

ZONING ORDINANCE OF THE VILLAGE OF BETTSVILLE, OHIO

TABLE OF CONTENTS

		<u>Page Number</u>
Chapter 1	Terminology	
1.1	Short Title	5
1.2	Definitions	5

Chapter 2	Districts	
2.1	Kinds of Districts	16
2.2	Boundaries of Districts	17
Chapter 3	Permitted Uses	
3.1	Primary Uses	18
3.2	Accessory Uses	24
3.3	Fences, Hedges, and Walls	24
3.4	Swimming Pools	25
3.5	Sidewalks	25
3.6	Special Uses – Procedure	25
3.7	Special Uses – Criteria of Approval	26
Chapter 4	Lot Coverage, Yard, Bulk, and Height Requirements	
4.1	Minimum Lot Area	28
4.2	Minimum Lot Width and Depth	29
4.3	Lot Coverage	29
4.4	Minimum Building Setbacks	30
4.5	Bulk Requirements	31
4.6	Height Restrictions	32
Chapter 5	Parking, Loading, Buffer, Sign Requirements	
5.1	Location of Off-street Parking and Loading Areas	33
5.2	Off-street Loading Berths	33
5.3	Off-street Parking	34
5.4	Buffers, Screen Planting	37
5.5	Signs	37
Chapter 6	Planned Unit Developments	
6.1	Intent and Purpose	41
6.2	Procedure	41
6.3	Performance Standards	41
Chapter 7	Non-Conforming Uses	
7.1	Non-Conforming Buildings	43
7.2	Non-Conforming Use of Land	43

7.3	Non-Conforming Special Uses	44
7.4	Non-Conforming Standards of Non-Conforming Uses	44
7.5	Non-Conforming as to Lot Area, Width, and Depth	44
Chapter 8	Board of Zoning Appeals	
8.1	Organization and Procedure	45
8.2	Applications and Appeals	46
Chapter 9	Administration and Enforcement	
9.1	Office of Zoning Inspector Created	48
9.2	Duties of Zoning Inspector	48
9.3	Zoning Permit Required	49
9.4	Application for Permit	49
9.5	Zoning Permit Fees	49
9.6	Late Permit Fees	49
9.7	Contents of Completed Zoning Permit Application	49
9.8	Enforcement	50
9.9	Enforcement Officer	50
9.10	Revoking of Permits	50
9.11	Notice of Violation	50
9.12	Penalties for Violation	51

Zoning Ordinance

Of the
Village of
Bettsville, Ohio

An ordinance dividing the Village of Bettsville, Seneca County, Ohio into districts, establishing limitations on height, bulk, and location of structures and uses of the land, fixing setback lines and dimensions of yards and other spaces, and prescribing the permissible use for such buildings, structures and/or premises in each of such districts

Be it ordained by the Council of the Village of Bettsville, Ohio; in order to promote the public health, safety, morals, comfort, or general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements; all in conformance of a Comprehensive Plan, that:

Chapter 1

Terminology

1.1 Short Title

This Ordinance may be cited as the “Zoning Ordinance of the Village of Bettsville, Ohio.

1.2 Definitions

As used in this Ordinance, the term (s):

“**Used for**”- includes ‘designed for’ and vice versa; use in the ‘present tense’, includes the ‘future tense’ used in the ‘singular number’, includes the ‘plural number’ and vice versa; “**building**” includes ‘structure’; “**dwelling**” includes ‘residence’; “**lot**” includes ‘plot’; “**shall**” is mandatory; and “**may**” is permissive.

“**Accessory Building**” – means a detached subordinate building that is located on the same lot as a principal building and not used or designated for human occupancy; and the use of which is clearly incidental to the use of the land or to the use of the principal building.

“**Accessory use**” - means a use of land or buildings related to the primary use, which use is clearly subordinate to the principal use of the land or building, and which is not used for human occupancy.

“**Agriculture**” – commercial agriculture, animal husbandry, or poultry husbandry; the production for a commercial purpose of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental shrubs, ornamental trees, flowers, or sod; or any combination of such husbandry or production.

“**Airport**” – means any landing area and all necessary appurtenances designed, used, or intended to be used for the landing and taking off of an aircraft.

“**Alley**” – means right-of-way, other than a street, road, crosswalk, or easement that provides secondary access for special accommodation of the abutting property.

“**Alteration**” – “Alteration” as applied to a building or structure, means any change or rearrangement in the structural parts or existing facilities of such building or structure, or any enlargement thereof, whether by extension on any side or by any increase in height.

“Apartment” - a building comprised of individual dwelling units.

“

Automatic Car Wash” – any structure or part thereof used for the washing of cars either by manual or assembly line techniques, utilizing employees or the car owner, or a combination of both.

Automobile Sales Lot” - means any premises used for the sale of three (3) or more new or used cars where any repair or service facilities are wholly within an enclosed building.

Automobile Service Station” – a place where gasoline, kerosene or any other motor fuel or lubricating oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and may include greasing and oiling on the premises and replacement or installation of minor parts and motor replacement, body and fender repair, spray painting, upholstery work, auto glasswork, welding, auto dismantling, or major mechanical repair.

Basement” – means a story partly or wholly underground, where no more than one-half the height of the story is above the average level of the adjoining ground.

Billboard” – means a sign or structure which directs attention to an idea, product, business activity, service, or entertainment which is conducted, sold or offered elsewhere than upon the lot on which such sign is situated.

Board” – means the Board of Zoning Appeals.

Boarding House” – means a building, not available to transients, in which meals are regularly provided for compensations for at least three (3) but no more than thirty (30) persons.

Breezeway” – means a roofed, open passage connecting two buildings.

Building” – means a combination of materials to form a construction that is safe and stable, adapted to permanent and continuous occupancy for public, residence, business, assembly or storage purposes. The term “building” shall be construed as if followed by the words “or part thereof”.

Building Area” – means the horizontally projected area of the building of a lot, excluding terraces, unenclosed porches, other open areas, and architectural appurtenances that project no more than two feet.

Building Height” – means the vertical distance measured from the average level of the finished grade at the front of the building to the highest point of a flat roof;

“

to the deck line of a mansard roof, or to the ridges for a gable, hip, or gambrel roof.

Building Line” – means the line that establishes the minimum permitted distance on a lot between the outside building wall and the lot line; also called “setback”; provided that a second story or roof overhang may not project a distance of more than two (2) feet into the side yard.

Building, Principal” – a building, including an attached garage, in which is conducted the main or principal use of the lot on which said building is situated.

Building, Utility” – a detached accessory building used for the purpose of storing equipment and materials and/or for housing parts of electrical, plumbing, and heating systems for the main building.

Business” – an occupation, enterprise, undertaking, or employment which engages in the purchase, sale, barter, or exchange of goods, wares, merchandise, or services, or where there is the maintenance or operation of an office or offices for the exhibition, sale, or offering of merchandise or service.

Campground” – any tract of land upon which two (2) or more portable camping units are placed, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such camp. A tract of land which is subdivided for lease or other contract of the individual lots is a campground if two (2) or more portable camping units are placed thereon for temporary habitation. “Campground” does not include any tract of land used solely for the storage or display for sale of portable camping units.

Cemetery” – land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes.

Commercial Entertainment Facilities” – any profit-making activity which is generally related to the entertainment field, such as motion picture theaters, night clubs, cocktail lounges, and other similar activities.

Commission” – means the Planning and Zoning Commission of the Village of Bettsville, Ohio.

Condominium” – property in which two (2) or more individually owned dwelling units are contained within a single building; and, the units are offered together with undivided interest in the common areas and facilities of the property.

“

“**Density**” – unit of measurement; the number of dwelling units per acre of land

“**Detached Building**” – means a building that has no structural connection with another building.

“**District or Zoning District**” – a section or sections of the Municipality for which the zoning regulations governing the use of buildings and premises, the height of buildings, the size of yards, the requirements for off-street parking, and the intensity of use are uniform. Boundaries of the district are shown on the Zoning Map which is part of this Zoning Ordinance.

“**Drive-In**” – means an establishment selling foods, frozen desserts, or beverages to consumers; the establishment being designed, used or intended to be used for the consumption of such items on the premises outside of the building in which they were prepared.

“**Drive-Through, Commercial Use**” – a specific form of “commercial use” characterized by business transactions from a stopped, but not parked, vehicle within a structure or its extension.

“**Dwelling**” – means a building or part of a building that is used primarily as a place of abode, but not including hotel, motel, lodging house, boarding house, or tourist home.

“**Dwelling Unit**” – means a dwelling, or part of a dwelling, used exclusively by one family as a place of abode.

“**Family**” – means one or more persons living as a single housekeeping unit, but not including an unrelated group of more than six (6) persons or a group occupying a hotel, motel, club, nurses’ home, dormitory, or fraternity or sorority house.

