

PREAMBLE

AN ORDINANCE OF THE VILLAGE OF FORT LORAMIE, OHIO, ENACTED IN ACCORDANCE WITH THE PROVISIONS OF THE OHIO REVISED CODE, DIVIDING THE VILLAGE INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING, AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHTS-OF-WAY; PROVIDING FOR THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE; DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATIVE OFFICERS AS PROVIDED HEREAFTER; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS ORDINANCE OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT, AND GENERAL WELFARE.

THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE, VILLAGE OF FORT LORAMIE, SHELBY COUNTY, STATE OF OHIO, TWO-THIRDS OF THE MEMBERS THERETO CONCURRING:

150.000 GENERAL PROVISIONS

150.001 Title

This Ordinance shall be known and may be cited as the “Zoning Code of the Village of Fort Loramie”, except as referred to herein, where it shall be known as “this Zoning Code”.

150.002 Intent

The intent of this Zoning Code is to promote and protect the public health, safety and general welfare of the Village in accordance with the planning process reflected in the contents of this Zoning Code and in the zoning map of the Village by:

- A. Dividing the Village into zones or districts within which specific regulations contained in this Zoning Code control the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, commerce, industry, or other specific uses.
- B. Regulating the intensity of land use through control of the amount of lot area on which construction is authorized and a determination of the area of open space surrounding any man-made improvements upon the land.
- C. Facilitating the orderly, efficient, and appropriate growth and development within the Village.
- D. Protecting residential, business, commercial, and industrial land uses from encroachment by incompatible land uses that would not be conducive to the public health, safety, and general welfare.
- E. Regulating certain nonconforming uses of land, buildings, and structures.
- F. Promoting a pattern of rational land use relationships among residential, business, commercial, and industrial uses for the purposes of promoting the public health, safety and general welfare.
- G. Establishing development densities by zoning district that economize the provision of water, sewer, streets and highways, fire and police protection, schools, parks, recreation facilities, and other government services.

150.003 Interpretation

In their interpretation and application, the provisions of this Zoning Code shall be the minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare. Except as otherwise provided in Section 150.005, it is not intended by this Zoning Code to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law or ordinance, or with any rules, regulation, or permits previously

adopted or issued pursuant to law, relating to the use of buildings and land. However, where this Zoning Code imposes a greater restriction on the use of buildings or premises, or on the heights of buildings, or requires larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulation, or permits, the provisions of this Zoning Code shall prevail and control.

150.004 Separability

Should any section or provision of this Zoning Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

150.005 Repeal of Conflicting Ordinances

All Ordinances in conflict with this Zoning Code or inconsistent with the provisions of this Zoning Code are hereby repealed to the extent necessary to give this Zoning Code full force and effect.

150.050 DEFINITIONS

150.051 Construction of Language

For the purposes of this Zoning Code, certain terms or words used herein shall be interpreted as follows:

- A. The word "PERSON" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- C. The word "SHALL" is a mandatory requirement, the word "MAY" is permissive requirement, and the "WORD" should is a preferred requirement.
- D. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- E. The word "lot" includes the words "plot" or "parcel."
- F. Regardless of capitalization, definitions are standard
- G. The word "BUILDING" includes the word "STRUCTURE."
- H. In case of any difference of meaning or implication between the text of this Zoning Code and any caption or illustration, the text shall control.

Words defined in the Subdivision Regulations of the Village of Fort Loramie, Ohio, are incorporated herein by reference and given the same meaning as therein defined.

Terms not herein defined shall have the meaning customarily assigned to them.

150.052 Definitions

ACCESSORY USE (OR STRUCTURE)

A use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in the area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, "Accessory Use" includes anything of a subordinate nature attached to or not attached to a principal structure or use, such as fences, satellite dishes, antennas, walls, sheds, detached garages, parking places, decks, poles, poster panels, car ports if not attached, and billboards. Except as otherwise required in this Zoning Code an "Accessory Use" shall be a permitted use.

AGRICULTURE

The use of land for the purpose of raising and harvesting crops; or for raising, breeding, or management of livestock, poultry or honeybees; or for dairy, truck farming, forestry, nurseries, or orchards; for the non-commercial, on-farm storage or processing of agricultural products or for any other similar agricultural or horticultural use. This is a nonconforming use.

ALLEY

(See Thoroughfare)

ALTERATION

Any change, addition, or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams, or girders.

AUTOMOBILE REPAIR, PAINTING, AND BODY SHOPS

Places where the following services are commonly carried out: The sale of engine fuels; general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles; collision service such as body, frame or fender straightening and repair; and overall painting, undercoating, rust protection, paint protection, and fabric protection of automobiles.

AUTOMOBILE SERVICE STATION

A place where gasoline, or any other automobile engine fuel, kerosene or motor oil, and lubricants or grease, primarily for operation of motor vehicles, are retailed directly to the public on the premises, including the sale of minor accessories and the servicing of and minor repair of automobiles, but not including storage of inoperable vehicles.

AUTOMOBILE WASHING FACILITIES

Area of land and/or a structure with machine or hand-operated facilities used principally for cleaning, washing, polishing, or waxing of automobiles.

BARS, TAVERNS, AND NIGHTCLUBS

Establishments primarily engaged in the retail sale of drinks, such as beer, ale, wine, liquor and other alcoholic beverages for consumption on the premises. The sale of food may also be a part of the operation.

BASEMENT

A story all or partly underground, but having at least one-half of its height below the average level of the adjoining ground. (See "Story") (See illustration, Exhibit "D" following this Section.)

BEGINNING OF CONSTRUCTION

"Beginning of Construction" means the utilization of labor, equipment, and materials for the purpose of erecting or altering a structure.

BLOCK

A unit of property bounded by streets or any combination of streets and railroad rights-of-way, un-subdivided acreage, waterways, or any other barrier to the continuity of development or corporate lines of the Village.

BOARD

Village of Fort Loramie Board of Zoning Appeals.

BOARDING OR LODGING HOUSES

A building other than a hotel, not exceeding ten sleeping rooms, where, for compensation and by prearrangement meals or lodging and meals, are provided, including a "Bed and Breakfast" facility.

BUILDING

A building is a structure, designed, intended, or used for shelter, enclosure, or protection of persons, animals, chattels, or property.

BUILDING HEIGHT

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof surface for flat roofs, to the deck line of mansard roofs, and to the average height between eaves and ridge for gable, hip, and gambrel roofs. (See illustration, Exhibit "A" following this Section.)

BUILDING LINE

(See Setback Line)

BUILDING, PRINCIPAL

A building in which is conducted the main or principal use of the lot on which such building is situated. Where a substantial part of the wall of an accessory building is a part of the wall of the principal building, or where an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building.

BUSINESS, PROFESSIONAL, AND ADMINISTRATIVE OFFICES

Uses that include but are not limited to corporate administrative, insurance, real estate, law, engineering, architecture, management and consulting, accounting, bookkeeping, investment, data processing, advertising, commercial art and public relations services, news syndicates; travel agencies; personnel and employment services; and detective and protective services.

CAR WASH

(See Automobile Washing Facilities)

CARRY-OUT

A place of business where consumer goods and products, including food and beverages, are commonly purchased for consumption off the premises. These can include photo kiosks and freestanding automatic teller machines, but do not include drive-up windows of other facilities.

CEMETERY

Land used or intended to be used for the disposition of deceased persons and dedicated for cemetery purposes, including columbiums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

CHILD DAY CARE CENTER

Any place in which child day care is provided, with or without compensation, for 13 or more children at any one time; or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for at least 7 children at any one time. In counting children for the purposes of this definition, any child under 6 years of age who is related to a licensee, administrator, or employee and who is on the premises shall be included.

CLINIC

(See Medical Offices and Clinics)

COMMERCIAL ENTERTAINMENT, OUTDOOR

Commercial sports and entertainment facilities, including drive-in theaters, amusement parks, fairgrounds, golf driving ranges, miniature golf courses, race tracks, skating rinks, and open sports arenas.

COMMERCIAL RECREATION FACILITIES, INDOOR

Indoor commercial recreation facilities include skating rinks; tennis, racquetball, and handball courts; and health clubs operated for profit as distinguished from public indoor recreation facilities and community recreation centers.

CONDITIONAL USE

A use that is permitted, but only by application to the Board in each specific instance, and after determination by the Board that all regulations and standards of this Zoning Code applying to the specific use in the particular location will be met, along with such additional conditions or safeguards as the Board may prescribe in the specific case and circumstances, in order to prevent harm or injury to adjacent uses and the neighborhood, and/or in order to improve the public health, safety, morals, convenience, order, prosperity, and general welfare.

CONSTRUCTION TRADES AND CONTRACTOR OFFICES AND SHOPS

These Activities include heavy construction, building, electrical, heating, plumbing, painting, wallpapering, roofing, glazing, sheet metal fabrication, and building supply businesses, but do not include storage or processing of salvage materials or debris.

CONVENIENCE STORE

Retail stores that cater to the motoring public where the sale of food items such as hot or cold drinks, prepackaged foods and tobacco, roadmaps, magazines and other publications; automotive maintenance items such as brake fluid, oil, polishes, anti-freeze, and similar products; and other retail items that may be readily purchased. A convenience store may also sell gasoline or be associated with an automobile service station

CORNER LOT

(See Lot)

DAY CARE CENTER

(See Child Day Care Center)

DISTRICT

A portion of the incorporated area of the Village within which certain regulations and requirements or various combinations thereof apply under the provisions of this Zoning Code.

DRIVE-IN

A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purpose as the "drive-in" service.

DWELLING

Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

DWELLING, MULTI-FAMILY

A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls.

DWELLING, SINGLE-FAMILY

A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

DWELLING, TWO-FAMILY

A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

DWELLING UNIT

A building, or a portion thereof, designed for occupancy of one family for residential purposes and having living, cooking, sleeping, and sanitation facilities.

EASEMENT

Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of that property.

EDUCATIONAL INSTITUTIONS

Public, private, and/or religious schools including grades K through 12.

ELDERLY HOUSING FACILITIES

Residential developments specially designed to house retired and elderly persons and which may include a mixture of living options including apartments, group quarters, and nursing care facilities.

ERECTED

Includes the terms built or constructed, altered, or reconstructed. "Erected" also includes moving of a building or structure onto a lot or any physical operations on the premises which are required for construction. Excavation, fill drainage, and the like shall be considered an operation of erection.

FACTORY-BUILT HOUSING

A factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Zoning Code, "factory-built housing" shall include the following:

- A. Manufactured Home - Any vehicle not self-propelled 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 dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards. Manufactured Home is sometimes referred to as a Mobile Home. (Not permitted in the Village.)

- B. Modular Home - Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes, including permanent foundations.

FAMILY

A person living alone, or 2 or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding or lodging house or a hotel, provided, however, that "family" shall not include more than four persons unrelated to each other by blood, marriage, or legal adoption.

FENCE

A structure, other than part of a building, serving as an enclosure, barrier, or boundary.

FINANCIAL ESTABLISHMENTS

Facilities including banks, savings and loan associations, credit unions, finance companies, loan offices, and safe deposit companies.

FLOOR AREA OF A RESIDENTIAL BUILDING

The sum of the gross horizontal area of the several floors of a residential building, excluding garages, basement floor areas, roofed porches, and roofed terraces. All dimensions shall be measured between exterior faces of walls.

FLOOR AREA OF A NON-RESIDENTIAL BUILDING

(To be Used in Calculating Parking Requirements)

The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and similar areas.

FRATERNAL AND SOCIAL ASSOCIATION FACILITY

A meeting place for people formally organized for a common interest, usually public service, cultural, religious, or entertainment and where food and alcohol may be served.

FRONT LOT LINE

(See Lot)

FRONT YARD

(See Yard)

FUNERAL HOME

A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

GARAGE; PRIVATE

An accessory building or portion of a main building designed or used solely for the storage of motor driven vehicles, boats, and similar vehicles owned or used by the occupants of the building to which it is an accessory.

GAS STATION

(See Auto Service Station)

GENERAL MERCHANDISE STORES

Facilities including department, variety, discount, home furnishing, grocery, and drug stores.

HEAVY EQUIPMENT RENTAL, SALES, SERVICES, AND STORAGE

Facilities including rental, sales, service, and storage of semi-tractor trailers, agricultural equipment, and construction equipment.

HOME OCCUPATIONS

An accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises by a Conditional Use Permit, without any significant adverse effect upon the surrounding neighborhood. Activities such as teaching, tutoring, babysitting, tax consulting, and the like shall involve not more than three receivers of such services at any one time.

HOTEL

A building occupied as the temporary abode of individuals who are lodged with or without meals in which there are 10 or more sleeping rooms and which shall have no provision made for cooking in any individual room or apartment. A "hotel" may include a restaurant or cocktail lounge, public banquet halls, ballrooms, meeting rooms, or other commercial uses.

INDUSTRIAL, ENCLOSED

Any industrial use conducted entirely within an enclosed building of any size for the manufacturing, fabricating, processing, heavy repair, servicing, or storing of motor vehicles, equipment, raw materials, or manufactured products provided that all such uses comply with the nuisance performance standards as set forth in Section 150.316 of this Zoning Code.

INDUSTRIAL, OPEN

Any industrial use which requires both building and open area for the manufacturing, fabricating, processing, heavy repair, servicing or storing of motor vehicles, equipment, raw materials, or manufactured products provided that all such uses comply with the nuisance performance standards as set forth in Section 150.316 of this Zoning Code.

JUNK YARD OR SALVAGE YARD

An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packaged, disassembled, or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and any area of more than 200 square feet used for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings. An open space in which are stored two or more inoperative or unlicensed vehicles shall be construed to be a "junk yard".

KENNEL

Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets; including any lot or building on or in which are kept three or more dogs, cats, or other household pets which are over the age of 6 months.

LIBRARY

A public or private repository for literary and artistic materials, such as books, periodicals, newspapers, pamphlets, and prints, kept for reading or reference.

LOADING SPACE

An off-street space on the same lot with a building or group of buildings, used for the temporary parking of a commercial vehicle while loading and unloading merchandise or materials.

LOT

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. A lot shall have frontage on an improved public or private street, and may consist of:

- A. A single lot of record.
- B. A portion of a lot of record.
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

LOT COVERAGE

The percentage of a lot which, when viewed directly from above, would be covered by a structure or structures, including accessory buildings and swimming pools, or any part thereof, but excluding projecting roof eaves.

LOT LINE

(See illustration, Exhibit “C” following this Section.)

- A. Front - A street right-of-way line forming the boundary of a lot.
- B. Rear - The lot line that is most distant from, and is, or is most nearly parallel with, the front lot line. If a rear lot line is less than 15-feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet, lying wholly within the lot, parallel to the front lot line.
- C. Side - A lot line which is neither a front lot line nor a rear lot line.

LOT MEASUREMENTS

A lot shall be measured as follows:

- A. Depth - The distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- B. Width - The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the front building setback line.

LOT, MINIMUM AREA OF

The total horizontal area within the lot lines of a lot, computed exclusive of any portion of the right-of-way of any public or private street.

