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ORDINANCE REPEALING ZONING ORDINANCE

OF 1994 FOR THE VILLAGE OF GLANDORF,

OHIO, AND AN ORDINANCE ESTABLISHING

A NEW COMPEHENSIVE ZONING REGULATION

An **ORDINANCE** to repeal the zoning ordinance of 1994, establishing comprehensive zoning regulations for the Village of Glandorf, Ohio and providing for the administration, enforcement, and amendment thereof; all for the purpose of promoting public health, safety morals comforts, and general welfare; through the regulation of the use of land and the location, size and use of buildings, and other structures.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF GLANDORF

ARTICLE I – ENACTMENT CLAUSE

SECTION 1. Zoning ordinance of 1994 for the Village of Glandorf is hereby **REPEALED.**

SECTION 2. An **ORDINANCE**, establishing comprehensive zoning regulations for the Village of Glandorf, Ohio and providing for the administration, enforcement, and amendment thereof; all for the purpose of promoting public health, safety, morals, comfort, and general welfare; through the regulation of the use of land and location, size and use of buildings and other structures. The state of Ohio enabling legislation for Planning and Zoning is provided in Chapter 713 of the Ohio Revised Code (ORC).

SECTION 3. That for the purpose of promoting the public health, safety, morals, comfort, and general welfare, conserving the values of property, facilitating the provision of water, sewerage, schools, and other public requirements, and lessening or avoiding congestion on public streets and highways, it is hereby provided a comprehensive zoning regulation. It is the ultimate responsibility of the Village Council to interpret, enforce, and administer the zoning regulations. The Village council shall establish a Zoning board of Appeals to do so and to organize and adapt rules in accordance with the provisions of these regulations. This Board shall consist of the Mayor of the Village, two councilmen of the Village and two citizens residing within the Village. Any inquiries concerning these regulations shall be presented to the Zoning board of appeals during regular Zoning Board of Appeals meetings.

ARTICLE II – TITLE

SECTION 1. This ordinance shall be known and cited as the Zoning Ordinance # 1323 of 1997.

SECTION 100 - TITLE

101 Title, Intent, and Purpose

The regulations may be referred to as the “ZONING ORDINANCE.”

An **ORDINANCE** establishing comprehensive zoning regulations for the Village of Glandorf, Ohio, and providing for the administration, enforcement, and amendment thereof; all for the purpose of promoting public health, safety, morals, comfort, and general welfare; through the regulation of the use of land and the location, size and use of buildings, and other structures.

SECTION 200 - DISTRICTS AND BOUNDARIES

201 Districts

The Village is hereby divided into three types of districts:

- R Districts – Residential
- B Districts – Business
- I Districts – Industrial

The three types of districts are further divided into the following specific districts:

- | | | |
|-----------------|---------------------------|-------------------|
| RU Rural | R – 1 Residential | R – 2 Residential |
| RC Conservation | R - 3 Residential | B – 1 Business |
| I Industrial | FBH Factory Built Housing | |

202 District Boundaries

202.01 The boundaries of the districts are shown on the map attached hereto and made a part of hereof, which map is designated as the “Zoning District Map.” The district map and all notations, references, and other information shown thereon are a part of these regulations and have the same force and effect as if the district map and all the notations, references, and other information shown thereon were fully set forth or described herein, the original of which district map is properly attested and is on file with the Clerk of the Village.

202.02 Whenever any street, alley, or other public way is vacated by official action of the Council the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation, and all area included in the vacation shall then and hence forth be subject to all appropriate regulations of the extended districts.

- 202.03 Territory annexed to the Village after the effective date of these regulations shall continue to be governed by the zoning regulations which governed the territory annexed immediately prior to the annexation, as enacted by board of county commissioners under Section 303.01 to 303.25, Ohio Revised Code or enacted by a board of township trustees under Sections 519.02 to 519.25, Ohio Revised Code, as the case may be, until the Council shall either officially adopt the existing zoning regulations of said county or township or new regulations for such territory.
- 202.04 All territory annexed to the Village which is unzoned at the time of annexation shall automatically be placed in the R-1 Residential District until otherwise changed by ordinance.
- 202.05 As soon as practicable after the annexation of territory to the Village proceedings shall be instituted by the Commission and Council to include the annexed territory in one or more of the zoning districts defined in these regulations, as amended.

SECTION 300 – GENERAL PROVISIONS

301 Except as hereinafter provided:

- 301.01 Buildings shall only be erected, converted, enlarged, reconstructed, or structurally altered, or land shall only be used for a purpose permitted in the district in which the building or land is located.
- 301.02 Buildings shall only be erected, converted, enlarged, reconstructed, or structurally altered, only in conformity with the height limit herein established for the district in which the building is located.
- 301.03 Buildings shall only be erected, converted, enlarged, reconstructed, or structurally altered, only in conformity with the area regulations of the district in which the building is located.
- 301.04 The density and yard requirements of these regulations are minimum regulations for each and every building existing at the effective date of these regulations and for any building hereafter erected or structurally altered. Land required for yards or other open spaces about an existing building or any building hereafter erected or structurally altered shall not be considered a yard or lot area for more than one building.
- 301.05 Every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one building on a lot except otherwise provided in these regulations.
- 301.06 Buildings shall only be erected or structurally altered to the extent specifically provided hereinafter in conformity with the off-street parking and loading requirements of these regulations.
- 301.07 Cooperative, condominiums, and all other forms of property ownership do not affect the provisions of these regulations and all requirements shall be observed as though the property were under single ownership.

301.08 All inhabited Class B and Class C Factory Built Homes or travel trailers shall be located in a Factory Built Home Park or travel trailer court that has received a conditional use permit as required by Section 402.04. No Class B or Class C home or travel trailer outside an approved Factory Built Home Park or travel trailer court shall be permitted.

301.09 All dwelling units hereafter constructed shall provide minimum floor area of living space as follows:

- | | |
|-------------------------|---------------------|
| 1-bedroom units | - 600 square feet |
| 2-bedroom units | - 850 square feet |
| 3 or more-bedroom units | - 1,200 square feet |

SECTION 400 – USE REGULATIONS

401 District Regulations

In the following established districts, a building or premise shall be used only for the following purposes.

401.01 RU Rural District

Permitted Uses

Agricultural activity.

Church

Golf course except miniature course or driving range.

Greenhouse or nursery.

Noncommercial recreational facilities.

Park or forest preserve.

Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.

Roadside stand for the display or sale of agricultural products raised on the premises.

Single Family Dwelling.

Conditional Uses

Airport.

Hospital, nursing home, and educational, religious and philanthropic institution on sites of not less than five acres.

New cemetery on site of not less than 20 acres or enlargement of existing cemetery.

Privately operated outdoor recreational facility, including riding stable, lake, swimming pool, tennis court, and golf course on site of not less than five acres.

Public building erected by any governmental agency.

401.02 RC Conservation District

Permissive Uses

Agricultural activity.

Single-family dwelling.

Park or forest preserve.

Golf Course.

Cemetery.

403.03 R-1 and R-2 Residential Districts

Permitted Uses – R-1

Single-family dwelling.

Conditional Uses – R-1

Large scale residential development requiring Council's approval.

Farming of agricultural crops only, prior to development.

Permitted Uses – R-2

Church.

Single-family dwelling.

Public Park or playground.

Gold course, except miniature course and driving tees operated for commercial purposes.

Public school, elementary and high, or private school having a curriculum equivalent to a public elementary or public high school and having no rooms regularly used for housing or sleeping purposes.

Nursery, pre-kindergarten, play, special, and other private school.

Hospital, nursing home, and educational, philanthropic, or religious, institution except criminal, mental, or animal hospital on site of not less than five acres, provided not more than 50 percent of the site area may be occupied by buildings, and provided further that the building shall be set back from all required yard lines an additional foot for each foot of building height.

Parking lot (total area) located within 200 feet of a boundary of a B or I District.

Public Building erected by any governmental agency.

Conditional Uses – R-2

Farming of agricultural crop only, prior to development.