“**Fence**” – an enclosure, barrier, or screen whose purpose is to physically and/or visually contain certain uses and activities which are carried out on a particular lot

“**Food Processing**” – means the preparation, storage, or processing of food products; Examples of this activity include bakeries, dairies, canneries, and other similar products.

“**Front Line**” – with respect to a building, means the foundation line that is nearest the front lot line.

“

“Ground Floor Area” – means the area of a building in square feet, as measured in a horizontal plane at the ground floor level within its largest outside dimensions, exclusive of open porches, breezeways, terraces, garages, and exterior stairways.

“Home Occupation” – means the incidental use of a dwelling unit which is clearly subordinate to its use for residential purposes provided that: 1) only family members are employed on the premises; 2) the area devoted to the home occupation does not exceed twenty-five (25) percent of the ground floor area of

all buildings on the lot; and 3) adequate parking is provided and no activity is conducted which is injurious or noxious to adjacent properties.

“Hotel” – A building in which lodging or boarding 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 supervised by a person in charge at all hours. As such, it is open to the public in contrast to a boarding house or an apartment house, which are herein separately defined.

“Junk Yard” – means land or buildings where waste or discarded used property and materials is accumulated and is or may be salvaged for re-use or re-sale; including, but not limited to, automobiles, farm equipment, mobile homes, travel trailers, trucks, and/or parts thereof.

“Kennel” – any lot or premises on which four (4) or more domesticated animals more than four (4) months of age are either housed, groomed, bred, boarded, trained, or sold and which may offer provision of minor medical treatment.

“Loading Berth” – means an off-street, off-alley area designated or used to load or unload goods onto or from vehicles.

“Lodging House” – means a building, not available to transients, in which lodgings are regularly provided for compensation for at least three (3) but no more than thirty (30) persons.

“Lot” – means an area or contiguous areas, exclusive of streets and alleys and other public places, used as a unit and fifty (50) percent of whose average lot width abuts a street.

“Lot, Area” – the computed area contained within the lot lines, except rights-of-way.

“Lot, Corner” – means the lot at the junction of, and abutting, two (2) intersecting or intercepting streets.

“Lot, Coverage” or **“Floor Area Ratios (FAR)”** – means the area covered by buildings divided by the total lot area, exclusive of streets, alleys, and walkways, but including utility and other similar easements.

“Lot, Depth” – means the distance from the front line of the lot to its opposite rear line, measured in the general direction of the side lines of the lot.

“

“Lot, Frontage” – the distance along the front lot line

Lot, Line” – means the legal boundaries of the “lot”, excluding streets, alleys, public watercourses, and other public spaces.

“Lot Line, Front” – means the line marking the boundary between the lot and the abutting street, easement for street purposes, lake, or watercourse; except that for a corner lot, means the line marking the boundary between the lot and the shorter of the abutting street, easement for street purposes, lake or watercourse.

“Lot Line, Rear” – means a line parallel to and farthest from the front lot line, being at least ten (10) feet long and lying wholly within the lot.

“Lot Line, Side” – means a lot boundary line other than a front or rear lot line.

“Lot, Width” – means the distance between the side lot lines measured at the building line.

“Manufacturing Use” – any use involving manufacturing, processing, testing, and similar uses which may generate some objectionable characteristics, such as noise, smoke, dust, or pollution.

“Mobile Home” - means any non-self-propelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation when connected to utilities, whether resting on wheels, jacks, blocks, or other permanent or temporary foundation and used or so constructed as to permit its being used a conveyance upon the public streets and highways and exceeding a gross weight of four thousand, five hundred (4,500) pounds and an overall length of thirty (30) feet.

“Motel” – means a building or group of buildings containing individual living and sleeping accommodations for hire, each with individual exterior entrances, primarily for use of transient automobile travelers. The term “Motel” also includes every type of similar establishment designated as a hotel, auto court, tourist court, tourist cabin, motor hotel, motor lodges, etc.

“Multiple-Family Dwelling” – a dwelling consisting of four (4) or more dwelling units with varying arrangements of entrances and party walls, and designed for occupancy by families or unrelated individuals.

“Non-Conforming Use” – means a use that exists at the time a provision of this ordinance is passed but does not comply with it.

“Nursing Home” – a home used for the reception and care of individuals who, by reason of illness or physical or mental impairment, require skilled nursing care

“

and personal assistance. A nursing home is licensed to provide personal assistance and skilled nursing care.

Nursery School – means a school designed to provide daytime care or instruction for two (2) or more children from two (2) to five (5) years of age inclusive, and is operated on a regular basis. For the purposes of these regulations, a day care center is considered the same as a nursery school.

“Off-Street Parking Area” – means a surfaced area, not including driveways, designated for the parking of motor vehicles.

“Open-Use” – means the use of a lot without building, or a use for which a building with a floor area no larger than five (5) percent of the lot is only incidental.

“Permanent Foundation” – any structural system for transposing loads from a structure to the earth at depth below the established frost line without exceeding the safe bearing capacity of the supporting soil

“Person” – means also a corporation, firm, partnership, association, organization, unit of government, or any other group that acts as a unit.

“Planned Unit Development” – means an area 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 developments contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

“Principal Building” – means the building in which the principal use of the lot on which it is located is conducted, including a building that is attached to such a building in a substantial way, such as by a roof.

“Private Garage” – means garage whose principal use is to house motor vehicles for the accommodation of related dwelling units or related business establishments, located on the same lot as the principal use.

“Private School” – means a school other than a public school.

“Public Facility” – the erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants, or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, whether publicly or privately owned, or by a

“

municipal or other governmental agency, including the furnishing of electric, gas, transportation, communication, public water and sewage services.

Public Overnight Camp” – means an area of land used or designed to be used to accommodate two (2) or more tents, travel trailers or other camping outfits for no longer than seventy-two (72) hours per camping party per two (2) week period; but not including mobile homes.

Public Garage” – means a garage, other than a private garage, whose services are available to members of the public or to persons occupying a hotel, club, or similar facility.

Recreational area”- means areas, excluding private single family residential areas, designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters or golf course tees, fairways, roughs, surrounds and greens.

Residential Social Service Facility” – means a facility which provides residential services to a group of individuals, not exceeding eight (8), of whom one or more are unrelated. This category includes uses licensed, supervised or under contract by any Federal, State, County, or other political subdivision. The term “residential social service facility” includes, but is not limited to the following listed categories:

Halfway Houses: Residential homes for adolescents or adults who have been institutionalized and released or who have alcohol or drug problems which make operation in society difficult and who require the protection of a group setting

Intermediate Care Homes: Residential homes for children or adolescents who have been judged delinquent and have been assigned by a court to a residential home in lieu of placement in a correctional institution

Social Care Homes: Residential homes for children or adolescents who lack social maturity or have emotional problems and who have not been judged delinquent. These individuals may be physically handicapped, disabled, or undergoing rehabilitation, and are provided services to meet their needs.

Restaurant” – an establishment providing for the sale of prepared food products to the general public. Alcoholic beverages may be sold on the premises.

Restaurant, Carry-Out: An establishment whose primary function is the offering of food and beverages which are sold only inside the building, and are usually packaged to be carried and consumed off of the premises, but may be consumed within the restaurant building or on the premises.

“

Restaurant, Drive-In: An establishment offering food and beverages which are sold within the building, or to persons while in motor vehicles in an area designated for drive-in service, and may consumed on or off the premises.

Restaurant, Sit Down: An establishment whose primary function is the offering of food and beverages, which are sold and normally consumed within the restaurant building. Entertainment may be provided on the premises.

“

Retail Sales and Services” – an establishment which not only sells merchandise but provides service for the repair or replacement of that or other merchandise purchased or previously owned by consumers.

“Sign” – means any device designed to inform or attract the attention of persons not on the premises on which the sign is located. The word “sign” includes the word “billboard”, but does not include the flag, pennant or insignia of any Nation, State, City, or other political unit, or of any political, education, charitable, religious, or like campaign, drive, or movement or event.

“Single Family Dwelling” – a dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space, and designed for occupancy exclusively by one (1) family.

“Special Use” – a use permitted within a district other than a principally permitted use, requiring a special use permit and approval of the Board of Zoning Appeals that all prior conditions for approval have been met.

“Special Use Permit” – a permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

“Street” – means an improved right-of-way that is established by record to provide the principal means of access to abutting property.

“Structural Change” – means a substantial change in a supporting member of a building, such as a bearing wall or partition, column, beam, or girder, or in an exterior wall or the roof.

“Structure” – means a combination of materials forming a construction that is safe and stable and includes among other things, stadiums, gospel and circus tents, reviewing stands, platforms, staging, observation towers, commercial radio and television towers, satellite receivers (disc), water tanks and towers, trestles, piers, wharves, sheds, storage bins, walls, fences, and display signs. The word “structure” shall be construed as if followed by the words “or part thereof”.

“Structure, Temporary” – structures of a temporary nature, erected for a period not to exceed six (6) months for such uses as construction offices or storage buildings at a construction site.