LOT OF RECORD

A lot which is part of a subdivision recorded 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.

LOT TYPES

- A. Corner Lot - A lot located at the intersection of two or more streets. (See illustration, Exhibit "B" following this Section).
- B. Through Lot - A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots. (See illustration, Exhibit "B" following this Section).
- C. Interior Lot - A lot with frontage only one on a street. (See illustration, Exhibit "B" following this Section).

LUMBER YARDS AND BUILDING MATERIALS; SALE AND STORAGE

Buildings or premises used for the storage and sale of lumber and building materials.

MEDICAL OFFICES AND CLINICS

Establishments primarily engaged in out-patient care with permanent facilities and medical staff to provide diagnosis or treatment, including the offices of physicians, dentists, and other health practitioners and medical and dental laboratories.

MEMBERSHIP; SPORTS AND RECREATIONAL FACILITIES

Country clubs and swim clubs, but not including health spas, fraternal associations, or commercial recreation facilities specified elsewhere.

MEZZANINE

An intermediate floor in any story occupying not more than 2/3 of the floor area of the story.

MINI-WAREHOUSE

(See Self-Service Storage Facility)

MOBILE HOME

(See Factory-Built Housing, Manufactured Home)

MOBILE HOME COURT

Any plot of ground upon which two or more trailer coaches or mobile homes occupied for dwelling or sleeping purposes are located.

MOTEL

(See Hotel)

MULTI-FAMILY DWELLING

(See Dwelling)

NIGHTCLUB

(See Bars, Taverns, and Nightclubs)

NONCONFORMITIES

Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Zoning Code or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

NURSERY AND GARDEN SUPPLIES STORE

A space, including an accessory building or structure, used for the growing and storage of live trees, shrubs, or plant materials offered for retail sale on the premises, including products used for gardening or landscaping.

NURSING HOME

An establishment which specializes in providing necessary health and related services to those unable to care for themselves.

OFF-STREET PARKING

The provision of parking facilities for a specified use, to be provided on the same lot or lots as the use they are intended to serve, and not on any public street or public right-of-way.

OPEN SPACE

That part of a lot, including courts or yards, which is open and unobstructed by structures from its lowest level to the sky.

PARKING LOT

An area providing vehicular parking spaces for the parking of more than 5 vehicles, and located totally outside of any street or alley right-of-way.

PARKING SPACE; OFF-STREET

An area adequate for parking a passenger vehicle, and located totally outside of any street or alley right-of-way.

PERSONAL SERVICES

Services of a personal nature, including beauty and barber shops; individual laundry and dry-cleaning establishments; laundromats; photo studios and photofinishing; shoe repair; tailoring; watch, clock, and jewelry repair; clothing rental; and other services performed for persons or their apparel.

PET SHOP

Any building or structure used for the sale, other than casual sale, of domestic pets and pet supplies.

PLACES OF WORSHIP

Establishments of recognized religious organizations operated for worship or for promotion of religious activities.

PLANNED UNIT DEVELOPMENT (PUD)

Land under unified control, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots, or building sites, site plans, and design principles for all buildings intended to be located, constructed, used, and related to each other, and for other uses and improvements on the land as related to buildings. Such development may be a single operation or a definitely programmed series of development operations including all lands and buildings, with a program for provision, operation, and maintenance of the areas, improvements, and facilities necessary for common use by the occupants of the development. (See Section 150.500 - Planned Unit Developments.)

PLANNING COMMISSION

The Village of Fort Loramie Planning Commission.

POOL, SWIMMING

(See Swimming Pool)

PRE-EXISTING USE

An existing use of the type listed as a special use in the zoning district that was lawfully established on the effective date of this Zoning Code.

PRINCIPAL USE

The primary or predominant use of any land or improvement on it.

PRIVATE CLUB

An association organized and operated not for profit by persons who are bona fide members paying dues, and which owns, hires, or leases premises, the use of which is restricted to such members and their guests.

PRIVATE SCHOOLS

Business or commercial schools, including dance or music academies, kindergartens, nurseries, play and special schools.

PROFESSIONAL OFFICES

(See Business, Professional, and Administrative Offices)

PUBLIC OFFICES AND BUILDINGS

Establishments housing activities of local, county, regional, state, or federal government agencies, but not including public service garages.

PUBLIC RECREATION FACILITIES

Parks, playgrounds, golf courses, sports arenas, gymnasiums, community centers, swimming pools, skating rinks, tennis, racquetball and handball courts, senior citizen and youth centers, arboretums, hiking and jogging trails, ice skating rinks, nature areas, picnic areas, tot lots, and

wildlife sanctuaries, but not including commercial recreation and entertainment facilities listed elsewhere in this Zoning Code.

PUBLIC SERVICE YARD AND GARAGES

Premises used for the storage, service, and repair of publicly-owned vehicles.

PUBLIC UTILITY

A publicly or privately-owned entity duly authorized to furnish to the public under governmental regulation light, heat, electricity, communications, water, sewage, transpiration, gas or power services, including utility buildings, telephone exchanges, and transformer stations.

REAR LOT LINE

(See Lot Line)

REAR YARD

(See Yard)

RECONSTRUCTION

Any change, addition, or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams, or girders; the consummated act of which may be referred to herein as "altered".

RECREATIONAL VEHICLE

Includes travel trailers, campers, camp cars, truck campers, boats, and boat trailers.

RESTAURANT, STANDARD

An establishment whose primary business is serving food and beverages to patrons for consumption inside the building.

RESTAURANT, FAST FOOD

An establishment whose principal business is the sale of quickly prepared and standardized food or beverages to be consumed either within the restaurant building or in a motor vehicle parked on the premises, or off the premises as a carry-out order, and whose principal method of operation commonly includes the serving of food and beverages in edible or other disposable containers.

RIGHT-OF-WAY

A strip of land taken or dedicated for used as streets, alleys, or walkways, or for other public purposes. In addition to the roadway, it normally incorporates curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features required by the topography or treatment, such as grade separation, landscaped areas, viaducts, and bridges.

SATELLITE SIGNAL RECEIVERS

“Dish-type Satellite Signal-Receiving Antennas”, “earth stations” or “ground stations,” whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, including either of the following:

- A. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
- B. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer, or transmit signals.

SCREENING

The placement of landscaping or fencing on a lot in a manner to reduce negative effects resulting from the location of two or more dissimilar uses next to or near one another.

SEATS

Seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

SELF-SERVICE STORAGE FACILITY

A building or group of buildings in a controlled access facility containing individual, compartmentalized, and controlled access stalls or lockers for the storage of customers’ goods or materials.

SERVICE GARAGE

Premises used for the storage or care of motor-driven vehicles, or where vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

SERVICE STATION

(See Automobile Service Station)

SETBACK LINE

A line established by the Zoning Code, generally parallel with and measured from the lot line, defining the limits of a yard in which no portion of any principal structure other than an accessory building may be located, unless otherwise provided in said Code. (See Yard)

SIDE LOT LINE

(See Lot Line)

SIDE YARD

(See Yard)

SIGN

A name, identification, description, display, or illustration which is affixed, painted, or represented, directly or indirectly, upon a building structure, parcel, or lot, and which directs attention to an object, product, place, activity, person, institution, organization, or business. (See Section 150.700 Signage.)

SINGLE-FAMILY DWELLING

(See Dwelling)

STORY

That part of a building between the surface of a floor and the ceiling immediately above. (See Basement). (See illustration, Exhibit "D" following this Section.)

STREET

(See Thoroughfare)

STRUCTURE

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

STRUCTURAL ALTERATION

Any change in the supporting members of a building or structure, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

SWIMMING POOL

A structure constructed or placed below or above ground, which contains water in excess of 24 inches in depth and is suitable or utilized for swimming or wading.

TAVERN

(See Bars, Taverns, and Nightclubs)

TEMPORARY USE OF BUILDING

The temporary use of land or a building during periods of construction, or for special events. (See Section 150.312- Temporary Uses.)

THOROUGHFARE

The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- A. Alley - A right-of-way used primarily for vehicular service access to the back or side of properties abutting on another street.
- B. Arterial Street - A general term denoting a highway used primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
- C. Collector Street - A street used primarily to carry traffic from local streets to arterial streets, including the principal entrance and circulation routes within a residential subdivision.
- D. Cul-de-sac - A local street with one end open to traffic and the other end terminating in a vehicular turnaround.

- E. Dead-end Street- A street having only one outlet for vehicular traffic.
- F. Local Street - A street used primarily for abutting properties and characterized by low traffic loads and volume.
- G. Loop Street – A type of local street, each end of which terminates at an intersection with same arterial or collector street.

THROUGH LOT

(See Lot)

TRAILER PARK

(See Mobile Home Court)

TRANSPORTATION TERMINALS

Trucking and motor-freight terminals, express and hauling establishments, rail terminals, landing strips and heliports.

TWO-FAMILY DWELLING

(See Dwelling)

USE

The purpose for which land or a building is arranged, designed, or intended, or for which land or a building is or may be occupied or maintained.

VARIANCE

A modification of the strict terms of this Zoning Code, where not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the Code would result in unnecessary and undue hardship.

VEHICLE SALES, RENTAL, AND SERVICE

The sales, service, and rental of new and used cars, trucks, trailers, motorcycles, mobile homes, recreational vehicles, snowmobiles, and boats, but not including semi-tractor trailers, farm equipment, and construction equipment.

VISION CLEARANCE ON CORNER LOTS

A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 3 and 12 feet above the established street grade. The street grade is measured at the intersection of the centerlines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting 2 points measured 15 feet along

each of the street property lines equidistant from the intersection of the property lines or the property lines extended, at the corner of the lot. (See Construction Standards and Drawings)

WAREHOUSE

A building used principally for the storage of goods and materials.

WIRELESS TELECOMMUNICATION FACILITY

Any cables, towers, wires, lines, wave guides, antennas and any other equipment or facilities associated with the transmission or reception of communications as authorized by the FCC located or installed upon a tower antenna support structure. The term wireless telecommunication facilities shall include:

- A. Cellular or Wireless Communications Antenna – Any structure or device used to receive or transmit electromagnetic waves between cellular phones, pagers, commercial mobile services, wireless services and ground-wired communications systems including both directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas such as whips and equipment utilized to serve personal communication services
- B. Cellular or Wireless Communications Site – Any tract of land, lot or parcel that contains the cellular or wireless communications tower, antenna, support structure(s), parking and any other uses associated with and ancillary to cellular or wireless communications transmission.
- C. Cellular or Wireless Communications Support Structure – Any building or structure accessory to but necessary for the proper functioning of the cellular or wireless communications antenna or tower.
- D. Cellular or Wireless Communications Tower – Any freestanding structure used to support a cellular or wireless communications antenna.

The term wireless telecommunications facilities shall not include:

- A. Any satellite dish antenna permitted under section 150.303, Satellite Dish Antenna Regulations.
- B. Antennas used by amateur radio operators.

YARD

An open space on the same lot with a main building, unoccupied, and unobstructed by structures from the ground upward, except as otherwise provided in this Zoning Code. (See illustration - Exhibit "C" following this Section.)

- A. Front Yard - An open space extending the full width of the lot, the depth of which is the minimum permitted horizontal distance between the front lot line and the nearest point of the main building. All sides of corner and through lots adjacent to streets shall be considered Front Yards. (See illustration Exhibit "C" following this Section)

- B. Rear Yard - An open space extending the full width of the lot, the depth of which is the minimum permitted horizontal distance between the rear lot line and the nearest point of the main building. (See illustration Exhibit "C" following this Section)

- C. Side Yard - An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. (See illustration Exhibit "C" following this Section)

ZONE

See District.

ZONING ENFORCEMENT OFFICER

The person designated by the Village Council to administer and enforce this Zoning Code, and any related regulations and ordinances.

ZONING PERMIT

The document issued by the Zoning Enforcement Officer authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

