

ORDINANCE NO. 2023.007

ORDINANCE TO AMEND ORDINANCE 90.017, TITLED “ZONING ORDINANCE OF BLANCHESTER”, “AN ORDINANCE TO AMEND ORDINANCE NO. 90.002 (ZONING ORDINANCE), ARTICLE VI (SPECIAL PROVISIONS), SECTION 625 (FENCES, etc.), PERTAINING TO HEIGHT OF FENCES”

WHEREAS, the Village of Blanchester passed Ordinance No. 90.017 to establish the zoning plan for the Village of Blanchester; and

WHEREAS, the plan proposed in Ordinance No. 90.017 is no longer in the best interest of the Village of Blanchester;

WHEREAS, the Village of Blanchester desires to amend Ordinance No. 90.017 pursuant to Ohio Revised Code Section 731.19; and

NOW THEREFORE BE IT RESOLVED, by the Council of the Village of Blanchester, Clinton County, Ohio that:

SECTION 1.

Ordinance No. 90.017, titled “Zoning Ordinance”, is hereby amended as shown in the attached Exhibit A.

SECTION 2.

As shown in Exhibit A, Section 625 is hereby amended to change the height of fences from 42” to 48.” Throughout the Ordinance, in all Articles where “Zoning Inspector” is referenced, it shall be changed to “Code Enforcement Officer.”

SECTION 3.

The existing Ordinances No. 90.017 and 99.002 are hereby repealed.

SECTION 4.

The Village of Blanchester finds and determines that all formal actions of this Village concerning and relating to the adoption of this Ordinance were taken in an open meeting of the Village of Blanchester and that all deliberations of this Village of Blanchester that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

SECTION 5.

That the Village by at least a three/fourths vote hereby dispenses with the requirement that this Resolution be read on three separate days and hereby authorizes the adoption of the Resolution upon its first reading. That this Resolution shall be effective at the earliest date allowed by law.

SECTION 6.

This Ordinance shall be in full force and effect from and immediately upon its adoption.

Mr. Hopkins moved the adoption and Mr. Gephart seconded the motion and the roll being called upon its adoption the vote resulted as follows:

Councilman Brumbaugh Yea

Councilman McCollister Yea

Councilman Garner Yea

Councilman Parks Yea

Councilman Hopkins Yea

Councilman Gephart Yea

Adopted this 13th day of July, 2023.

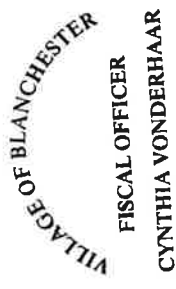

Mayor John M. Carman

Fiscal Officer's Certificate:
The State of Ohio, County of Clinton, ss:

I Cynthia Vonderhaar Fiscal Officer of the Village of Blanchester, Clinton County, and in whose custody the Files, Journals, and Records are required by the laws of the State of Ohio to be kept, do hereby certify that the foregoing Ordinance is taken and copied from the original now on file with said Village, that the foregoing has been posted as required, has been compared by me with the said original and that the same is true and correct copy thereof.

Witness my signature, this 13th day of July, 2023.


Fiscal Officer of the Village of Blanchester, Clinton County, Ohio.



OFFICIAL SEAL

ORDINANCE NO. 2023.007 (Exhibit A)

ZONING ORDINANCE

WHEREAS, Ohio Const. Art. XVIII, § 3 provides that the legislative authority of a village shall adopt and enforce zoning regulations, and the Village Council hereby establishes a zoning plan for the Village of Blanchester, Clinton County, Ohio.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Blanchester, Clinton County, Ohio, the following zoning plan:

ZONING ORDINANCE OF BLANCHESTER ORDINANCE NO. 90.017 AN ORDINANCE ESTABLISHING A ZONING PLAN FOR THE VILLAGE OF BLANCHESTER, OHIO, TO CONSERVE THE VALUE OF PROPERTY AND TO THE END THAT ADEQUATE LIGHT, AIR, CONVENIENCE OF ACCESS, AND SAFETY FROM FIRE AND OTHER DANGERS MAY BE SECURED: THAT CONGESTION IN THE PUBLIC STREETS MAY BE LESSENER OR AVOIDED: AND THAT THE PUBLIC HEALTH, SAFETY, CONVENIENCE, COMFORT, AND GENERAL WELFARE MAY BE PROMOTED IN A MANNER WHICH RECOGNIZES THE NEEDS OF INDUSTRY AND BUSINESS IN THE FUTURE GROWTH OF THE VILLAGE AND WHICH WILL ENCOURAGE THE DEVELOPMENT OF HEALTHY SURROUNDINGS FOR FAMILY LIFE IN RESIDENTIAL NEIGHBORHOODS: ALL IN ACCORDANCE WITH A MASTER PLAN DESIGNED TO ASSURE EFFICIENCY AND ECONOMY IN THE PROCESS OF DEVELOPMENT OF THE VILLAGE, AND FOR THE PURPOSE OF:

1. Classifying, regulating and limiting the height, area, bulk and use of buildings and premises hereafter to be erected;
2. Regulating and determining the area of front, rear and side yards and other open spaces about buildings;
3. Regulating and determining the use and intensity of use of land and lot areas;
4. Classifying, regulating and restricting the location of trades, industries, commercial enterprises and the location of buildings designed for specified uses;
5. Dividing the Village into districts of such kind, character, number, shape and area as may be deemed necessary to carry out the purposes of this ordinance;

AND FURTHERMORE PROVIDING FOR ITS ADMINISTRATION AND FOR PENALTIES FOR THE VIOLATION OF ITS PROVISIONS. CREATING A BOARD OF ZONING APPEALS, AND PROVIDING FOR REVIEW OF THE DECISIONS OF SUCH BOARD BY THE COURT.

Be it Ordained by the Council of the Village of Blanchester, Ohio:

ARTICLE I. TITLE AND REPEAL

Sec. 100	Title
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| 1. | This Ordinance, and ordinances supplemental or amendatory thereto, shall be known, and may be cited hereafter, as the "Zoning Ordinance of Blanchester, Ohio"; and may be referred to as the "Zoning Ordinance". Sec. 105 Repeal of Existing Zoning Ordinances 1. The Village of Blanchester Zoning Ordinance as previously adopted and as subsequently revised and amended, |
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and the Village of Blanchester, Ohio Zoning District Map now in effect are hereby repealed, except for portions adopted as part of this Zoning Ordinance, and Zoning District Map made a part hereof.

2. However, all suits at law or in equity and prosecution resulting from violations of the Zoning Ordinance heretofore in effect, which are now pending in any of the courts of the State of Ohio or of the United States, shall not be abated or abandoned by reason of the adoption of this Zoning Ordinance and Zoning District Map but may be prosecuted to their finality the same as if this Zoning Ordinance and Map had not been adopted; and any and all violations of the existing Zoning Ordinance and Map, prosecutions for which have not yet been instituted, may hereafter be filed and prosecuted; and nothing in this Zoning Ordinance and Map shall be so construed as to abandon, abate or dismiss any litigation or prosecution now pending, and may heretofore been instituted or prosecuted.
3. This Zoning Ordinance and Zoning District Map shall become effective from and after the date of its approval and adoption, as provided by law

ARTICLE II. GENERAL PROVISIONS

Sec. 200 Identification

1. Whenever the word "Village" appears in this Ordinance, it shall be deemed to refer to the Village of Blanchester, Ohio. Sec. 205 Interpretation 1. In interpreting and applying the provisions of this Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, morals, convenience and general welfare.

Sec. 210 Nonconforming Uses

1. Any legal use of structure or land lawfully existing at the effective date of this Ordinance may be continued, even though such use does not conform to the provisions of the Ordinance. This nonconforming lawful use of a structure may be extended throughout those existing parts of the structure which were arranged or designed for such use. No nonconforming structure shall be moved, extended, enlarged, or structurally altered, except when authorized by the Board of Zoning Appeals in accordance with the provisions of this Zoning Ordinance as hereinafter provided. (Article XII Section 1220, #6).
2. Whenever the lawful use of a structure of land becomes nonconforming through a change in the Zoning Ordinance or in the district boundaries, such use may be continued subject to the same limitations and the same conditions set forth above.
3. A nonconforming lawful use which has been damaged by fire, explosion, act of God or the public enemy may be reconstructed and used as before the time of damage provided such repairs or reconstruction are completed within two years of the date of such damage, provided that the new building, use or structure shall not contain more than the original space of the replaced building, use, or structure and shall conform to all building regulations of the Village.
4. If a nonconforming use is abandoned for more than two (2) years, any subsequent use must conform with all provisions of the zoning district in which such use is located and all other provisions of this Zoning Ordinance.

Sec. 215 Restoring Unsafe Buildings

1. Nothing in this Zoning Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any buildings or structure declared unsafe by any Building Inspector, Code Enforcement Officer, or Village Official; or from complying with lawful requirements.

Sec. 220 Rendering Applications for Building Permits

1. Nothing herein contained shall require any change in the plans, construction, size, or designated use of any building, structure or part thereof, for which a building permit has been granted before the enactment of this Ordinance and the construction of which, from such plans, shall have been started within ninety days of the date of enactment of this Ordinance, or for any construction which was legally started without a building permit on or before the enactment of this Zoning Ordinance.

Sec. 225 Newly Annexed Areas

1. Upon annexation of township territory to the Village, any township zoning regulations then in effect shall remain in full force and shall be enforced by the township until the Village Council either adopts the existing regulations or new regulations for such territory. When no township regulations are in effect, the annexed area shall not be zoned until action is taken to zone such area in accordance with this Zoning Ordinance. (Article XII)

Sec. 230 Greater Restrictions Prevail

1. Where this Zoning Ordinance imposes greater restrictions than are imposed or required by other provisions of law or ordinance, the provisions of this Zoning Ordinance shall prevail. Sec. 235 Compliance with Zoning ordinance 1. A lot may be used and a structure altered, occupied, or used only as this Zoning Ordinance permits.

Sec. 240 Validity

1. If any article, section, clause, provision, or portion of this Zoning Ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect any other section, clause, provision, or portion of the Zoning Ordinance which is not in itself invalid or unconstitutional.

Sec. 245 Location of Districts

1. The boundaries for the districts listed in this Zoning Ordinance are indicated on the Blanchester Zoning District Map which is hereby adopted by reference. The Zoning District Map may also be referred to as the Zoning Map. The boundaries shall be modified in accordance with Zoning Map amendments which shall be adopted by reference. 2. Except when otherwise indicated by dimensions or fixed boundaries shown on the Zoning Map, Zoning Boundaries shall be determined by scaling. Scaling disputes shall be determined by the Board of Zoning Appeals. 3. When a district boundary divides a lot in a single ownership existing at the time of enactment of this Zoning Ordinance, the use authorized on, and the district requirements of, the least restricted portion of such lot shall be construed as extending to the entire lot, provided, that such extension shall not include any part of the lot which is more than fifty (50) feet from the district boundary line.

Sec. 250 Zoning Map

1. The Zoning Map or any Zoning Map amendment shall be prepared by authority of the Village Council. The map or amendment shall be dated with the effective date of the Ordinance that adopts the map or amendment.
2. A print of the adopted map or map amendment shall be maintained in the office of the Village Clerk and Code Enforcement Officer.

ARTICLE III. ESTABLISHMENT AND PURPOSE OF ZONING DISTRICTS

Sec. 300 Classification and Purpose of Districts

1. For the purpose of this Zoning Ordinance the following districts are hereby established and their purpose defined.

DISTRICT

(R-1) RURAL

For agricultural and very low density resident(s) development and other appropriate uses in areas that are relatively undeveloped, and may or may not have access to Village Services.

(R-2) SUBURBAN - I RESIDENTIAL For low density single-family residential development.

(R-3) SUBURBAN - II RESIDENTIAL For medium-low density single family residential development, and limited two-family dwellings by Conditional Permit.

(R-4) URBAN RESIDENTIAL

For medium density single family residential areas of the Village which have existing small lots and are generally the older portions of the Village. Some limited apartment development and conversion of older residences to two-family units may be permitted by Conditional Permit.

**(R-5) MULTI FAMILY – I
RESIDENTIAL**

For medium density garden townhouse, condominium or similar type multi-family development which provides open space for ample parking and landscaping. Such districts must have satisfactory site conditions such as good street access and access to Village services.