“Swimming Pool” – a pool, pond or open tank not located within a completely enclosed building and containing at least one and one-half (1.5) feet of water at any point.

“

Three Family Dwelling (Triplex)” – a dwelling consisting of three (3) dwelling units, each separated by a partition or wall and designed for separated living quarters for three (3) families.

Through Lot” – means a lot fronting on two (2) parallel or approximately parallel streets and includes lots fronting on both a street and a watercourse or lake.

Travel Trailer” – means a vehicle or other portable structure forty (40) feet or less in length that is designed to move on the highway and designed or used as a temporary dwelling.

Travel Trailer Park” – means an area of land on which two (2) or more travel trailers are regularly accommodated with or without charge, including and building, structure, or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

Two-Family Dwelling (Duplex)” – a dwelling consisting of two (2) dwelling units, separated by a partition or wall and designed for separated living quarters for two (2) families.

Use” – means the employment or occupation of a building, structure, or land for a person’s service, benefit, or enjoyment.

Variance” – a variation from a strict interpretation of the terms of the Zoning Ordinance owing to peculiar conditions or circumstances which apply only to the property in question, and no other. As used in the Zoning Ordinance, a variance is never issued to allow a change in the permitted use requirements.

Wholesale Establishment” – an establishment that engages in the sale of goods, merchandise, and commodities for resale by the purchaser

Yard” – means a space on the same lot with a principal building that is open and unobstructed, except as otherwise specified by this Ordinance.

Yard, Front” – means a yard that is bounded by the front line of the principal building, by the adjacent street right-of-way or easement line, and by the segments of the side lot lines that they intercept; except that on double frontage lots, one such front yard may be used as a “rear yard” provided that, the minimum

“

front building line in such case shall be complied with placement of accessory buildings and structures.

“Yard, Rear” – means a yard that extends across the full width of the lot and is bounded on the rear by the rear lot line, and the depth of which is the least distance from the rear lot line and the rear of the principal building.

Yard, Side” – means a yard, between the principal building and the adjacent lot line that extends from the front yard, or street right-of-way where there is no front yard, to the rear yard and the width of which is the least distance between the side lot line and the adjacent side of the building.

“Zoning Certificate” – the document issued by the Zoning Inspector authorizing buildings, structures, or uses consistent with the terms of the Zoning Ordinance and for the purpose of carrying out and enforcing its provisions.

“

Chapter 2

Districts

2.1 Kinds of Districts

The Village is hereby subdivided into the following Districts:

- (a) Residence Districts, Designated “**R-1**”, are established for low to medium density single-family residences.
- (b) Residence Districts, Designated “**R-2**”, are established for medium density single and two-family residences.
- (c) Residence Districts, Designated “**R-3**”, are established for single, two, and multi-family residences.
- (d) General Business Districts, designated “**GB**”, are established to include areas that are appropriated to providing business and services to the larger community area.
- (e) Manufacturing Districts, designated “**M-1**”, are established for those areas where limited nuisance manufacturing and other uses are appropriate.
- (f) Manufacturing Districts, designated “**M-2**”, are established for those areas where high nuisance manufacturing and other uses are appropriate.
- (g) Agricultural Districts, designated “**A**”, are established for those areas devoted to agricultural production.
- (h) Residential Mobile Home Districts, designated “**R-MH**”, are established for high-density mobile home parks.

- (i) Municipal parks designated as “**R-C RECREATIONAL/CONSERVATION**”
- (j) **Private recreational park designated a “C-R Commercial Recreational”**

2.2 Boundaries of Districts

Boundaries of the districts established by Section 2.1 are shown on the Zoning Map of the Village of Bettsville, made part hereof by reference, and shall be interpreted as follows:

- (a) Such boundaries as shown on the Zoning Map shall be changed only by amendment as provided in the Ohio Revised Code as specified herein. After any such amendment has been made, the proper changes shall be incorporated on the Zoning Map; such change being certified to the Commission within thirty (30) days after said amendment takes effect.
- (b) When the exact boundaries of a zoning district are uncertain, they shall be determined by use of the scale on the Zoning Map.
- (c) When a right-of-way is vacated, the districts adjoining each side thereof are respectively extended to the center of the right-of-way so vacated.
- (d) Boundaries within ten (10) feet of and apparently following lines of lot record shall be assumed to be corresponding to the lot line in question unless otherwise specifically noted on the Zoning Map.
- (e) All notes, dimensions, and other graphics appearing on the Zoning Map are hereby declared to be a part of this Ordinance.

Chapter 3 Permitted Uses

3.1 Primary Uses

Primary uses are authorized in the Districts established by Section 2.1 as shown by an “**X**” in the following table. Where the use is designated by an “**S**”, the use is permitted as a Special Use subject to the provisions outlined herein.

Permitted Primary Uses

<u>USE</u>	<u>DISTRICT</u>										
<u>Residential</u>	R-1	R-2	R-3	R-MH	GB	A	M-1	M-2	C-R	R-C	
Single-family dwellings	X	X	X		X	S			X	S	
Two-family dwellings		X	X	S	X	S					
Three-family dwellings		X	X	S	X	S					
Multiple-family dwellings			S	S	S						
Mobile Homes (Permanent foundation)		X	X	S		S					
Mobile Homes (Temporary foundation)				S							
Mobile Home Parks				S							
Non-transient* Boarding & Rooming Houses			S		S						
Dormitories, Nursing Homes			X		X	S					
Home Occupations	S	S	S		X	S					

Planned Unit Developments**	X	X	X		X	S	X	X
-----------------------------	---	---	---	--	---	---	---	---

Business, General

Accounting & auditing services					X			
Administrative & sales offices					X			
Advertising services offices						X	X	
Animal hospitals					X			
Antique, novelty shops					X			
Art-school					X			
Association & club offices					X			
Attorney's offices					X			
Auto, marine, mobile home sales & service					X			
Automats, self-serve car washes					X			
Bakery, dairy, egg, ice cream, candy retail					X	S		
Banks, savings & loan institutions					X			
Beauty, barber, florist shops					X			
Blueprint & photocopy offices					X			
Business consulting services					X			
Camera, photo studio shops					X			

USE

DISTRICT

<u>Business, General</u>	R-1	R-2	R-3	R-MH	GB	A	M-1	M-2	R-C	C-R
Chiropractors' offices		S	S		X					
Clothing, shoe, & tailor shops					X					
Collection agencies, investment & consumer services					X					
Credit & finance related business					X					
Dance halls, private lodges					X					
Dentists' offices		S	S		X					
Detective & protective services					X					

Drive-in movies, amusement parks	S		
Employment & placement offices	X		
Engineering, architectural, urban planning services	X		
Farm equipment sales & service	X		
Fruit stands, greenhouses		S	X
Funeral homes, mortuaries	X		
General & health resorts	X		
General merchandise stores	X		
Go cart & commercial racetracks	S		
Grocery, meat, fish, fruit, carry-out, delicatessen stores	X		
Hardware, paint, glass, electrical, drapery, appliance stores	X		
Household goods stores	X		
Household repair services	X		
Insurance, real estate, title offices	X		
Labor, civic, & fraternal offices	X		
Lapidary & watch repair shops	X		
Laundry & dry-cleaning pick-up stations	X		
Mailing services	X		
Motels, hotels, tourist courts	X		
Movie theaters, penny arcade, video arcade	X		
Music, dancing schools	X		
Office supply stores	X		
Physicians' offices		S	S
Pool halls, bowling alleys & similar uses	X		
Printing, publishing	X		
Public offices	X		

USE

DISTRICT

Business, General

R-1 R-2 R-3 R-MH GB A M-1 M-2 C-R R-C

Radio stations						X				
Restaurants & eating places						X				
Riding stables						S	S			
Self-service laundry & dry-cleaning						X				
Service stations						X				

Shoes, hat shops	X
Skating, miniature golf, golf driving ranges	X
Sporting goods stores	X
Stationary, book, & jewelry stores	X
Taverns, night clubs, liquor retail	X
Telegraph & telephone exchanges	X
Television stations	X
Trade schools	X
Trailer camps & travel trailer parks	S
Transient boarding & rooming houses	X
Travel & ticket offices	X
Truck stops	S
Utility services offices	X
Veterinarian offices	X

Extensive Services

Commercial laundry, dry cleaning	X	X	X
Linen supply & industrial laundry services	S	X	X
Milk products, bakery products		X	X
Other disinfecting & cleaning services		X	X
Poultry hatchery, fishery		X	X
Public utility substations	S	S	X
Soft drink & bottling works		X	X
TV, radio, other transmission towers	S	S	X

Manufacturing, Chemical Related

Ammunition, ordinance equipment									S
Coal & fuel storage									S
Explosives, petroleum products processing									S
Inorganic & organic industrial chemicals, & agricultural chemicals, production									
distribution & storage									S