150.053 ILLUSTRATIONS/EXHIBITS

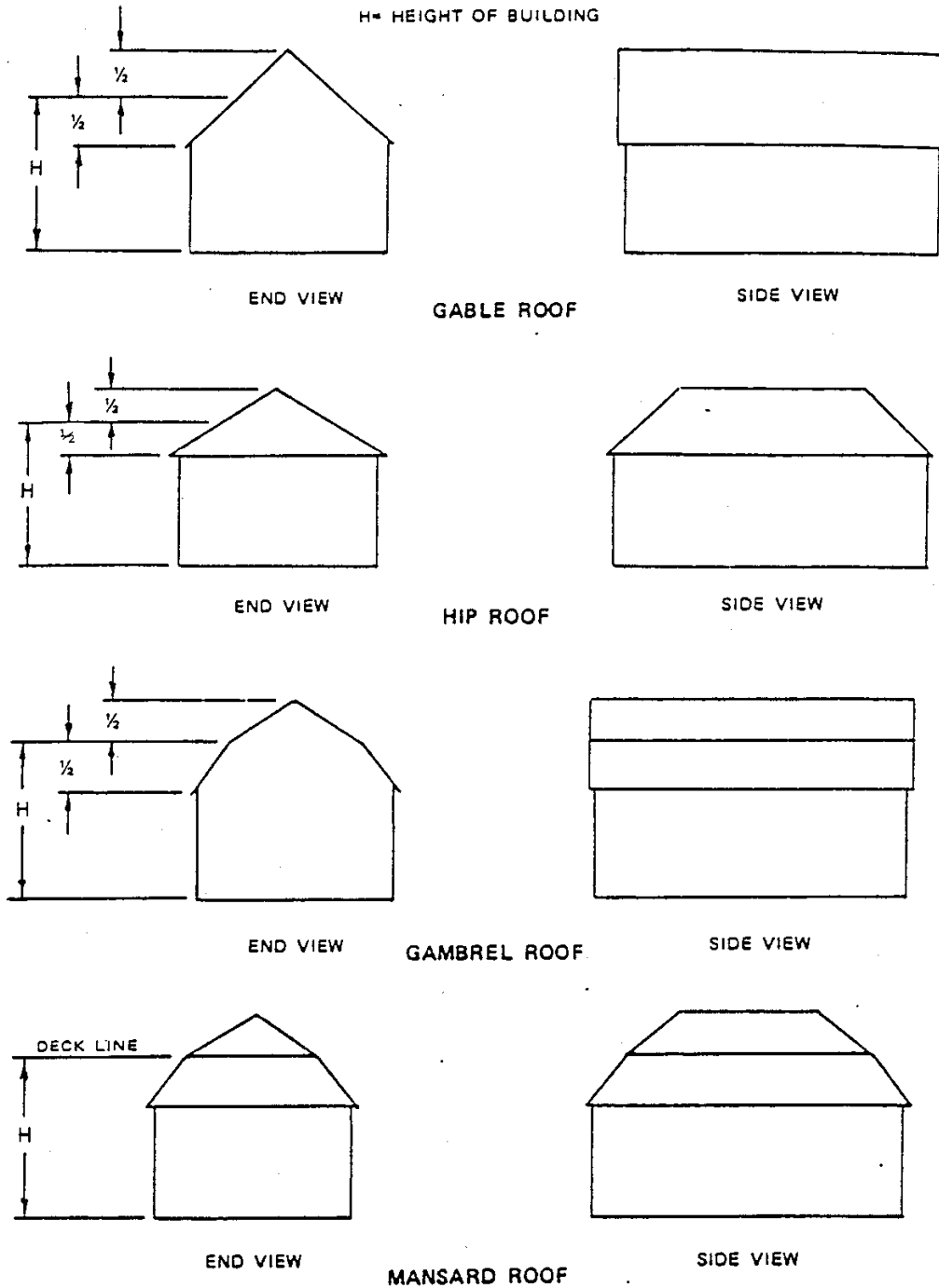


Illustration - Exhibit "A"
Roof Types and Building Height

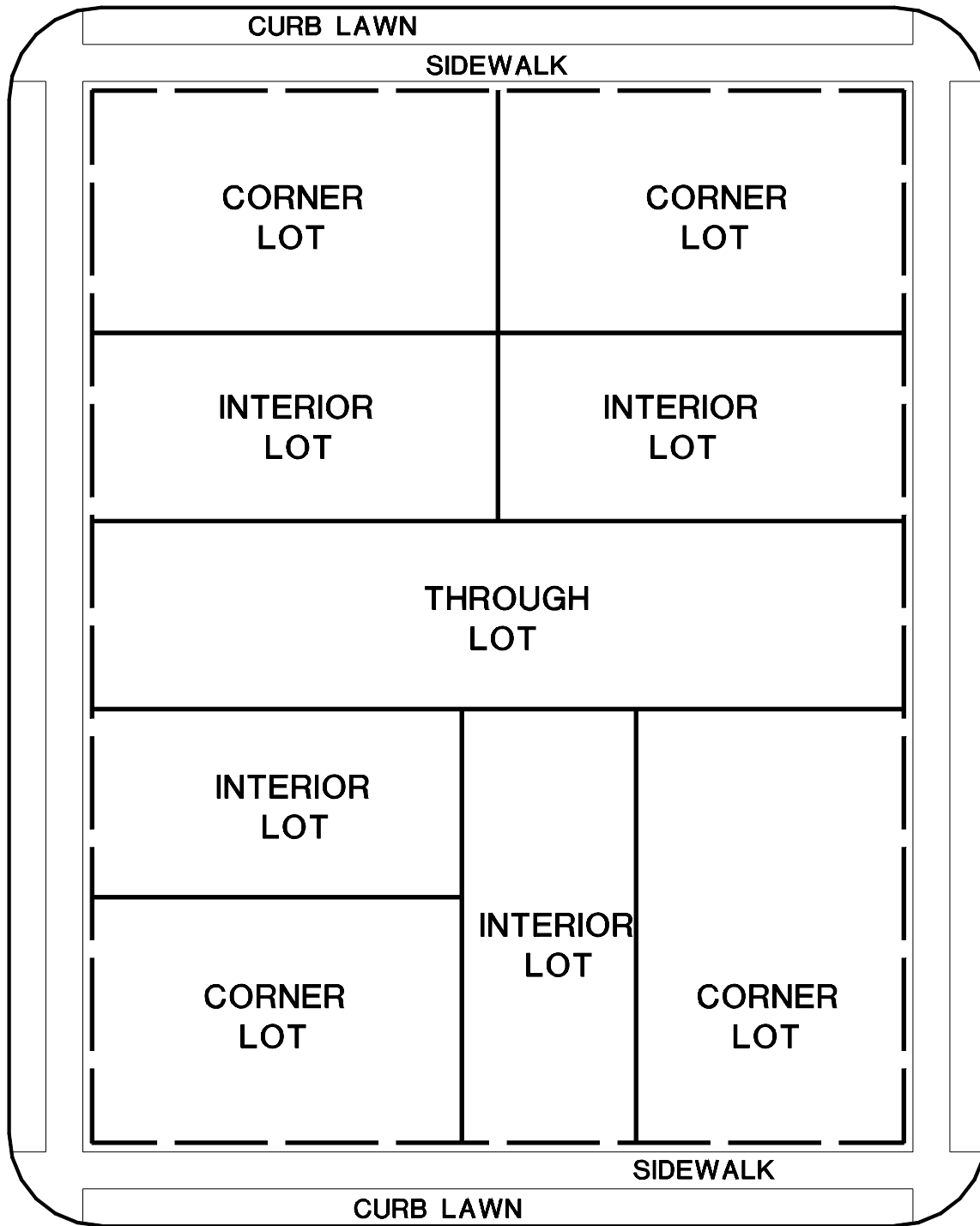
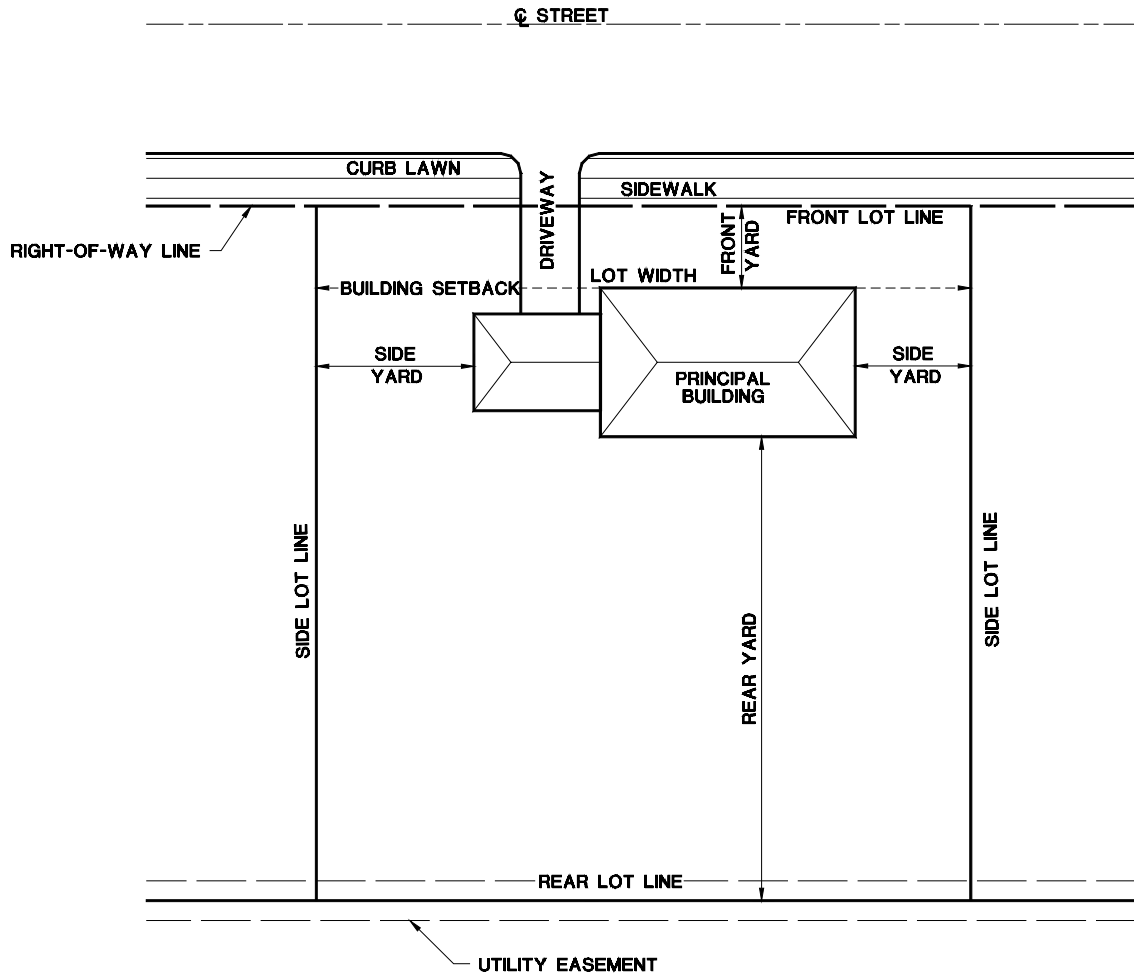


Illustration - Exhibit "B"
Types of Lots



LOT AREA - TOTAL HORIZONTAL AREA NOT INCLUDING ANY RIGHT-OF-WAY
LOT WIDTH - MEASURED AT BUILDING SETBACK LINE

Illustration - Exhibit "C"
Building - Principal and Lot Terms

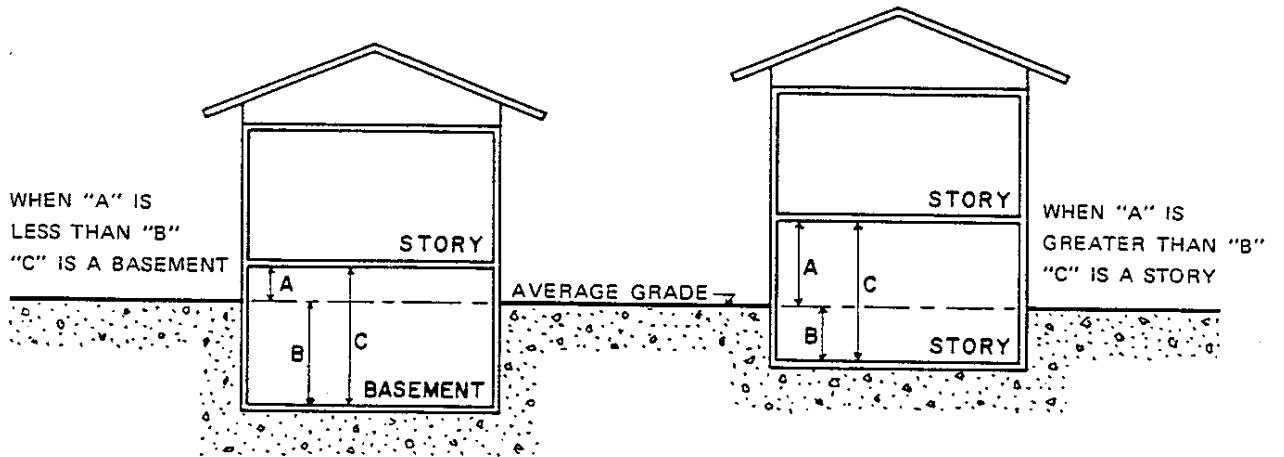


Illustration - Exhibit "D"
Basement and Story

150.100 ESTABLISHING DISTRICTS AND ZONING MAP

150.101 Intent

The intent of this article is to establish zoning districts in order to realize the general purpose set forth in the Preamble of this Zoning Code, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

150.102 Establishment of Districts

The following zoning districts are hereby established for the Village of Fort Loramie, Ohio:

- | | | |
|--------|------------------------------------|-------------|
| A. R-1 | Single-Family Residential District | |
| B. R-2 | Two-Family Residential District | |
| C. R-3 | Multi-Family Residential District | (Maximum 3) |
| D. C-1 | Commercial District | |
| E. C-2 | Commercial District | |
| F. I | Industrial District | |

150.103 Zoning District Map

- A. The districts established above shall be situated as shown on the official zoning map, which, together with all data, references, explanatory material, and notations thereon, is hereby officially adopted as part of this Zoning Code and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.
- B. The official zoning map shall be identified by the signature of the mayor and clerk of the Village Council. If, in accordance with the provisions of this Zoning Code, changes are made in district boundaries or other matter portrayed on the official zoning map, these changes shall be made on the official zoning map within 30 business days after their effective date.
- C. A true copy of the official zoning map shall be maintained on public display in the Village Council chambers, accessible to the public, and shall be final authority as to the then current zoning status of lands, buildings, and other structures in the Village.

150.104 Interpretation of District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary not specifically indicated on the official zoning map.

- A. Where district boundaries are so indicated as to approximately follow the centerlines of streets, or street right-of-way lines, such centerlines or right-of-way lines shall be construed to be said boundaries.

- B. Where district boundaries are so indicated as to approximately follow lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated as to approximately parallel the centerlines or street lines of streets, or the centerlines or right-of-way lines, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map.
- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- E. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated.
- F. Where district boundaries are so indicated as to follow or approximately follow the limits of any Village corporation, such boundaries shall be construed as following such limits.
- G. Whenever any street, alley, or other public way is vacated by official Council action, the zoning district adjoining each side of such street, alley, or public way shall automatically extend to the center of such vacation, and all areas within that vacation shall thenceforth, be subject to all regulations appropriate to the respective extended districts.

All questions and disputes concerning the exact location of zoning district boundaries shall be resolved by the Board of Zoning Appeals.

150.105 Zoning Upon Annexation

Whenever any area is annexed to the Village, the petitioner shall execute and deliver such documents as may be required by the Village Council to rezone such area to the zoning category designated by the Village Planning Commission and the Village Council.

150. 200 DISTRICT REGULATIONS

150. 201 Compliance with Regulations

The Regulations for each district set forth by this Zoning Code shall be the minimum Regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building, structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations specified for the district in which it is located.
- B. Except as otherwise provided in this Zoning Code, no building or other structure shall be erected or altered:
 - 1. To provide for greater height or bulk, or
 - 2. To accommodate or house a greater number of families, or
 - 3. To occupy a greater percentage of lot area, or
 - 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than required in its district, or in any other manner be contrary to the provisions of this Zoning Code.
- C. Except as otherwise provided in this Zoning Code, no yard of a lot existing at the time of passage of this Zoning Code shall be reduced in dimension or area below the minimum requirements set forth in the district. Yards or lots created after the effective date of this Zoning Code shall meet at least the minimum requirements set forth in the district.