401.04

R-3 Residential District

Permitted Uses

Any permitted use of the R-1 and R-2 Districts.

Conditional Uses

Farming of agricultural crops only, prior to development.

Hospital or sanitarium, except criminal, mental, or animal hospital.

Nursing, rest, or convalescent home.

Parking lot (total area) located withing 200 feet of a boundary of a B or I District.

Private school.

Public building erected by any governmental agency.

Religious, educational, charitable institution of a philanthropic nature, but not a penal or mental institution.

B-1 General Business DistrictPermitted Uses

Any permissive use of the R-3 Residential District.

Automobile service station.

Automobile sales and service.

Bank.

Public building erected by any governmental agency.

Commercial garage or automobile repair shop.

Dressmaking, tailoring, shoe repairing, repair of household appliances and bicycles, dry cleaning and pressing, and bakery with sale of bakery products on the premises and other uses of a similar character.

Funeral home or mortuary.

Hotel or motel.

Office or office building.

Personal services use, including barber shop, beauty parlor, photographic or artists' studio, taxicab, newspaper or telegraphic service station, dry cleaning receiving station, restaurant, and other personal service uses of a similar character.

Professional activities.

Restaurant.

Retail business, including florist shop and greenhouse in connection with such shop, but there shall be no slaughtering of animals or poultry on the premises of any retail store.

Used car, trailer, motorcycle, or boat sales.

Conditional Uses

Farm implement sales and service, agricultural service establishment, including feed and bottled gas.

Lumberyard.

Single-family dwelling.

401.08

I Industrial District

Permitted Uses

Any use permitted in the B-1 General Business District.

Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.

Generally, those manufacturing uses similar to those listed above which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, odor, heat, or glare than that generally associated with industries of the type specifically permitted.

Manufacture or assembly of medical and dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, games, and electrical or electronic apparatus.

Manufacture of boxes, crates, furniture, baskets, and other wood products of a similar nature.

Manufacture or storage of food products, including beverage blending or bottling, bakery products, candy manufacture, fruit and vegetable processing and canning, packing, and processing of meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals.

Research and testing facility.

Transport and trucking terminals.

Public Park.

Wholesale merchandising or storage warehouse.

Conditional Uses

Manufacturing processes conducted wholly within an enclosed building consisting in whole or in part of cutting, forging, stamping, casting, extruding, drilling, rolling, welding, brazing, soldering, sawing, cleaning, sand or shot blasting, grinding, enameling, painting, galvanizing, finishing, heat treating, or machining.

Making of metal alloy products from brass, bronze, pewter, lead, or aluminum, including smelting or foundry operations.

Manufacture or assembly of bolts, nuts, screws and rivets, ornamental iron products, firearms, tools, dies, machinery and hardware products, sheet metal, or steel products.

Manufacturing uses similar to other conditional uses listed.

402 Other Use Regulations

402.01 Accessory Buildings and Uses are Permitted When in Accordance with the Following:

402.011 In the RU, RC, and RS Districts, accessory buildings and uses are limited to:

A private residential garage used only for the housing of non-commercial passenger automobiles and with a floor area of not to exceed 500 square feet. An additional floor area of 200 square feet may be provided for each 3,000 square feet of lot area by which such lot exceeds 6,000 square feet, provided that no garage shall exceed 1,000 square feet nor house more than five such automobiles or vehicles of comparable size.

Home occupation.

Vegetable or flower garden.

Tennis court, swimming pool, garden house, pergola, ornamental gate, barbecue oven, fireplace, and similar uses customarily accessory to residential uses.

- 402.012 In the R-3 District, there may also be:
- Storage garage and parking lots conforming with the provisions of Section 800 hereof.
- 402.013 In the Business and Industrial Districts, there may also be:
- Parking lots and garages conforming with the requirements of Section 800 hereof.
- Use of not to exceed 40 percent of the floor area of a building for incidental storage or light industrial activity.
- 402.014 There shall be the following additional regulations for accessory buildings:
- No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced, and no accessory building shall be used unless the main building on the lot is also being used. However, nothing shall prevent the use of a temporary construction shed or road wagon for the storage of tools, material, and equipment by a contractor during building construction.
- No accessory building may be erected in front of a main building unless the accessory building is attached to the main building by a common wall.
- Accessory buildings may not be used for dwelling purposes.
- 402.02 Regulations Regarding Fences Shall be as Follows:
- 402.021 No fence more than 30 percent solid or more than three feet high may be located within 30 feet of a street intersection.
- 402.022 Except as provided in 402.021 above, fences less than four feet high may be located on any part of a lot.
- 402.023 Except provided in 402.021 above, fences less than eight feet high may be erected on those parts of a lot that are as far back or farther back from the street than the main building.

402.03 Special Provisions for Large-Scale Residential Developments:

402.031 Large-scale residential developments, where permitted are subject to the subdivision regulations.

402.032 The Commission may hold one or more public hearings on a Final Development Plan. The recommendations of the Commission shall be forwarded to Council who shall approve or disapprove the action of the Commission with or without modification and after public hearing. After approval by Council and after any required restrictions are in effect, the Zoning Inspector may issue permits enabling the approved Final Development Plan to be carried out.

402.04 Regulations Regarding Factory Built Housing Shall be as Follows:

402.041 (A) Intent.

It is the intent of this section to regulate the location of and protect the development of factory-built home parks. Notwithstanding any other provision or restriction provided in this zoning code, the following procedures, standards, and restrictions, shall apply to all factory-built home developments to be developed here after.

(B) Definitions.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) “Anchoring System.” An approved system of straps, cables, turnbuckles, chains, ties, or other approved materials used to secure a factory-built home.
- (2) “Design, Residential.” A factory-built home which has the same siding materials and pitched shingled roofs as used on conventional homes.
- (3) “Design, Standard.” A bowed metal roof and aluminum siding, the traditional “mobile home” look.

(4) “Foundation Siding or Skirting.” A type of wainscoting constructed of fire and weather resistant material such as aluminum, treated pressed wood, or other approved materials, enclosing the entire undercarriage of the factory-built home.

(5) “Factory-built Housing” means a factory built structure designed for long term residential use, the components of which are essentially constructed or assembled prior to its delivery to an installation upon a site. For the purpose of this Ordinance (Resolution), “factory-built housing” shall include the following classes:

Class A: Modular Home, Factory-built housing certified as meeting the [local or] State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes.

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

Class C: Mobile Home, A transportable, factory-built home, designed to be used as a year-round residential dwelling and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976, or built subsequent to such Act but not certifiable to compliance with it.

(6) “Factory-built Home Park.” A parcel of land under single ownership on which two or more factory-built homes are occupied as residences and meeting the requirements of this section.

(7) “Factory-built Home Subdivision.” A subdivision designed and intended primarily for the sale of lots for residential occupancy by factory-built homes.

(8) “Permanent Perimeter Enclosure.” A foundation which forms a complete enclosure under exterior walls.

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

(10) “Recreational Vehicle (RV).” A vehicular portable structure built on a chassis either motorized or non-motorized and designed to be used as a temporary dwelling, or for travel, recreational and vacation uses.

(11) “Section.” A unit of a factory-built home at least 8 body feet in width and 40 body feet in length.

(12) “Supporting System.” A pad or a combination of footing, piers, caps, plates, and shims, which when properly installed, support the factory-built home.

(C) Applicability; permitted placement.

The establishment, location, and use of a Class A Modular factory-built home, as a permanent residence approved individually, by specific materials, or by design, shall be permitted in any district permitting a dwelling unit, subject to the requirements applying to residential uses in the district. The dwelling shall meet the exterior appearance standards, as here in after set forth in Section G of this Ordinance. A “Building Permit” shall be required for all applications for such use. Approval procedure is set forth in Section 902. Applications for approval shall be submitted to the Zoning Inspector on such forms as he may require to make his determination.

All Class B factory-built homes must be located in a factory-built home park.

No Class C factory-built homes will be allowed to be moved to the Village.