**(R-6) MULTI- FAMILY – II
RESIDENTIAL**

For higher density apartments which permit a more economical and/or efficient housing complexes for senior citizens, group homes, and other types of residents may be appropriate. Such districts must have satisfactory site conditions such as good street access and access to Village services.

(PUB) PUBLIC USE

For areas owned and operated for public use including public parks, schools, administrative and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

**(B-1) RESIDENTIAL, OFFICE &
LIMITED BUSINESS**

For areas where limited mixed land uses exist and are not mixed land use exist and are not particularly harmful to each other. Only dwellings and those uses which are reasonably compatible with existing residential development are permitted.

(B-2) SUBURBAN OFFICE

For areas where office and institutions can locate independently or in clusters in one or more buildings that are surrounded by open landscaped areas and provided with adequate parking facilities. The site(s) selected for these uses should be situated near residential neighborhoods or the rural countryside and separated from the traffic of retail, wholesale, and industrial, areas in the Village.

(B-3) NEIGHBORHOOD BUSINESS

For establishment of areas for convenient business uses which tend to meet the daily needs of the residents in the general vicinity. These districts shall be located on streets providing safe and adequate access.

(B-4) COMMUNITY BUSINESS

For the concentration of a broad range of individual commercial establishments which together constitute an area of general commercial activity. Auto oriented uses such as service stations, automobile dealerships, as service stations, automobile dealerships, and heavy equipment services should be restricted in order to protect the compatibility of uses within the district and preserve the character and aesthetics of the district. The central business district and/or shopping centers are the preferred locations.

(B-5) COMMUNITY SERVICE

Intended primarily for service, repair and certain processing establishments that serve the entire community. Potential sites should generally be situated along major highways and located in areas where compatible uses can be developed with minimal adverse effects on each other, on surrounding land uses, and on local traffic flows.

(I-1) RESTRICTED INDUSTRIAL

For those industrial uses which can be compatibly operated within or in very close proximity to residential areas. These establishments should be clean; quiet, void of*such nuisances as odor, dust and smoke; operate primarily within enclosed structures; and generate little industrial traffic.

(I-2) GENERAL INDUSTRIAL

For those industrial uses generally requiring large sites and an extensive range of services and facilities, including adequate access to highly developed and integrated transportation facilities. Industrial uses in this classification typically operate from enclosed structures and often maintain large open storage and service areas where part of the production process may take place.

(PD) PLANNED DEVELOPMENT

For projects that may be unique or that would not normally be provided for in other districts. Such projects may include residential protects, recreational complexes, and commercial or industrial centers. Such projects would be built only in accord with plans approved by the Village Council after public

(MH) MOBILE HOME PARKS

hearings and extensive review.
For mobile home parks approved by the Village and designed in accordance with the rules of the Ohio Department of Health.

ARTICLE IV. USE REGULATIONS

Sec. 400 Permitted and Conditional Uses

1. The Permitted and Conditional Uses for each District are provided in the following paragraphs. Uses given in the following zoning districts shall be interpreted according to the definitions (when given) in this Zoning Ordinance. Uses which cannot be clearly and easily interpreted as permitted by the definition given shall be determined by the Board of Zoning Appeals. Uses not specifically listed or not interpreted to be included in the zoning districts shall not be permitted except by Amendment or Exception to this Zoning Ordinance. Conditional uses shall only be permitted after a public hearing and approval by the Board of Zoning Appeals as required by Article XII of this Zoning Ordinance.

R-1 RURAL RESIDENTIAL

Permitted Uses

Agriculture
Single-family dwellings
Non-commercial recreation facilities
Home occupations
Essential services
Accessory uses
Semi-public uses
Public uses

Conditional Uses Requiring Board of Zoning Appeals Approval Two-family dwellings

Nurseries (Child Care)
Nursing homes
Cemeteries
Commercial recreation facilities
Mineral extraction, storage, and processing, including oil and gas wells (See Special Provisions, Article VI, Sec. 620)
Farm vacation enterprises
Vacation or seasonal homes
Camps
Mortuaries
Airports
Kennels or animal hospitals
Television or radio stations, transmitters or towers
Institutions
Tourist homes

Public service facilities

R—2 Suburban RESIDENTIAL (larger lots)

Permitted Uses

Single-family dwellings
Home occupations
Essential services
Accessory uses
Public uses

Conditional Uses Requiring Board of Zoning Appeals Approval

Non-commercial recreation facilities
Semi-public uses
Public service facilities

R-3 SUBURBAN RESIDENTIAL (smaller lots)

Permitted Uses

Single-family dwellings
Home occupation
Essential services
Accessory uses
Public uses

Conditional Uses Requiring Board of Zoning Appeals Approval

Two-family dwellings
on-commercial recreation facilities
Semi-public uses
Public service facilities

R-4 URBAN RESIDENTIAL (older/in town lots)

Permitted Uses

Single-family dwellings
Home occupations
Essential services
Accessory uses
Public uses

Conditional uses Requiring Board of Zoning Appeals Approval

Two-family dwellings
Multiple-family dwellings having not more than four dwellings
Non-commercial recreation facilities
Semi-public uses
Public service facilities

R-5 MULTI-FAMILY I RESIDENTIAL (medium density)

Permitted Uses

Multi-family dwellings having not more than 12 dwellings in one structure
Home occupations
Essential- services
Accessory uses
Public uses

Conditional Uses Requiring Board of Zoning Appeals Approval

Single-family dwellings
Two family dwellings
Multi-family dwellings having more than 24 dwellings in one structure
Non-commercial recreation facilities
Semi-public uses
Public service facilities

R-6 MULTI-FAMILY II RESIDENTIAL (higher density)

Permitted Uses

Multi-family dwellings having not more than 24 dwellings in one structure
Home occupations
Essential services
Accessory uses
Public uses

Conditional Uses Requiring Board of Zoning Appeals Approval

Single-family dwellings
Two-family dwellings
Multi-family dwellings having not more than 48 dwellings in one structure
Non-commercial recreation facilities
Semi-public uses
Public service facilities

PUB PUBLIC USE

Permitted Uses

Public uses
Essential services
Accessory uses

Conditional Uses Requiring Board of Zoning Appeals Approval

Semi-public uses
Public service facilities

B-1 RESIDENTIAL-OFFICE-LIMIT BUSINESS

Permitted Uses

Single-family dwellings
Two-family dwellings
Multi-family dwellings having not more than 4 dwellings in one structure
Health, legal, social, finance, insurance, real estate, architecture, engineering, clerical, stenographic, membership organizations, and similar professional and non-professional offices.
Nurseries (Child Care)
Tourist homes
Mortuaries
Non-commercial recreation facilities
Home occupations
Essential services
Accessory uses
Semi-public uses
Public uses

Conditional Uses Requiring Board of Zoning Appeals Approval

Multi-family dwellings having not more than eight dwellings in one structure
Mixed-use dwellings
Nursing Homes
Commercial uses as determined appropriate and compatible by Board of Zoning Appeals
Commercial recreation facilities
Public service facilities

B-2 SUBURBAN OFFICE**Permitted Uses**

Health, legal, social, finance, insurance, real estate, architecture, engineering, clerical, stenographic, membership organizations, and similar professional and non-professional offices.
Essential services
Accessory uses
Public uses
Semi-public uses
Non-commercial recreation facilities
Drug stores

Conditional Uses Requiring Board of Zoning Appeals Approval

Public service facility
Other uses determined by the Board to be appropriate and compatible with Permitted Uses

B-3 NEIGHBORHOOD BUSINESS**Permitted Uses**

Health, legal, social, finance, insurance, real estate, architecture, engineering, clerical, stenographic, membership organizations, and similar professional and non-professional offices
Grocery stores and other food stores
Eating and drinking places, except drive-ins

Drug stores
Carry outs and liquor stores
Cigar stores, newsstands, and florists
Garment pressing and laundry and dry-cleaning agents
Self-service laundries
Barber and beauty shops
Shoe, watch and other small item repair shops
Essential services
Accessory uses
Semi-public uses
Public uses

Conditional Uses Requiring Board of Zoning Appeals Approval

Dwellings, including mixed use dwellings, as determined appropriate and compatible by the Board
All other commercial uses determined appropriate and compatible by the Board
Public service facilities

B-4 COMMUNITY BUSINESS

Permitted Uses

Health, legal, social, finance, insurance, real estate, architecture, engineering, clerical, stenographic, membership organizations, and similar professional and non-professional offices
Radio and TV Broadcasting
Newspaper publishing and printing
Retail trade establishments, but limited to: paint, glass, and wallpaper stores hardware stores
department stores variety stores
miscellaneous general merchandise stores grocery stores
meat and fish (sea food) markets, including freezer provisioners
fruit stores and vegetable markets candy, nut, and confectionery stores dairy products stores
retail bakeries
miscellaneous food stores
men's and boy's clothing and furnishing stores
women's ready-to-wear stores
women's accessory and specialty stores
children's and infant's wear stores
family clothing stores
shoe stores
furriers and fur shops
miscellaneous apparel and accessory stores furniture, home furnishings, and equipment stores, except appliances
household appliance stores
radio, television, and music stores
eating and drinking places Including fast food restaurants
drug stores and propriety stores liquor stores
miscellaneous shopping goods stores non-store retailers
retail stores, not elsewhere classified

Services, but limited to:

hotels, motels and tourist courts rooming and boarding houses
organization hotels and lodging houses, on membership basis
garment pressing and laundry and dry-cleaning agent's self-service laundries
photographic studios, including commercial photography beauty shops
barber shops
shoe repair shops, shoeshine parlors, and hat cleaning shops
miscellaneous personal services advertising
consumer credit reporting agencies, mercantile reporting agencies, and adjustment and collecting agencies
duplicating, addressing, blueprinting, photocopying, mailing, mailing list and stenographic services
new syndicates
personnel supply services
computer and data processing services
miscellaneous business services (except research and development laboratories)
repair shops and related services as follows:
 bicycle repair
 camera repair
 gunsmith shops
 key duplicating and locksmith shops
 lawn mower repair
 musical instrument repair
 office equipment repair
 picture framing shop
 watch clock and jewelry repair
 sewing machine repair
bowling, billiard and pool establishments
motion picture theaters (except drive-in)
Civic, social, and fraternal associations and clubs
Essential services
 Accessory uses
 Public uses
 Semi-public uses
Non-commercial recreation facilities

Conditional Uses Requiring Board of zoning Appeals Approval

Dwellings, including mixed use dwellings, as determined appropriate and compatible by the Board Used
merchandise stores with outdoor display
Motor vehicle dealers (new and used)
Auto and home supply stores
Gasoline service stations
Boat dealers
Automobile rental and leasing
Automobile parking lots and garages that are not an accessory use
Automotive repair shops
Automotive services, except repair
Dance halls, studios and dance schools

Construction establishments such as building, plumbing, heating or other special rate contractors
Manufacturing establishments
Trucking terminals and facilities
Wholesale and warehousing facilities
Commercial laundries and dry-cleaning plants
Other uses as determined appropriate and compatible by the Board

Permitted Uses

All Permitted uses of the B-4, Community Business District
Wholesale and warehousing facilities
Used merchandise stores with outdoor display
Motor vehicle dealers (new and used)
Mobile home dealers
Auto and home supply stores
Gasoline service stations
Tire, battery, and auto accessory dealers
Boat dealers
Motorcycle dealers
Automobile parking lot and garages that are not an accessory
Automotive repair shop
Car wash
Automotive services, except repair
Recreational and utility trailer dealers
Construction establishments such as building, plumbing heating, electrical, welding, or other special rate contractors
Commercial laundries and dry-cleaning plants
Re-upholstery and furniture repair
Landscape services
Essential services
Accessory uses
Public service facility
Commercial recreation facility

Conditional Uses Requiring Board of Zoning Appeals Approval

Dwellings, including mixed used dwellings, as determined appropriate and compatible by the Board
Manufacturing establishments
Motor freight transportation and warehousing Drive-in motion picture theater
Other uses, as determined appropriate and compatible by the Board

I-1 RESTRICTED INDUSTRIAL

Permitted Uses

Construction establishments
Offices and laboratories
Research and testing facilities
All manufacturing and industrial establishments meeting performance standards
Non-commercial recreational facilities

