICATE, BUILDING PERMIT:**
Whenever the Council has taken under advisement a change or amendment of the Zoning Map from a less restricted district to a more restricted district classification, as evidenced by resolution of record, no zoning certificate or building permit shall be issued within sixty (60) days from the date of such resolution which would authorize the construction of a building or the establishment of a use which would become nonconforming under the contemplated redistricting plan.

27.6 **FEES:** Each application for a zoning amendment except those initiated by the Commission shall be accompanied by a check deposited with the Clerk of the Commission, the

sum of \$50.00 as a fee to cover investigations, notices
by publication and other expenses as may be indicated to
such determination of the matter. Such sums so
deposited shall be transferred by the Clerk of the Commission to
the Treasurer of the Village and credited to the General
fund thereof.

ARTICLE 28

SUNSHINE PROVISIONS

28.0 It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Passed

October 16, 1979 , 1979

MAYOR
James P. King

Attest:

CLERK
David W. Doty