(D) Factory-built home park/subdivision requirements:

- (1) The minimum site shall contain 10 acres unless the development is an extension of an existing park. The factory-built home park shall meet the requirements of Chapter HE 27 and Chapter 3701-27 of the Ohio Sanitary Code, adopted by the Public Health Council under the authority of R.C. Section 3733.02.
- (2) Individual factory-built homes located within the factory-built home park shall have a minimum floor area of 800 square feet.
- (3) Factory-built home subdivision. The size of a factory-built home subdivision shall be as provided for a factory-built home park. The procedure and design of a factory-built home subdivision shall be the same as those provided for the Subdivision Regulations and Chapter 3701-27 of the Ohio Sanitary Code.

(E) Approval procedure.

Factory -built home parks and factory-built home subdivisions shall be located only in a "Factory-Built Home" Park District (FBH) and shall be developed according to the general regulations stated and referenced in this section. Recreational campgrounds shall not be permitted in any district. The procedure to amend the Zoning Map shall be the procedure for amendments specified in Section 905.

(F) General regulations.

Factory-Built Home Park/Subdivision Development Plans.

No person, firm, or corporation shall provide or install a factory-built home park/subdivision or make an addition or change to a factory-built home park until the plans therefore have been submitted to and approved by the County Board of Health and the Ohio State Department of Health.

Site development plans shall be prepared by the developer for all proposed factory-built home parks. These plans shall be submitted to the Village Planning Commission for review and approval before the Village Council before a building permit will be issued. Contents of plans shall include but not be limited to the following:

- (a) The names of the owner or owners of the proposed factory-built home park.
- (b) The name of the proposed park, with north point, scale, and appropriate location map.
- (c) Total area to be used for the development and the area to be reserved for park and recreation purposes.
- (d) All driveways, roadways, and sidewalks.
- (e) Location and arrangement of factory-built homes sites, which shall be numbered.
- (f) Layout of all parking areas.
- (g) Enlargement detail of typical factory-built home site, including drive, factory-built home foundation, parking, landscaping, trees, etc.
- (h) Location and design of all utilities including water, sanitary sewer, storm drainage, gas, and electricity.
- (i) Location and design of public and private service buildings, recreation areas, and other community facilities.
- (j) Method of storage, collection, and disposal of garbage and other refuse.
- (k) Plan of lighting the factory-built home court.

The Planning Commission and Village Council shall review the particular fact and circumstances of each proposed factory-built home park and factory-built home subdivision, in terms of the following standards and shall find adequate evidence showing that the factory-built home park development:

- (1) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the character of the vicinity of the proposed factory-built home park and will not change the essential character of the area.

- (2) Will not be detrimental to existing or future residential uses.
- (3) Will be served adequately by public facilities and services or that the persons responsible for the establishment of the proposed park/subdivision shall be able to provide adequate services.
- (4) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets.

(G) Exterior appearance standards.

- (1) Class A Modular homes shall:
 - (a) Meet all requirements for lot, yard, building, and other requirements for the district in which it is located.
 - (b) Be placed on a permanent foundation.
 - (c) Utilize a permanent perimeter enclosure in accordance with the approved installation standards.
 - (d) Be anchored to the ground in accordance with the manufacturer's specifications.
 - (e) Have all wheels, axels, and hitch mechanisms removed.
 - (f) Have utilities connected, in accordance with the city requirements and manufacturer's specifications.
 - (g) Have siding material which looks like a type used on site-constructed residences.
 - (h) Have a pitch roof of not less than two- and one-half inches of rise for each one-foot horizontal run and have roofing material of a type used on site-constructed residences.
 - (i) Have a minimum width of the main body as assembled on the site not less than 28 feet, measured across the narrowest portion.

- (j) The home shall appear to face the public street.
- (k) Meet design and appearance standards for the district in which it is situated.

(2) Class B manufactured homes shall:

- (a) Meet all requirements for lot, yard, building, and other requirements for the district in which it is located.
- (b) Be placed on a permanent foundation or have “Foundation Siding or Skirting” installed.
- (c) Be anchored to the ground utilizing a proper “Support System” in accordance with the manufacturer’s specifications.
- (d) Have all wheels, axles, and hitch mechanisms removed.
- (e) Have utilities connected, in accordance with the city requirements and manufacturer’s specifications.
- (f) Have siding material which looks like a type used on site-constructed residences.
- (g) Have a pitch roof of not less than two- and one-half inches of rise for each one-foot horizontal run and have roofing material of a type used on site-constructed residences.
- (h) Have a minimum width of the main body as assembled on the site not less than 16 feet, measured across the narrowest portion.
- (i) The home shall appear to face the public street.
- (j) Meet design and appearance standards for the district in which it is situated.

- (3) Class C mobile homes built before HUD (1976). Refer to Section 402.041 (C) Applicability; permitted placement.

(H) Temporary Use.

- (1) The Board of Zoning Appeals may issue a temporary use permit for the following.
- (a) To an applicant in the process of building a conventional dwelling to locate a factory-built home on a building lot during the cause of construction of the dwelling. The permit shall not be issued until after a building permit has been issued for the dwelling.
 - (b) To an applicant whose own health or the health of another necessitates care, where the facts show that an unnecessary hardship would occur if not permitted to locate a factory-built home adjacent to the residence of one who is able to provide care of one in need of care.
- (2) Length of permit. A temporary use permit may be issued by the Board for a period not to exceed two years. The temporary permit may be renewed for an additional one year upon showing of good cause, and to do so. A temporary use permit may be issued to an applicant for a health or age-related circumstance for a period coterminous with the health or age-related circumstances.
- (3) Permit expiration. At the time the temporary permit expires, the factory-built home and all appurtenances shall be removed from the property within 90 days.
- (4) Utility requirements. Factory-built home used for temporary uses shall have an approved water supply, sewage disposal system, and utility connections, where appropriate.

(l) Replacement of nonconforming homes.

- (1) A factory-built home placed and maintained on a tract of land and deemed to be a legal nonconforming use prior to the adoption of this zoning code, shall continue to be legal conforming use. If the nonconforming use is discontinued, or abandoned for more than 90 days, the land thereafter must be used in conformity with all provisions of this zoning code.
- (2) A factory-built home deemed a legal nonconforming use may be replaced by a factory-built home, provided the replacement is as follows:
 - (a) A Class C factory-built home must be replaced with a Class A or B.
 - (b) A Class B factory-built home must be replaced with a Class A or B.
 - (c) A Class A factory-built home must be replaced with another Class A manufactured home.

402.05 Non-conforming Uses are Regulated:

402.051 Non-conforming Use of Land: In Residential Districts where open land is being used as a non-conforming use, and such use is principal use and not accessory to the main use conducted in a building, such use shall be discontinued not later than two years from the date of passage of these regulations. During the two-year period, such nonconforming use shall not be extended or enlarged either on the same or adjoining property. Any building incident and subordinate to such use of land, such as a shed, tool house, storage building, office, or trailer, shall be removed at the end of the two-year period, or, if such building is so constructed as to permit the issuance of a permit for a use not excluded from the district, such building may remain as a conforming use; thereafter, both land and building shall be used only as conforming uses.

- 402.052 Nonconforming Use of Buildings: Except as otherwise provided herein, the lawful use of a building existing at the effective date of these regulations may be continued and expanded by an amount not exceeding two times its present floor area, although such use does not conform to the provisions hereof. If no structural alterations are made, a nonconforming use of a building may be changed to another nonconforming use of the same or of a more restricted classification. Whenever a nonconforming use has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use. The nonconforming use of a building may be hereafter extended throughout those parts of a building which were lawfully and manifestly arranged or designed for such use at the time of the enactment of these regulations.
- 402.053 Discontinuance of Nonconforming Uses: No building or portion thereof used in whole or in part for a nonconforming use in a Residential District, which remains idle or unused for a continuous period of one year, whether or not the equipment or fixtures are removed, shall again be used except in conformity with the regulations of the Residential District in which it is located.
- 402.054 Destruction of a Nonconforming Uses: No building which has been damaged by any cause whatsoever to the extent of more than fifty (50) percent of the fair market value of the building immediately prior to damage, shall be restored except in conformity with the regulations of these regulations, and all rights as a nonconforming use are terminated. If a building is damaged by less than fifty (50) percent of the fair market value, it may be repaired or reconstructed and used as before the time of damage, provided that such repairs or reconstruction be substantially completed within twelve (12) months of the date of such damage.
- 402.055 Nonconforming Advertising Signs: All projecting advertising signs in violation of provisions of Section 402.05 hereof shall be removed and said signs brought into conformity with all requirements of Section 402.05 on or before a date not later than five years from the effective date of these regulations.