Essential services
Accessory uses
Public uses
Public service facilities

Conditional Uses Requiring Board of zoning Appeals Approval

Airport or aircraft landing field

Dwellings and mixed-use dwellings, as determined appropriate and compatible by the Board

Commercial Uses

Storage Buildings

Other uses, as determined appropriate and compatible by the Board

Prohibited Uses

Slaughtering and processing of animals

Grain elevators and feed mills

Manufacture, sale and storage of building material

Transport and trucking terminals

Equipment storage and sales

Junk storage and sales'

Sanitary land fills

Performance Standards for Uses in I-1 Restricted industrial District (see Section 525 of this Zoning Ordinance)

I-2 GENERAL INDUSTRIAL

Permitted Uses

All B-4'and B-5 Permitted Uses

Construction Establishments

Offices and Laboratories

Research and testing facilities

Manufacturing establishments meeting- nuisance requirements
except - slaughtering and processing 'of animals

Grain elevators and feed mills

Manufacture, sale, and storage of building material

Wholesale and warehousing activities

Transport and trucking terminals

Equipment-storage and sales

Restaurants

Non-commercial recreational facilities

Storage buildings

Essential services

Accessory uses

Public 'uses

Public service facilities

Conditional Uses Requiring Board of Zoning Appeals Approval

Junk storage and sales

Sanitary landfills

Slaughtering and Processing of animals
Mineral extraction, storage-and processing, including oil and gas; wells (see special provisions)
Dwellings and mixed-use dwellings, as determined appropriate and combatable by the Board
Airport or aircraft-landing
Commercial uses
Other uses, as determined appropriate and compatible by the Board

PD PLANNED DEVELOPMENT

Permitted Uses with an Approved Development

Plan large recreational complexes having several types of recreational uses
Industrial parks
Housing projects over five (5) acres or twenty-five (25) dwelling units
Shopping centers
Combinations of the above uses
Facilities needed in support of any of the above such as shopping, schools, churches, clubs, parks, water and/or sewage treatment facilities, etc., when submitted as a part of the overall development plan.
Home occupations
Essential services
Accessory uses
Public uses
Public service facilities

MH MOBILE HOME PARKS

Mobile home parks are permitted only in Village approved Mobile Home Park Districts in accord with a plan approved by the Ohio Department of Health and the conditions as stated in Article VI, Section 610, of this Zoning Code. A mobile home park includes three or more mobile homes used for habitation and any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of such park.

ARTICLE V. LOT AND YARD REQUIREMENTS

Sec. 500 Yard, Area, and Height Requirements for

Dwellings

1. Table I establishes the minimum yard, area and height requirements for dwellings and structures accessory to dwellings by district.

Sec. 505 Yard, Area, Height, and Lot Coverage

Requirements for all Buildings other than Dwellings

1. Table II establishes the yard, area, lot coverage, and height requirements for all buildings except dwellings and structures accessory to dwellings by district.

Sec. 510 Existing Lots of Record

1. Any lot of record existing at the effective date of this Zoning Ordinance and held in separate ownership different from the ownership of adjoining lots may be used for the erection of permitted and conditional uses even though its area and width are less than the minimum requirements of this Zoning Ordinance, but only to the extent granted by the Board of Zoning Appeals. Conditional uses, however, must receive approval by the Board of Zoning Appeals, only after a public hearing.

Sec. 515 Lot Review by County Board of Health

1. Prior to issuance of any Zoning Permit for any residential, commercial, industrial, public, or semi- public structure when central water and/or sewage disposal facilities are not available or not used, the County Board of Health shall be requested to establish the minimum lot area for any permitted or conditional uses in all districts, but in no case shall the lot area be less than those specified in Table I or Table II for the various districts (Section 500 and 505).
2. If in the opinion of the County Board of Health the development of any such lot or lots, regardless of size, would lead to the creation of a serious health threat, then all Zoning Permits for such lot or lots shall be withheld and development not permitted until and unless an agreement for appropriate health safeguards can be reached between the owner or his agent, the village Council, and the County Board of Health.

Sec. 520 Application of Yard Requirements

1. Lots which abut on more than one street shall provide the required front yards along every street.
2. Structures and accessory structures, whether open or closed, such as garages, carports, porches, balconies, or platforms above grade level, shall be considered a part of the structure to which they are attached and shall not project into any required front, side or rear yards except as permitted in this Zoning Ordinance.
3. When the rear lot line is adjacent to any alley, garages and other accessory structure may be constructed in the required rear yard but shall not be closer than 5' from the side lot line without the written permission of the adjacent neighborhood property owner.
4. Yard requirements shall not apply to steps, overhanging eaves, and cornices; however, these portions of buildings shall not project over any property line or street right-of-way.

Sec. 525 Performance Standards for Uses in 1-1/1/Restricted Industrial District

1. Night Operation: No building customarily used for night operation shall have any opening, 'Other than stationary windows or required fir exits, within 200 feet of any R-District, and any space used for loading or unloading of commercial vehicles in connection with any such operation shall not be within 150 feet of any R-District.
2. Offensive Uses Prohibited: No use shall be permitted or authorized to be established or maintained, which, when conducted under adequate conditions and safeguards in compliance with the provisions of this Zoning Ordinance and any additional conditions or requirements prescribed by the council or Board of Zoning Appeals, is or may become hazardous, noxious, of

offensive due to emission of odor, dust, smoke, cinders, gas fumes, noise, vibration, heat frequency, refuse, matter, or carried waste,

3. Enclosure Required: Any use permitted in the 1-1 district shall be entirely enclosed for its primary operation except for open storage, service areas, and loading docks.
4. Screening Required: Open storage, service areas, and loading docks shall be screened by walls or fences at least six feet, but not more than eight feet in height. These walls or fences shall have an opaqueness of seventy-five percent (75%) or more, so as to effectively conceal open storage, service, and loading operations from adjoining streets and from any residential district.
5. Nuisance Requirements: In addition to the above any use or structure in the I-1, Restricted Industrial District shall meet all requirements of "Section 600, Public Nuisances Prohibited" of this Zoning Ordinance.

TABLE I
MINIMUM YARD, AREA, AND HEIGHT REQUIREMENTS FOR DWELLINGS

District	Minimum Lot Width M Bulldoz Uoc C/Lot feet	Minimum La Am (per lot)	Minimum Yard Depth (2) (in feet) Front	Minimum Yard Width (3) (in feet) Side Back	Sum of Side Back	Maximum Height of Building Feet Side Back	Maximum Front U-0 Coursing
R-1							
Single-family dwelling	100	20,000 sq. ft.	50	40	15	40	2fc 35 20%
Two-family dwelling	150	15,000 sq. ft.	50	40	15	40	2H 35 20%
R-2							
Single-family dwelling	85	13,600 sq. ft.	30	30	8	20	2H 35 20%
R-3							
Single-family dwelling	60	7,200 sq. ft.	30	30	8	20	2W 35 20%
Two-family dwelling	90	5,400 sq. ft.	30	30	8	20	2H 35 20%
R-4							
Single-family dwelling	60	6,000 sq. ft.	10	25	5	10	2V4 35 30%
Two-family dwelling	60	3,000 sq. ft.	10	25	5	10	2 W 35 30%
Multiple-family dwelling	100	3,000 sq. ft.	10	25	10	25	3 45 30%
R-5							
Single-family dwelling	60	7,200 sq. ft.	30	25	8	20	2H 35 30%
Two-family dwelling	90	5,400 sq. ft.	30	25	8	20	2H 35 30%
Multiple-family dwelling	120	3,600 sq. ft.	30	25	20	40	3 45 30%
R-6							
Single-family dwelling	60	7,200 sq. ft.	30	25	8	20	2H 35 30%
Two-family dwelling	90	5,400 sq. ft.	30	25	8	20	2* 35 30%
Multiple-family dwelling	120	1,800 sq. ft.	30	25	20	40	3 45 40%
PUB, B-1,2,3,4,5, & I-U							
Single-family dwelling	60	6,000 sq. ft.	10	25	5	10	2V4 35 30%
Two-family dwelling	60	3,000 sq. ft.	10	25	5	10	2 W 35 30%
Multiple-family dwelling	100	3,000 sq. ft.	10	25	10	25	3 45 30%
Mixed use dwelling	none	3,000 sq. ft.	10	20	none	none	3 45 50%

(1) See Lot Review by the County Board of Health if central water and/or sewage facilities are not available (Sec. 515).

(2) Except when an adjacent building is closer to the front lot line, then that distance shall be the Minimum Front Yard Depth.

(3) Except lots having less than 60' Lot Width shall have a Minimum Yard Width of 5' for either side and 10' for sum of side yards.

(4) Percent of lot coverage shall mean the percentage of all building coverage (including all structures, garages, carports, etc.) on the total area of the lot on which such buildings are located.

TABLE II

**BASIC YARD, AREA, HEIGHT AND LOT COVERAGE REQUIREMENTS FOR ALL BUILDINGS
OTHER THAN DWELLINGS**

District	Minimum Lot Width (in feet)	Minimum Lot Area	Minimum Depth (in feet) Front Rear -Yard/Zilhard	Minimum Width Each Side Yard -(in feet) -	Maximum Height of Buildings Stories Feet	Maximum Percentage Lot (3) Coverage
R-1	150	1 acre	50 40	30	3 40	20%
R-2	150	30,000 sq.ft.	30 30	20	3 40	20%
R-3	150	30,000 sq.ft.	30 30	20	3 40	20%
R-4	100	15,000 sq.ft.	10 25	10	3 40	40%
R-5	100	15,000 sq.ft.	30 25	20	3 40	30%
R-6	100	15,000 sq.ft.	30 25	20	3 40	40%
PUB	100	15,000 sq.ft.	30 25	20	3 40	40%
B-1	60	7,200 sq.ft.	10 25	5	3 40	30%
B-2	100	15,000 sq.ft.	30 25	20	3 40	30%
B-3	none	none	10 20	none^	3 45	40%
B-4	none	none	10 20	none^	3 60 no restriction	
B-5	none	none	10' 20	none^	3 45	40%
I-1	none	none	20 20	none^	3 60 no restriction	
I-2	100	15,000 sq.ft	30 30	20	3 60	30%
PD						

-----See Planned Development Regulations (Article VII)-----

(1) See Lot Review by the County Board of Health if central water and/or sewage facilities are not available.

- (2) Except when the existing or an adjacent building is closer to the front lot line, then that distance shall be the Minimum Front Yard Depth.
- (3) Percent of lot coverage shall mean the percentage of all building coverage (including all structures, garage carports, etc.) on the total area of the lot on which such buildings are located.
- (4) No minimum width is required, except when adjacent to a R-1,2,3,4 or 5 District, then the minimum side yard shall be the same as required for the residential district.

ARTICLE VI SPECIAL PROVISIONS

Sec. 600

Public Nuisances Prohibited

1. No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Zoning Ordinance may be undertaken and maintained if acceptable measures and safeguards to Yard (2) Yard In Feet reduce dangerous and objectionable conditions to acceptable limits as established by the following performance requirements:
2. Fire Hazards - Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate firefighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
3. Radioactivity or Electrical Disturbance - No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.
4. Noise - Noise shall be so controlled that at the property line on which such noise is produced it will not be at a level above that normally perceptible from other development at the street right-of-way line on the lot, except occasional blast required in normal operation and produced in such manner as not to create a hazard. If such blast or other noise creates an objectionable noise as determined by the Village Council such noise shall be muffled or otherwise controlled. Sirens and related apparatus used solely for public purposes are exempt from this regulation.
5. Vibration - No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
6. Air Pollution - No pollution of air by fly-ash, dust, vapors, odors, smoke, or other substances shall be permitted which are harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.
7. Glare - No direct or reflected glare shall be permitted which is visible from any property outside an industrial district or from any street.
8. Erosion - No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
9. Water pollution - No pollution of any stream, reservoir, aquifer (underground water supply), or other water body within or surrounding the Village, shall be permitted which would create a serious threat to the health, safety or welfare of the residents of the Village.
10. Litter - Litter constituting a detriment to public health which has been placed on any property shall be removed. Litter includes any garbage, waste, peelings of vegetables or fruit, rubbish, ashes, cans, bottles, wire, paper, boxes, parts of automobiles, furniture, glass or oil of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.