USE

DISTRICT

Manufacturing, Chemical Related

R-1 R-2 R-3 R-MH GB A M-1 M-2 C-R R-C

Paints & finishing materials			S
Petroleum products storage & distribution			S

Manufacturing, General

Electrical equipment manufacturing		S	X
Fiber & clothing goods & materials		S	X
Food products mfg. & processing			S
General metal fabrication		S	X
Heavy machinery testing laboratories			S
Instrument & miscellaneous mfg.		S	X
Machinery, office furniture & equipment		S	X
Non-metallic goods like glassware, ceramics paperboard, porcelain		S	X

Manufacturing & Processing

Miscellaneous

Building products & materials		S	S
Canning & curing			S
Fish cleaning, rendering		S	X
Incinerators, garbage, landfills			S
Livestock, wholesale & storage	S		S
Meat rendering			S
Medical, cleaning supplies mfg.			S
Natural resource mining	S		S
Oil & natural gas wells	S	S	S
Plastics, rubber, lumber processing & mfg.			S
Primary metal processing & mfg.			S
Rail equipment mfg.			S
Sawmill, logging operation			S
Slaughter houses	S	S	S

Manufacturing & processing: (Small
Items)

Book & newspaper publishing	X	X	X
Brooms, window shades		X	X
Buttons, notions		X	X

Jewelry & lapidary products X X

USE
DISTRICT

Manufacturing & processing: (Small

<u>Items)</u>	R-1	R-2	R-3	R-MH	GB	A	M-1	M-2	C-R	R-C
Office machines, service industry machines							X	X		
Paper products manufacturing							X	X		
Pencils, pens, other office & artists' materials							X	X		
Photoengraving, typesetting, electrotyping					X		X	X		
Sign, die cut product							X	X		
Tobacco products								X		

Open Uses

Crop farms										
Dairy farms	S	S	S	S		X	X	X		
Livestock & poultry farms						X	X	X		

Public Service Facilities

Airports, heliports (commercial or private)					S	S	S	S		
Airports, heliports (medical service related)		S	S		S	S	S	S		
Churches, cemeteries	S	S	S		X	S				
Emergency & charitable services					X	S	X	X		
Governmental services buildings					X	S				
Hospitals, clinics, sanitariums, rest homes		S	S		X					
Orphanages, children's home		S	S		X					
Rail, bus, marine, air terminals					X		X	X		
Residential social service facilities		S	S		X	S				

Recreation (Private)

Boat rental					X					X
Tennis, swimming clubs		S	S		X					X

Recreation (Public indoor)

Amphitheater, auditoriums			S		X	S	S			
Libraries, museums	S	S	S		X					
Schools (all levels)	S	S	S		X	S				
YMCA, YWCA, music halls					X					

Recreation (Public Open Spaces)

Golf Courses (public & private) **S** **X** **S**

USE
DISTRICT

Recreation (Public Open Spaces)

	R-1	R-2	R-3	R-MH	GB	AM-1	M-2	R-C	C-R
Native wildlife forest reserves (non-commercial)	S		S	X				X	X
Park, playgrounds, totlots	X	X	X		X	S		X	X
Stadium, fairgrounds, athletic fields			S		S	S		X	X

USE

*

Non-transient means at least 75% of the guests live on the premises for 30 days or more

**

See Chapter 6 for specific procedures and requirements for the approval of Planned Unit Developments

3.2 Accessory Uses

Accessory uses such as the following are allowed in all districts: bird baths and bird houses, buildings, curbs, driveways, detached garages, fences, and hedges, lamp posts, mail boxes, name plates, parking spaces, public utility installations, retaining walls, trees, plants, shrubs, flowers, recreational greenhouses, other landscaping, and the like.

All accessory buildings shall be subject to the following requirements:

- (a) It shall be located in the rear or side yard (side yards i.e. Sections C, E, and H, are met).
- (b) In a residential district, it shall be no closer than ten (10) feet from the main building. When attached to the main buildings, such structure shall be considered part of the principal building.
- (c) In all districts, accessory building shall be at least six (6) feet from any alley right-of-way or the lot line.
- (d) Such accessory building shall not project into the minimum rear yard of a double frontage lot.
- (e) Where the rear yard abuts a side yard of a corner lot, the accessory buildings shall not project beyond the front yard of the said corner lot.
- (f) An accessory building may not occupy more than thirty (30) percent of the required rear yard or side yard.
- (g) An accessory building must conform to the height requirements of Section 4.6 of this ordinance.

- (h) An accessory building in a side yard shall not project beyond the front line of the main building.

3.3 Fences, Hedges, and Wall

Fences, hedges, barriers, and walls are permitted as an accessory use in any required yard or along the edge of any yard, provided that no fence, hedge, or wall along the sides or front edge of any front yard shall exceed four (4) feet in height, or be over two and one-half (2 ½) feet in height if it visually impairs sight distance. In other yards, such structure shall not exceed seven (7) feet in height above the average finished grade of the lot. No barbed wire electrified or other dangerous fences shall be permitted. Fences shall be a minimum of two feet inside of property lines.

3.4 Swimming Pools

All inground swimming pools shall require a building permit and have a controlled entry adequate to prevent any unauthorized people from gaining access. No pool shall be located closer than six (6) feet to any lot line.

3.5 Sidewalks

Sidewalks must be Handicapped Accessible. Replacement sidewalks shall be three (3) feet wide and three (3) inches thick. Any sidewalk with one and one-half (1 ½) inch difference needs replaced or fixed.

3.6 Special Uses: (Procedure)

The Joint Board of Zoning Appeals / Zoning-Planning Commission may grant special uses where Section 3.1 indicates a special use may be permitted. Such permission may be granted only after:

- (a) Written application for approval is submitted to the Commission accompanied by a fee as established by the Village Council.
- (b) The Commission shall hold a public hearing on the matter after a public notice is provided in a newspaper of general circulation in the Village at least ten (10) days prior to the date of the hearing. The notice shall set forth the time, date, and location of the hearing as well as the special use to be considered. The property in question shall be posted at least ten (10) days prior to the date of

the hearing and said sign shall include the same basic information as in the required public notice in the newspaper.

- (c) The applicant shall submit such plans as are necessary to make the determination as to whether or not such special use shall be permitted.
- (d) Within forty (40) days of the date of filing of the application, the Commission shall hold its hearing and make a written determination of approval, disapproval, or modification.
- (e) The Commission shall not approve a special use except in accordance with Section 3.1 and 3.6 herein.

3.7 Special Uses: (Criteria of Approval)

(1) The Commission may grant a special use as permitted herein provided that:

- (a) Such special use is deemed essential or desirable to the public convenience or welfare.
- (b) Such use is in harmony with existing recommendations and objectives of a Comprehensive Plan, hither regional or local.
- (c) Such use is not granted merely for the personal convenience of the applicant.
- (d) All district regulations regarding required setbacks, yard areas, offstreet parking, and other regulations are met.
- (e) The performance standards of the special use are similar to the district in which it is located except that necessary public facilities need not meet this requirement where such facilities are necessary to meet the public welfare and safety.
- (f) The Commission may require such landscaping, buffering, or other improvements to protect the general public.

(2) In addition, the following requirements for special uses shall be met as applicable:

- (a) Mobile Homes, Motor Homes, and Travel Trailers: Individual motor homes and travel trailers may be stored in the rear yard of a lot in any district provided that said motor home or travel trailer is not inhabited for residential or business purposes, nor used for manufacturing. Mobile homes may be permitted if located in a mobile home park or as a temporary office incidental to a

construction site. Motor homes or travel trailers may be occupied only as provided in travel trailer parks or overnight camping facilities.

- (b) Mobile Homes, replacement: Existing, non-conforming mobile homes may be replaced by newer units providing that all of the requirements are met for the district in which it is located. Special Use permit is required.
- (c) Mobile Home Parks: Such uses may be permitted as specified in Section 3.1 herein provided that:
 - (1) The proposal is approved by the Ohio Department of Health and the Seneca County General Health District.
 - (2) No less than a ten (10) acre site is planned and approved.
 - (3) No less than thirty (30) mobile home sites are ready for occupancy at first opening.
 - (4) The bulk, area, and other requirements of the district in which it is located are met.
 - (5) The mobile home park is retained in single ownership and not as individual lots under separate ownership.
 - (6) The park shall have not less than one-half (1/2) acre of developed recreation area for each one hundred (100) mobile homes or part thereof.
 - (7) No lot in the park shall be less than four thousand, three hundred (4,300) square feet.
- (d) Certain Entertainment Facilities: Go cart tracks, racetracks, drive-in theaters, amusement parks, riding stables, general resorts, and health resorts may be permitted as specified herein provided they are deemed necessary for the public need and are not detrimental to any present or future adjacent commercial or residential use.
- (e) Travel Trailer Parks and Overnight Camps: Such uses may be permitted as specified herein provided that:
 - (1) The proposed facilities are approved by the Ohio Department of Health and the Sandusky County General Health District, and/or the Seneca County General Health District.