VILLAGE OF FORT LORAMIE ZONING CODE
150.202 Summary of Zoning District Requirements

Zoning District	Minimum Lot Area (1)	Minimum Lot Width (2)	Minimum Front Yard Setback (3)	Minimum Side Yard Setback (4)	Minimum Rear Yard Setback (5)	Minimum Floor Area (6)	Maximum Height (7)	Lot Coverage
R-1 SINGLE- FAMILY RESIDENTIAL	15000 sq. ft.	100 feet	35 feet	10 feet	35 feet	1200sq. ft. *1800 sq. ft.	35 feet	35%
R-2 TWO-FAMILY <u>RESIDENTIAL</u> Single-Family Dwellings and other Permitted Uses	10000 sq. ft.	85 feet	30 feet	10 feet	25 feet	1100 sq. ft. *1600 sq. ft.	35 feet	40%
Two-Family Dwellings	12000 sq. ft.	85 feet	30 feet	10 feet	25 feet	1100 sq. ft.	35 feet	40%
R-3 MULTI-FAMILY <u>RESIDENTIAL</u> Two-Family Dwellings	12000 sq. ft.	85 feet	30 feet	10 feet	25 feet	1100 sq. ft. per unit	35 feet	40%
Multi-Family Dwellings Maximum 3	4600 sq. ft. per unit	100 feet	30 feet	10–15 feet for multiple level	25 feet	1100 sq. ft. per unit	35 feet	40%
Other Permitted Uses	12000 sq. ft.	100 feet	30 feet	10 feet	25 feet	N/A	35 feet	N/A
C-1 COMMERCIAL	0	0	0 or 15 feet next to R	0 or 5 feet next to R	10 or 20 feet next to R	N/A	45 feet	N/A
C-2 COMMERCIAL	5,000 sq. ft.	50 feet	40 feet	0 or 20 feet next to R	10 or 40 feet next to R	N/A	45 feet	N/A
I-1 INDUSTRIAL	10000 sq. ft.	100 feet	35 feet	20 or 40 feet next to R	10 or 40 next to R	N/A	45 feet	70%

*Other than one story. For definitions, see: 1. Lot, Minimum Area of; also Illustration Exhibit "C" 5. Yard, Rear Yard; also Illustration Exhibit "C"
2. Lot Measurements, Width; also Illustration Exhibit "C" 6. Floor Area of a Residential Building
3. Yard, Front Yard; also Illustration Exhibit "C" 7. Building Height; also Illustration Exhibit "A"
4. Yard, Side Yard; also Illustration Exhibit "C" *Cul-de-sac frontages will be reviewed on an individual basis by Planning Commission*

VILLAGE OF FORT LORAMIE ZONING CODE
Summary of Permitted and Conditional Uses

USE	ZONING DISTRICT					
	R-1 Single- Family Residential	R-2 Two- Family Residential	R-3 Multi- Family	C-1 Commercial	C-2 Commercial	I Industrial
P = Principal Permitted Use C = Conditional Use						
AGRICULTURE						
RESIDENTIAL						
Single-Family	P	P				
Two-Family		P	P			
Three-Family			P			
Multi-Family			C			
Boarding or Lodging Houses		C	P			
Residential Planned Unit Developments	C	C	C			
Elderly Housing Facilities		C	C	C	C	
Mobile Home Courts						
Home Occupations	C	C				
INSTITUTIONAL AND PUBLIC RECREATIONAL USES						
Elementary, Junior High and High Schools	P	P	P	C	C	
Places of Worship	P	P	P	P	P	
Libraries	P	P	P	P	P	
Public Recreation Facilities	P	P	P	P	P	
Cemeteries	C	C	C	C	C	
Public Offices, Public Buildings, Public Utilities	C	C	C	C	C	
Child Day Care Centers		C	C	C	C	
Nursing and Convalescent Homes		C	C			
Hospitals				C	C	
Private Clubs			C	P	P	
BUSINESS AND PROFESSIONAL OFFICE USES						
Business, Professional and Administrative Offices			C	P	P	C
Medical Offices and Clinics				P	P	
RETAIL COMMERCIAL AND SERVICE USES						
General Merchandise Stores				P	P	
Personal Services				P	P	
Restaurants, Standard				P	P	
Financial Establishments				P	P	
Commercial Planned Unit Developments				C	C	
Nurseries and Garden Supply Stores				C	C	P
Funeral Homes				C	C	
Animal Hospitals, Veterinary Clinics and Kennels, Animal Grooming, Pet Shops				C	C	
Private Schools			C	P	P	
Grocery Stores				P	P	

VILLAGE OF FORT LORAMIE ZONING CODE
Summary of Permitted and Conditional Uses

USE	ZONING DISTRICT					
	R-1 Single- Family Residential	R-2 Two- Family Residential	R-3 Multi- Family	C-1 Commercial	C-2 Commercial	I Industrial
P = Principal Permitted Use C = Conditional Use						
ROAD SERVICE AND COMMERCIAL ENTERTAINMENT USES						
Automobile Service Stations				P	P	C
Fraternal and Social Association Facilities				P	P	
Convenience Stores				P	P	
Motels and Hotels				P	P	
Printing, Publishing, Lithographing and Binding Establishments				P	P	
Self-Service Storage Facilities				P	P	P
Automobile Repair, Painting and Body Shops				C	C	P
Service Garages				C	C	P
Automobile Washing Facilities				C	C	
Bars, Taverns and Nightclubs				C	C	
Commercial Entertainment, Outdoor				C	C	
Vehicle Sales, Rental and Service				C	C	C
Carry-Outs, Mini-Market and Drive-Through and Drive-In Stores				C	C	
Restaurants, Fast Food				C	C	
Commercial/Recreation Facilities, Indoor				C	C	
Farm Implement Sales				C	C	
Adult Entertainment Facilities				C	C	

LIGHT INDUSTRIAL USES						
Construction Trades and Building Services				C	C	P
Building Services and Supplies				C	C	C
Plumbing and Heating Shops				C	C	C
Wholesale Distributors				C	C	P
Lumber Yards and Building Materials Sale and Storage				C	C	P
Warehouses						P
Heavy Equipment Rental, Sales, Service and Storage						P
Transportation Terminals						P
Public Service Yards and Garages						P
Public Utilities						P
HEAVY INDUSTRIAL USES						
Planned Industrial Development						C
Enclosed Industrial						P
Open Industrial						C

150.210 R-1 Single-Family Residential District

150.211 Intent

The intent of this district is to provide low-density single-family dwellings, and those public and private facilities serving the residents of the area.

150.212 Principal Permitted Uses

- A. Residential Uses
 - 1. Single-family detached dwellings
- B. Institutional and Public Recreational Uses
 - 1. Elementary, Junior High, and High Schools
 - 2. Places of worship
 - 3. Libraries
 - 4. Public recreation facilities

150.213 Conditional Uses

A building or premises may be used for the following purposes in the R-1 Single-Family Residential District if a Conditional Use Permit for the use has been obtained.

- A. Residential Uses
 - 1. Residential Planned Unit Developments
 - 2. Home Occupations
- B. Institutional and Public Recreational Uses
 - 1. Cemeteries
 - 2. Public offices, public buildings, public utilities

150.214 Height and Area Regulations

The maximum height and minimum lot requirements within the R-1 Single-Family Residential District shall be as follows:

General Requirements for dwellings:

Minimum Lot Area	15,000 square feet
Minimum Lot Width	100 feet
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	35 feet
Maximum Height	35 feet
Minimum Floor Area	1,100 square feet
	1800 square feet (other than one story)
Lot Coverage	35%

150.215 Cross References

Supplemental District Regulations, 150.300
Accessory Uses, 150.302
Satellite Dish Antenna Regulations, 150.303
Radio and Television Antenna Regulations, 150.304
Buffers and Transitions Between Residential/Commercial and
Residential/Industrial Zoned Properties, 150.305
Principal Building Per Lot, 150.306
Parking and Storage of Vehicles and Trailers, 150.307
Fences, 150.309
Projections into Required Yards, 150.310
Visibility at Intersections, 150.311
Temporary Uses, 150.312
Swimming Pools, 150.313
Home Occupations, 150.314
Residential Design and Appearance Standards, 150.315
Conditional Uses; Substantially Similar Uses, 150.400
Planned Unit Developments, 150.500
Off-Street Parking and Loading Facilities, 150.600
Signage, 150.700
Zoning Permit Requirements and Enforcement, 150.950

150.220 R-2 Two-Family Residential District

150.221 Intent

The intent of this district is to provide a sound housing mix. This district provides for an approximate maximum density of eight dwelling units per acre and recognizes the development of other than single-family dwelling units.

150.222 Principal Permitted Uses

A. Residential Uses

1. Single-family detached dwellings
2. Two-family dwellings

B. Institutional and Public Recreational Uses

1. Elementary, Junior High, and High Schools
2. Places of worship
3. Libraries
4. Public recreation facilities

150.223 Conditional Uses

A building or premises may be used for the following purposes in the R-2 Two-Family Residential District if a Conditional Use Permit for the use has been obtained.

A. Residential Uses

1. Residential Planned Unit Developments
2. Home Occupations
3. Elderly Housing Facilities
4. Boarding or Lodging Houses

B. Institutional and Public Recreational Uses

1. Child day care centers
2. Nursing and convalescent homes
3. Cemeteries
4. Public offices, public buildings, public utilities

150.224 Height and Area Regulations

The maximum height and minimum lot requirements- within the R-2 Two-Family Residential District shall be as follows:

General Requirements for Single-Family Dwellings and Other Permitted Uses:

Minimum Lot Area	10,000 square feet
Minimum Lot Width	85 feet
Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	25 feet
Maximum Height	35 feet
Minimum Floor Area	1,100 square feet
	1600 square feet (other than one story)
Lot Coverage	40%

General Requirements for Two-Family Dwellings:

Minimum Lot Area	12,000 square feet
Minimum Lot Width	85 feet
Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	25 feet
Maximum Height	35 feet
Minimum Floor Area	1100 square feet per unit
Lot Coverage	40%

150.225 Cross References

Supplemental District Regulations, 150.300
Accessory Uses, 150.302
Satellite Dish Antenna Regulations, 150.303
Radio and Television Antenna Regulations, 150.304
Buffers and Transitions Between Residential/Commercial and
Residential/Industrial Zoned Properties, 150.305
Principal Building Per Lot, 150.306
Parking and Storage of Vehicles and Trailers, 150.307
Fences, 150.309
Projections into Required Yard, 150.310
Visibility at Intersections, 150.311
Temporary Uses, 150.312
Swimming Pools, 150.313
Home Occupations, 150.314
Residential Design and Appearance Standards, 150.315
Conditional Uses; Substantially Similar Uses, 150.400
Planned Unit Developments, 150.500
Off-Street Parking and Loading Facilities, 150.600
Signage, 150.700
Zoning Permit Requirements and Enforcement, 150.950

150.230 R-3 Multi-Family Residential District

150.231 Intent

The intent of this district is to provide a full range of residential dwelling types. The maximum approximate gross density of this district is fifteen dwelling units per acre. The requirements allow a more complete use of land in the district and provide more flexible guidelines for development and redevelopment efforts.

150.232 Principal Permitted Uses

A. Residential Uses

1. Two-family dwellings
2. Three-family dwellings
3. Boarding or Lodging Houses

B. Institutional and Public Recreational Uses

1. Elementary, Junior High, and High Schools
2. Places of worship
3. Libraries
4. Public recreation facilities

150.233 Conditional Uses

A building or premises may be used for the following purposes in the R-3 Multi-Family Residential District if a Conditional Use Permit for the use has been obtained.

A. Residential Uses

1. Multi-Family Family Dwellings
1. Residential Planned Unit Developments
2. Elderly housing facilities

B. Institutional and Public Recreation Uses

1. Child day care centers
2. Nursing and convalescent homes
3. Cemeteries
4. Public offices, public buildings, public utilities
5. Private Clubs

C. Business and Professional Office Uses

1. Business, professional, and administrative offices

D. Retail Commercial and Service Uses

1. Private Schools

150.234 Height and Area Regulations

The maximum height and minimum lot requirements within the R-3 Multi-Family Residential District shall be as follows:

General Requirements for Two-Family Dwellings:

Minimum Lot Area	12,000 square feet
Minimum Lot Width	85 feet
Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	25 feet
Maximum Height	35 feet
Minimum Floor Area	1,100 square feet per unit
Lot Coverage	40%

General Requirements for Three-Family Dwellings:

Minimum Lot Area	4,600 square feet per unit
Minimum Lot Width	100 feet
Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback	10–15 feet for multiple levels
Minimum Rear Yard Setback	25 feet
Maximum Height	35 feet
Minimum Floor Area	1,100 square feet per unit
Lot Coverage	40%

General Requirements for Other Permitted Uses:

Minimum Lot Area	12,000 square feet
Minimum Lot Width	100 feet
Minimum Front Yard Setback	30 feet
Minimum Side Yard Setback	10 feet
Minimum Rear Yard Setback	25 feet
Maximum Height	35 feet

150.235 Cross References

Supplemental District Regulations, 150.300
Accessory Uses, 150.302
Satellite Dish Antenna Regulations, 150.303
Radio and Television Antenna Regulations, 150.304
Buffers and Transitions Between Residential/Commercial and
Residential/Industrial Zoned Properties, 150.305
Principal Building Per Lot, 150.306
Parking and Storage of Vehicles and Trailers, 150.307
Required Refuse Collection Sites, 150.308
Fences, 150.309
Projections into Required Yard, 150.310
Visibility at Intersections, 150.311
Temporary Uses, 150.312
Swimming Pools, 150.313
Home Occupations, 150.314
Residential Design and Appearance Standards, 150.315
Conditional Uses; Substantially Similar Uses, 150.400
Planned Unit Developments, 150.500
Off-Street Parking and Loading Facilities, 150.600
Signage, 150.700
Zoning Permit Requirements and Enforcement, 150.950

150.240 C-1 Commercial District

150.241 Intent

This district is intended to provide an integrated collection of buildings, structures and uses designed to supply a majority of the daily needs of Village residents.

150.242 Principal Permitted Uses

- A. Institutional and Public Recreation Uses
 - 1. Places of worship
 - 2. Public recreation facilities
 - 3. Libraries
 - 4. Private Clubs
- B. Business and Professional Office Uses
 - 1. Business, professional, and administrative offices
 - 2. Medical offices and clinics
- C. Retail Commercial and Service Uses
 - 1. General merchandise stores
 - 2. Personal Services
 - 3. Restaurants, standard
 - 4. Financial establishments
 - 5. Private Schools
 - 6. Grocery Stores
- D. Road Service and Commercial Entertainment Uses
 - 1. Automobile service stations
 - 2. Fraternal and social association facilities
 - 3. Convenience stores

4. Motels and hotels
5. Printing, publishing, lithographing, and binding establishments, provided the gross floor area does not exceed 5,000 square feet.
6. Self-Service storage facilities

150.243 Conditional Uses

A building or premises may be used for the following purposes in the C-1 Commercial District if a Conditional Use Permit for the use has been obtained.

A. Residential Uses

1. Elderly housing facilities

B. Institutional and Public Recreational Uses

1. Hospitals
2. Child day care centers
3. Public offices, public buildings, and public utilities
4. Cemeteries
5. Elementary, junior high, and high schools

C. Retail Commercial and Service Uses

1. Commercial planned unit developments
2. Nurseries and garden supply stores
3. Funeral homes
4. Animal hospitals, veterinary clinics and kennels, animal grooming, and pet shops

D. Road Service and Commercial Entertainment Uses

1. Automobile repair, painting, and body shops
2. Automobile washing facilities
3. Bars, taverns, and nightclubs

4. Commercial entertainment, outdoor
 5. Vehicle sales, rental, and service
 6. Carry-Outs, Mini-Markets, and Drive-Through and Drive-In Stores
 7. Restaurants, fast food
 8. Farm implement sales
 9. Service garage
 10. Commercial/Recreation Facilities, Indoor
 11. Adult Entertainment Facilities
- E. Light Industrial Uses
1. Construction trades and contractor offices
 2. Building services and supplies
 3. Plumbing and heating shops
 4. Wholesale distributors
 5. Lumber Yards and Building Materials, Sale and storage

150.244 Height and Area Regulations

The maximum height and minimum lot requirements within the C Commercial District shall be as follows:

General Requirements for All Permitted Uses:

Minimum Lot Area	-0-
Minimum Lot Width	-0-
Minimum Front Yard Setback	None; unless next to R District then 15 feet
Minimum Side Yard Setback	None; unless next to R District then 5 feet
Minimum Rear Yard Setback	10 feet; unless next to R District then 20 feet
Maximum Height	45 feet

150.245 Cross References

Supplemental District Regulations, 150.300
Accessory Uses, 150.302
Buffers and Transitions Between Residential/Commercial and
Residential/Industrial Zoned Properties, 150.305
Principal Building Per Lot, 150.306
Fences, 150.309
Projections into Required Yard, 150.310
Visibility at Intersections, 150.311
Temporary Uses, 150.312
Adult Entertainment Facilities, 150.317
Conditional Uses; Substantially Similar Uses, 150.400
Planned Unit Developments, 150.500
Off-Street Parking and Loading Facilities, 150.600
Signage, 150.700
Zoning Permit Requirements and Enforcement, 150.950

150.270 C-2 Commercial District

150.271 Intent

This district is intended to provide an integrated collection of structures and uses designed the supply a majority if the daily needs of Village residents.