- 402.056 Conditional Uses Not Nonconforming: Existing uses eligible for conditional use permits shall not be nonconforming uses but shall require a conditional use permit for any alteration, enlargement, or extension.
- 402.057 Intermittent Use: The casual, intermittent, temporary, or illegal use of land or buildings shall not be sufficient to establish the existence of a nonconforming use and the existence of a nonconforming use on the part of a lot or tract shall not be constructed to establish a nonconforming use on the entire lot or tract.
- 403.058 Existence of a Nonconforming Use: Whether a nonconforming use exists shall be a question of fact and shall be decided by the Board of Appeals after public notice hearing and in accordance with the rules of the Board.
- 402.06 Regulations Regarding Signs Shall be as Follows:
- 402.061 The following signs are allowed in all districts:

Temporary signs not exceeding twelve square feet in area advertising the sale or lease or real estate when located upon property to which the sign refers and when not located closer than ten feet to a lot line, which signs shall be removed within 14 calendar days following sale or lease of the property.

Temporary ground signs advertising future use or development of property on which such signs are located may be maintained subject to the provisions of this section, provided such signs do not exceed 30 square feet in area or remain longer than six months.

“For Rent” and “For Lease” signs in Business and Industrial Districts for new building shall not exceed 48 square feet or remain more than 90 days after the building is completed.

Church or public building bulletin boards not exceeding 12 square feet in area.

Signs not exceeding one square foot in area and bearing only property numbers, post box numbers, or names of occupants of premises.

Traffic and public signs.

- 402.062 In the R-3 Residential District, there may be one wall sign attached to the building, projecting no more than 12 inches, not exceeding 25 square feet in area, and relating only to the name or use of the building.
- 402.063 In the B-1 District, there may be roof signs, wall signs, projecting signs, post signs, marquee signs, and awning signs when displaying no advertising matter except pertaining to the business conducted in the building or on the premises on which such sign is placed. The total square foot area of roof signs, wall signs, projecting signs, marquee signs, and awning signs shall not exceed one-fifth of the total square foot area of the face of the building on which they are placed. There shall not be more than one post sign for each 100 feet of street frontage. No post sign shall extend closer than ten (10) feet to a lot line. All portions of post signs must be erected and maintained behind the building line.
- 402.064 In the I District, there may be any sign allowed in Section 402.063 and ground signs; provided that no ground sign shall exceed 400 square feet in area; not more than one ground signs shall be erected on any one lot or tract of land, or one sign for each 400 feet of street frontage when located at least 400 feet apart on such lot or tract of land; and no ground sign when erected on a lot fronting on intersecting streets shall be erected within 50 feet of the intersection of the streets.
- 406.065 The following additional sign regulations shall be observed:
- Ground Signs:** No ground signs shall be at any point over 25 feet above the ground level and shall have an open space of four feet between the lower edge of such sign and the ground level, 25 percent of which space may be filled in with a platform and decorative lattice work of light wooden or metal construction. Every ground sign shall be constructed in a secure and substantial manner. The ends of all such signs shall be at least six feet distant from any wall or fence or any obstruction that would prevent a clear passage around the ends and shall be at least ten feet distant from any lot line.
- Wall Signs:** No wall sign shall extend beyond the building more than 12 inches. No wall sign shall be so erected as to cover the doors or windows of any building or otherwise prevent free ingress and egress to or from any window, door, or any fire escape of any building.

Projecting Signs: Projecting signs may extend not more than four feet-six inches from the building into the front yard.

Post Signs: No post sign shall extend downward nearer than 11 feet to the ground or pavement. The maximum square foot area for each face of a post sign shall not exceed a total area of 50 square feet per face or a total of 100 square feet for all faces.

Marquee Signs: Marquees may extend eight feet into a front yard. Marquees shall not be less than 11 feet above the ground at their lowest level. A sign may be placed upon a marquee provided such sign does not extend more than three feet above not one foot below such marquee.

Portable Signs: Portable signs are prohibited except that there may be such portable signs on parking lots as permitted by the Zoning Inspector as being necessary to the satisfactory operation of the lot and except that each filling station may have one portable sign not exceeding 12 square feet of total sign area restricted solely to stating the price of gasoline.

Paper Posters and Certain Signs or Devices Prohibited: Paper posters applied directly to the wall or building or pole or other support and letter or pictures in the form of advertising, printed, or applied directly on the wall of a building are prohibited. Temporary signs may be displayed in or attached to the inside of show or display windows provided the total sign area does not exceed 20 percent of the show or display window area. Signs or devices which by color, location or design resemble or conflict with traffic control signs or devices are prohibited. No sign shall contain flashers, animators, or mechanical movements or contrivances of any kind, except clocks.

SECTION 500 – HEIGHT REGULATIONS

501 Height Limits

Maximum height limits established for building and structures are as follows:

501.01 Thirty-five feet in the RU, RC, FBH and R District.

501.02 Forty-five feet in the B and I Districts.

502 Exceed Height Limits

The above height limits may be exceeded in the following instances:

502.02 Public, semi-public, or public service buildings, hospitals, institutions agricultural buildings, or schools when permitted in a district, may be erected to a height not exceeding 110 feet, and churches and temples may be erected to a height not exceeding 75 feet if the building is set back from each yard line at least one foot for each foot of additional building height above the height limit otherwise permitted in the district in which the building is built.

502.02 Television and radio towers, satellite dishes, church spires, belfries, monuments, tanks, water, and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, stacks, conveyors, and flag poles may be erected to such height as may be authorized by the Council.

502.03 Buildings in the R-3 and I Districts may be increased in height one foot for each foot the building is set back from all yard lines up to a maximum height of 100 feet, provided that the gross floor area provided, exclusive of enclosed garages, does not exceed the number of square feet of land area of the lot on which the building is placed.

SECTION 600 – YARD REGULATIONS

601 Minimum Yard Requirements

The following minimum yards, measured in feet, shall be provided within the districts indicated below:

<u>District</u>	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
RU,RC	30	10	30
R	30	10	30
B-I	25	15	25
I	25	None	25
FBH	Refer to sec. 402.042.		

Whenever a lot abuts upon a public alley, the alley width may not be considered as a portion of the required yard. For the purpose of side yard regulations, a two-family dwelling or multiple dwelling shall be considered as one building occupying one lot.

602 Additional Requirements

The following additional yard requirements must also be observed:

- 602.01 On lots fronting on two non-intersecting streets, a front yard must be provided on both streets.
- 602.02 On corner lots there must be a front yard on both streets.
- 602.03 Where a frontage is divided among districts with different front yard requirements, the deepest front yard required shall apply to the entire frontage.
- 602.04 In the R03, B and I Districts, there may be more than one building on a lot provided that the required yards be maintained around the group of buildings.
- 602.05 Where there are two or more related multi-family, hotel, motel or institutional buildings on a lot, (a) the required yards be maintained around the group of buildings, and (b) the buildings that are parallel or that are within 45 degrees of being parallel, be separated by horizontal distance that is at least equal to the height of the highest building.
- 602.06 Those parts of existing buildings that violate yard regulations may be repaired and remodeled, but not reconstructed or structurally altered.