- (2) No permanent residence, except that of the owner/operator, is maintained.
 - (3) Surrounding properties and uses are not detrimentally affected by such uses.
 - (4) The site is properly buffered from adjacent uses.
 - (5) No permanent buildings, structures, or sewage facilities are located in a flood hazard area.
- (f) All Other Special Uses: Such uses may be permitted according to the general criteria of this section.

3.8 COMMERCIAL RECREATION CR DISTRICT

- The CR commercial recreation district is intended for outdoor and indoor recreational facilities of a commercial, profit-making nature. The activities for which the CR district is provided are primarily recreational in nature, either passive or active, but may include other activities which support and are ancillary to the primary recreation use.

- Uses—Permitted.

- No building or structure, or part thereof, shall be erected, altered or used, or land or water used, in the CR district in whole or in part, for other than one or more of the following specified uses unless expressly permitted by the Village Council in writing

- (1) Camping
- (2) Boat dock
- (3) Cabanas
- (4) Living quarters for use of care takers/ on site employee(s)
- (5) Fishing pier
- (6) Golf course
- (7) Golf driving range
- (8) Passive Park
- (9) Tennis courts

- (10) Other active and passive recreation facilities not specifically mentioned but permitted in the OS district such as baseball and football fields, basketball courts, soccer fields, etc.
- (11) Uses and buildings accessory to and of the above uses including uses of a commercial nature.
- (12) Skating rink

Restaurants in conjunction with the primary recreation use.

Shelter houses and community centers

- The permissible uses enumerated for the CR district in this article shall not be construed to include, either as a principal or accessory use, any of the following which are listed for emphasis:

(1)

Any industrial or manufacturing use.

(2)

Drive-in theater, drive-in restaurant or drive-in refreshment stand.

(3)

Game room arcade.

- No building or structure, or part thereof, in the CR district shall be erected or altered to a height exceeding 50 feet without express governing body approval.

Every plot in the CR district shall be not less than 100 feet in width and 10,000 square feet in area. In addition, the following shall apply:

(1)

No parking area shall be located within 25 feet of any residentially zoned property nor within 25 feet of any street line.

(2)

No structure, except fences or walls as hereinafter provided, shall be located within 25 feet of any residentially zoned property nor within 75 feet of the right-of-way line of a trafficway as depicted on the county trafficways plan, as amended from time to time, or within 25 feet of any other street right-of-way line.

(3)

No building or roofed portion of any structure shall be located within 25 feet of any plot line.

(4)

No required open space, yard or setback area shall be used or developed for any purpose other than by landscaping or parking areas subject to the restrictions of subsection (1) of this section and by the minimum number of walkways and/or driveways reasonably necessary to serve the permitted CR district uses.

Chapter 4

Lot, Coverage, Yard, Bulk, and Height Requirements

4.1 Minimum Lot Area

- (a) A lot on which a structure is used, or intended to be used for residential purpose shall meet the following minimum lot areas:

Minimum Lot Area per Dwelling (in thousands of square feet)

Type of Dwelling	District				
	R-1	R-2	R-3	A	GB
Single-family	8.0	8.0	7.5	8.0	7.0
Two-family		10.0	7.5	10.0	7.0

Three-Family	10.0	7.5	10.0	7.0
Multiple-family (per unit)		2.8		2.8

Note: Dwellings not permitted in M-1 and M-2 Districts.

- (b) A multiple-family use with single and two-family structures shall meet the same requirements as two-family structures in subsection 4.1 (1).
- (c) A lot on which one of the following uses is located may not be smaller in area than noted as follows:

<u>Use</u>	<u>Minimum Lot Area</u>
Cemetery or Crematory	20 acres
Commercial Greenhouse	25,000 square feet
Hospital	5 acres
Kindergarten or Day Nursery	110 square feet per child
Mobile Home Park	10 acres
Planned Unit Development	10 acres
Riding Stable	20,000 square feet plus 5,000 square feet for each horse over 4
Stadium, Coliseum, etc	5 acres
Travel Trailer Park or Overnight Camp	5 acres

4.2 Minimum Lot Width and Depth

- (a) All lots used, or intended to be used, for residential purposes shall meet the requirements as follows:

<u>Minimum Lot Width per Dwelling Unit</u>	<u>(in feet)</u>				
Type of Dwelling	District				
	R-1	R-2	R-3	A	GB
Single-family	75	75	75	75	50
Two-family		75	75	75	50
Three-Family		85	85	85	50
Multiple-family (per unit)			50		50

- (b) A multiple-family use with single and two-family structures shall meet the same requirements as two-family structures is subsection 4.2 (1).
- (c) No residential lot shall be less than 100 feet in depth.

4.3 Lot Coverage

- (a) Residential structures, including accessory buildings, on a lot may not exceed in coverage the following percentages of total lot area:

Maximum Lot Coverage for Residences (in percentage)

<u>District</u>	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>	<u>A</u>	<u>GB</u>
Percentage of Coverage	30	40	40	50	50

- (b) Non-residential structures, including accessory buildings, on a lot may not exceed the following percentages of total lot area:

Maximum Lot Coverage for Non-Residential Uses (in percentage)

<u>District</u>	<u>GB</u>	<u>A</u>	<u>M-1</u>	<u>M-2</u>
Percentage of Coverage	60	75	75	75

Note: Lot coverage requirements for non-residential buildings in the R-1, R-2, and R-3 Districts are the same as required in subsection 4.3 (1) herein.

4.4 Minimum Building Setbacks

- (a) The minimum depth of front yards are measured from the right-ofway and are as follows:

Minimum Front Yard Requirements (in feet)

Use	District						
	R-1	R-2	R-3	GB	A	M-1	M-2
Residential	35	20	30	30	35	-	-
Business	35	30	30	30	35	35	35
Industrial & Other	35	30	30	30	35	35	35

- (b) The minimum widths of each side yard are as follows unless otherwise specified herein:

Minimum Side Yard Requirements (in feet for each side yard)

Use	District								
	R-1	R-2	R-3	GB	A	M-1	M-2	Residential	6
	6	6	6	6	-	-			
Business				10	10	10	6	10	10
Industrial & Other				10	10	10	6	10	10

- (c) The minimum depth of a rear yard, excluding detached accessory structures, shall not be less than 25 feet. Detached accessory structures shall maintain a six (6) foot rear lot line setback.
- (d) At the intersection corner of each corner lot, the triangular space determined by two lot lines at that corner and by a diagonal line connecting the two points on those lot lines that are 15 feet respectively from the corner shall be kept free of any obstruction to vision between the heights of 2 ½ feet to 12 feet above the established grade.
- (e) In addition to the yard requirements in this section, the following uses shall require the setbacks as shown below. Omission indicates the normal District setback applies:

Use	Minimum Yard (in feet)		
	Front	Side (each)	Rear
Commercial Greenhouse	30	30	30
Drive-in Theater	100	40	40
Hospital	100	40	40
Kindergarten & Nursery	40	20	35
Livestock Sales Barn	300	300	300
	Front	Side (each)	Rear
Mobile Home & Travel Trailer Park	100	25	25
Outdoor Commercial Entertainment	100	40	40
Overnight Camp	100	40	40
Riding Stable	100	100	100
Stadium, Coliseum, etc	100	100	100

- (f) Yards for buildings with the following uses shall have setbacks on interior roads as follows:

Use	Minimum Yard (in feet)		
	Front	Side (each)	Rear

Mobile Home Park	20	5	10
Overnight Camp	20	5	10
Travel Trailer Park	20	5	10

- (g) No industrial structure shall be erected closer than sixty (60) feet to any “**R**” District nor shall any parking or loading area serving an industrial use be closer than thirty (30) feet to and “**R**” District.
- (h) The following projections into required yards may be permitted:

Open Fire Escape – 6 feet into a rear yard or 3 feet into a side yard
Awnings or Movable Canopies – 6 feet into front or rear yard or
3 feet into a side yard
Uncovered Steps & Porches – at ground level into any yard

4.5 Bulk Requirements

- (a) No single or two-family dwelling may be erected or modified so that the livable ground floor area, in square feet, is less than that noted as follows:

<u>Ground Floor Area per Dwelling Unit</u>	<u>(in square feet)</u>				
Type of Dwelling	District				
	R-1	R-2	R-3	A	GB
Single-family (1 story)	750	600	600	750	600
Single-family (more than 1 story)	600	500	500	600	500
Two-family (1 Story)	-	600	600	600	600
Two-Family (more than 1 story)	-	500	500	500	500

- (b) Multiple-family dwellings of one story shall have a minimum ground floor dwelling bulk of 600 square feet for each unit over two (2). Multiple-family dwellings of more than one story shall have a minimum ground floor dwelling bulk of 500 square feet plus 100 square feet for each unit over two (2).