11. Junk - Junk such as abandoned vehicles, household appliances, farm equipment, or any other matter, for which no future use is contemplated, or which has deteriorated to the point of creating a visual blight on the landscape shall be removed from the view from any public road or right-of-way.
12. Enforcement Provisions - The Code Enforcement Officer or Village Council, prior to the issuance of a Zoning Permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerance. The Code Enforcement Officer shall investigate all complaints, if the Code Enforcement Officer finds a property in violation of this Article, he shall give a written notice by registered mail or in person to the owner or person in charge of the property requiring him/her to remove the nuisance within 15 days (30 days for dilapidated structures) of receipt of the notice. If the nuisance is not removed within this period, the Code Enforcement Officer shall hire someone to remove the nuisance and bill the owner or person in charge of the property for the cost of the labor and any materials used. If the bill is not paid, it will be added to the tax duplicate of such property.
13. Measurement Procedures - Methods and procedures of the Village for the determination of the existence of any dangerous or objectionable elements which constitute a public nuisance may utilize any applicable and reliable measurement procedures or the Village may request the assistance of reputable consultants, government organizations, or other sources if authorized by the Village Council.
14. Existing Public Nuisances Subject to Discretion of Council - Any public nuisance as described in this Zoning Ordinance and existing at the time of its adoption shall be subject to the discretion of Village Council prior to any action on the part of the Village to abate or take any other action against such public nuisance. In the utilization of such discretion, the Council shall determine what reasonable action, if any, should be taken by the Village to bring about the partial or total abatement of such public nuisance in question.

Sec. 605 Mobile Home Parks

1. Mobile home parks shall only be permitted in Mobile Home Districts.
2. Mobile Home Parks are not permitted, except by approval of Council of the Zoning of such in a Mobile Home District.
3. All mobile home parks shall comply with rules of the Ohio Department of Health, Chapter 370127, as amended.
4. No construction of any street or part of any park shall be started prior to issuance of a Zoning Permit and no Zoning Permit shall be issued prior to State Health Department approval.
5. Mobile home parks shall not be subject to the Lot and Yard Requirement® of this Zoning Ordinance since these matters shall be regulated by the Ohio Health Department Regulations.
6. Mobile homes prohibited - except: Except as provided in this Section, no person shall park or occupy any mobile home or double-wide mobile home, or any manufactured unit, on any premises in any district outside an approved mobile home park. The parking of an unoccupied mobile home in an accessory private garage building shall be permitted in any district, provided no living quarters shall be maintained or any business conducted in such mobile home while so parked or stored.

Sec. 610 Industrialized unit Housing

Notwithstanding the provisions of Section 605, industrialized unit housing as defined under Article XIII of these regulations is permitted or conditionally permitted in residential and other zoning districts

according to the particular requirements pertaining to each or any zoning district as stated elsewhere in the zoning code and as further required herein.

1. The building lot and the industrialized unit home must meet all of the other zoning, building and service requirements of the Village, similar to a site built dwelling unit.
2. The industrialized unit home shall not otherwise be classified or defined as either a mobile home or double wide mobile home (see Article XIII).
3. The industrialized unit home shall be permanently attached to a masonry foundation similar in both construction and appearance to a conventional site built dwelling unit.
4. The industrialized unit home shall require no additional skirting or underpinning of a style, or type customarily associated with or used on mobile homes.
5. The industrialized unit home shall be approved by the State of Ohio under the applicable State Building Code reference. State building approval must be demonstrated at the time of application for a Zoning Permit. Industrialized unit homes not approved by the State of Ohio will not be permitted.
6. A Zoning Permit must be obtained by the applicant as required elsewhere in these regulations before any construction is started and before any industrialized unit home is moved to the building site.
7. The industrialized unit homes shall be properly connected to approved Village and other public utilities the same as for any other residential dwelling structure.
8. The industrialized unit home shall not be occupied until the home is fully erected on a permanent foundation and otherwise fully assembled and permanently connected to approved utilities, and until such time as all other conditions of occupancy are met.
9. The industrialized unit home shall not be less than 20 feet wide and 30 feet long (exterior dimensions) and shall not be less than 850 square feet (by exterior dimensions).

Sec. 615 Temporary Structures

1. Temporary structures used in conjunction with construction work shall be permitted only during the period that the construction work is in progress and shall be approved by the Board of Zoning Appeals (Article XII, Section 1420.7), Portable toilets for construction workers and other such small structures shall not require a Temporary Use approval by the Board,

Sec. 620 Mineral Extraction, Storage and Processing, Including Oil and Gas Walls

1. Extraction, storage and processing of minerals of all types shall be allowed only in those districts where expressly permitted, except the extraction and storage of sand or gravel on farms of five (5) acres or more shall be exempt when such sand or gravel is, for use on such farm.
2. Mineral extraction, storage, or processing shall not be conducted closer than two hundred (200) feet from any structure used for human occupancy.
3. The operator shall file with the Code Enforcement Officer a location map which clearly shows areas to be mined and the location of adjacent properties, roads and natural features.
4. The operator shall submit information on the anticipated depth of excavations and on depth and probable effect on the existing water table unless exempted by Village Council.
5. The operator shall file with the Code Enforcement Officer, unless exempted by Village Council, a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, the type and number per acre of trees or shrubs to be planted; and the location of future roads, drives, drainage courses, or other improvements contemplated.

6. The operator shall file, unless exempted by the Village Council, with the Village a bond, payable to the Village and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate, per acre of property to be mined, of the required bond shall be fixed by the Council. The bond shall be released upon written certification of the Village's designated inspector that the restoration is complete and in compliance with the restoration plan. State bonding shall be acceptable in lieu of Village bonding when applicable as determined by Council or law.
7. No mineral extraction, storage, or processing shall be started prior to issuance of a Zoning Permit and no Zoning Permit shall be issued prior to posting of bond with the Village, unless such bond is exempted

Sec. 625 Fences, Walls, and obstruction to Vision on Corner Lots

1. No fence or wall over 48" feet shall be permitted in the front yard of any R-2, R-3, R-4, R-5 or R-6 District.
2. No fence or wall over 8 feet shall be permitted in any side or rear yard of any R-2, R-3, R-4, R5 or R-6 District.
3. On any corner lot there shall be no planting, structures, fences, shrubbery or obstruction to vision more than 2 feet higher than the curb level within 25 feet of the intersection of any two streets in all Districts.

ARTICLE VII. PLANNED DEVELOPMENT REGULATIONS

Sec. 700 Purpose

1. The Planned Development Regulations are intended to permit greater flexibility in land development than that permitted by strict interpretation of the Zoning Ordinance requirements. The Planned Development District should only be used for development projects of high-quality development that would not normally be provided for in other districts or for projects where extensive review of plans is desirable. Planned development projects may include residential projects such as single-family homes or multiple-family homes; commercial or industrial centers; large recreational complexes, or other planned projects.

Sec. 705 Uses Permitted Upon Approval of Development Plan

1. No uses are permitted outright.
2. The following planned development may be permitted after extensive plan review and rezoning to Planned Development District: a.
 - a. Large recreational complexes having several types of recreational uses.
 - b. Industrial parks.
 - c. Housing projects over five (5) acres or twenty- five (25) dwelling units.
 - d. Shopping centers.
 - e. Facilities needed in support of any of the above, such as shopping, schools, churches, clubs, parks, water and/or sewage treatment facilities, etc., when submitted as a part of the overall Development Plan.
 - f. Combinations of the above uses.
 - g. Home occupations.
 - h. Essential services.
 - i. Accessory uses.
 - j. Public uses.
 - k. Public service facilities.

Sec. 711**Conformity to Village Plans**

1. A Planned Development project shall generally conform to any adopted Village Land Use Plan and any development policies therein.

Sec. 715**Arrangement of Structures and Yards**

1. The physical relation of structures and their yard space shall be determined in accordance with one or a combination of the following methods:
 - a. The Lot and Yard Requirements of the zoning district specified as most appropriate or similar to the type of structure shall apply.
 - b. Specific yard and lot requirements (made a part of the Development Plan text) prepared by the developer and approved by the Village Council.
 - c. Arrangement in accord with a detailed map plan of the site showing arrangement of site, structures and use of land and approved by the Village Council.

Sec. 720**Development Plan Required**

1. A Development Plan is required for each proposed PD District. The Development Plan shall include the following:
 - a. The proposed location and size of areas (all land uses) indicating types of uses for each different type of land use area.
 - b. Square footages of building area and location of any uses other than residential.
 - c. The location of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units in the Development Plan, and showing boundaries of all sites or lots.
 - d. The proposed provision of water, sewage disposal, and surface drainage facilities.
 - e. The proposed traffic circulation pattern, including public and private streets, parking areas, walks, and other accessways, indicating their relationship to topography, existing streets, or showing other evidence of reasonableness.
 - f. The proposed use of any required recreational land and any other land for recreational or leisure use.
 - g. The proposed schedule of site development, construction of structures, and associated facilities.
 - h. Sketches and other text or materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features.
 - i. Plans or text showing or describing the arrangement of structures and yards as required in the Arrangement of Structures and Yards above.
 - j. Any other information required to determine the appropriateness of the proposal.
2. Five (5) copies of the Development Plan shall be submitted to the Code Enforcement Officer at least 15 days prior to the preliminary discussion meeting at which it is to be considered. Prior to the discussion meeting the Code Enforcement Officer shall provide copies of the Development Plan to the Village Council and other appropriate agencies or persons for study and comment and request their attendance at the discussion meeting.
3. At the discussion meeting it shall be determined if the application is eligible for further consideration and if so, the Village Council shall proceed to consider the requested zoning amendment in the same manner as other zoning amendments.

Sec. 725 Zoning Permit

1. No Zoning Permit shall be issued for any construction in a Planned Development District unless the proposed development is entirely in accord with the approved Development Plan and any additional conditions that may have been imposed by the Village Council at its time of approval.

Sec. 730 Uses Requiring Council Approval After Initial Construction

1. Once the Planned Development District is underway or completed, no change in use is permitted except by approval of the Village Council. The Council may after a public hearing as set forth in this Zoning Ordinance approve any proposed change or proposed use.

ARTICLE VIII. SIGN REGULATIONS

Sec. 800 Purpose

1. The purpose of these Sign Regulations is to promote and protect the public health by regulating existing and proposed outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance and preserve the scenic and natural beauty of the Village, reduce sign advertising distraction and obstructions that may contribute to traffic accidents, provide more open space, and generally curb the deterioration of the natural environment.

Sec. 805 Definition of sign Types

1. Farm Sign - A sign or signs which is on a farm over five (5) acres denoting such messages as name and address of occupants, produce for sale and membership organization, or other information generally related to activities conducted on the farm.
2. Ground Sign - A sign which is supported by one or more columns, uprights, or braces in or upon the ground.
3. Outdoor Advertising Display and/or Billboard - Any out door sign, display, device, figure, painting, drawing, message placard, poster, billboard, or any other contrivance designed, intended, or used to advertise or to give information in the nature of advertising for a product or service not located on the premises on which the sign is located, which advertisement is visible by persons walking or riding in a motor vehicle. All other signs as permitted by this ordinance shall not be considered as outdoor advertising displays and/or billboards.
4. Projecting Sign - A sign which projects from and is supported by a wall of a building or structure.
5. Wall Sign - A sign which is affixed directly to the exterior wall and confined within the limits thereof and which projects from that surface not more than twelve (12) inches at all points.

Sec. 810 Signs Permitted in All Districts - No Permit Required

1. The following types of signs shall be permitted in all districts within the Village according to the limits specified:
 - a. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, not exceeding thirty (30) square feet in area.

- b. Professional name plates or home occupation signs not exceeding six (6) square feet in area and not exceeding one sign per home or business.
- c. Signs denoting the name and address of the occupants of the premises, not exceeding four (4) square feet in area; and not exceeding one sign per home.
- d.
- e. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which total area of signs or bulletin board shall not exceed forty (40) square feet, and which shall be located on the premises of such institutions.
- f. Entrance and exit signs containing only directional information.
- g. Temporary signs announcing special public or institutional events, the erection of a building, or signs for similar uses. Such signs shall be removed within two (2) weeks of the completion of the event or project.
- h. Sign's advertising garage sales are only permitted on the property where the sale is taking place or on other private property when the owner or person in charge of the property grants permission. Such sign(s) shall not be placed on public rights-of-way, utility poles, traffic signs, nor street signs. Garage sale signs shall not exceed 4 square feet per side. Garage sale signs improperly placed on private property may be removed by the owner of such property. Such signs placed on public property may be removed by authorized personnel of the Village.
 - i. Political signs provided such signs shall be removed within two (2) weeks of the completion of the event, project or election.
 - j. Existing signs which are in place or under construction at the time of adoption of this ordinance.
2. Existing signs, as defined above, are permitted to continue and to be maintained as they existed at the time of adoption of this ordinance; however, replacement signs shall meet all requirements of this ordinance.
3. Zoning Permit is not required for the above defined signs.