- 602.07 Required front yards shall be devoted entirely to landscaped area except for guest parking and the necessary paving of driveways and sidewalks to reach parking or loading areas in the side or rear yards.
- 602.08 Where an official line has been established for the future widening or opening of a street of major thoroughfare upon which a lot abuts, then the depth of a front or side yard shall be measured from such official line to the nearest line of the building.
- 602.09 The minimum width of side yards for schools, libraries, churches, community buildings, and other public and semi-public buildings in residential districts shall be 25 feet, except where a side yard is adjacent to a Business or Industrial District, in which case, the width of that yard shall be as required in the district in which the building is located.
- 602.10 No sign, fence, wall, shrub, or other obstruction to vision exceeding three feet in height above the established street grade, shall be erected, planted, or maintained within the area of a corner lot that is included between the lines of the intersecting streets and a straight line connecting them at points 30 feet distant from the intersection of the street lines.

603 Exceptions to Yard Requirements

The following exceptions may be made to the yard requirements:

- 603.01 Where, on the effective date of these regulations, 40 percent or more of a frontage was occupied by two or more buildings, then the front yard is established in the following manner:
- 603.011 Where the building furthestmost from the street provides a front yard not more than 10 feet deeper than the building closest to the street, then the front yard for the frontage is and remains an average of the then existing front yards.
- 603.012 Where 603.011 is not the case and a lot are within 100 feet of a building on each side, then the front yard is a line drawn from the closest front corners of these two adjacent buildings.
- 603.02 Sills, belt courses, window air conditioning units, chimneys, cornices, and ornamental features may project into a required yard a distance not to exceed 24 inches.

- 603.03 Filling station pumps and pump islands may occupy required yards provided, however, that they are not less than 15 feet from all lot lines.
- 603.04 Signs in accordance with Section 402.06.
- 603.05 Open fire escapes, fireproof outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard for a distance of not more than three and one-half feet when so placed as to not obstruct light and ventilation, may be permitted by the Zoning Inspector.
- 603.06 Open, enclosed porches (not glassed in) may not extend more than 10 feet into a front yard.
- 603.07 Terraces which do not extend above the level of the ground (first) floor may project into a required yard, provided these projections be distant at least two feet from the adjacent side lot line.
- 603.08 No side yards are required where dwellings are erected above commercial structures, except such side yard as may be required for a commercial building on the side of a lot adjoining a Residential District.
- 603.09 Accessory buildings may be located in a rear yard but may not occupy more than 30 percent of a rear yard.
- 603.10 Any accessory building closer than 10 feet to a main building shall be considered as part of the main building and shall be provided with the side and rear yards required for the main building.
- 603.11 An accessory building more than 10 feet from a main building may be erected within two feet of a side or rear lot line but must be located at least 60 feet from the front street line.
- 603.12 Where a garage is entered from an alley, it must be located at least 10 feet from the alley line.
- 603.13 On corner lots, the minimum buildable width of 28 feet for main buildings is reduced to 22 feet for accessory buildings.

SECTION 700 – DENSITY REGULATIONS

701 Minimum Lot Area and Width

The following minimum lot areas and lot widths must be provided in the districts indicated below:

<u>District</u>	<u>Lot Width in Feet</u>	<u>Lot Area in Sq. Feet</u>
RU	100	12,000
RC	100	12,000
R-1	90	12,000
R-2	90	12,000
R-3	90	12,000
B-I	None	None
I	None	None

702 Expectations to Lot Area and Width Requirements

The minimum lot area and lot width requirements established above may be modified as follows:

- 702.01 Where a lot of record at the time of the effective date of these regulations has less area or width than herein required in the district in which it is located, and the owner of such lot does not own any other parcel or tract adjacent thereto, said lot may nevertheless be used for a one-family dwelling or for any non-dwelling use permitted in the district in which it is located.
- 702.02 Existing buildings that are in violation of lot area requirements may be remodeled or repaired but may not be reconstructed or structurally altered unless made to conform to these requirements.
- 702.03 Lot area per family requirements shall not apply to dormitories, fraternities, sororities, nursing homes, or other similar group quarters where no cooking facilities are provided in individual rooms or apartments.

SECTION 800 – OFF-STREET PARKING LOT AND LOADING REGULATIONS

801 Off-Street Parking Requirements

Off-street parking spaces shall be provided as follows in all districts.

- 801.01 All nonresidential buildings, except those specified herein – One space for each 300 square feet of floor area.
- 801.02 Auditoriums, theaters, and other places of public assembly – One parking space for each five seats.
- 801.03 Church or temple – One parking space for each four seats in the main auditorium.
- 801.04 Community center, library museum, or similar public or semi-public building – One parking space for each 250 square feet of floor area in building.
- 801.05 Funeral Homes – Ten parking spaces for each chapel plus one for each funeral home vehicle plus one for each family residing on the premises.
- 801.06 Hotel or motel – Five parking spaces plus one space for each sleeping room or suite.
- 801.07 Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, warehouse, or other similar establishments – Two parking spaced for every three employees on the maximum shift, plus space to accommodate all trucks and other vehicles used in connection therewith.
- 801.08 Medical office – Buildings in which twenty percent or more of the gross area is occupied by members of the healing profession – One parking space for each 200 square feet of the gross area used for this purpose.
- 801.09 Private club or lodge – One parking space for each 300 square feet of floor area.
- 801.10 Rooming or boarding houses, sororities, and fraternities – One parking space for each 200 square feet of floor area.
- 801.11 Sanitarium or institutional home – One parking space for each three beds.

- 801.12 School – For high schools, colleges, and universities, 10 spaces per classroom; for elementary schools, two parking spaces per classroom.
- 801.13 Single-family, two-family, and multiple dwellings – Two spaces for each dwelling unit.

802 Rules for Computing Parking Spaces

In computing the number of required off-street parking spaces, the following rules shall apply:

- 802.01 Floor area shall mean the gross floor area of the specific use, excluding any floor or portion thereof used for parking, as herein defined.
- 802.02 Where fractional spaces result, the parking spaces required shall be the nearest whole number.
- 802.03 In the case of mixed uses, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

803 Location of Required Parking Spaces

All parking spaces required herein shall be located as follows:

- 803.01 The parking spaces required for residential buildings or uses shall be located on the same lot with the building or use served. The parking spaces required for any other building or use may be located within 200 feet of said building and two or more owners of buildings may join together in providing the required parking spaces. Where the required parking spaces are not located on the same lot or tract upon which said parking spaces are provided shall be restricted by an instrument if record describing the premises for which said parking is provided and assuring the retention of such parking so long as required by these regulations.
- 803.02 No parking spaces may be located in a front yard in any R Residential District excluding driveways.

804 Minimum Improvement and Maintenance Standards

Parking lots and garages shall conform with the following improvement and maintenance standards.

All open parking areas provided in compliance with these regulations shall be surfaced with a durable, dustproof surface consisting of concrete or asphalt concrete, with adequate base as approved by designated engineering personnel of the Village. The parking areas shall be maintained in a usable dustproof condition and graded and drained to dispose of all surface water. Whenever lighting is provided, it shall be so hooded or shielded as to reflect the light away from abutting or neighboring property including public rights-of-way. One standard tree of at least three-inch diameter shall be planted on the lot for each ten parking spaces. The location of each parking space and the direction of movement along the access driveways shall be indicated by painting upon the surface of the lot. A structurally sound wall or other abutment shall be installed and so placed around each side of the parking lot to ensure that no part of an automobile either extends over or is capable of accidentally rolling across the property line of the parking lot.

805 Off-Street Loading Requirements

There shall be provided at the time of any building is erected or structurally altered off-street loading space in accordance with the following requirements.

- 805.01 Office buildings, apartments, apartment hotels, motels, and hotels – One space for each 5,000 to 50,000 square feet of gross floor area; two spaces for each 50,000-200,000 square feet of gross floor area; one additional space for each 75,000 square feet of gross floor area above 200,000 square feet.

- 805.02 Retail or service establishment or wholesale commercial use – One space for each 2,000 to 20,000 square feet of gross floor area; two spaces for each 20,000 to 100,000 square feet of gross floor area; one additional space for each 75,000 square feet of gross floor area above 100,000 square feet.