150.272 Principle Permitted Uses

A. Institutional and Public Recreation Uses

1. Places of worship
2. Public recreation facilities
3. Libraries
4. Private Clubs

B. Business and Professional Office Uses

1. Business, professional, and administrative
2. Medical offices and clinics

C. Retail Commercial and Service Uses

1. General Merchandise Stores
2. Personal Services
 1. Restaurants, standard
4. Financial establishments
5. Private Schools
6. Grocery Stores

D. Road Service and Commercial Entertainment Uses

1. Automobile service stations
2. Fraternal and social association facility

3. Convenience stores
4. Motels and hotels
5. Printing, publishing, lithographing, and binding establishments, provided the gross floor area does not exceed 5,000 square feet
6. Self-Service Storage Facilities

150.273 Conditional Uses

A building or premises may be used for the following purposes in the C-2 Commercial District if a Conditional Use Permit for the use has been obtained.

A. Residential Uses

1. Elderly housing facilities

B. Institutional and Public Recreational Uses

1. Hospitals
2. Child day care centers
3. Public offices, public buildings, and public utilities
4. Cemeteries
5. Elementary, junior high, and high schools

C. Retail Commercial and Service Uses

1. Commercial planned unit developments
2. Nurseries and garden supply stores
3. Funeral homes
4. Animals hospitals, veterinary clinic and kennels, animal grooming, and pet shops

D. Road Service and Commercial Entertainment Uses

1. Automobile repair, painting, and body shops
2. Automobile washing facilities

3. Bars, taverns, and nightclubs
4. Commercial Entertainment, outdoor
5. Vehicle sales, rental, and service
6. Carry-Outs, Mini-Markets, and Drive-Through and Drive-In Stores
7. Restaurants, fast food
8. Farm implement sales
9. Service garage
10. Commercial/Recreation Facilities, Indoor
11. Adult Entertainment Facilities

E. Light Industrial Uses

1. Construction trades and contractor offices
2. Building services and supplies
3. Plumbing and heating shops
4. Wholesale distributors
5. Lumber Yards and Building Materials, sales and storage

150.274 Height and Area Regulations

The maximum height and minimum lot requirements within the C-2 Commercial District shall be as follows:

General Requirements for All Permitted Uses:

Minimum Lot Area	5,000 square feet
Minimum Lot Width	50 feet
Minimum Front Yard Setback	40 feet
Minimum Side Yard Setback	None; unless next to R District then 20 feet
Minimum Rear Yard Setback	10 feet; unless next to R district then 40 feet
Maximum Height	45 feet

150.275 Cross References

Supplemental District Regulation, 150.300
Accessory Uses, 150.302
Buffer and Transition Between Residential/Commercial and
Residential/Industrial Zoned Properties, 150.305
Principal Building Per Lot, 150.305
Fences, 150.309
Projections into required Yard, 150.310
Visibility at Intersections, 150.311
Temporary Use, 150.312
Adult Entertainment Facilities, 150.317
Conditional Uses; Substantially Similar Uses, 150.400
Planned Unit Developments, 150.500
Off-Street Parking and Loading Facilities, 150.600
Signage, 150.700
Zoning Permit Requirements and Enforcement, 150.950

150.280 I Industrial District

150.281 Intent

The purpose of the district is to provide for industrial and other uses that by virtue of their characteristics should be isolated from the residential uses. These uses perform essential functions for the Village including employment and should be provided for in areas that are best suited for industrial development by reason of location, topography, soil conditions, and the availability utilities and transportation systems.

150.282 Principle Permitted Uses

- A. Retail Commercial and Service Uses
 - 1. Nurseries and garden supply stores
- B. Road Service and Commercial Entertainment Uses
 - 1. Automobile Repair, Painting, and Body Shops
 - 2. Self-service Storage Facility
 - 3. Service Garage
- C. Light Industrial Uses
 - 1. Construction trades and building offices
 - 2. Lumber Yards and Building materials, sale and storage
 - 3. Warehouses
 - 4. Wholesale Distributors
 - 5. Heavy equipment rental, sales, service, and storage
 - 6. Transportation terminals
 - 7. Public service yards and garages
 - 8. Public Utilities
- D. Heavy Industrial Uses
 - 1. Enclosed industrial

150.283 Conditional Uses

A building or premises may be used for the following purposes in the I Industrial District if a Conditional Use Permit for the use has been obtained.

- A. Business and Professional Office Uses
 - 1. Business, Professional, and Administrative offices
- B. Road Service and Commercial Entertainment Uses
 - 1. Vehicle Sales, Rental, Rental, and Services
 - 2. Automobile Service Station
- C. Light Industrial Uses
 - 1. Building Services and Supplies
 - 2. Plumbing and Heating Shops
- D. Heavy Industrial
 - 1. Planned Industrial Development
 - 2. Open Industrial

150.284 Height and Area Regulations

The maximum height and minimum lot requirements within the I Industrial District shall be as follows:

General Requirements:

Minimum Lot Area	10,000 square feet
Minimum Lot Width	100 feet
Minimum Front Yard Setback	35 feet
Minimum Side Yard Setback	20 feet; unless next to R District then 40 feet
Minimum Rear Yard Setback	10 feet; unless next to R district then 40 feet
Maximum Height	45 feet
Lot Coverage	70%

150.285 Cross References

Supplemental District Regulation, 150.300
Accessory Uses, 150.302
Buffer and Transition Between Residential/Commercial and
Residential/Industrial Zoned Properties, 150.305
Principal Building Per Lot, 150.305
Fences, 150.309
Projections into required Yard, 150.310
Visibility at Intersections, 150.311
Temporary Use, 150.312
Adult Entertainment Facilities, 150.317
Conditional Uses; Substantially Similar Uses, 150.400
Planned Unit Developments, 150.500
Off-Street Parking and Loading Facilities, 150.600
Signage, 150.700
Zoning Permit Requirements and Enforcement, 150.950

150.300 SUPPLEMENTAL DISTRICT REGULATIONS

150.301 Intent

The purpose of Supplemental District Regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or preclude such problems, and to promote the harmonious exercise of property rights without conflict.

150.302 Accessory Uses

- A. It is the purpose of this Zoning Code to regulate accessory uses in order to promote the public health, safety, and welfare. It is the intent of these Sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.
- B. Except as otherwise provided in this Zoning Code, an accessory use or structure shall be permitted in association with a principal use or structure provided that:
 - 1. It shall use 35% or less of the gross floor area of the principal use or structure.
 - 2. It shall not contain or be used as a dwelling unit.
 - 3. It shall not exceed 18 feet in height.
 - 4. It shall meet all yard requirements of the principal use, except rear yard clearances, which shall be no closer than 5 feet from the rear lot line and no closer than 5 feet from a recorded easement.
- C. Retail sales and services are permitted as accessory uses when clearly incidental to the principal use.
- D. All accessory uses require a Zoning Permit.

150.303 Satellite Dish Antenna Regulations

Satellite dish antennas shall be permitted as an accessory use in all zoning districts, subject to requirements as follows:

- A. Ground-mounted satellite dishes installed in residential districts shall be limited to rear yard areas of the rearward portion of the lot or parcel.
- B. Setbacks for all satellite dish installations are measured from the outside diameter of the satellite dish and shall be a minimum of 5 feet from any property line, a minimum of 15 feet from public rights-of-way, and a sufficient safe distance from all overhead and/or underground power lines as determined by the Zoning Enforcement Officer.

- C. Roof-mounted satellite dishes shall be limited to a maximum diameter of 6 feet or less. Such installations shall be located on the rearward portion of the roof as viewed from the front yard. Roof installations shall be mounted in accordance with manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.
- D. All satellite dish antennas shall be properly grounded, resistant to lightning strikes, and in compliance with all electrical code requirements.
- E. All satellite dish antenna systems shall be noncorrosive, and designed, engineered, and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.
- F. Maximum diameter of any satellite dish shall not exceed 12 feet.
- G. Maximum overall height for ground-mounted satellite dish antenna systems shall not exceed 15 feet.
- H. Placement of satellite dish antenna systems within any public easement shall be prohibited.
- I. Small satellite dishes under 3 feet in diameter may be placed anywhere on the property and do not require a Zoning Permit.

150.304 Radio and Television Antenna Regulations

Radio and television antennas shall be permitted as an accessory use in all zoning districts, subject to requirements as follows:

- A. Ground-mounted antenna systems installed in residential districts shall be limited to side and rear yard areas except for guy wires and antenna elements.
- B. Setbacks for all antenna system installations shall be a minimum of 5 feet from any property line, a minimum of 15 feet from public rights-of-way, and a sufficient safe distance from all overhead and/or underground power lines as determined by the Building Inspector. Placement of antenna systems within an easement shall be prohibited.
- C. Roof-mounted antenna systems shall be located on the rearward portion of the roof as viewed from the front yard and shall be limited to a maximum height of 15 feet above the highest roof peak. Roof installations shall be mounted in accordance with manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.

- D. Maximum overall height for ground-mounted TV antenna systems shall not exceed 15 feet above the highest roof peak of the principal structure or 60 feet total, whichever is least.
- E. All antenna systems shall be properly grounded, resistant to lightning strikes, and in compliance with all electrical code requirements.
- F. All antenna systems shall be noncorrosive, and designed, engineered, and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.

150.305 Buffers and Transitions Between Residential/Commercial and Residential/Industrial Zoned Properties

- A. When the development of a single-family residential project is proposed to occur adjacent to or abutting property zoned or used for industrial or commercial purposes, or when the development of an industrial or commercial project is proposed to occur adjacent to or abutting property zoned or used for single-family residential purposes, the owner or developer of the project must undertake improvements to provide for the creation of a suitable transition and buffer between the noncompatible uses. The purpose of the buffer is to obscure noncompatible uses and diminish the impact that the industrial or commercial activity may have on the environment found in the single-family residential area. It is intended to protect the interest of the then or future occupants of the residential area.
- B. Buffer and transition plans are subject to the review and approval of the Planning Commission and the Village Council.
 - 1. The buffer and transition area must be accomplished through the use of a 6-foot high masonry wall (except in a front yard area, where the maximum height would be 3 feet) or earthen berm singly or in combination, or a greenbelt of at least 100 feet in depth. An alternate wall material may be permitted by the Planning Commission on application.
 - 1. All buffer and transition plans must provide for the installation of landscaping materials or use of existing landscaping to assist in the obscuring effect.
 - 2. The installation of a buffer and transition area must not interfere with existing storm water drainage flow patterns or utility easement areas, unless suitable measures are undertaken to alleviate problems that might be caused by the installation.
 - 4. The buffer must commence on the lot line between the subject properties, unless precluded by insurmountable problems posed by the location of utilities or easements on the property which is subject to development. If insurmountable conditions prohibit the commencement of the buffer and transition area on the property line, the commencement shall occur in an area as close as possible to the common lot line. The Planning Commission may permit the installation of the

obscuring wall on the opposite side of an alley, street, or right-of-way upon consent of adjacent property owners.

150.306 Principal Building Per Lot

In all districts permitting enclosed light or heavy industrial uses, it is permissible to erect more than one principal building devoted to such industrial use on the same lot. Only one principal building shall otherwise be permitted on each lot in any zoning, unless otherwise permitted by the Planning Commission and Council, or by the provisions of the Zoning Code.

150.307 Parking and Storage of Vehicles and Trailers

No commercial vehicles, including tractors, trucks, buses, manufactured homes, and semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to premises where labor using such tools, materials, and equipment is to be performed during the actual time of parking. No motor vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building.

150.308 Required Refuse Collection Sites

Refuse storage and collection sites shall be enclosed on three sides by a solid wall or fence at least 4 feet in height, unless located within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes.

150.309 Fences

- A. Fences constructed within a side or rear yard shall not be higher than 6 feet. Any fence is considered an accessory structure.
- B. No fence, wall, or hedge shall exceed 36 inches in height on any required front yard. No fence, wall, or hedge planting shall interfere with visibility from a driveway or public right-of-way. The Zoning Enforcement Officer is hereby empowered to cause all obstructions to be removed in the interest of public safety.

150.310 Projections Into Required Yards

- A. Chimneys, flues, sills, pilasters, and other similar features may not project into a required side yard more than 12 inches. Roof overhangs may not extend into a required side yard more than 12 inches.
- B. No structure may project into a required front yard. However, porches and steps may extend from the dwelling into the required front yard a maximum of 10 feet.

150.311 Visibility at Intersections

Vision clearance as defined in these Regulations is required on all corner lots, the Zoning Enforcement Officer is hereby empowered to cause all obstructions to be removed in the interest of public safety.

150.312 Temporary Uses

- A. The following uses are deemed to be temporary, and shall be subject to the following regulations and time limits, as well as the regulations of any district in which they are located:
1. Real estate sales offices for the sale of lots within a new subdivision shall be permitted within any district for a period of 1 year. Not more than two extensions of six months each may be granted if conditions warrant. Such offices shall contain no living accommodations and shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the Temporary Use Permit, whichever occurs first.
 2. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of 1 year. Not more than two extensions of 6 months each may be granted if conditions warrant. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the Temporary Use Permit, whichever occurs first.
 3. Temporary sales and services may be permitted within parking areas within any commercial district. A Zoning Permit valid for a period not to exceed 4 consecutive days may be issued three times within any 12-month period to any individual or organization. The application for the Temporary Use Permit shall be accompanied by written permission of the property owner, and shall be prominently displayed at the site. A permit shall not be issued for such temporary use if it encroaches upon more than 25% of the required parking area.
 4. Temporary retail sales and services, such as the sale of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any individual or organization in any commercial district. A Temporary Use Permit valid for a period not to exceed 2 consecutive days may be issued three separate times for any particular lot within any 12-month period. Not more than one permit may be issued at the same time for any lot. The applicant must submit a current or transient vendor's license, and a written statement from the property owner giving permission for such use. The Temporary Use Permit shall be prominently displayed at the site.
 5. Garage sales, including yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings are permitted. Any family may

- conduct two such sales within any 12-month period upon the property at which its members reside for a period not to exceed 3 consecutive days without obtaining a Temporary Use Permit, so long as the provisions of this Zoning Code pertaining to signs and parking are observed. Garage sale permits may be issued to groups of families, neighborhood organizations, and community organizations two times within any 12-month period and shall not exceed a period of 3 consecutive days each, and shall take place at the property of such group or one of its members.
- B. An application for a Temporary Use Permit shall be filed with the Zoning Enforcement officer at least 7 days before the anticipated instigation of such use. Such application shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.
- C. Temporary uses of public land are exempt from the requirements of this Section.