Sec. 815

Signs Permitted for Business and Industrial Uses - Permit Required

1. The following shall be permitted for business and industrial use:
 - a. Each business or industry shall be permitted one on-premises wall or one projecting, sign for each face of the building facing a street. Projecting signs shall not exceed four (4) feet measured from the face of the building nor more than twelve (12) square feet on any one face of the sign. Wall signs shall not exceed an area equivalent to one and one-half (1 1/2) square feet of sign area for each lineal foot of building frontage, but in no case shall exceed a maximum area of one hundred (100) square feet.
 - b. In addition to the above each business or industry shall be permitted one on-premises ground sign on the premises, provided all parts of the sign shall be set back five (5) feet from street right-of-way or thirty (30) feet from the street centerline, whichever is greater. The maximum area of such sign shall not exceed thirty (30) square feet on any face of the sign.
 - c. In addition to the above each business or industry shall be permitted two (2) small on premises free standing or portable advertising signs not exceeding eight (8, feet in height or twelve (12) square feet on any face of the sign. Such signs shall not be located in any street right-of-way.
 - d. In lieu of the permitted ground signs as permitted in item b, above, groups or establishments of four (4) or more businesses shall be permitted one (1) larger ground sign for all businesses. Such sign shall not exceed eighty (80) square feet on any face nor

exceed thirty (30) feet in height and shall be set back at least ten (10) feet from the street right-of-way.

- e. Larger signs or advertising devices for businesses or industries adjacent to the interstate and primary highways as regulated by the Ohio Revised Code Sections 5516.01 to 5531.07 as amended shall be permitted in accord with those State laws. Such signs shall not be subject to the above regulations but shall require a permit from the Village Code Enforcement Officer and the owner or agent of such sign and must show proof of having obtained the required State of Ohio approval.
2. A Zoning Permit shall be required for all signs listed in this Ordinance as "Signs Permitted for Commercial and Industrial Uses - Permit Required" that are erected after the adoption of this Zoning Ordinance. The Zoning Permit may be included as part of the Zoning Permit approving the erection or alteration of a structure. However, any change in signs or additional signs constructed after issuance of the initial Zoning Permit shall require another permit before such changes or additions are made.
3. Any application for a Zoning Permit for which a sign is to be constructed or altered shall include a written application and a diagram showing the size of the sign, and location on the property, and the name and address of the owner and/or agent of the sign.

Sec. 820 Outdoor Advertising Display and/or Billboards

1. Existing Outdoor Advertising Displays and Billboards shall be permitted to continue as they existed at the time of adoption of this Zoning Ordinance unless voluntarily discontinued for at least two (2) years, however, any expansion of such displays or signs shall meet the following regulations.
2. Outdoor advertising displays or billboards shall not be located in the Village except by permission of Village Council, after a public hearing (unless determined un necessary by Council), and when the following requirements are met:
 - a. Such display or sign must be in one of the following districts: R-1, B-1, B-2, B-3, B-4, B-5, j1 or 1-2.
 - b. Such displays or signs would not impose a nuisance or blighting effect on any residential, public or semi-public property.
 - c. Such displays or signs shall not be located within twenty (20) feet of any street right-of-way.
 - d. Such displays or signs shall not be located so as to interfere with the visibility and safe operation of vehicles entering or leaving the premises or intersecting street.
 - e. Such signs or structures shall not exceed one hundred (100) square feet on one face and/or two hundred (200) square feet for two or more faces, and in no case shall more than one hundred (100) square feet of display or -sign -area be visible from any one point. However, these size limitations may be increased by up to 100% in commercial and industrial areas upon approval by the card of Zoning Appeals as a Variance.
 - f. Such signs or displays shall in no other way adversely affect the public health, safety, or welfare.
3. A Zoning Permit is required for all advertising displays and/or billboards but shall not be granted by the Code Enforcement Officer until after approval by Council.
4. Larger advertising devices adjacent to the interstate and primary 'highways a-s regulated -by the Ohio Revised Code Sections 5516.01 to 5516.13 and 5531.07 as amended, may be permitted in accord with those State laws, however, Board of Zoning Appeals approval as a Variance and Zoning Permit is also required.

Sec. 825 Violation Sign Regulations

1. Any violation of these Sign Regulations shall be deemed a violation of the Zoning Ordinance and shall be subject to penalties as set forth herein.

Sec. 830 Signs Prohibited in All Districts

1. The following signs are prohibited in all-districts.
 - a. Signs or advertising erected or maintained on trees or painted or drawn upon rocks or other natural features.
 - b. Signs or advertising devices which, in-the opinion of the Code Enforcement Officer, are traffic hazards or a danger to the safety of the traveling public.
 - c. Signs or advertising devices which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic.
 - d. Signs or advertising devices illuminated so as to interfere with the effectiveness, of or obscure, an official sign, signal-, or device.
 - e. Signs or advertising devices which attempt, or appear to attempt, to direct the movement of traffic, or which interfere with, imitate, or resemble an official sign, signal, or device.
 - f. Signs or advertising, except public signs, in the right-of-way of any street or road.
 - g. Signs not mentioned by these Sign Regulations unless determined by the Village Council to be permitted as an Exception.
 - h. Trailer mounted signs or similar portable Sign's ire prohibited, except by permission. of the Board of Zoning Appeals as a Variance for a specified period of time

ARTICLE IX. OFF STREET PARKING REQUIREMENTS

Sec. 900 General Requirements

1. Number of Spaces: In all instances (excepting the downtown C-4 District) in connection with, every business, institutional, recreational, residential or other use, there shall be-provided, at any time any new structure is erected, any existing structure is enlarged or increased in capacity, off-street parking spaces for automobiles for the amount of new structure or increase in capacity in accordance with the Schedule for Off-Street Parking Spaces. Required parking in the downtown C-4 district shall be determined by the Village Council.
2. Area: Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet unless marked for-small cars.
3. Location: Location of off-street parking spaces shall be provided on the premises intended to be serviced on an adjoining or near-by property -within three hundred (30C) feet of - any part of the premises. A distance further than this shall require approval by the- Village Council.
4. Surfacing: Any Off-Street parking for more than five (5) vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.
5. Lighting: Any lighting Used to illuminate any off-street parking area shall be so arranged as to reflect the light away from any adjoining residences.
6. Setback from-Street: No part of any parking area for any more than five (5) vehicles shall be closer than five (5) feet to any established street right-of-way.

SCHEDULE FOR OFF-STREET PARKING SPACES

Use	Off-Street parking space required
One-Family Dwellings	2 for each dwelling unit
Two-Family and Multifamily Dwellings	1 ½ for each dwelling unit
Tourist homes, hotels, motels, etc.	1 for each sleeping room
Clubs and lodges	1 for each five members
Churches	1 for each five seats in the auditorium
School (except high school)	1 for each six seats in auditorium
High School	1 for each 5 students, 1 for each teacher
Community center, library, museum, or art gallery	10 plus 1 additional for each 300 square feet of floor area
Hospital, sanitarium, home for the aged, nursing home	1 for each 3 beds
Theatre or auditorium (except school auditorium)	1 for each 5 seats
Bowling Alley	5 for each lane, plus 1 space for each 200 sqft. of dining area
Mortuary or funeral home	1 for each 50 sqft. of floor space in funeral service rooms
Retail, commercial, or business establishment	1 for each 150 sqft. of gross floor area
Personal or professional services, restaurants, clubs, etc.	1 for each 200 sqft. of floor area
Offices and institutions, furniture/appliance store, hardware store	1 for each 300 sqft. of gross floor area
Printing or plumbing shop or similar service establishment	1 for each two persons employed
Industrial establishment, research or testing laboratory,	1 for each 2 employees of maximum working shift

ARTICLE X. ADOPTION AND AMENDMENTS

Sec. 1000 **Procedure and Regulations in Adopting and Amending Zoning Ordinance**

1. Before this Zoning Ordinance, or any amendments thereto, may be adopted or passed, the Council shall hold a public hearing thereon, and shall give at least thirty (30) days' notice of the time and place thereof in a newspaper of general circulation in the Village, and comply with all other adoption procedures as required by law. Whenever an amendment to this Ordinance intends to rezone, or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of the Village by first class mail, at least twenty (20) days before the date of the public hearing to the owners or property within and contiguous to and directly across the street from such parcel or parcels to the addresses of such owners appearing on the County Auditor's current tax list of the County Treasurer's mailing list USE plus, space to accommodate trucks for deliveries and to such other list(s) that may be specified by the Council. The failure of delivery of such notice shall not invalidate any such Zoning Ordinance. During

such Zoning Ordinance, together with the maps or plans or copies thereof forming part of or referred to in such Zoning Ordinance and the maps, plans, and any reports submitted by the Planning Commission, Board of Zoning Officer shall be on file, for public examination, in the office of the Clerk of the Village or in such other office as is designated by the Council. No such Zoning Ordinance which violates, differs from or departs from the plan or report submitted by the Planning Commission shall take effect unless passed or approved by not less than three- fourths (3/4) of the membership of the Council. No such Zoning Ordinance which is in accordance with the recommendation, plan, or report submitted by the Planning Commission shall be deemed to pass or take effect without the concurrence of at least a majority of the members elected to the Council.

Sec. 1005 Initiation of Amendment to Re-Zone

1. Amendments or supplements to the Zoning Ordinance may be initiated by: a. Motion of the Planning Commission b. By application of one or more owners or lessees of property within the area to be changed c. By passage of a resolution by the Village Council
2. All zoning amendments or supplements not initially made by the Village Planning Commission shall be referred to the Planning Commission for review and recommendation to Council before any action is taken by Council, if no recommendation is received by Council within thirty (30) days, Council may proceed without a recommendation from the Planning Commission if it so desires.
3. To be approved, applications for amendments should meet at least one of the following conditions:
 - a. The request is in accordance with or would result in greater conformity to the Village's Land Use Plan.
 - b. There is currently insufficient land throughout the Village zoned for the particular district to meet the current and anticipated future demands.
 - c. There has been a substantial change in the area's condition which has rendered the original zoning obsolete.
 - d. Other situations which such a zoning change would be appropriate for the overall health, safety and welfare of the Village.

Sec. 1010 Fee for Zoning Amendment

1. There shall be a fee of two hundred fifty (250) dollars for Zoning Amendments, due at the time of application, to cover the cost of advertising and other expenses. The application and fee shall be presented to the Code Enforcement Officer. The fee shall not be refunded unless the applicant removes such application prior to any advertising. In addition, the fee shall not be refunded if the application is denied. The fee shall not apply to any Amendment initiated by the Planning Commission or Council. When the Council finds it necessary to require special studies to be made, the applicant may be required to provide such special studies as a part of the application and bear the cost of such studies.

ARTICLE XI. ENFORCEMENT

Sec. 1100 Code Enforcement Officer

1. The position of Code Enforcement Officer is hereby created. He/she shall be appointed and serve at the pleasure of the Village Council and shall receive such compensation as the Council may provide.
2. The Code Enforcement Officer shall have the following duties:
 - a. Issue Zoning Permits when this Ordinance has been followed or refuse to issue same in the event of non-compliance.

- b. Collect the designated fees for Zoning Permits, Amendments, Appeals, Conditional Uses, and Exceptions,
- c. Make and keep records on all applications, issuance and denial of all permits, and on complaints of violations.
- d. Enforce this Zoning Ordinance and take all necessary steps to remedy any condition found in violation by ordering in writing, the discontinuance of illegal uses or illegal work in progress and request the Village Solicitor to commence appropriate legal action when necessary.
- e. Keep the Planning Commission and Council advised of all matters other than routine duties pertaining to the enforcement of this Zoning Ordinance and to transmit all applications and records pertaining to Amendments.
- f. Keep the Board of Zoning Appeals advised of all matters pertaining to Appeals, Variances, and Conditional Uses, Exceptions, and transmit all applications and records pertaining thereto.