- 805.03 Manufacturing or industrial use – One space for each 10,000 square feet of floor area or fraction thereof in excess of 5,000 square feet.

- 805.04 In all cases where the off-street loading space is located in a manner that a truck must back directly from major street into a loading space, a maneuvering space of not less than 50 feet shall be provided on the lot on which the industrial use is located.

SECTION 900 – ADMINISTRATION

901 Board of Appeals

- 901.01 A Board of Zoning Appeals is hereby created. Such Board shall consist of five (5) members, all of whom shall be residents of the Village. Each member shall serve until his successor is appointed and qualified. Members of the Board shall be removable for nonperformance of duty, misconduct in office or other cause by the Council upon written charges having been filed with the Council and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing, either personally, or by registered mail, or by leaving the same at his usual place of residence. The member shall be given an opportunity to be heard and answer such charges.
- 901.02 The Board shall organize, and adopt rules in accordance with the provisions of these regulations. Meetings of the Board shall be held at the call of the Chairman, and at such other times as the Board may determine. The Chairman, or his absence the acting Chairman, may administer oaths and the Board may compel the attendance the witnesses. All meetings of the Board shall be open to the public and all business of the Board shall be transacted at such meetings. The Board shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record.
- 901.03 Appeals to the Board may be taken by any person aggrieved. Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board a notice of appeal specifying the grounds thereof. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The Board shall fix a reasonable time for the hearing of the appeal, give ten (10) days' notice to the parties in interest, and decide the same within a reasonable time after it is submitted. Upon the hearing, any party may appear in person or by attorney. Such appeals shall be accompanied by payment of such fees as the council may determine from time to time.

901.04 The Powers of the Board are:

901.041 To Interpret the Ordinance, being:

To hear appeals and make recommendations to Council where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Inspector in the enforcement of these regulations.

902 Enforcement of the Ordinance

902.01 Zoning Inspector

902.011 Duties: It shall be the duty of the Zoning Inspector to enforce these regulations. The Zoning Inspector shall receive applications required by this ordinance, issue permits and furnish the prescribed certificates; may examine premises for which permits have been issued, and may make necessary inspections to see that the provisions of law have been met; shall enforce all laws relating to the construction, alteration, repair, removal, demolition, equipment, use, and occupancy, location and maintenance of buildings and structures except as may be otherwise provided for; shall when requested by the Mayor of Council, or when the interests of the municipality so require, make investigations in connection with matters referred to in these regulations and render written reports on the same; and for the purpose of enforcing compliance with law, shall issue such notices or orders as may be necessary.

902.012 Inspections: Inspections shall be made by the Zoning Inspector or a duly appointed assistant.

902.013 Rules: For carrying into effect its provisions, the Zoning Inspector may adopt rules consistent with these regulations.

902.014 Records: The Village Clerk shall keep careful and comprehensive records of applications, or permits issued, of certificates issued, of inspections made, of reports rendered, and of notices or orders issued. He shall retain on file copies of all papers in connection with building work so long as any part of the building or structure to which they relate may be in existence. All such records shall be open to public inspection at reasonable hours.

902.015 Cooperation of other Officials: The Zoning Inspector may request and shall receive, so far as may be necessary in the discharge of

his duties, the assistance and cooperation of the Engineer in fixing grades, of the Chief of Police in enforcing order, of the Solicitor in prosecuting violations, and of other officials as appropriate.

902.02 Permit Regulations Regarding Permits Shall be as Follows:

- 902.021 When required: It shall not be lawful to construct, alter, or to commence the construction or alternation of a building or structure, without first filing with the Zoning Inspector an application in writing and obtaining a formal permit.
- 902.022 Form: An application for a permit shall be submitted in such form as the Zoning Inspector may prescribe. Such application shall be made by the owner or lessee, or agent of either, or the architect, engineer, or building contractor employed in connection with the proposed work. If such application is made by a person other than the owner, it shall be accompanied by a duly verified affidavit of the owner, and that person making the application is authorized to make such application. Such application shall contain the full names and addresses of the applicant and of the owner, and, if the owner is a corporate body, of its responsible officers. Such application shall describe briefly the proposed work and shall give such additional information as may be required by the Zoning Inspector for an intelligent understanding of the proposed work. Such application shall be accompanied by payment of such fees as the Council may determine from time to time.
- 902.023 Plans: Application for permits shall be accompanied by such drawings of the proposed work, drawn to scale, including such floor plans, sections elevations, and structural details, as the Zoning Inspector may require.
- 902.024 Plot Diagram: There shall also be filed a plot diagram in a form and size suitable for filing permanently with the permit record, drawn to scale, with all dimensions figured, showing accurately the size and exact location of all proposed new construction. Said plot diagram may be requested to be signed by, a registered surveyor, engineer, or architect. The preparation and signature of such plot diagram by a surveyor, engineer, or architect registered in the State of Ohio may be required for projects whose completion value exceeds \$ 5,000.

- 902.025 Amendments: Nothing in this section shall prohibit the filing of amendments to an application or to a plan or other record accompanying same, at any time before the completion of the work for which the permit was sought. Such amendments, after approval, shall be filed with and be deemed a part of the original application.
- 902.026 Completion of existing buildings: Nothing contained in these regulations shall require any change in the plans, construction, size, or designated use of a building, for which a valid permit has been issued or lawful approval given before the effective date of these regulations. Construction under such permit or approval shall have been started within six (6) months and the ground story framework including structural parts of the second floor shall have been completed within one (1) year and the entire building completed within two (2) years after the effective date of these regulations.
- 902.027 Action on application: It shall be the duty of the Building Inspector to examine applications for permits, within a reasonable time after filing. If after examination, he finds no objection to the same and it appears that the proposed work will be in compliance with the laws and ordinances applicable thereto, he shall approve such application and issue a permit for the proposed work as soon as practicable. If his examination reveals otherwise, he will reject such application, noting his finding in a report to be attached to the application and delivering a copy to the applicant.
- 902.028 Approval in part: Nothing in this section shall be construed to prevent the Zoning Inspector from issuing a permit for the construction of part of a building or structure before the entire plans and detailed statements of said building or structure have been submitted or approved, if adequate plans and detailed statements have been presented for the same and have been found to comply with this ordinance.
- 902.029 Condition of the permit: All work performed under a permit issued by the Zoning Inspector shall conform to the approved application and plans, and approved amendments thereof. The location of all new construction as shown on the approval plot

diagram, or an approved amendment thereof, shall be strictly adhered to. It shall be unlawful to reduce or diminish the area of a lot or plot of which a plot diagram has been filed and has been used as the basis for a permit, unless a revised plot diagram showing the proposed change in conditions shall have been filed and approved; provided that this shall not apply when the lot is reduced by reason of street opening or widening or other public improvement.

902.0210 Signature to Permit: Every permit issued by the Zoning Inspector under the provisions of this ordinance shall have his signature affixed thereto; but this shall not prevent him from authorizing a subordinate to affix such signature.

902.0211 Limitation: A permit under which no work is commenced within one (1) year after issuance shall expire by limitation.

902.0212 Posting of Permit: A copy of the permit shall be kept on the premises open to public inspection during the prosecution of the work and until the completion of same. The Zoning Inspector may require a certified copy of the approved plans to be kept on the premises at all time from the commencement of the work to the completion thereof.

902.0213 Revocation: The Zoning Inspector may revoke a permit or approval issued under the provisions of this ordinance when he finds there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based.

903 Boundaries of Districts

Where uncertainty exists with respect to the boundaries of the various districts as shown on the Zoning District Map, the following rules apply:

903.01 The district boundaries are either streets or alleys, unless otherwise shown, and where the districts designated on the map accompanying and made a part of these regulations are bounded approximately by street or alley lines, the street or alley shall be construed to be boundary of the district.