150.313 Swimming Pools

No private swimming pool or farm pond, other than portable swimming pools with a diameter of less than 12 feet or an area of less than 100 square feet, shall be allowed in any Residential or Commercial District except as an accessory use, and shall comply with the following requirements:

- A. The pool shall be used solely for the enjoyment of the occupants of the property on which it is located and their guests.
- B. The pool may not be located in required front yards, or closer than 12 feet to any property line or public easement.
- C. The pool shall be walled or fenced in such a manner as to prevent uncontrolled access by children from public areas or other properties. Fence shall be 6 feet in height, and it shall be maintained in good condition with a self-closing, latching gate and lock.
- D. Drainage must be into a storm sewer and not a sanitary sewer.

150.314 Home Occupations

- A. Home occupations are conditionally permitted in the R-1 and R-2 Districts.
- B. Only members of the immediate family occupying such dwelling shall be employed in such occupation.
- C. The use of the dwelling unit for the home occupation shall be clearly subordinate to its use for residential purposes by its occupants, and not more than 25% of its floor area shall be used in the conduct of the home occupation.

- D. There shall be no visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the building in which such use takes place.
- E. Electrical or mechanical equipment not incidental to domestic or household purposes shall be used, unless authorized by the Board. The Board may limit the hours or operation of such equipment or machinery. Electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuation in line voltage outside the dwelling unit, or which creates noise not normally associated with residential uses, shall be prohibited.
- F. No offensive noise, vibration, smoke or other particulate matter, odor, heat, humidity, glare, or other objectionable effect shall be produced by or result from such use.
- G. The following uses are prohibited as home occupations:
 - 1. Appliance repair;
 - 2. Light assembly, manufacturing, or fabricating;
 - 3. Motor vehicle repair, painting or body work, including reupholstery, detailing, or washing;
 - 4. Small engine or lawn and garden equipment repair;
 - 5. Veterinary offices or kennels;
 - 6. Warehousing of any type;
 - 7. Any welding or machine shop.
- H. All home occupation owners and employees shall comply with Village Income Tax rules and regulations.

150.315 Residential Design and Appearance Standards

Single-Family, Two-Family, and Multi-Family residential dwellings, whether of modular or site-built construction, shall comply with the following design and appearance standards:

- A. Each structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
- B. Each structure shall be so oriented on the site that its long axis is parallel with the street, and it shall have an entranceway facing the street.

- C. Each site shall be suitably landscaped, with adequate screening devices as elsewhere required.
- D. The siting of each structure shall comply with all yard and setback requirements in effect for the district for which it is proposed.
- E. The siting of each structure shall comply with all parking requirements in effect for the district for which it is proposed.
- F. Each site shall be adequately serviced by all appropriate utilities.
- G. Minimum roof pitch requirements shall entail a 4-inch vertical rise for each 12 inches of horizontal run.
- H. Roof overhangs shall have a minimum overhang of 12 inches, except where approved decks or accessory structures are attached.
- I. Roof material shall be wood shingle, wood shake, synthetic or composite shingle, ceramic tile, concrete tile, asphalt, or fiberglass shingle; no corrugated metal or corrugated fiberglass shall be allowed.
- J. Exterior siding shall be one or a combination of brick, stone, stucco, clapboard or clapboard-simulated vinyl or metal, wood shingles, shakes or similar material. No smooth, ribbed, or corrugated metal, fiberglass, or plastic shall be allowed. Siding must extend to the ground level, or, when a solid concrete or masonry perimeter foundation is used, to the top of the foundation.
- K. Each principal structure shall be of a minimum width of 25 feet.
- L. An attached enclosed two-car garage with overhead doors is required for each single-family residence. An enclosed one-car garage with overhead doors is required for each other dwelling unit. One-car garage shall be not less than 12 feet in width and 22 feet in length. Two-car garage shall be not less than 20 feet in width and 22 feet in length.

150.316 Nuisance Performance Standards

No land or structure in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable hazard, substance, condition, or element in such a manner or in such an amount as to adversely affect any adjoining lot use, or structure or any surrounding area.

The following minimum standards shall apply to all uses:

- A. Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion. Burning of waste materials in open fire is prohibited.
- B. Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution: No emission of air pollutants shall be permitted which violate the minimum requirements of the Shelby County Department of Health. Dust and other airborne pollutants shall be minimized through the paving or landscaping of the lot area around any building or structure.
- C. Glare, Heat, and Exterior Light: Any operation producing intense light or heat shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.
- D. Liquid or Solid Wastes: No discharge in any manner of any material of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment, or otherwise cause the emission or transmission of any dangerous or offensive element, shall be permitted except in accord with standards approved by the Ohio Department of Health or such other governmental agency as shall have jurisdiction of such activities.
- E. Noxious Gases: Processes and operations of permitted uses capable of dispersing gases or toxic particulates into the atmosphere shall be hooded or otherwise suitably enclosed. The emission of such toxic gases or particulate matter shall be from a stack.
- F. Vibrations: No use shall be allowed to produce earth-shaking vibrations which are discernable without instruments at the property lines of the subject premises.
- G. Odor: Any use which releases odors to the atmosphere shall be so controlled as to prevent nuisance or hazard at or beyond the nearest lot line.

150.317 Adult Entertainment Facilities

- A. An adult entertainment facility is a building, structure, or use having as a significant portion of its function an adult entertainment business.
- B. An adult entertainment business is any business involved in presenting motion pictures, selling services or products, including books, magazines, periodicals, video or audio tapes or discs characterized by the exposure or presentation of specified anatomical areas or physical contact of live males or females and characterized by salacious conduct appealing to prurient interest for observation or participation by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified in this subsection.

C. "Specific sexual activities" are:

1. Human genitals in a state of sexual stimulation or arousal;
2. Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and
3. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

D. "Specific anatomical areas" are:

1. Less than completely and opaquely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the top of the areola; and
2. Human male genitals in a discernibly turgid state even if completely and opaquely covered.

E. Adult entertainment facilities shall be allowed as a conditional use in the C-1 and Commercial Districts, subject to the following additional conditions:

1. No adult entertainment facility shall be established within 1,000 feet of an existing residence or an area where residences are zoned as a permitted use.
2. No adult entertainment facility shall be established within a radius of 1,000 feet of any public or private school, library, or teaching facility attended by persons under 18 years of age.
3. No adult entertainment facility shall be established within a radius of 1,000 feet of any park or recreational facility attended by persons under 18 years of age.
4. No adult entertainment facility shall be established within a radius of 1,000 feet of any other adult entertainment facility or within a radius of 2,000 feet of any two of the following establishments:
 - a. Establishments for the sale of beer or intoxicating liquor for consumption on the premises;
 - b. Pinball palaces, halls, or arcades;
 - c. Dance halls or discotheques;
 - d. Pool or billiard halls; or
 - e. Pawn shops.

5. No adult entertainment facility shall be established within a radius of 1,000 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
6. No advertisement, display, or other promotional material shall be shown or exhibited so as to be visible to the public from pedestrian sidewalks, walkways, or other public or semipublic areas.
7. All building openings, entries, windows, and ventilators shall be located, covered, or serviced to prevent a view into the interior from any public or semipublic area, sidewalk, or street. Structures shall be oriented so as to minimize any possibility of viewing the interior from public or semipublic areas.
8. No screens loudspeakers, or video or audio equipment shall be used in such a manner that adult materials can be seen, heard or discerned by the public from public or semipublic areas.
9. Any provision of subsection D.4 herein may be waived by the Board of Zoning Appeals, if the applicant provides affidavits from 51% of the property owners and resident freeholders within the described radii, giving their consent to the establishment of an adult entertainment facility, and if the Board determines that:
 - a. The proposed use will not be contrary to the public interest or injurious to nearby properties, and that the spirit and intent of this chapter will be observed;
 - b. The proposed use will not enlarge or encourage the development of a slum or blighted area;
 - c. The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal, residential or commercial reinvestment, or renovation of an historical area; and
 - d. All applicable regulations of this chapter will be observed.

150.318 Wireless Telecommunication Facilities

Wireless Telecommunication Facilities shall be permitted as a conditional use in I-1 Industrial Districts, subject to requirements as follows:

- A. Color and Appearance – All Facilities shall be painted a non-contrasting gray or similar color minimizing their visibility, unless otherwise required by the Federal Communications Commission, Federal Aviation Administration, and/or by

- historical or architectural standards imposed by Village ordinance. All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment by the means of camouflage deemed acceptable by the Village.
- B. Advertising Prohibited – No advertising is permitted anywhere upon or attached to the Facility.
 - C. Artificial Lighting Restricted – No Facility shall be artificially lit except as required by the Federal Communication Commission or Federal Aviation Administration. The minimum amount of illumination shall be used, so as to reduce glare to the surrounding neighborhood.
 - D. Existing Vegetation and Buffer Plants – Existing vegetation (trees, shrubs, etc.) shall be preserved to the maximum extent possible. Buffer plants shall be located around the perimeter of the security enclosure as deemed appropriate by the Village.
 - E. Access Control and Emergency Contact – “No Trespassing” signs shall be posted around the Facility, along with a telephone number of who to contact in the event of an emergency.
 - F. Maintenance – Any owner of property used as a Facility shall maintain such property and all structures in good condition, free from trash, litter, outdoor storage, weeds, and other debris.
 - G. Tower
 - 1. Maximum Height: Less than the distance of such tower from the nearest property line.
 - 2. Location: No closer to residential zoned districts than as follows:
 - a. If less than 100 feet in height, no closer than 500 feet to any residential zoned district or use.
 - b. If less than 150 feet in height, no closer than 750 feet to any residential zoned district or use.
 - c. If greater than 150 feet in height, no closer than 1000 feet to any residential zoned district or use.

The village may deny the application to construct a new cellular or wireless communications tower if it determines that the applicant has not made a good faith effort to mount the antenna on existing structures.

The applicant shall demonstrate that the antenna or tower is the minimum height required to function satisfactorily. No antenna or tower that is taller than the minimum height shall be approved.

A full site plan shall be required for all proposed cellular or wireless telecommunications sites to a scale of 1 inch to 100 feet (1"= 100'), indicating the following:

- A. The total area of the site;
- B. The existing zoning of the property in question and all adjacent property;
- C. All public and private rights-of-way and easement lines located on or adjacent to the property which is proposed to be continued, created, relocated or abandoned;
- D. Existing topography with a maximum of five (5) foot contour intervals;
- E. The proposed finished grade of development shown by contours not exceeding five (5) foot intervals;
- F. The location of all existing buildings and structures and the proposed location of the cellular or wireless communications tower and all cellular or wireless communications support structures, including dimensions, heights, and where applicable, the gross floor area of the buildings;
- G. The location and dimensions of all curb cuts, driving lanes, off-street parking and loading areas including the number of spaces, grades, surfacing materials, drainage plans and illumination of the facility;
- H. All existing and proposed sidewalks and open areas on the site;
- I. The location of all proposed fences, screening and walls;
- J. The location of all existing and proposed streets;
- K. All existing and proposed utilities including types and grades;
- L. The schedule of any phasing of the project;
- M. A written statement by the cellular or wireless telecommunications company as to the visual and aesthetic impacts of the proposed cellular or wireless communications tower on all adjacent residential zoning districts;
- N. Proof that the cellular or wireless telecommunication company is licensed by the Federal Communications Commission (FCC);
- O. Any other information required by the Planning Commission to determine conformance with the Village Zoning Code.

150.400 CONDITIONAL USES; SUBSTANTIALLY SIMILAR USES

150.401 Intent

In recent years the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Zoning Code should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation.

150.402 Contents of Application

Any owner, or agent of property for which a conditional use is proposed shall file an application for a Conditional Use Permit with the Zoning Enforcement Officer, who shall within 20 days transmit it to the Board of Zoning Appeals. Such application shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Legal description of the property for which the use is proposed.
- C. Zoning district in which the property is located.
- D. Description of existing use, if any, of the property.
- E. Description of the proposed conditional use of the property.
- F. A plan of the proposed site for the conditional use, showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board may require.
- G. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties, including an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration.
- H. A list containing the names and mailing addresses of all owners of property within 200 feet of the property in question.
- I. A fee as now or hereafter established.

- J. A narrative addressing each of the applicable criteria contained in the following section, General Standards For All Conditional Uses.

150.403 General Standards For All Conditional Uses

In addition to the specific requirements for conditionally permitted uses as specified in this Zoning Code, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards to determine to such use at the proposed location:

- A. If in fact a conditional use as established under the provisions of these Regulations and appears on the Schedule of District Regulations adopted for the zoning district involved;
- B. Will be in accordance with the general or any specific objective of the Zoning Code;
- C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the area;
- D. Will not be hazardous or disturbing to existing or future neighboring uses;
- E. Will be served adequately by essential public facilities and services, or that the persons or agencies responsible for the establishment of the proposed use shall adequately provide any such service;
- F. Will not create excessive additional requirements at public cost for public facilities and services, and will not be detrimental to the economic welfare of the community;
- G. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets;
- I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature.

150.404 Action by the Board of Zoning Appeals

Within 30 days after the receipt of application or the date of the public hearing, if held, the Board shall take one of the following actions:

- A. Approve issuance of a Conditional Use Permit upon written finding that the proposed conditional use is to be located in a district in which such use may be conditionally permitted, that all conditions for approval of such use in such district have been met,

and that such use will neither result in significant negative impact upon nor conflict with surrounding uses. Such written finding may also prescribe supplemental conditions and safeguards. Upon making an affirmative finding, the Board shall direct the Zoning Enforcement Officer to issue a Conditional Use Permit for such use, which permit shall list all conditions and safeguards required by the Board for approval.

- B. Make a written finding that the application is deficient in information or is in need of modification, and return it to the applicant. Such finding shall specify the information or modifications deemed necessary.
- C. Deny the application, specifying in writing the reasons for disapproval.

150.405 Supplemental Conditions and Safeguards

The Board may impose other conditions and safeguards for a conditional use in addition to those prescribed in this Section if in the Board's judgment they are necessary for the protection of the public health, safety, or welfare. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Zoning Code.

150.406 Public Hearing

A public hearing may be ordered and held by the Board when it deems it to be necessary in the public interest. Such a hearing shall be held within 30 days after the Board receives the application for a Conditional Use Permit.