Sec. 1105

Zoning Permits Required

1. Before construction, changing the use of, or structurally altering any building or sign, including accessory buildings, or changing the use of any premises, application shall be made to the Code Enforcement Officer for a Zoning Permit. The Zoning Permit requirement shall not include interior remodeling if the type of use is not changed and shall not include exterior upkeep and maintenance. The applications shall include the following information:
 - a. The location of the lot and existing zoning and land use of the property and the immediately surrounding area.
 - b. A plot plan drawn to scale showing the exact dimensions of the lot to be built upon.
 - c. The location, dimensions, height and bulk of structures to be erected.
 - d. The intended use.
 - e. The yard, open area and parking dimensions.
 - f. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Zoning Ordinance.
2. Before construction or altering any sign or outdoor advertising device requiring a Zoning Permit (See Sign Regulations) a Zoning Permit shall be secured.
3. Within ten (10) days after a receipt of application, the Code Enforcement Officer shall issue a Zoning Permit if the application complies with the requirements of this Zoning Ordinance and the application is accompanied by the proper fee.
4. The Zoning Permit shall become void at the expiration of six (6) months after date of issuance unless construction is started. If no construction is started or use changed within six (6) months of date of Permit, a new Permit is required upon application.

Sec. 1110

Fee for Zoning Permit

1. The fee for a Zoning Permit shall be fifty (50) dollars. Zoning Permits for signs shall be twenty-five (25) dollars.

Sec. 1115

Violations

1. Building, or signs erected, altered, moved, wasted' or converted, or any use of land or premises carried on in violation of any provision' of this Zoning Ordinance- are declared to be a nuisance per se and shall be subject to the Penalties stated in this Zoning Ordinance. Any building or land use activities considered possible violations of the provisions of this Ordinance which are observed by the residents of the Village shall be reported to the Code Enforcement Officer.

Sec. 1120 Inspection

1. The Code Enforcement Officer shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this Ordinance.

Sec. 1125 Correction Period

1. All violations shall be corrected within a period of thirty (30) days after the written order is issued or for a longer period of time as indicated by the Code Enforcement Officer. Any violations not corrected within the specified time period shall be reported to the Village Solicitor who shall initiate prosecution procedures.

Sec. 1130 Penalties for Violation

1. Any person, firm or corporation, violating any of the provisions of this Zoning Code, shall for each violation upon conviction thereof, pay a penalty of not less than twenty-five (25) nor more than five hundred (50) dollars, with costs coverable before the municipal court, and upon default of payment of the penalty and costs, the persons convicted may be committed to the Village or County prison for a period not exceeding ninety (90) days. Each ten (10) days such violations shall be permitted to exist shall constitute a separate offense.
2. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who knowingly commits, participates in, assists in, or maintains such violation may be found guilty of a separate offense and suffer the penalties herein provided.
3. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violations.

Sec. 1135 Violations Remedies

1. In case any building is to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is to be used in violation of this Ordinance or any amendment or supplement thereto, the Village Council, the Village Solicitor, or the Code Enforcement Officer, 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; or to prevent any illegal act, conduct, business or use in or about such premises.

ARTICLE XII. BOARD OF ZONING APPEALS

Sec. 1200 Establishment and Composition of Board of Zoning Appeals

1. In here is hereby established a Board of Zoning Appeals Which shall consist of five members appointed by the 'Mayor and approved by the tillage Council. The five members first appointed shall serve for terms of one (1), two (2), three (3), four (4), five (5) years, respectively, thereafter, appointments shall be for five (5) year terms, beginning January 1st. Each member shall serve until his successor is appointed. Vacancies shall be filled by the Mayor and shall be for the respective unexpired terms. The members of the board may receive such compensation as the Council provides. The Planning Commission, Members of Council, or some combination of both

may serve as the Board of Zoning Appeals if so, designated by the Mayor and approved by Council.

Sec. 1205 Organization

1. The Board of Zoning Appeals shall elect a chairman and a vice-chairman from its membership and shall appoint a secretary and shall prescribe rules for the conduct of its affairs in accord with this Zoning Ordinance.

Sec. 1210 Quorum

1. The Board of Zoning Appeals shall require a quorum of three (3) members at all of its meetings, and the concurring vote of three (3) members shall be necessary to affect any order.

Sec. 1215 Witnesses

1. The Board of Zoning Appeals chairman may administer oaths and compel the attendance of witnesses in matter coming within the review of this Zoning ordinance

Sec. 1220 Powers and duties of Board of Zoning Appeals

1. Appeals: The Board of Zoning Appeals Shall hear and decide Appeals where it is alleged there is error in any order, requirement, decision or determination made by the Code Enforcement Officer in the enforcement of this Zoning Ordinance.
There shall be a fee of two hundred fifty (250) dollars for any Appeal of actions by the Code Enforcement Officer. If such appeal is won by the applicant the fee for the required zoning permit which must be obtained after winning any appeal shall be waived, and the zoning permit shall be issued by the Code Enforcement Officer.
Appeals to the Board of Zoning Appeals may be taken by any person, firm or corporation, or by any officer or Board of the Village, deeming himself or itself to be adversely affected by the decision of the Code Enforcement Officer respecting the interpretation of the Ordinance. Appeals shall be made no later than thirty (30) calendar days after the date of the grievance.
An Appeal shall stay all proceedings in furtherance of the action appealed from, unless the Code Enforcement Officer whose decision is appealed from shall certify to the Board of Zoning Appeals after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his opinion, cause "imminent" peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction.
The Board of Zoning Appeals shall make a decision, on the appeals within ten (10) days after the public hearing, unless additional time is necessary because of unusual circumstances. At the hearing any party may appear in person or by attorney.
2. Variances: Where there are practical difficulties of unnecessary hardship in the way of carrying out the strict letter of this Ordinance, the Board of Appeals shall have the power in passing an appeal to vary or modify any of the provisions of this Ordinance, except granting uses or structures which are not permitted or conditionally permitted in the district in question* so that the spirit of this Ordinance shall be observed, public safety secured, and the substantial justice done.
In every instance of granting a variance by the Board of Appeals, there must be a showing by the Board that one of the following applies:

- a. The strict application or the provisions of the Ordinance would result in practical difficulties or unnecessary hardship inconsistent with the central purpose and the intent of this ordinance.
- b. There exceptional extraordinary of are circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood.
- c. The granting of such variance will not be of substantial detriment to the public interest or to the property or improvements in the district in which the variance is sought and will not materially impair the purpose or intent of this Ordinance.

In addition, the Board of Zoning Appeals may permit such modification of the yard or lot area or width regulation as may be necessary to secure, the appropriate improvement of a parcel of land that is too small to be appropriately improved without such modification, provided the parcel was separately owned at the time of passage of this resolution or is adjacent to buildings that does not conform to the general restrictions applicable to their location.

In granting a variance, the Board of Zoning Appeals may impose such conditions as it may deem necessary to protect the public health, safety or welfare and to further the purpose and intent of this Zoning Ordinance. These conditions shall be made a part of and be attached to the required Zoning Permit.

The fee for a Variance shall be two hundred fifty (250) dollars which shall be paid at the time of application. The fee for the Zoning Permit which must be obtained after approval of any Variance, shall be waived, and the Zoning Permit issued by the Code Enforcement Officer.

3. Conditional Uses: The Board of Zoning Appeals shall hear and determine all Conditional Uses that are specifically listed within the various districts. Conditional Uses, although often desirable, will more intensely affect the surrounding area in which they are located than the Permitted Uses of such districts. Since this is the case the Board of Zoning Appeals shall approve an application for a Conditional Use only when the following conditions are met:

- a. The Conditional Use is specifically listed or interpreted as listed in the district in question.
- b. The Conditional Use is in general accord with any adopted Village Plans.
- c. The proposed development will be in keeping with the existing land use character and physical development potential of the area and will not have undesirable effects on the surrounding area.

In granting a Conditional Use the Board of Zoning Appeals may impose such conditions as it may deem necessary to protect the public health, safety or welfare and to further the purpose and intent of this Zoning Ordinance.

The fee for a Conditional Use shall be two hundred fifty (250) dollars which shall be paid at the time of application. The fee for the Zoning Permit which must be obtained after approval of any Conditional Use shall be waived, and the Zoning Permit issued by the Code Enforcement Officer.

4. Exception: The Board of Zoning Appeals shall have the authority to grant exceptions. An Exception is a Use permitted only after review of an application by the Board of Zoning Appeals, such review being necessary because the provisions of this Zoning Ordinance covering conditions, precedent or subsequent, are not precise enough or are too general to cover all applications without the Board of Zoning Appeals interpretation. In granting an Exception, the Board may impose such conditions as it may deem necessary to protect the public health, safety or welfare and to further the purpose and intent of this Zoning Ordinance. The Board shall not,

however, have the right to change the intent of this Zoning Ordinance by permitting any use than cannot -be reasonably interpreted as intended in the district in question.

The fee for an Exception shall be two hundred fifty (250) dollars which shall be paid at the time of application. The fee for the Zoning Permit which must be obtained after approval of any Exception shall be waived, and the Zoning Permit issued by the Code Enforcement Officer.

5. Interpretation of Zoning Map: Where the street or lot laid-out 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, shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance. No fee shall be charged for an interpretation of the Zoning Map.

6. Nonconforming Uses: The Board shall have the power to permit changes and extensions of nonconforming uses as follows:
- a. A nonconforming use of a less objectionable nature may be substituted for an existing nonconforming use.
 - b. An existing, legal nonconforming use which occupies only a portion of an existing structure or premises may be extended throughout such structure or premises.
 - c. The alteration or reconstruction of a nonconforming use or building provided that such will make the nonconforming use substantially more In Character with its surroundings.
 - d. The extension of a nonconforming use when such extension will substantially make the nonconforming use more in character with its surroundings. Such extensions shall not be greater than 50% of the size of the nonconforming use that existed at the time of passage of this Zoning Ordinance.

The Board may impose such requirements and conditions as they may deem necessary for the protection of adjacent properties and the public interests. The fee for a Nonconforming Use change shall be two hundred fifty (250) dollars which shall be paid at the time of application. The fee for the Zoning Permit which must be obtained after approval of any Nonconforming Use change shall be waived, and the Zoning Permit Issued by the Code Enforcement Officer.

7. Temporary Uses: The temporary use of a building or premises such as a construction office in any district for a purpose or use that does not conform to the regulations prescribed by this zoning ordinance for the district in which it is located may be granted when determined justifiable by the Board of Zoning Appeals. Portable toilets for construction and other such small structures shall not require a Temporary Use approval by the Board,

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

The fee for a Temporary Use shall be fifty (50) dollars which shall be paid at the time of application. The fee for the Zoning Permit which must be obtained after approval of any Temporary Use shall be waived, and the Zoning Permit issued by the Code Enforcement Officer*

Sec. 1225 Procedure for Actions by the Board of Zoning Appeals, Public Hearings Required

1. The Board of Zoning Appeals -shall act according to the procedure specified by law including this Zoning Ordinance.

2. The Board shall keep minutes of its proceedings showing the Vote for each member of all questions, or if absent or failing to vote, it shall indicate such fact.
3. All applications for Appeals, Variances, Conditional Uses, Exceptions, Nonconforming Uses, and Temporary Uses shall be made to the Board of Zoning Appeals in writing and on any forms prescribed, therefore. All applications shall set forth the reason the Appeal, Variance, Conditional Use, Exception, 'Nonconforming Use, or Temporary Use should be granted.
4. Every decision of the Board shall be by resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals together with all documents pertaining thereto and shall be a public record.
5. Fees, as prescribed, in this Zoning Ordinance shall be paid in full prior to any action by the Board of Zoning Appeals.
6. In the event that the Board of Zoning Appeals will find it necessary to draw upon any planning, legal, engineering, or any other expert testimony, such fee or services may be required at the expense of the applicant as a part of the application.
7. No action shall be taken on any request for any Appeal, Variance, Conditional Use, Exception, or Nonconforming Use, prior to a public hearing.