4.6 Height Restrictions

- (a) No building may be erected or altered to a height in the district within which it is located to exceed the following, in feet, except as otherwise permitted herein:

District	R-1	R-2	R-3	GB	A	M-1	M-2
Height Limit	25	25	35	50	100	50	100

- (b) Special uses may be permitted to a height not to exceed 45 feet in the “**R**” District and to a height not to exceed 75 feet in the “**GB**”, “**M-1**”, “**M-2**”, and “**A**” Districts.
- (c) In the “**R-3**” or “**GB**” Districts, a multiple-family dwelling may be erected or altered to a height greater than prescribed for the district when all specified minimum side and rear yard requirements are increased by 2 feet for each foot that exceeds the maximum height limit for the district or the use as prescribed.
- (d) Height requirements shall not apply to flagpoles, radio or television antenna, transmission towers or cables, chimneys, spires, elevator or stair bulkheads, railings, water tanks or cooling towers, silos and similar bulk storage structures, grain elevators, mineral extraction and processing structures, and any similar structures provided that they, in their aggregate coverage, occupy no more than 10 percent of the roof area of a building.

Chapter 5

Parking, Loading, Buffer, Sign Requirements

5.1 Location of Off-Street Parking and Loading Areas

A parking area or loading berth for any of the following uses may not be located closer to a residential restrict than the distance, in feet, listed opposite it in the

following table, or in the case of being located within a residential district, no closer to the lot line than herein provided.

Minimum Distance from Residential Districts (in feet)

<u>Use</u>	<u>Parking Area</u>	<u>Loading Berths</u>
Commercial Greenhouse	25	50
Hospital	25	50
Livestock Sales Barn	25	100
Mobile Home Park	25	-
Private Recreational Development	25	-
Stadium, Coliseum, etc	25	50
Travel Trailer Park. Overnight Camp	25	-
Truck Freight Terminal	25	100
Wholesale Produce Terminal	25	100

5.2 Off-Street Loading Berths

- (1) All non-residential uses as described herein shall have a minimum number of off-street loading berths of dustproof surface as prescribed below.
 - (a) All uses generally permitted in the “**GB**” (General Business) District, whether located in a business or manufacturing district shall have one (1) loading berth for 3,000 to 15,000 square feet of total gross floor area, and an additional loading berth for each additional 25,000 square feet, or fraction thereof, of total gross floor area.
 - (b) All uses generally permitted in the manufacturing districts shall require one (1) loading berth for 15,000 square feet or less of total floor area, two (2) berths for 15,000 to 40,000 square feet of total floor area, three (3) berths for 40,000 to 100,000 square feet of total floor area, and three (3) loading berths plus one (1) berth for each additional 40,000 square feet or fraction thereof above 100,000 square feet of total floor area.
 - (c) Office district uses of 15,000 square feet of total floor area or more shall have one (1) loading berth for each 100,000 square feet of total floor area, or fraction thereof.
 - (d) All special uses shall have the same requirements as a manufacturing use.
- (2) Each loading berth shall be at least 12 feet by 45 feet in size with a minimum of 14 feet height clearance.

5.3 Off-Street Parking

To reduce traffic problems and hazards by eliminating on-street parking, every use of land hereafter started or changed must include on premises parking sufficient for the needs normally generated by the use as provided herein. Parking spaces or bays contiguous to the street, required by subdivision regulations or other ordinances or voluntarily supplied, are in addition to and not in place of the spaces herein required.

- (a) Each parking space shall be at least nine (9) feet wide and twentytwo (22) feet long for parallel parking; ten (10) feet wide and twenty (20) feet long for right angle parking; or ten (10) feet wide and eighteen (18) feet long for sixty (60) degree angle parking; or ten (10) feet wide and (18) feet long for forty-five (45) degree angle parking; the length of non-parallel parking being measured at right angles to the edge of the usable parking area formed by the angles exclusive of passageways. Access driveways into off-street parking shall be ten (10) feet wide for parallel spaces; twelve (12) feet wide for diagonal spaces; and sixteen (16) feet wide for perpendicular spaces.
- (b) The parking spaces required herein shall be located on the premises, or within three hundred (300) feet of the premises, and shall not be part of an alley, street, or other roadway.
- (c) Parking spaces may not be located in the required front yard except in business and manufacturing districts.
- (d) Any parking space for business use, if in the open, must be paved with a hard or dustproof surface.
- (e) A group of uses may provide a joint parking area if the number of spaces in the area at least equals the aggregate of the spaces required for those several uses and other regulations are met.
- (f) A church or temple that requires parking area at times when nearby uses do not need their parking facilities may, by agreement approved by the Commission, use those facilities instead of providing their own, except that such other facilities must be offstreet, dustproof, and meet the requirements for the church or temple.

Use

Required Parking Spaces

Airport or heliport	1 per 2 employees plus 1 permanently based aircraft, Plus 1 per daily transient
Auto Sales & repairs	1 per 200 square feet of floor area
Auto, trailer, other vehicle sales area (open)	1 per 1,000 square feet of land used for retail purposes
Banks, business & professional offices, similar business use, post office, telephones, etc.	Minimum of 5 spaces plus 1 space for every 300 square feet of floor area over 1,00 square feet
Boarding, lodging homes, dorms	1 per 3 occupants
Bowling alleys	3 per lane plus 1 per 6 spectator seats
Business use not listed	1 per 200 square feet of floor area
Church or temple	1 per 6 seats in largest area used at any one time
Hospital	1 per 4 beds plus 1 per doctor, plus 1 per 3 employees on the largest shift, plus 1 per hospital vehicle
Hotel, motel	1 per sleeping room, plus 1 per 3 employees
Industrial uses not listed	1 per 3 employees
Kindergarten or day nursery	1 per 4 children
Mobile Home Park or Travel Trailer Park	1 per lot plus 1 per 10 lots
Mortuary	1 per 6 seats in main room
Nursing home	1 per 7 persons
Overnight Camp	1 per campsite, trailer, cabin
Private Club	1 per 6 active members
Residential Uses	1 ½ spaces per dwelling unit

Use

Required Parking Spaces

Riding Stable	1 per horse
Schools, Elementary	1 per 3 staff members plus 1 per 6 auditorium seats
Schools, High	Same as elementary plus 1 per 2 seats
Stadium, Coliseum, etc	3 per 4 employees plus 1 per 2 seats
Theater, Indoor	1 per 3 seats
Transportation terminals (bus, train, etc)	1 per 5 waiting room seats
Wholesale, distribution uses	1 per 2 employees
Apparel shop	1 per 125 square feet of floor area
Appliance	1 per 125 square feet of floor area
Bakery	1 per 125 square feet of floor area
Barber & beauty shops	1 per 125 square feet of floor area
Billiard Room	1 per 125 square feet of floor area
Clothing Services	1 per 125 square feet of floor area
Delicatessen	1 per 125 square feet of floor area
Drug Stores	1 per 125 square feet of floor area
Dry Cleaning	1 per 125 square feet of floor area
Flower Shop	1 per 125 square feet of floor area
Grocery	1 per 125 square feet of floor area
Hardware	1 per 125 square feet of floor area
Home Occupation	1 per 125 square feet of floor area
Laundry Services	1 per 125 square feet of floor area
Locker Services	1 per 125 square feet of floor area
Meat & Supermarkets	1 per 125 square feet of floor area
News Stores	1 per 125 square feet of floor area
Nightclub & Similar Uses	1 per 125 square feet of floor area
Photo Studio	1 per 125 square feet of floor area
Restaurants	1 per 125 square feet of floor area
Retail Showroom	1 per 125 square feet of floor area
Roadside Stands	1 per 125 square feet of floor area
Shoe Repair	1 per 125 square feet of floor area
Stationary	1 per 125 square feet of floor area
Taverns	1 per 125 square feet of floor area

5.4 Buffers, Screen Planting

- (a) The following uses shall be fences by a 6 foot high chain link or solid fence:
 - Airport
 - Kindergarten or Day Nursery
 - Natural Resource Development
 - Private Swimming Pool (see section 3.2 (d))
 - Wholesale Distributing Terminals
- (b) The following uses shall have an 8 foot high solid painted fence:
 - Junk Yard or Salvage Yard
 - Outdoor Drive-In Theater
- (c) Tight screen planting, effective at all times to block the view from residential districts, shall be provided for the following uses abutting residential districts or located within residential districts. Such planting shall provide at the lot lines or district boundaries on which such uses abut and shall have reached six (6) feet in height and three (3) feet in width within 5 years after the use is established:
 - All Industrial Uses
 - Landfills, Dumps, Sewage Plants
 - Natural Resource Development (if not fences)
 - Outdoor Commercial Recreation Enterprises
 - Public Utility Substations
 - Riding Stables
 - Wholesale, Freight or Distribution Terminal (when not fenced)
- (d) Mobile Home Parks shall have screen planting suitable to the Commission and approved as part of the Special Use.

5.5 Signs

- (1) In any district, except as prescribed, the provisions of this subsection shall be applied to effect the safety of motorists & pedestrians and to facilitate traffic movement:
 - (a) All R-1, R-2 & R-3 residences will display the appropriate house number that is clearly visible at all times from the road on the front side of the dwelling.