Notice of the hearing shall be published in a newspaper of general circulation in the Village of Fort Loramie at least 10 days before its date. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

Written notice of such hearing shall also be mailed by the Chairman of the Board by first-class mail, at least 10 days before the date of the hearing to all parties determined to be interested, to include all property owners listed in the application. The notice shall contain the same information as published in the newspaper.

150.407 Expiration of Conditional Use Permit

A Conditional Use Permit shall be deemed to authorize only one particular conditional use, and shall automatically expire if such use has not been instituted or utilized within 1 year of the date on which the permit was issued, or if for any reason such use shall cease for more than 2 years.

150.408 Procedure and Requirements to Determine That a Use is Substantially Similar

Where a specific use is proposed that is not listed or provided for in this Zoning Code, the Board may make a determination, that the proposed use is substantially similar to a specific use

that is listed or provided for in this Zoning Code. If the Board finds that a use is substantially similar to a specific use listed in this Zoning Code, the substantially similar use is deemed to be a permitted use in those districts where the specific use is a permitted use, and a conditional use in those districts where the specific use is a conditionally permitted use.

Upon making a determination that a proposed use is substantially similar, the Board shall notify the Council of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within 30 days of its receipt by the Council, such substantially similar use determination by the Board shall become effective.

If the Board determines that a proposed use is not substantially similar, such determination may not be appealed to the Council, but remedy may be sought by the appellant through the submission of an application for amendment.

The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

- A. The compatibility of the proposed use with the general use classification system as specified in this Zoning Code.
- B. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Zoning Code as being permitted, or in the case of a conditional use, conditionally permitted, in that district.
- C. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Zoning Code.

Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in this Zoning Code, it shall then be permitted in the same manner and under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.

150.450 NONCONFORMITIES

150.451 Intent

Within the districts established by this Zoning Code, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination may exist which were lawful before this Zoning Code was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Zoning Code. The legitimate interests of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Zoning Code shall be construed to require any change in the layout, plans, construction, size, or use of any lot, structure, or structure and land in combination, for which a Zoning Permit became effective prior to the effective date of this Zoning Code, or any amendment thereto. Nevertheless, while it is the intent of this Zoning Code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as a basis for any other use or structure prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Zoning Code.

150.452 Uses Under Conditional Use Provisions Not Nonconforming Uses

Any use which is permitted as a conditional use in a district under the terms of this Zoning Code shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

150.453 Incompatibility of Nonconformities

Nonconformities are declared by this Zoning Code to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, of land, or of a structure and land in combination shall not be extended or enlarged after passage of this Zoning Code by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

150.454 Effective Date of Use

Nothing in this Zoning Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Code and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

150.455 Substitution of Nonconforming Uses

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, a nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same or to be a less intensive classification, or a use determined by the Board to be equally or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, and failure to meet such conditions and safeguards shall be considered a punishable violation of this Zoning Code. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

150.456 Single Nonconforming Lots of Record

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Code, notwithstanding limitations imposed by other provisions of this Zoning Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located.

150.457 Nonconforming Lots of Record in Combination

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Zoning Code, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Code, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Zoning Code, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Zoning Code.

150.458 Nonconforming Uses of Land

Where, at the time of adoption of this Zoning Code, lawful uses of land exist which would not be permitted by the regulations imposed by this Zoning Code, the uses may be continued so long as they remain otherwise lawful, provided:

- A. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code.

- B. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Zoning Code.
- C. No additional structure not conforming to the requirements of this Zoning Code shall be erected in connection with such nonconforming uses.

150.459 Nonconforming Structures

Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Code that could not be built under the terms of this Zoning Code by reason of restrictions on area, lot coverage, height, setbacks, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

150.460 Nonconforming Uses of Structures or of Structures and Land in Combination

If a lawful use of a structure, or of a structure and land in combination, exists at the effective date of adoption or amendment of this Zoning Code that would not be allowed in the district under the terms of this Zoning Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.
- B. Any nonconforming use may be extended throughout any part of a building manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the Board, be changed to another nonconforming use, provided that the Board shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accord with other provisions of this Zoning Code.

- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

150.461 Termination of Nonconformities

A. Termination of Use Through Discontinuance

When any nonconforming use is discontinued or abandoned for more than two (2) years, any new use shall not thereafter be utilized except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

B. Termination of Use by Damage or Destruction

In the event that any nonconforming building or structure is damaged or destroyed by any means to the extent of more than 50% of the cost of replacement of such structure, exclusive of foundation, it shall not be rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Zoning Code.

150.500 - PLANNED UNIT DEVELOPMENTS (PUD)

150.501 Intent

The intent of this Section is to permit and encourage the creative design of new residential, commercial, and industrial areas in order to promote imaginative proposals for local development while protecting the health, safety, and general welfare of existing and future residents of surrounding neighborhoods.

150.502 Requirements

The owner or owners of any parcel of land in the districts designated may submit an application to the Village Council for the type of Planned Unit Development permitted in that district. Residential Planned Unit Developments, hereafter referred to as R-PUD's, may be permitted in the R-1, R-2, and R-3 Residential zoning districts. Commercial Planned Unit Developments, hereafter referred to as C-PUD's, may be permitted in the C Commercial zoning districts. Industrial Planned Unit Developments, hereafter referred to as I-PUD's, may be permitted in the I Industrial zoning districts.

150.503 Permitted Uses

The uses permitted in the PUD shall be those uses permitted by the zoning district containing such development.

150.504 Procedure

- A. An application for a commercial, residential, or industrial PUD accompanied by a concept plan of the development shall be made to the Planning Commission. The Planning Commission shall hold at least one public hearing on the application no later than 30 days after its receipt. The Planning Commission shall file a written report on the application to the Village Council within 30 days of the public hearing. The report shall address the impact of the proposed development on adjacent and nearby areas of the Village, the effect of the proposed development on the provision of services to the community, and other matters relating to the public health, safety, and general welfare. The report shall include a recommendation of approval, approval with amendments, or denial.
- B. Upon receipt of the report of the Planning Commission, the Village Council shall hold at least one public hearing on the application prior to reaching a decision. The decision of the Village Council shall be made no later than 60 days after the receipt of the report of the Planning Commission. The Village Council may approve, approve with amendments, or deny the application.
- C. Within 12 months of approval or approval with amendments of the PUD application and concept plan, the applicant shall submit a development plan to the Planning Commission. The Planning Commission shall evaluate the plan for conformance with

the concept plan for the PUD as approved by the Village Council. If the Planning Commission finds the development plan is in conformance with the concept plan, then such plan shall be filed as a final plat and shall be recorded in the office of the County Recorder. Upon recording of the final plat, the Zoning Enforcement Officer shall issue the necessary permits.

150.505 Submission Requirements

Any application for a PUD shall contain the following information, which shall constitute a concept plan. The application shall consist of an original and five copies of all required documents, and shall include:

- A. Names of owners, developers, and designers of the plan, and proposed name of the development.
- B. A legal description of the land to be developed.
- C. A statement of the objectives to be achieved by the PUD through the particular approach proposed by the applicant and the rationale behind the assumptions and choices made.
- D. A development schedule indicating the approximate dates when construction of the PUD can be expected to begin and be completed.
- E. Quantitative data for the following items:
 - 1. Total number of dwelling units, commercial facilities, industrial buildings, and parcel sizes.
 - 2. Proposed lot coverage of buildings and structures.
 - 3. Approximate gross and net residential, commercial, or industrial densities.
 - 4. Total amount of open space, including separate figures for usable open space.
 - 5. Economic feasibility study or market analysis where deemed necessary by the Planning Commission.
- F. Site plan and supporting maps. Maps shall be drawn at an appropriate scale to show the following information:
 - 1. Date, north arrow, and scale.
 - 2. Existing zoning districts.

3. Existing site conditions including contours at 1-foot intervals, watercourses, floodplains, unique natural features, and natural cover.
4. Proposed lot lines and plot designs.
5. The location and floor area size of all existing and proposed buildings, structures, and other improvements, including maximum heights, types of dwelling units, density per acre, and nonresidential structures, including commercial facilities.
6. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and public and semipublic uses.
7. Existing and proposed circulation systems of arterial, collector, and local streets including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way.
8. Existing and proposed pedestrian circulation systems, including their interrelationships with the vehicular circulation systems, indicating proposed treatment of points of conflict.
9. The existing and proposed utility systems, including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines.
10. A general schematic landscape plan indicating the treatment of materials used for private and common open spaces.
11. Information on land areas adjacent to the proposed PUD so as to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, unique natural features, and land uses within one-half mile of the boundaries of the proposed development.
12. A landscaping and screening plan for all perimeters of the PUD.
13. Phases of development and approximate starting dates.

G. Development Plan

Subsequent to approval of a concept plan by the Planning Commission and Village Council, the applicant shall submit the following information as a development plan. The application shall consist of an original and five copies of all required documents.

1. Any legal agreements stipulating conveyance of open space for public use to homeowners' or merchants' associations and indicating responsibility for maintenance of such space.

2. Any restrictive covenants or other conditions which apply to any parcel of land in the PUD.
3. All necessary legal documentation relating to the incorporation of homeowners' or merchants' associations for the purpose of maintaining any common open space included within the PUD.
4. Site plans and supporting maps indicating the following:
 - a) Surveys of land areas to be developed, showing topography at 1-foot intervals, drainage, vegetation, and natural cover.
 - b) Detailed site plans in conformance with the Village of Fort Loramie Design Criteria and Construction Standards and Drawings, indicating the location and engineering specifications of the following items:
 - (1) The location of lot lines, building outlines, and setbacks.
 - (2) Pedestrian and vehicular circulation systems.
 - (3) All utility systems, including sanitary sewers, storm sewers, and water, electric, gas, and telephone lines.
 - (4) Landscaping indicating the specific types of vegetation to be used and their location in the development.
 - (5) Location of fire hydrants and fire lanes.
 - (6) Any additional information in the form of written documents, plans, and supporting maps required by the Planning Commission and Village Council in consideration of the application.
 - (7) Storm water plan.
 - (8) Grading plan.

150.506 Special Provisions

- A. The Village Council may approve greater densities and smaller lot sizes in a PUD than those permitted in the zoning district in which the PUD is located. In no case shall the overall density exceed the density permitted in the zone by more than 25%, and no lot size shall be more than 50% smaller than that permitted in the zone.
- B. If the Planning Commission determines it is consistent with the public health, safety, and general welfare, and necessary for the overall development and usefulness of the

residential PUD, commercial uses may be permitted by the Planning Commission in the development, provided they are designed and intended primarily for the use of the residents of that development. All such uses shall:

1. Be located within a multiple dwelling, an administration building for the development, or a building providing community facilities primarily serving the occupants of the development and their guests.
 2. Have no business signs, advertising, or displays visible from the outside of the building in which they are located; and
 3. Have a total area which does not exceed 5% of the gross floor area of all dwellings within the development.
- C. The Planning Commission shall make a recommendation to the Village Council as to overall density of development and lot sizes. In making its recommendation, the Planning Commission shall consider the following:
1. Amount, design, and uses of open space in the development.
 2. Overall design quality of the development.
 3. Impact of the proposed development on utilities.
 4. Circulation patterns and the impact of the development upon traffic flows and patterns.
 5. Amenities to be provided by the developer, including but not limited to recreational facilities, infrastructure improvements, environmental improvements, and land set aside for public purposes.
 6. Relationship of the development to surrounding land uses.
 7. Impact of the development in providing housing and other community needs.
- D. The Planning Commission may take into account any other factors it deems appropriate to the development under consideration.
- E. Ownership of Common Open Space.
1. In an R-PUD, the common open space shall be owned by the homeowners as tenants-in-common. A homeowners' association shall be formed prior to the conveyance of the first property, and the legal documents establishing the association shall stipulate that the association will control and have responsibility for maintenance of the common open space upon conveyance of more than 50% of the lots or units in the development.

2. The common open space shall be protected against building development and environmental damage by conveying to the Village an open space easement restricting building development and prohibiting removal of soil, trees, and other natural features, except as is consistent with conservation, recreation, or agricultural uses or uses accessory to permitted uses. This easement shall be conveyed before recording of the final plat.
3. A written agreement or contract shall be executed between the developer and the Village stating the following:
 - a) That in the event of failure of the owners, their successors, or assigns to maintain any common open space or the landscaping or improvements thereon, the Village may enter into the development and perform any necessary maintenance, and charge the cost, including, but not limited to engineering and attorney fees, to the owners, their successors or assigns.
 - b) That the developer will construct the development and install landscaping and improvements in accordance with the approved plan.
 - c) That the contract shall be binding upon the owners, successors, assigns, or receivers of the development, and shall constitute a lien on the property.
4. Copies of any management policies, deed restrictions, or covenants with the land shall be provided to the Planning Commission to the final hearing.

150.507 Residential and Commercial Planned Unit Development Design Standards

- A. Applicants are encouraged to use innovative design, including varying of lot sizes and building orientation.
- B. PUDs shall be designed in a manner which promotes harmonious relationships between the development and surrounding land uses.
- C. Open space within a PUD may be required by the Planning Commission and if required shall meet the following criteria:
 1. Not less than 20% of the total land area, exclusive of streets and street rights-of-way, shall be devoted to common open space. In R-PUDs this land shall be used for recreation or conservation purposes, and in C-PUDs, this land shall be appropriately landscaped and may contain walkways, benches, and the like.
 2. In R-PUDs, at least half of the common open space shall be usable for active recreation.

3. The size, location, shape, and character of an open space must be suitable for its designated uses.
4. Not more than 20% of the common open space may be devoted to paved areas (such as parking lots, walks, and hard-surfaced play areas) and structures used for or accessory to open space uses.
5. Landscape plans for the common open space must be approved by the Planning Commission.

D. Townhouses constructed in PUDs must meet the following criteria:

1. No more than four contiguous townhouses shall be built in a row with the same or approximately the same front line, and no more than eight townhouses shall be contiguous.
2. Each townhouse shall have its own yard containing no less than 400 square feet, reasonably secluded from view from streets or from neighboring property. These yards shall not be used for off-street parking, garages, storage facilities, driveways, or accessory buildings.
3. The minimum distance between any two rows of townhouse buildings substantially parallel to each other shall be 60 feet.
4. The minimum distance between any two abutting ends of townhouse buildings in the same general plan or row shall be 25 feet.

E. Parking within the PUD shall be regulated in conformance with Section 150.600, Off-Street Parking and Loading Regulations. Parking areas containing more than 40,000 square feet shall be landscaped in accordance with a plan approved by the Planning Commission.

F. Signs in a PUD shall conform to the requirements of this Zoning Code, except that in addition to other permitted signs there may be one sign at each entrance to the development, indicating its name. In residential PUDs the signs shall not exceed 40 square feet in size, and in commercial PUDs the signs shall not exceed 80 square feet in size. The Planning Commission may reduce the maximum size of the signs in accordance with the size, design, and location of the PUD.

G. Street layouts to PUDs shall be designed in a manner to minimize pavement lengths. To the extent possible streets shall conform to the natural contours of the land. In commercial PUDs fire lanes shall be provided and approved as to location and width by the fire department.