Sec. 1230 Notice of Hearing by Board of Zoning Appeals

1. When a notice of Appeal, Variance, Conditional Use, Exception, or Nonconforming Use has been filed in proper form with the Board of Zoning Appeals, the secretary or other designated person shall immediately place the said request for same upon the calendar, for hearing, and shall state on the notices the time, place and object of the hearing to be served personally 'or -by mail addressed to the parties making the request, at least five (5) days prior to the date of scheduled hearing. Public hearings are not required but may be held if determined necessary by the board for Temporary Uses and interpretations of the Zoning Map.
2. Written notice of such hearings shall also be given by mail or served personally to the owners of property within and contiguous to and directly across the street from such land to which such Appeal, Variance, Conditional Use, Exception, Nonconforming Use, or temporary Use, or interpretation of the Zoning Map is related.
3. All notices shall be sent to addresses given on the last list, assessment roll or other legally designated address list.
4. Such hearings shall be advertised by at least one (1) publication in one (1) or more newspapers of general circulation in the Village at least ten (10) days before the date of such hearing.

ARTICLE XIII. DEFINITIONS

Abandonment: The relinquishment of property or a cessation of the use of the property, by the owner with the intention neither of transferring rights to the property to another owner nor of resuming the use of the property.

Accessory Use or Structure: A use or structure (such as garage) incidental to the main use of the land or building. In buildings restricted to residence use, the office of a professional man and workshops not conducted for compensation shall be deemed accessory uses. Offices or workshops conducted for compensation shall be deemed home occupations.

Air Pollution: The presence of contaminants in the air in concentrations that prevent the normal dispersive ability of the air and that interfere directly or indirectly with man's health, safety or comfort or with the full use and enjoyment of the property.

Airport: A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

Agriculture: Agriculture shall include farming, dairying, pasturage, horticulture, viticulture, animal and poultry husbandry, and the processing and sale of agricultural products.

Altering of Building: Any change in supporting members of a building except such change as may be required for its safety, any addition to a building, any change in use from one district classification to another, or removal of a building from one location to another. Altering shall not include interior remodeling and outdoor maintenance.

Amendment: The process of revision or addition to the Zoning Map or the Zoning Ordinance.

Appeal: To make a request for an interpretation, review of an error or variance to the Board of Zoning Appeals.

Barber and Beauty Shops: Any premises, building or part of a building, in which any branch of barbering or cosmetology or the occupation of a barber or cosmetologist is carried out and is licensed by the State of Ohio.

Billboard: See Signs.

Board of Zoning Appeals: The Board of Zoning Appeals of the Village of Blanchester or "Board" as established and regulated under Article XII and other applicable regulations of the Zoning Ordinance.

Building: A structure intended for shelter, housing or enclosure of persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

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

Building Height: The vertical distance measured from the average elevation- of the finished grade along the front of the building to the highest point of the building structure.

Building Line: The front yard setback line established by this Zoning Code generally parallel with and measured perpendicularly from the front lot line, defining the limits of a front yard in which no building or structure may be located except as may be provided by this Zoning Code or district regulation or as established by the Village Council, Building, Principal: A building in which is conducted the main or principal use of the property on which such building is, situated.

Camp: any tract of land or premises having facilities used for camping purposes such as recreational, health, educational, construction, sectarian, tourist, picnic, or resort camps, not for permanent occupancy.

Carry-cut Business: A retail business conducted in a building having no more than 8,000 square feet of gross floor area and primarily engaged in selling food products to short-term customers for consumption off the premises.

Cemetery: A tract of land designated by the Zoning Ordinance and protected by Municipal laws, Township or County regulations or the State statutes for the burial of human remains.

Cigar Stores and Stands: A store, shop or stand, or part thereof, place, building, structure, or vehicle, where cigars, cigarettes, or tobacco or all or any of them, are exposed for sale, or sold, and inclusive of sale of any cigars, cigarettes, or tobacco or all or any of them, from vending machines, or other apparatus or mechanical device,

Clinic: An establishment where patients are admitted for examination and treatment by one or more physicians, dentists, psychologists or social workers and where patients are not usually lodged overnight.

Code Enforcement Officer: The administrative officer designated to administer the Zoning Ordinance and issue Zoning Permits, also the Building Inspector.

Commercial Laundry and Dry Cleaning Plants: Any premises, building or part of a building rendering a retail service by providing the washing, drying and otherwise processing laundry, including, but not limited by garment pressing, laundry and dry cleaning, the business of cleaning cloth, feathers, or any type of fabric by the use of gasoline, naphtha, benzene or other petroleum or coal tar products; or cleaning by any methods which include the use of flammable volatile or highly combustible material, but not including self-service laundries.

Commercial Uses: Any use operated for profit or compensation.

Commercial Recreation Facilities: Operated as a business and open to the general public for a fee.

Conditional Use: A use permitted within a district other than a principally permitted use, requiring a Conditional Use Permit and approval of the village Council.

Conditional Use Permit: A permit issued by the Code Enforcement Officer upon approval by the Village Council to allow a use other than a principally permitted use to be established within the district. Such permit indicates that the conditional use meets all conditions set forth in the Zoning Code.

Construction Establishments, Building, Plumbing, Heating, Special Trades: Any premises, building or part of a building in which, any of the standard building trades including, but not limited to construction, concrete, masonry, building, fabrication, electrical, plumbing, heating, air conditioning, plaster, drywall, painting, roofing and the like operate as a business in the commercial provision of building trade services.

Council: The Council of the Village of Blanchester.

Density: A unit of measurement indicating the number of dwelling units per acre of land.

1. gross density means' the number of dwelling units per acre of the total land to be developed including any area to be dedicated to public use.
2. net density means the number of dwelling units per acre of land exclusive of any area to be dedicated to public use.

Doctor, Dentist and other Health Practitioners, Offices, or Clinics: Building in which a group of physicians, dentists or physicians and dentists and allied professional assistants are associated for the purpose of carrying on their profession. The clinic may include dental or medical laboratories. It shall not include in-patient care or operating rooms for major surgery.

Drive-in or Drive-through Business: A retail or service establishment conducted in a building having no more than 8,000 square feet of gross floor area, and which provides a designated place from which persons can conduct the major portion of their business without leaving their motor vehicles.

Drug Store: A store used for receiving, compounding, storing, handling, or dispensing medicinal preparations, drugs, chemicals, oils, personal care products, medical devices and supplies and nonprescription medicines, but where nonmedical products are sold as well.

Dwelling: A building or portion thereof occupied or intended to be occupied for residential purposes. a.

- a. Mobile Home, Manufactured Unit - Any vehicle which at any time was used or maintained for use as a conveyance upon highways or public streets, or waterways; so, designed and so constructed as to permit occupancy thereof as a dwelling unit or sleeping

place for one or more persons whether attached or unattached to a permanent foundation.

A moveable living unit or units as in the case of a double-wide unit or similar port able structure having no foundation other than wheels, jacks, or blocks, sometimes referred to as trailers, trailer homes, or house trailers. Nothing in the Ordinance shall be construed as permitting a mobile home or a double-wide mobile home in other than an approved mobile home park. Also, known as manufactured housing according to the Federal Housing and Community Development Act of 1980, and as defined in Section 4501.01 of the Ohio Revised Code.

- b. Mobile Home, Double Wide - Two mobile home units, attached side by side, which constitute the complete mobile home. (See also: Mobile Home.)
- c. Industrialized unit - A dwelling unit that is constructed and assembled at a factory and transported to the building's site and placed on and attached to a permanent masonry foundation. An industrialized unit is not a mobile home or double wide mobile home, or manufactured unit as defined elsewhere in this Zoning Ordinance and as defined in Section 3781.10 of the Ohio Revised Code,
- d. Single-Family Dwelling - A detached residential dwelling unit other than a manufactured unit, or vacation or seasonal home, designed for and occupied by one family only.
- e. Two-Family Dwelling - A detached residential building designed for or occupied by two families only.
- f. Multiple-Family Dwelling - A residential building designated for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.
- g. Vacation or Seasonal Home - A single-family home for vacation use, full-time or part-time, is the same as a single-family dwelling except they are not permitted except where specifically provided for by this Zoning Ordinance.
- h. Mixed Use Dwelling - A dwelling which is located in a building having another primary use, such as a shop with apartments on the second floor or any similar combination of dwelling(s) and other uses.

Eating and Drinking Places, except Drive-ins: Restaurant, food or drink dispensing stand, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain, implant feeding establishment, hospital, institution, school lunchroom, private and semi-private club, camp, camp kitchen, church kitchen, caterer, or any other place in which food or drink is prepared or stored for public consumption, distribution or sale and shall include vehicles used in connection therewith and all places where water for drinking or culinary purposes is available for public use, except for drive-in type eating and drinking places.

Equipment Storage and Sales: An establishment or facility used for storage and wholesale or retail sale of industrial or commercial equipment.

Erosion: The detachment and movement of soil or rock fragments, or the wearing away of the land surface by water, wind, ice and gravity.

Essential Services: The erection, construction alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service for the public health, safety, or general welfare, but not including buildings or structures.

Exception: A use permitted only after review by the Village Council on matters of interpretation covering conditions, precedent or subsequent because the Zoning Ordinance does not precisely define a term, use, or application.

Farm Vacation Enterprises: Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery and nature recreation areas, hunting areas, hunting preserves, and similar uses.

Fence: An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Fire Hazard: Anything or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire, or which may obstruct, delay, hinder or interfere with the operations of the fire department to the egress of occupants in the event of fire.

Finance, Insurance and Real Estate: Establishments such as, but not limited to, banks and trust companies, credit agencies, investment companies, brokers and dealers of securities and commodities, security and commodity exchanges, insurance agents, brokers, lessors, lessees, sellers, agents and developers of real estate.

Garment Pressing, Laundry and Dry-Cleaning Agents: A building or facility which is used for the washing of clothes or other articles of cloth, or for ironing in connection therewith, the business of cleaning cloth, feathers or any type of fabric by the use of gasoline, naphtha, benzene or other petroleum or coal tar products; or cleaning by any methods which include the use of flammable, volatile or highly combustible or combustible material.

Glare: The effect produced by brightness sufficient to cause annoyance, discomfort or loss in visual performance and visibility.

Grain Elevators and Feed Mills: An establishment or facility used for the storage, processing, shipment and sale, both retail and wholesale of agricultural grain products and animal feed, such as corn, wheat, soybeans, oats, sunflower, rye, barley, sorghum and similar field crops.

Grocery Stores and Other Food Stores: Establishments selling food and drink products for consumption off the premises and shall include grocery stores, fruit and vegetable stores, bakeries, dairy stores, butcher shops, liquor stores, candy stores, and any other store of a similar nature.

Home Occupation: Any use customarily conducted entirely within a dwelling and carried on by the inhabitants thereof for compensation, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof. A home occupation includes, but is not limited to real estate offices, barber shops, beauty shops, and offices in the home of doctors. Persons employed in home occupations who are from outside the home are not permitted except by approval of the Village Council as an Exception.

House Trailer: See Dwellings. Industrial Park: Tract of land subdivided and developed according to a comprehensive development plan, in a manner which provides a parklike setting for industrial establishments.

Industrialized Unit: See Dwellings. Institutions: A nonprofit or quasi-public use such as a church, library, public, or private school, hospital or municipally owned or operated building, structure or land used for public purpose.

Industrialized Unit: See Dwellings. Institutions: A nonprofit or quasi-public use such as a church, library, public, or private school, hospital or municipally owned or operated building, structure or land used for public purpose.

Junk: Any scrap, waste, reclaimable material or debris, whether or not stored or used in conjunction with dismantling, processing, salvage, storage, bailing, disposal or other use or disposition.

Junk Buildings, Junk Shops, Junk Yards: Any land property, structure, building, or combination of the same, on which junk is stored or processed.

Junk Storage and Sales: Any area where waste, discarded or salvaged materials are bought, sold, exchanged, bailed, 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 within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, operable machinery, and the processing of used, discarded, or salvaged materials as part of manufacturing operations. Any concentration of two (2) or more used motor vehicles not displaying a current motor vehicle license shall be considered junk storage and/or sales. Junk storage and/or sales is only permitted in the Industrial District and then only as a Conditional Use with permission of the Village Council.