- (b) No sign shall be erected or maintained at any location, where, by reason of its position, wording, illumination, size, shape, or color, it may obstruct, impair, obscure, interfere with the view of, or be confused with any authorized traffic control signal, signs, or device.
- (c) No sign shall contain or make use of any phrase, symbol, shape, form, or character in such a manner as to interfere with, mislead, or confuse moving traffic.
- (d) No exterior sign having flashing, intermittent, or animated illumination shall be permitted except in the “**GB**” District, wherein general street lighting is provided and traffic movement on adjoining streets is regulated at thirty-five (35) miles per hour or less.

(2) In any district, the following provisions shall apply:

- (a) No part of any sign, which is attached to a building, shall be erected to a height greater than the height of the building.
- (b) No illuminated sign shall be permitted within fifty (50) feet of property in any residential district unless the illumination of such sign is so designed that it does not reflect or shine light onto such property.
- (c) No part of any freestanding sign shall be erected to a height greater than that specified for accessory structures in the district in which the sign is located.
- (d) The minimum setback of freestanding signs from the street right-of-way line shall not be less than those given below:

Area of Sign per face	Minimum Setback
5 square feet or less	2 feet
5 to 14.9 square feet	10 feet
15 to 49.9 square feet	20 feet
50 to 99.9 square feet	30 feet
100 or more square feet	60 feet

- (e) The area of a sign shall be determined by the smallest circle, triangle or rectangle that can be used to enclose the sign, exclusive of supporting members that bear no message or symbol.
- (f) No freestanding sign shall be erected or maintained within ten (10) feet of any side lot line.

- (g) Home occupation sign signs are permitted with legal home occupation use as permitted herein. Such signs shall not be larger than four (4) square feet in area and shall be located in a manner acceptable to the commission.

(3) In any residence district, the following regulations shall apply:

- (a) A nameplate, which shall not exceed one square foot in area, is permitted for each dwelling unit of a single-family dwelling, or row house structure; such nameplate shall indicated nothing other than the name and/or address of the occupant, and/or the customary home occupation. No other sign shall be allowed. This section shall not be construed to prohibit a house numbering plate for identification.
- (b) Multiple-family residences and residential projects of all types may display identification signs indicating nothing other than name and/or address of the premises and/or the name of the management. Such signs shall not exceed nine (9) square feet in area.
- (c) For uses other than those listed in paragraphs (a) and (b), bulletin boards or identification signs indicating nothing more that name and/or address of the premises, and schedule of services or other information relevant to the operation of the premises; such sign not to exceed twelve (12) square feet in area.
- (d) For any use eligible to display a sign in paragraph (b) and (c), only one sign per street frontage shall be permitted; except that uses occupying extended frontage shall be permitted one such sign for each 500 feet of frontage.

(4) In any business district, except as herein provided, the provisions of this subsection shall apply:

- (a) Residential uses shall be subject to the provisions of Section 5.5 (23).
- (b) Each public recreation, community facility or clinic use shall be permitted one bulletin board of identification sign not to exceed twelve (12) square feet in area, except that uses occupying extended frontages may have one such sign for each 500 feet of frontage.

- (c) Each primary use other than those listed in paragraphs (a) and (b) shall be permitted as accessory uses according to the number and new area of signs set forth as follows:

District	No. of Signs	Net Sign Area (Each)
GB	2	40 square feet

- (5) In any industrial district, each business or industrial use shall be permitted identification signs on the lot only as incidental uses, not to exceed two (2) such signs or a new area of 300 square feet.

- (6) The following signs shall be permitted in any district:

- (a) Each permitted or required parking area that has a capacity of more than five (5) cars shall be permitted one sign, not more than two (2) square feet in area, designating each entrance or exit from such parking area; and one sign, not more than nine (9) square feet in area, identifying or designating the conditions of use of such parking area for each 25 spaces, or fraction thereof.
- (b) One “for sale” or “for rent” sign not more than 12 square feet in area for each dwelling unit, garage, or other quarters where appropriate.
- (c) One sign, not more than 20 square feet in area, pertaining to the sale of agriculture products raised on the premises.
- (d) Signs established by, or by order of any governmental agency.
- (e) One sign, not more than 12 square feet in area, for construction and development, giving the name of the contractors, engineers, or architects, shall be permitted, but only during the time that construction or development activity is underway.
- (f) For an event of public interest such as a county fair, or church event, one sign, not over 24 square feet in area and located on the site of the event shall be permitted. Such sign shall be erected not more that 30 days before the event in question and shall be removed immediately after the event. Also directional signs, not more than three (3) square feet in area, showing only a directional arrow and the name of the event, shall be permitted, provided such sign shall not be erected more than 14 days before the event and shall be removed immediately after such events.
- (g) For each real estate subdivision more than five (5) lots, that has been approved or officially recorded, one sign, not to exceed 300

square feet in area, shall be permitted on any portion of the property being advertised; provided that such sign shall not encroach upon required yards and shall be maintained only while lots are available for sale. Permits for such signs shall be issued for periods of one year, with renewal granted each year for reasonable time.

Chapter 6 Planned Unit Developments

6.1 Intent and Purpose

The intent and purpose of this section shall be to accommodate and encourage development of large tracts of land for residential, commercial, industrial, public, or compatible mixed uses, in accordance with the overall plan for the area.

6.2 Procedure

- (1) The applicant or applicants shall apply in writing to the Commission for a Planned Unit Development Permit; said application to be accompanied by all necessary general and detailed plans for determination.
- (2) The Commission shall treat such application as an amendment, certifying its recommendation to the Council.
- (3) The Council of the Village shall act in the same manner prescribed by law for amending this Ordinance.
- (4) If a planned Unit Development is permitted, permits shall be issued according to such approval given by Council; and the approved development shall become a part of this Ordinance as would any other amendment.
- (5) If, after twenty-four (24) months, no construction has been started, and if, within five (5) years, the development has not been completed, the area involved shall revert back to the original district.

- (6) All appropriate parts of the Unit Development Plan shall be recorded in the Office of the County Recorder.
- (7) The application for a Planned Unit Development shall be accompanied by the fee for review as established by Council.

6.3 Performance Standards

All Planned Unit Developments shall meet the following requirements:

- (1) The Plan must be in conformity with a comprehensive plan.
- (2) The minimum site area shall be ten (10) acres unless otherwise approved.
- (3) The plan must include the following:
 - Lot layout design
 - Street, right-of-way, and public utilities design
 - Surface water drainage design
 - Building design principles
 - Landscaping plans, if appropriate
- (4) The layout, design, and improvements proposed shall be approved within the review procedure and shall be binding on the applicant; densities within various portions of the development may be higher than normally permitted, but the overall density for the development shall not exceed that for the existing zoning district unless otherwise approved.
- (5) The Plan must be in the interests of the public, generally following the purposes and intentions of this Ordinance; and must be incomplete conformance with all other applicable regulations.
- (6) The Commission and Council may require such information and agreements as necessary to protect the intent of this Chapter.
- (7) Mixed density, open spaces, mixed uses, and the location and arrangement thereof, shall be compatible with one another and with the surrounding areas; and must be in the interest of total community development.

Chapter 7

Non-Conforming Uses

7.1 Non-Conforming Buildings

The lawful use of any building which does not conform to these regulations, whether original adoption or by subsequent amendment, may be continued after such adoption of amendment, under the conditions herein specified:

- (1) The addition to, enlargement or expansion of any such nonconforming building may be permitted provided such addition, enlargement, or expansion complies with all height, area, parking, setback and other requirements of the district it is located in, and that total aggregate floor area of such addition or additions do not exceed twenty (20) percent (%) of the floor area in such building at the time it became non-conforming.
- (2) A non-conforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake or other calamity, or the public enemy, may be restored and the same use and occupancy continued or resumed, provided that such restoration is started within a period of one (1) year and is diligently pursued to completion. Any lot whose buildings are destroyed beyond ninety (90) percent (%) if their total value shall not be restored to its original use and the land used by such buildings shall thereafter be used in conformance with the district regulations.
- (3) The use of a non-conforming building may be changed to a use of the same or more restricted classification but shall not thereafter be changed back to a less restrictive use.

- (4) A non-conforming building, or portion thereof, which is or hereafter remains vacant and unoccupied for a period of one (1) year or more, shall not thereafter be occupied, except by a use which conforms to the use regulations of the district in which it is located.

7.2 Non-Conforming Use of the Land

- (1) A non-conforming use of land shall not be expanded or extended into any other portion of the lot or adjoining property; nor shall the use be changed except to a conforming use.
- (2) A non-conforming use of the land where principal buildings are involved, shall not be expanded or extended into any other portion of the lot or any adjacent lot; and use of such land that exists at the time of adoption of this Ordinance and any subsequent amendment may be changed only as specified for changes in use for nonconforming buildings as specified in Section 7.1; provided such change in use is due to a change in use of the principal building.