- 903.02 Where the district boundaries are not otherwise indicated, and where the property has been or may hereafter be divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the District Map accompanying and made a part of these regulations are bounded approximately by lot lines, the lines shall be constructed to be the boundary of the districts unless the boundaries are otherwise indicated on the map..
- 903.03 In unsubdivided property, the district boundary lines on the map accompanying and made a part of these regulations shall be determined by use of the scale appearing on the map.

904 Interpretation

In interpreting and applying the provisions of these regulations, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. It is not intended by these regulations to interfere with or abrogate or annul any easements, covenants, or other agreements between parties, except that if these regulations impose a greater restriction, these regulations shall control.

905 Amendment of the Ordinance

- 905.01 Upon their own action or receipt of application from owner or lessee of land or resolution by the Commission, the Council may initiate a proposed change or amendment of these regulations or Zoning District Map by transmitting such request, application or resolution to the commission for study and report. The commission shall have not less than thirty (30) days in which to consider and report upon such proposed ordinance but if no report is received from the Commission in Sixty (60) days, it may be assumed that the Commission has approved the amendment. Said report of the Commission shall be transmitted to the Council, at which time the Council shall set a date for a public hearing upon the proposed change or amendment.
- 905.02 In setting the date of such a public hearing, council shall give at least thirty (30) days' notice thereof. Notice setting forth the time and place of such public hearing and the nature of the proposed change or amendment shall be given by the Council in a newspaper of general circulation in the Village.

- 905.03 If the ordinance, measure, or regulations intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk, by first class mail, at least twenty (20) days before the date of the public hearing to the owners of property 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 or the treasurer's mailing list and to such other list or lists that may be specified by the Council, and such list of names and addresses shall be supplied by the applicant to the Clerk at the time of filing.
- 905.04 During such thirty (30) days the text or copy of the text of such ordinance, measure, or regulations, together with the maps or plans or copies thereof forming part of or referred to in such ordinance, measure, or regulations and the maps, plans, and reports submitted by the Commission, Board, or officers shall be on file, for public examination, in the office of the Clerk or in such other office as is designated by the Council.
- 905.05 Before any action shall be taken as provided in this section, the party or parties proposing or recommending a change in the district regulations or district boundaries shall make payment of such fees as the Council may determine from time to time. Under no condition shall said sum or any part thereof be refunded for failure of said change to be adopted by the Council.

SECTION 1000 – DEFINITIONS

For the purpose of these regulations, certain terms are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the word “building” shall include the word “structure” and “premises”; the word “shall” is mandatory and not directory; the words “used” or “occupied” include the words “intended,” “designed,” or “arranged to be used or occupied”, the word “lot” includes the words “plot” or “parcel”; and the word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. Any word not herein defined shall be as defined in any recognized standard English dictionary.

Accessory Building. A subordinate building, the use of which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

Accessory Use. A subordinate use which is incidental to and customary in connection with the principal building or use and which is located on the same lot with such principal building or use.

Agricultural Activity. The use of land for agricultural purposes, including forest and forest products, harvest and management of truck gardens, the raising of crops, fruit and nursery stock, and the harvesting, shipping and selling of products produced on the premises, and uses such as the repair of personally owned farm equipment. Commercial feed lots or large-scale animal confinement areas are not permitted.

Alley. A public or private thoroughfare which affords only a secondary means of access to abutting property. When an alley is used as a primary means of access to abutting property, the alley must meet certain standards as a condition precedent to the issuance of a building permit.

- A. Alleys shall be graded to their full width and fully constructed with a type of pavement, curb, gutters, sewers, etc. approved by the planning commission and as set forth in Article 5 of the Subdivision Regulations of the Village of Glandorf.
- B. All set back lines must be in conformance as required by the Village Building regulations.
- C. All property owners having an alley as primary means of access to abutting property must meet all utilities and public service requirements, including water and sewage as set down by the Village Subdivision Regulations, Article 5.

Apartment. See Dwelling Unit.

Automobile Service Station. Any land, building, structure, or premises used for the sale at retail of motor vehicle fuels, oils or accessories or for servicing or lubricating motor vehicles or installing or repairing parts and accessories, but not including the repairing or replacing or major overhaul of motors, bodies, or fenders, of motor vehicles or painting motor vehicles, public garages, and the open storage of rental vehicles or trailers.

Basement. A story having part but not more than one-half of its height below grade. A basement is counted as a story for the purposes of height regulations if subdivided and used for dwelling purposes, other than by a janitor employed on the premises. (See Cellar also)

Board. Board of Appeals established in Section 901.

Boarding House. A building, other than a hotel, or apartment hotel where, for compensation and by prearrangement for definite periods of time, lodging, meals, or lodging and meals are provided for three or more persons.

Buildable Area. The area of the lot left to be built upon after the required yards are provided.

Building. Any structure having a roof supported by columns or walls for the shelter or enclosure of persons or property. Where roofed structures are separated from each other by party walls having no openings for passage, each portion so separated shall be considered a separate building.

Building, Height of. The vertical distance from the grade to (a) the highest point of a flat roof, (b) the deck line of a mansard roof or (c) the average height between eaves and ridge for gable, hip, and gambrel roofs.

Building Inspector / Zoning Inspector. The Mayor or an individual designate to administer the Zoning Ordinance and who is responsible for the enforcement of the regulations imposed by said ordinance.

Building Setback Line. The minimum horizontal distance between the street line and the front foundation line of a building.

Cellar. That part of a building having more than one-half of its height below the average grade of the adjoining ground. (See Basement also)

Clerk. Clerk of the Village of Glandorf.

Clinic. An establishment where patients are not lodged overnight, but are admitted for examination and treatment by a group of physicians or dentists practicing medicine together.

Club. Buildings and facilities owned or operated by a corporation, association, person or persons for a social, educational, or recreational purpose, but not primarily for profit and not primarily to render a service which is customarily carried on as a business.

Commercial Feed Lot. An area of land devoted to raising and feeding of livestock where the operation is not a part of normal agricultural activity.

Commission. Planning Commission of Glandorf.

Conditional Use. A use allowed in a zoning district after a permit is granted by the Board of Appeals in accordance with provisions of Section 901.

Council. Council of Glandorf.

Court. An open space more than one-half surrounded by buildings.

District. A part of the Village wherein regulations of these regulations are uniform.

Dwelling. Any building or portion thereof which is designed or used exclusively for residential purposes.

Dwelling, Single-Family. A building designed for or occupied exclusively for one family.

Dwelling, Two-Family. A Building designed for or occupied exclusively by two families.

Dwelling, Multiple. A building designed for or occupied exclusively by three or more families.

Dwelling Unit. One or more rooms in a dwelling occupied or intended to be occupied as separate living quarters by a single family as defined herein, for owner occupancy or for rental, lease, or other occupancy on a weekly or longer basis, and containing independent cooking and sleeping facilities.

Family. One or more persons related by blood, marriage, or adoption occupying a dwelling unit as an individual housekeeping organization. A family may not include more than two persons not related by blood, marriage or adoption.

Farm. See Agricultural Activity.

Fence. A structure for enclosure or screening.

Floor Area. The total number of square feet of floor space within the outside line of walls and includes the total of all space on all floors of a building, but not including porches, garages, or space in a basement or cellar when said basement or cellar space is used only for storage or incidental uses.

Frontage. All the property on one side of a street or highway, between two intersection streets (crossing or terminating) or for a distance of 400 feet on either side of a proposed building or structure, measured along the line of the street, or if the street is dead-ended, then all of the property abutting on one side between an intersecting street and the dead-end of the street, but not including property more than 400 feet distinct on either side of a proposed building or structure.

Garage, Private. A detached accessory building or portion of a main building, including a carport, housing the automobiles of the occupants of the premises, but not commercial vehicle.

Garage, Public. A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling, storing, or parking motor-driven vehicles. The term repairing shall not include an automotive body repair shop nor the rebuilding, dismantling, or storage of wrecked or junked vehicles.

Garage, Storage. Any building or premises, used for housing only motor-driven vehicles, other than trucks and commercial vehicles.