Land Use Plan: A plan or part thereof, adopted by the legislative authority of the Village of Blanchester showing the general location and extent of present and proposed physical facilities, including housing, industrial and commercial uses, major thorough-fares, parks, schools, and other community facilities. This plan establishes the land use goals, objectives, and policies of the community.

Large Recreational Complexes: An area, facility or combination consisting of at least five acres in size or having a capacity for at least 500 people.

Litter: Unsanitary and untidy conditions caused by the improper and illegal disposal of solid waste material in other than an approved place of disposal.

Lot: For the purposes of this Code a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, and may consist of:

1. a single lot of record.
2. a portion of a lot of record.
3. a combination of complete lots of record, of complete lot of record and portions of lots of record, or of portions of lots of record.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "Yards" in this Article.

Lot Minimum Area: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

Lot Measurements: A lot shall be measured as follows:

1. depth: the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the near most points of the side lot lines in the rear,
2. width: the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

Lot of Record: A lot which is part of a subdivision record-ed in the Office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Manufactured Unit: See Dwelling, Mobile Home

Manufacturing: The assembly, fabrication, treatment, processing, rebuilding, blending, or molding of materials into a finished product.

Manufacturing Establishment: Any premises, building or part of a building in which processing and/or converting of raw, unfinished or finished materials or products or any, or either of them, into an article or articles of substance or different character, or for use for a different purpose; industries furnishing labor in the case of manufacturing or the refinishing of manufactured articles. Places providing for the industrial assembly, fabrication, treatment, processing, rebuilding, blending, or molding of materials into a finished product.

Manufacture Sale and Storage of Building Materials: An establishment or facility used for the manufacturing, sale and storage of building materials either retail or wholesale.

Mineral Extraction, Storage and Processing, Including Oil and Gas Wells: Any mining, quarrying, storage or processing of limestone, sand, gravel, oil or gas, or other mineral resources.

Mobile Home: See Dwellings. Mobile Home Park: A site with required improvements and utilities for the long-term parking of mobile homes which may include services and facilities for the residents.

Mobile Home Space: A plot of land for placement of a single mobile home or double-wide within a mobile home park.

Mortuary: A place for the storage of human bodies prior to their burial or cremation.

Municipality: The specific unit of government responsible for the adoption, administration and enforcement of the Zoning Code, also the local authority which is the legally authorized agency charged with the administration and enforcement of land use regulations. For this Code the terms Municipality and Village shall be the same as the Village of Blanchester, Clinton County, Ohio.

Noise: A disturbing sound of any kind caused by any circumstance.

Non-commercial Recreation: Clubs or recreation facilities, operated by a non-profit organization and open only to bona-fide members of such non-profit organization.

Nonconforming Lot: A lot, the area, dimensions or location of which was lawful prior to the adoption, revision or amendment of the Zoning Ordinance, but which fails by reason of such adoption, revision or amendment to conform to the present requirements of the Zoning District.

Nonconforming Sign: Any sign lawfully existing on the effective date of an Ordinance, or an amendment thereto, which renders such sign nonconforming because it does not conform to all the standards and regulations of the adopted or amended Ordinance.

Nonconforming structure or Building: A structure or building the size, dimension or location of which was lawful prior to the adoption, revision or amendment to a zoning ordinance, but which fails by reason of such adoption, revision or amendment, to conform to the present requirements of the Zoning District.

Nonconforming Use: A use or activity which was lawful prior to the adoption, revision or amendment of a Zoning Ordinance, but which fails, by reason of such adoption, revision or amendment, to conform to the present requirements of the Zoning District.

Nursery, Daycare Center or Child Care Center: A private establishment enrolling four or more children between 2 and 5 years of age and where tuition, fees or other forms of compensation for the care of the children is charged, and which is licensed or approved to operate as a nursery, day care center or childcare center.

Nursing Home: An extended or intermediate care facility licensed or approved to provide full-time convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves.

Offices and Laboratories: An establishment or other facility used for a combination of professional or commercial office space and laboratory or laboratories.

Organization and Association: An entity organized on a profit-making or nonprofit-making basis for the promotion of membership interests.

Outdoor Advertising: See Signs. Parking Space: A space for the parking of a motor vehicle within a public or private parking area.

Parking, Off Street: Any parking space located wholly off any street, alley or sidewalk, either in a parking structure or on a lot and where each parking space conforms to standards specified in the Zoning Code and is exclusive of access aisles or drives.

Permit: Written governmental permission issued by an authorized official, empowering the holder thereof to do some act not forbidden by law, but not allowed without such authorization.

Permitted Use: Any use allowed in a Zoning District and subject to the restrictions applicable to that Zoning District.

Slurring Commission: The Planning Commission of the Village of Blanchester, Ohio.

Development: An area of land in which a variety of land uses may be accommodated by a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than these 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.

Professional Office: The office of a member of a recognized profession maintained for the conduct of that profession.

Property Line: A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.

Public Hearing: A meeting announced and advertised in advance and open to the public, with the public given an opportunity to talk and participate.

Public Service Facility: The erection, construction, maintenance of buildings, power plants or water treatment plants or pumping stations, alteration or substations, sewage disposal other similar furnishing of transportation, services, terminals, and including the pumping plants, airports, public service structures, transport, other water and sewage services.

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

Recreational Facilities: Recreational facilities include:

- a. private and semi-public recreational facilities which are not operated for commercial gain.
- b. public recreational facilities which are open to the public, established and operated for a profit.
- c. municipal recreational facilities which are operated by the Village and open to the public with or without charge.
- d. a place designed and equipped for the conduct of sports, leisure time activities and other customary and usual recreational activities.

Radioactivity or Electrical Disturbance: The deleterious, disrupting interference sometimes of a harmful nature which shall include all radiation capable of producing ions in their passage through matter. Such radiations shall include, but are not limited to, electromagnetic radiations such as caused by electrical disturbances, excluding natural phenomenon, but including X-rays and gamma rays and particulate radiations such as electrons or beta particles, protons, neutrons, and alpha particles.

Repair Service: Any business activity which services and repairs appliances and machines, shoes, watches, etc. used in the home.

Research and Testing Facility: Any premises, building or part of a building for carrying on investigation in the natural, physical or social sciences, or engineering and development as an extension of investigation with the objective of creating end products.

Residence: A home, abode or place where an individual is actually living at a specific point in time, including the term "domicile" which is a residence that is a permanent home to an individual. (See Dwellings.)

Retail Trade: Establishments engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Right-of-way: Land reserved for use as a street, interior walk; or for other public purpose.

Self Service Laundry: Business rendering a retail service by renting to the individual customer at a fixed location, equipment for washing, drying and otherwise processing laundry, with such equipment to be serviced and its use and operation supervised by the management, and does not include the processing of laundry by the management on behalf of the customer.

Semi-public Uses: Churches, Sunday schools, parochial schools, colleges, hospitals, and other institutions of an educational, religious, charitable or philanthropic nature.

Setback: The distance between the street right-of-way line and the front line of a building or any projection thereof. Setback Line: The line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed.

Shopping Center: A group of commercial establishments planned, constructed and managed as a total entity with customers and employee parking provided on-site, provision for goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Shoe Watch and Other Small Item Repair Shop: See Repair Service.

Sign: Any device or display designed to inform or convey messages to the public.

- a. Farm Signs - a sign or signs which is on a farm over five (5) acres denoting such messages as name and address of occupants, produce for sale and membership organizations, or other information generally related to activities conducted on the farm.
- b. Ground Sign - a sign which is supported by one or more columns, uprights or braces in or upon the ground.
- c. Outdoor Advertising Display and/or Billboard - any outdoor sign, display, device, figure, painting, drawing, message, placard, poster, billboard, or any other contrivance designed, intended, or used to advertise or to give information in the nature of advertising for a product or service not located on the premises on which the sign is located, or any part thereof, which advertisement is visible by persons walking or riding in a motor vehicle. All other permitted signs shall not be considered outdoor advertising displays and/or billboards.

- d. Projecting Sign - a sign which projects from and is supported by a wall of a building or structure. e. Wall Sign - a sign which is affixed directly to the exterior wall and confined within the limits thereof and which projects from that surface less than twelve (12) inches at all points.

Sign Area: The entire face of a sign including the advertising surface and any framing, trim or molding, but not including the supporting structure, unless it bears an advertising message.

Sign, Animated or Moving: Any sign or part of a sign which changes physical position by any movement or rotation, or which gives the visual impression of such movement or rotation.

Sign Flashing: Any directly or indirectly illuminated sign which exhibits changing natural or artificial light or color effects by any means whatsoever.

Sign Portable: A sign that is not permanent, affixed to a building, structure or the ground, including, but not limited to: trailer signs, daisy signs, and similar trans-portable message signs.

Special Use: A use, either public or private, which, because, of its unique characteristics, cannot be properly classified as a permitted use in a particular district or districts.

Story: That part of a building, included between the upper surface of any floor and the upper surface of the floor next above; or, if there be no floor next above, the ceiling or roof next above such floor. A basement shall be considered a story if it is used for living quarters or if two-thirds (2/3) of its volume is above the average level of the adjacent ground.

Story, Half: A partial story under a gable, hip, gambrel, or similar roof, the wall plates of which at least two opposite exterior walls are not more than four (4) feet above the floor of such story.

Structure: A combination of materials to form a construction for use, occupancy, or ornamentation whether installed on, above, or below the surface of land or water.

Structural Alteration: Any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

Tanks: Tanks, including bulk tanks and fuel tanks whether above or below ground or water, are structures which are subject to the regulations of this Zoning Ordinance.

Television and Radio Stations: Buildings, antennae, electrical equipment, offices, and related accessory uses for the origination of electronic signals necessary to broadcast television and radio programming.

Temporary Structure or Use: A structure without any foundation or footings and which is removed when the designated time period, activity, or use for which the temporary structure was erected has ceased or a use established for a fixed period of time with the intent to discontinue such use upon the expiration of the time period.

Tourist Home: A building other than a hotel or motel where lodging is provided and offered to the public for compensation for not more than ten (10) individuals and open for transient guests.

Transport and Trucking Terminals: See Trucking Terminal and Facility,

Trucking Terminal and Facility: Commercial facility where truck freight is stored, handled, and dispatched between various locations by way of different major truck carriers and including facilities for the storage and repair of trucks and trailers while awaiting consignment.

Used Merchandise Store: Any premises, building or part of a building, in which previously owned or used merchandise is displayed and provided for sale.

Vacation or Seasonal Home: A second home, owned or rented, usually used seasonally, and located in an area with nearby recreational opportunities or amenities.

Variance: A modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and were owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship, also: permission to depart from the literal requirements of a Zoning Ordinance.

Vibration: A disturbing periodic, rhythmic movement or oscillation of an elastic body when displaced from the rest position of equilibrium, discernable without instruments on any adjoining lot or property.

Wall:

1. The vertical exterior surface of a building.
2. Vertical interior surfaces which divide a building's space into rooms.

Water Pollution: The addition of pollutants to water in concentrations or in sufficient quantities to result in measurable degradation of water quality'.

Wholesale and Warehousing Facility: Structure for the purpose of storing and/or wholesaling goods and materials including freight storage and forwarding, general warehousing cold storage, and any other type of warehousing or wholesaling, provided that all operations except the loading and parking of trucks shall be enclosed within a building.

Yard: A required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

- a. Yard, Front: a yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- b. Yard, Rear: a yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.
- c. Yard, Side: a yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

Yard required: The open space between a lot line and the buildable area within which no structure shall be located except as provided in this Zoning Code.

Zone: A specially delineated area or district in a municipality within which regulations and requirements uniformly govern the use, placement, spacing, and the size of land and buildings.

Zoning: The division of the Village into districts and the establishment of regulations governing the use, placement, spacing, and size of land and main buildings.

Zoning Boundary: A line of division between one or more Zoning Districts as shown on the Zoning Map.

Zoning Map: The map or maps, which are part of the Zoning Ordinance, and delineate the boundaries of Zone Districts.

Zoning Ordinance: A municipal ordinance of the Village of Blanchester, Ohio regulating the use of the land or structures or both as provided in the Act.

Zoning Permit: A document signed by the Code Enforcement Officer, as required in the Zoning Ordinance, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion, or installation of a structure or building, which

acknowledges that such use, structure or building complies with the provisions of the municipal zoning or authorized variance therefrom.