7.3 Non-conforming Special Uses

Any use herein shown as a special use in the district use regulations shall be considered non-conforming uses in the same manner as other uses as specified in Section 7.1 and 7.2 and shall be legal uses, upon expansion only after approval of said expansion as a special use under the terms prescribed in the Ordinance.

7.4 Non-Conforming Standards of Non-Conforming Uses

Any use, non-conforming in the district, that does not conform to the regulations herein pertaining to yard requirements, lot requirements, off-street parking, height regulations and other regulations, shall be permitted to continue under such nonconforming conditions; except that any enlargement, change of use, or addition shall not cause the aggregate use to violate the provisions of this Ordinance beyond such existing non-conformance which exists at the time of adoption of this Ordinance or any subsequent amendment.

7.5 Non-Conforming Lots of Record

Any lot of record existing at the effective date of adoption of this ordinance or any of its subsequent amendments, which does not conform to the lot requirements of the district in which it is located, is to be considered to be a nonconforming lot of record.

- (1) Where one (1) non-conforming lot of record in single ownership exists, with frontage along a public right-of-way, such shall be considered a buildable lot for the district in which it is located. However, any use must comply with the other requirements pertaining to the use and district.
- (2) Where two (2) or more contiguous, non-conforming lots of record are in single ownership, the Zoning Inspector may require replatting to minimize the con-conformity. The re-platted lots must be approved by the Zoning Commission and, once approved, the re-platted lots shall be considered as having met the lot size requirements of the Zoning Ordinance. The number of re-platted lots of record shall, at least, equal one-half (1/2) of the original number of lots of record.

Chapter 8

Board of Zoning Appeals and Planning - Zoning Commission

8.1 Organization and Procedure

- (1) Appointment:
There is hereby established a Joint Board of Zoning Appeals and Planning – Zoning Commission, which shall consist of five (5) electors, appointed by Council. Council, by a majority vote of its members, shall choose a successor to fill any vacancy. Appointments shall be for five (5) year terms. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable by the Council, upon written charges having been filed with the Council and after a public hearing had been held regarding such charges, a copy of the charges having been served against the member so charged at least ten (10) days prior to the hearing, wither personally or by registered mail, or by leaving the same at his/her usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- (2) Organization and Procedure:
The Board shall organize and adopt rules for its own government not inconsistent with law or with any other ordinances of the municipality.

- (a) Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman or, in his absence, the acting Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of Municipal Clerk and shall be a public record.
- (b) Quorum:
Three (3) members of the Board shall constitute a quorum. The Board shall act by Resolution; and the concurring vote of three (3) members of the Board shall be necessary to reverse any order or determination of the Administrative Officer, or to decide original jurisdiction under this Ordinance, or to grant variance from the requirements stipulated in this Ordinance. Amendment procedures for the Board are specified in Chapter 10 of this Ordinance.
- (c) Department Assistance:
The Board may call upon the various departments of the municipality for assistance in the performance of its duties, and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required.

8.2 Application and Appeals

- (1) Applications for Variance:
An application, in cases in which the Board has original jurisdiction under the provisions of this Ordinance, may be taken by any property owner, including a tenant or by a governmental officer, department, board, or bureau. Such application shall be filed with the Administrative Officer who shall transmit the same to the Board. A fee as established by Council shall accompany any application for variance.
- (2) Appeals:
 - (a) An appeal to the Board may be taken by any person aggrieved or by an officer of the Municipality affected by any decision of the Administrative Officer. Such appeal

shall be taken within twenty (20) days after the decision, by filing with the Administrative Officer and with the Board, a notice of appeal specifying the grounds thereof. The Administrative Officer shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

- (b) An appeal shall stay all proceedings in furtherance of the action appealed from unless the Administrative Officer shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a Court or equity, after notice to the officer from whom the appeal is taken and on due cause shown.
- (c) The Board, in conformity with the provisions of this article, may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and shall make such order, to be made in/on the premises; and to that end, shall have all powers of the Administrative Officer from whom the appeal is taken. A fee as established by Council shall accompany any application for appeal.

Chapter 9 Administration and Enforcement

9.1 Office of Zoning Inspector Created

A Zoning Inspector, appointed by the Village Council, shall administer and enforce this Resolution. The Zoning Inspector, before entering upon his duties, shall give bond as specified by Section 519.161 of the Ohio Revised Code. The Zoning Inspector may be provided by other persons as authorized by the Village Council.

9.2 Duties of Zoning Inspector

For the purpose of administering and enforcing this Zoning Ordinance, the Zoning Inspector shall have the following duties:

- (a) Develop and distribute applications for all permits, certificates, amendments, appeals, etc., which are necessary for effective administration of Zoning Ordinance.
- (b) Approve or deny application for all permits and certificates, upon determination of compliance with this Zoning Ordinance. A zoning certificate, or written notification and explanation of noncertification shall be issued to the Applicant within ten (10)

working days of the date of filing. Failure to notify the Applicant within this time period shall constitute grounds for submittal of the Application for Certification to the Board of Zoning Appeals as a variance.

- (c) Determine whether a use is in compliance or in violation of the Zoning Ordinance. Where a violation does exist, the Zoning Inspector shall notify the owner in writing, specifying the exact nature of the violation and identifying the measures necessary to correct the violation including, but not limited to, a stop work order.
- (d) Conduct inspections of buildings, structures and uses of land to determine compliance with this Zoning Ordinance.
- (e) Maintain and keep current the permanent records required by the Zoning Ordinance, including, but not limited to, the official Zoning Map, Zoning certificates, Zoning Inspections, and all official zoning actions of the Village. Such records shall be made available for use by Village Council, Planning Commission, the Board of Zoning Appeals and the general public.
- (f) Institute injunctions, mandamus, abatement or any other appropriate actions or proceedings to prevent, enjoin, abate or remove the unlawful location, erection, construction, enlargement, change, maintenance or use.
- (g) Prepare and submit reports concerning the administration and enforcement of this Zoning Ordinance to the Village Council upon requires.
- (h) Review all subdivision plats applicable to the Village of Bettsville.

9.3 Zoning Permit Required

No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure within the Village included in this Zoning Ordinance without obtaining a Zoning Permit.

9.4 Application for Permit

All applications for Zoning Permits and any other request for permit or action shall be made on forms approved by the Bettsville Village Council and by supplying such information as prescribed by resolution and the Village Council. Applications for Zoning Permits shall be made to the Zoning Inspector who shall approve or disapprove the application, giving reason therefore within fifteen (15)

days after the filing of the application. A Zoning Permit shall be valid for a period of eighteen (18) months; the permit shall be automatically void and a new application and fee shall be required prior to the issuance of a new permit.

9.5 Zoning Permit Fees

Fees for Zoning Permits shall be established by the Village Council and may be amended from time to time.

9.6 Late Permit Fees

A late fee is hereby established by the Village Council. This late fee is set at Double the normal permit, variance, special use, or amendment fee depending on the type of application required. The late fee will be levied when construction had begun prior to the approval of the Zoning Permit.

9.7 Contents of Completed Zoning Permit Application

Application for Zoning Permits are available at the office of the Zoning Inspector and when completed shall be filed at such office. Each application shall include the following:

- (a) Name, address, and telephone number of applicant.
- (b) Two (2) copies of a scale drawing showing the actual shape and dimensions of the lot to be built upon, or to be changed in use, in whole or in part including all R/W easements and required setbacks.
- (c) The location of the lot, the lot coverage, and the height of any building or structure to be erected or altered, its current use, and the Zoning district in which it is located.
- (d) The use proposed for each building, structure or area.
- (e) The required fee
- (f) The number of dwelling units, commercial uses, and industrial uses each building is designed to accommodate, if applicable.
- (g) Such other information as requested by the Zoning Inspector for effective administration of this Zoning Ordinance.

9.8 Enforcement

No construction, alteration, or change other than normal maintenance, which affects any change in the use of the land or building or regulations, relating thereto, shall take place until a valid Zoning Permit has been issued.

9.9 Enforcement Officer

The Zoning Inspector shall enforce this Resolution, along with the other Zoning Officials and Village Council, in accordance with the applicable sections of the Ohio Revised Code.

9.10 Revoking of Permits

Any permit issued upon false statement of material fact shall be revoked. Any use of activity conducted, which varies from that use or activity specifically authorized by permit, shall cause the permit to be revoked and action to prevent such violation taken in accordance with the Ohio Revised Code.

9.11 Notice of Violation

In case of violation of this Resolution, the responsible person shall be so notified in writing and notice of said violation shall be conspicuously posted on the premises where the violation has occurred.

9.12 Penalties for Violation

Violations of this resolution, in accordance with the Ohio Revised Code, shall be considered a Misdemeanor, and upon conviction thereof, the responsible person may be fined not more than one hundred dollars (\$100.00) for each offence. Each day the violation continues may be deemed a separate offense.