Grade. The average level of the finished surface of the ground adjacent to the exterior walls of the building or structure.

Home Occupation. Any occupation or profession carried on by a member of the immediate family, residing on the premises, in connection with which there is used no sign other than a nameplate, not more than one square foot in area, or no display that will indicate from the exterior that the building is being utilized in whole or in part for any purpose other than that of a dwelling; there is no commodity sold upon the premises; except that prepared on the premises, no person is employed other than a member of the immediate family residing on the premises; and no mechanical equipment is used except such as is customary for purely domestic household purposes.

Hotel. A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests, in contradistinction to a boarding house or lodging house as herein defined.

Institution. A nonprofit establishment for public use.

Kennel. An establishment where small animals are boarded for compensation or where dogs are bred or raised on a commercial scale basis.

Landscaped area. An area that is permanently devoted to and maintained for the growing of shrubbery, grass and other plant material.

Large Scale Animal Confinement. More than: 10 head of cattle, 15 head of hogs, 10 head of horses, 100 head of poultry, 15 head of sheep or goats, any other species will require the consent of the Village Planning Commission and Council.

Loading Space. A space within the main building or on the same lot for the standing, loading, or unloading of trucks, having a minimum area of 540 square feet, a minimum width of 12 feet, a minimum depth of 35 feet, and a vertical clearance of at least 14.5 feet.

Lodging or Rooming House. Same as "Boarding House."

Lot. A parcel of land occupied or intended for occupancy by a use permitted in these regulations, including one main building together with its accessory buildings, open spaces, and parking spaces required by these regulations, and having its principal frontage upon a road or street.

Lot, Corner. A lot abutting upon two or more streets at their intersections.

Lot, Depth. The mean horizontal distance between the front and rear lot lines.

Lot, Interior. A lot other than a corner lot.

Lot, Double Frontage. A lot having a frontage on two nonintersecting roads, as distinguished from a corner lot.

Lot, Width. The width of a lot at the front yard line.

Lot of Record. A lot or parcel of land the plat or deed of which has been recorded prior to the adoption of this ordinance.

Motel, Motor Court, Motor Lodge, or Tourist Court. Any building or group of buildings containing guest rooms or dwelling units, some or all of which have a separate entrance leading directly from the outside of the building with garage or parking space conveniently located on the lot, and designed, used, or intended wholly or in part for the accommodation of automobile transients or automobile travelers.

Nonconforming Use. The lawful use of land or a building, or a portion thereof, which use does not conform with the use regulations of the district in which it is located.

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

Open Area. That part of a lot on which no part of a building or structure extends above the following elevations:

Two feet above the highest curb elevation of the street or streets that bound the lot;

One foot above the adjacent curb elevation for each one and one-fourth foot the building or structure is set back from the street lot line, except that no portion of the structure shall exceed twelve feet above the adjacent curb elevation. This provision shall not apply to walls or structures that do not extend more than four feet above the adjacent curb elevation.

Parking Space. A surfaced area, enclosed or unenclosed, sufficient in size to store one automobile, not less than nine feet wide and twenty feet long, together with a driveway connecting the parking space with a street, road, or alley and permitting ingress and egress of that automobile without the necessity of moving any other automobile.

Premises. A lot together with all buildings and structures thereon.

Rooming House. Same as "Boarding House".

Rowhouse. Same as "Townhouse".

Sign. An identification, description, illustration, or device which is affixed to, or represented directly or indirectly upon a building, structure, or land and which directs attention to a product, place, activity, person, institution, or business.

Sign Area. The total area of the space to be used for advertising purposes, including the spaces between open-type letters and figures, including the background structure, or other decoration or addition which is an integral part of the sign. Sign supports shall be excluded in determining the area of a sign. A double-faced sign may have twice the total area of a single-faced sign.

Advertising Device. Banners affixed on poles, wires, or ropes and streamers, wind operated devices, flashing lights, and other devices.

Ground Sign. Any sign erected, constructed, or maintained for the purpose of displaying outdoor advertising by means of posters, pictures, pictorial, and reading matter when such sign is supported by two or more uprights, posts, or braces placed upon or affixed in the ground and not attached to any part of a building.

Marquee Sign. Any sign affixed to a marquee over the entrance to a building and supported from the building.

Post Sign. Any letter, word, model sign, device, or representation used in the nature of an advertisement or announcement not attached to a building and which is supported by a single stationary pole or post.

Roof Sign. Any sign erected, constructed, or maintained upon the roof of any building.

Wall Sign. Any painted sign or poster on any surface or plane that may be affixed to the front, side, or rear wall of any building.

Solicitor. Legal counsel of the Village of Glandorf.

Standard Tree. A tree with a minimum caliper of two and one-half inches, measured at a point twelve (12) inches above the actual or intended ground level of said tree, ten to twelve feet high, of a deciduous hard wood variety normally capable of attaining a twenty-five foot diameter when the tree is twenty years old.

Standard Shrub. A standard shrub is any bush or small evergreen tree occupying a space of at least eighteen cubic feet.

Street. A public way which affords the principal means of access to abutting property.

Street Centerline. A line halfway between the street lines.

Street Line. A dividing line between the street lines.

Structure. Anything constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground. Among other things, structures included buildings, walls, fences, and signs.

Structural Alteration. Any change in the supporting members of a building or structure, such as bearing walls, columns, beams, or girders, not including openings in bearing walls as permitted by other ordinances.

Tourist Home. An establishment used for dwelling purposes in which rooms, with or without meals are offered to transient guests for compensation.

Townhouse or Rowhouse. A building that has one-family dwelling units erected in a row as single building, on adjoining lots, each being separated from the adjoining unit or units by a masonry party wall or walls extending from the basement floor to the roof along the dividing lot line, and each such building being separated from any other building by space on all sides.

Trailer Court. An area where one or more travel trailers are parked or intended to be parked.

Travel Trailer. A trailer, pick-up camper, tent trailer, converted bus, or other vehicle, or similar device used for temporary portable housing.

Use. The purpose or activity for which the land or building therein is designed, arranged, or intended, or for which it is occupied or maintained.

Yard. An open space, other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in these regulations.

Yard, Front. A yard across the full width of the lot extending from the front line of the main building to the front line of the lot. On corner lots the front yard shall face the shortest street dimension of the lot except that if the lot is square or almost square, i.e., has dimensions in a ratio of from 3:2 to 3:3, then the front yard may face either street.

Yard, Side. A yard between the main building and the side line of the lot, and extending from the front yard line to the rear yard line.

Yard, Rear. A yard extending the full width of the lot between a principal building and the rear lot line.

Yard Width and Depth. The shortest horizontal distance from a lot line to the main building.

SECTION 1100 FEES

A fee of ten dollars (\$10.00) shall be paid to the Village of each application for a Variance or Conditional Use. Said fee shall be nonreturnable, regardless of the approval or denial of such application.

SECTION 1200 VIOLATIONS AND PENALTY

Any person, firm, or corporation who shall violate any of the provisions of this ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build, or alter any building in violation of any detailed statement or plan submitted and approved hereunder, shall be deemed guilty of a misdemeanor and shall be liable to a fine of not more than fifty dollars (\$50.00) and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof, where anything in violation of this Section shall be placed or shall exist, any architect, builder, contractor, individual, or corporation employed in connection therewith who assisted in the commission of any such violation shall be deemed guilty of a separate offense and upon conviction shall be fined as herein provided.

SECTION 1300 VALIDITY

Should any section, provision, clause, phrase, or sentence of this Ordinance be declared by a court of competent jurisdiction to be invalid, that decision shall not affect the validity of the Ordinance as a whole or any part thereof, other than the part so declared to be invalid.

SECTION 1400 WHEN EFFECTIVE AND CONFLICT

This Ordinance # 1323 shall take effect and be in force from and after the earliest period allowed by law.

Daniel Steckschulte
President of Council

Passed after it's third reading
this 6th. day of May, 1997

Eugene Warncke
Mayor

Carol Brinkman
Clerk