150.508 Industrial Planned Unit Development Design Standards

- A. All land in contiguous ownership shall be shown on the plans. The entire parcel is to be included, even if the development is to take place in phases.
- B. The development shall be designed in a manner so as to provide safe access, harmonious arrangements of land uses, separation of differing modes of transportation, areas for storm water runoff and possible retention, adequate solid waste and sewage disposal, buffers, parking, and other utilities.
- C. All development which abuts land zoned residential or used for residential purposes shall be adequately buffered from residential boundaries. The buffer shall consist of one or more of the following items: fences, berms, or plantings which are more than 6-foot tall and form a solid barrier. Where the proposed development may produce excessive noise, traffic, dust, glare, or odor, a planted green belt up to 100-feet in depth shall be required, and may be considered part of the open space.
- D. All areas for outdoor storage of materials, waste, or finished products shall be indicated on the plans. The plans shall state the chemical composition, size and form of the materials, and type and length of storage. All outdoor storage areas shall be enclosed by a wall or fence of solid appearance or a tightly-spaced evergreen hedge to conceal the areas or facilities from view from adjacent land uses and primary access roads.
- E. No raw galvanized or other raw metal sheeting or untreated concrete block may be used for the exterior construction of any building in the I-PUD.
- F. All buildings shall be of designs and materials which will promote a visually harmonious environment.
- G. Outdoor lighting shall not disrupt neighboring land uses by excessive glare.
- H. Not more than 80% of the total land area of an industrial development shall be devoted to structures, accessory uses, parking areas, and streets.
- I. All parking areas in an I-PUD shall contain landscaping in accordance with an approved landscaping plan. The landscaping shall be completed as soon as practicable. Where permanent planting must be delayed due to weather conditions, erosion control measures shall be employed until the landscaping is completed.
- J. Erosion and runoff control measures shall be employed during construction of buildings and improvements in an I-PUD.
- K. Access requirements shall be as follows:
 - 1. A paved road shall be provided with adequate frontage for each structure. The road shall be constructed in conformance with standards established by the Village. Roads serving primarily nonresidential traffic, especially truck traffic, shall not normally be extended to the boundary of adjacent land zoned for residential use or

- in residential use; nor shall primarily residential roads be used for access to industrial developments. No portion of any lot shall be paved unless in accordance with the approved site plan.
2. Loading docks, truck parking, or truck turn-around areas shall be designated through the use of signs and pavement markings. These areas shall be separated from parking and access areas used by automobiles or pedestrians. Roadways shall not be used for truck parking, standing, or backing areas. Parking and loading facilities shall not be located between structures and local access streets.
 3. Fire lanes shall be provided at all entrances to and exits from structures and storage areas and at all locations of hydrants. Fire lanes shall be designated by signs and pavement markings.
 4. All rail lines, sidings, or switching facilities shall be indicated on the site plan. The Village may require additional vehicular or pedestrian crossings.
- L. Industrial Performance Standards - Any applicant for approval of a I-PUD under the provisions of this Section shall comply with all applicable local, state, and federal standards relating to air and water quality, heat, noise, glare, and odor. The applicant also shall comply with any applicable environmental standards which have been approved by the Village Council.
- M. Signs - Signs within an I-PUD shall be regulated in conformance with Section 150.700, Signage except that in addition to the other permitted signs, there may be one sign no more than 100 square feet in area at each entrance to the development for the purpose of identifying it.
- N. Parking and Loading Regulations - Parking within an I-PUD shall be regulated in conformance with Section 150.600, Off-Street Parking and Loading Facilities.
- O. Height Regulations - The maximum height of buildings in the I-PUD shall be 40 feet. All other structures shall comply with this Zoning Code.

150.600 OFF-STREET PARKING AND LOADING FACILITIES

150.601 Intent

The intent of the off-street parking and loading regulations is to protect the public health, safety, and welfare by insuring that all land uses have adequate amounts of off-street parking and loading areas in order to prevent traffic hazards on public streets.

150.602 General Parking Requirements

When any building, structure, or land is erected, enlarged, increased in capacity, or used, off-street parking spaces for automobiles shall be provided in accordance with these Sections. A parking plan shall be required for all uses except for single or two-family residential uses. The parking plan shall be submitted to the Zoning Enforcement Officer as part of the application for a zoning permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

150.603 Off-Street Parking Design Standards

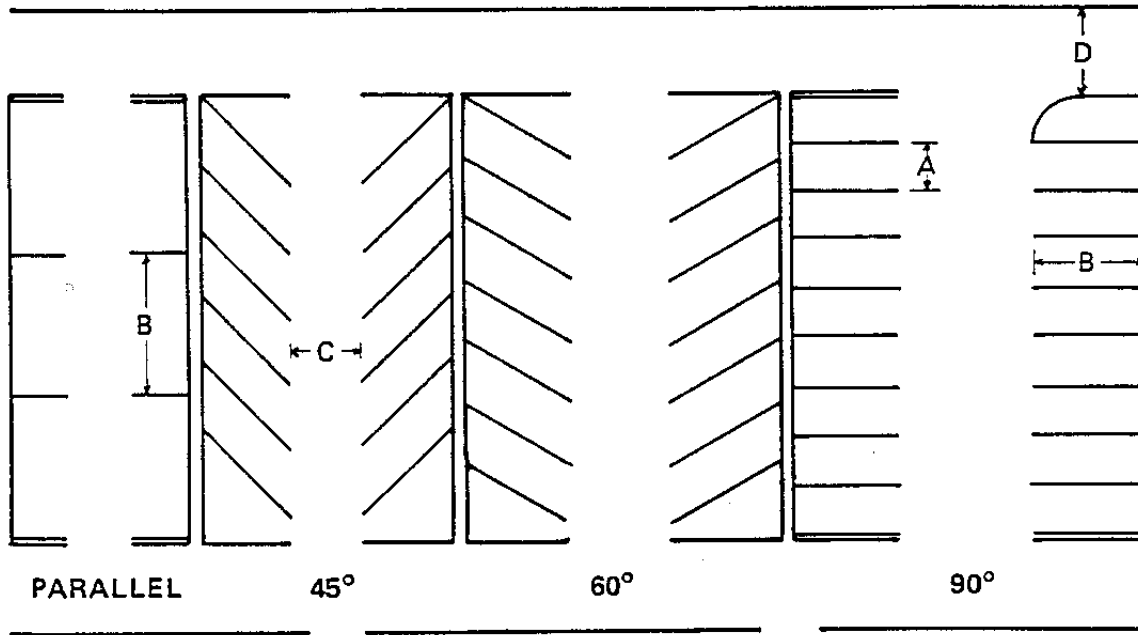
All off-street parking facilities shall be in accordance with the following standards and specifications:

- A. **Parking Space Dimensions:** Each off-street parking space shall have an area of not less than 162 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
- B. **Access:** There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street, an access drive shall be provided, with a dedicated easement of access, as follows:
 1. For each single, two, or three-family residential dwelling the access drive shall be a minimum of 12 feet and a maximum of 24 feet in width. Multiple driveways are not permitted.
 2. For all other uses the access drive shall be a minimum of 16 feet and a maximum of 30 feet in width. Multiple driveways are not permitted.
 3. All parking spaces, except those required for single-, two-, or three-family dwellings, shall have access to a public street in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
- C. **Setbacks:** In C and I districts, off-street parking spaces may be located in the required front yard on lots where business or industry is located, provided that a 10 foot grass

area is located between the parking area and the street right-of-way, and that one tree for every 30 feet of frontage is planted in this area.

- D. Screening: Screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with Section 150.305 Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties.
- E. Paving: All required parking spaces, together with driveways, and maneuvering areas, shall be dust-free and of a hard-surface with a pavement having an asphalt or concrete binder, such as concrete, asphalt, double chip and seal, or paver bricks; variances for parking related to school auditoriums, assembly areas, sports fields and other community meeting or recreation areas may be granted, if paved areas are provided for daily-use parking areas. Where paving is not required, proper dust-control measures shall be undertaken and maintained.
- F. Drainage: All parking spaces, together with driveways, aisles, and maneuvering areas shall be graded and drained so as to dispose of surface water and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or public streets. Adequate arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system. Drainage shall also meet the requirements of the Village of Fort Loramie Design Criteria and Construction Standards and Drawings.
- G. Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
- H. Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
- I. Marking: All parking areas for ten or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Enforcement Officer, and shall be maintained in a clearly visible condition.
- J. Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without potholes and free of all dust, trash, or other debris.
- K. Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.
- L. Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any Residential District.

M. Parking Space Dimensions: The minimum dimensions of parking spaces shall be as illustrated below:



Off-Street Parking Minimum Dimensional Table

		45°	60°	90°	Parallel
A	Width of Parking Space	12'	10'	9'	9'
B	Length of Parking Space	19'	19'	19'	23'
C	Width of Driveway Aisle	13'	17'6"	25'	12'
D	Width of Access Driveway	17'	14'	14'	14'

150.604 Determination of Required Spaces

In computing the number of parking spaces required by this Zoning Code, the following shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls.
- B. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated, or each 24 lineal inches of benches or pews, except where occupancy standards are set by the fire marshal, in which case the maximum number allowed shall apply.
- C. Fractional numbers shall be increased to the next whole number.

150.605 Joint or Collective Parking Facilities

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

- A. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.
- B. Not more than 50% of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns, and similar uses, and up to 100% of the parking spaces required for churches, schools, auditoriums, and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments, and similar uses that are not normally open, used, or operated during the same hours as the uses for which such spaces are jointly or collectively used.
- C. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement assuring their retention for such purposes shall be executed by the parties concerned and filed with the application for a zoning permit.

150.606 Off-Street Waiting Areas for Drive-In Services

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street automobile waiting spaces in accordance with the following requirements:

- A. Photo pickups, restaurants, drive-through beverage docks, and other similar commercial establishments that can normally serve customers in 3 minutes or less shall provide no less than five waiting spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of three additional waiting spaces for each such stopping point.
- B. Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than four waiting spaces per window.
- C. Self-service automobile washing facilities shall provide one space for each employee, with a minimum of four spaces, plus five off-street waiting spaces for each car washing device or stall, or fifteen off-street waiting spaces for an assembly line type washing establishment, and two parking spaces at the end of each washing bay for drying and hand-finishing vehicles.
- D. Motor vehicle service stations shall provide no less than two waiting spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than 15 feet to any street right-of-way line.

150.607 Parking of Disabled Vehicles

The parking of a disabled vehicle within a residential district for a period of more than one week shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

150.608 Parking Space Requirements

The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following minimum requirements. However, no parking area shall project into a required front yard in any residential district or be permitted between the curb line and property lines or within the right-of-way in any district, except as otherwise provided. The number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.

- A. Residential Uses: Two spaces per dwelling unit.
- B. Institutional and Public Uses
 - 1. Elementary and Junior High Schools: One space per employee and one space for each two classrooms.

2. High Schools: One space per employee and one space for each six students at capacity.
3. Places of Worship: One space for each four seats at maximum capacity of the main sanctuary.
4. Public Offices and Public Buildings: One space for every 250 square feet of gross floor area.
5. Nursing and Convalescent Homes, including Extended Care Facilities and Rest Homes: One space for each six beds and one space for each staff and employee on the largest work shift.

C. Business and Professional Offices

1. Business, Professional, and Administrative Offices and Offices for Professional Associations: One space for each 300 square feet of gross floor area, but not less than two spaces per office.
2. Medical Offices and Clinics: Three spaces for each treatment or examination room and one space for each staff member and employee, but not fewer than five spaces per practitioner.

D. Commercial Uses

1. Financial establishments, banks, and savings and loan associations: One space for each 200 square feet of gross floor area, one space for each employee on the largest work shift, and five spaces for each drive-in window or drive-through teller machine.
2. General Merchandise Stores: One space for each 150 square feet of gross floor area used for sales and display and one space for each 250 square feet of storage, warehouse, and office area.
3. Restaurants: One space for each 100 square feet of gross floor area, and one space for each employee on the largest work shift.
4. Automobile Service Stations and Automobile Repair, Painting, and Body Shops: Two spaces for each service bay and one space for each employee and service vehicle, with a minimum of six spaces.
5. Automobile Washing Facilities: One space for each employee, with a minimum of four spaces, plus five off-street waiting spaces for each car washing device or stall, or fifteen off-street waiting spaces for an assembly line type washing establishment, and two parking spaces at the end of each washing bay for drying and hand-finishing vehicles.

6. Convenience Food Stores, Carry-Outs, Mini-Markets: One and one-half spaces for each 200 square feet of floor area, and one space for each employee.
7. Drive-Through and Drive-In Stores, and Stand-Alone Automatic Teller Machines: One space for each employee, five vehicle waiting spaces for each transaction location, and one space for each 200 square feet of sales area open to the public.
8. Fraternal and Social Associations, Dance Halls, Bingo Halls, and Private Clubs: One space for every 50 square feet of floor area in assembly or meeting rooms, and one space for each 200 square feet of other floor area.
9. Restaurants, Fast Food: One space for each 50 gross square feet of floor area, and one space per employee on the largest work shift, with a minimum of fifteen total spaces and with off-street automobile waiting space for eight vehicles for each drive-in window, such automobile waiting spaces to be located behind the point where a drive-in order is placed.
10. Bars, Taverns, and Nightclubs: One space for each three persons at capacity for each room, and one space for each employee on the largest work shift.
11. Vehicle Sales, Rental, and Service: One parking space for each 800 square feet of floor area, plus one space for each 3,000 square feet of open lot area devoted to the sale, rental, and display of motor vehicles.

F. Industrial Uses

1. Manufacturing Industry and Warehouse: One space for each employee on the largest work shift, one visitor space for every 10,000 square feet of floor area, and one space for every company vehicle regularly parked on the premises, with a minimum of one space for each 1,500 square feet of floor area. In the event of multiple shifts, parking must be adequate for both the current and the next shift.
2. Self-Service Storage Facilities: One space for every 4,000 square feet of gross floor area, and one space per employee on the largest work shift.
3. Wholesaling and Storage Facilities: One space for every 300 square feet of office and sales area, one space for every 4,000 square feet of warehouse and storage area, and one space per employee on the largest work shift.

150.609 Handicapped Parking

Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows or by then current ADA standards, which ever is the greater number:

<u>Total Spaces in Lot/Structure</u>	<u>Number of Designated Accessible Spaces</u>
Up to 100	1 space per 25 parking spaces
101 to 200	4 spaces, plus one per 50 spaces over 100
201 to 500	6 spaces, plus 1 per 75 spaces over 200
Over 500	10 spaces, plus 1 per 100 spaces over 500

150.610 Off-Street Loading Space Requirements

In any district in connection with every building or part thereof hereafter erected and having a gross floor area of 3,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail, wholesale, hotel, hospital, mortuary, laundry, dry cleaning, or other uses requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained on the same lot with the building at least one off-street loading space, and one additional loading space for each 10,000 square feet or fraction thereof of gross floor area so used in excess of 3,000 square feet.

150.611 Off-Street Loading Design Standards

All off-street loading spaces shall comply with the following standards and specifications:

- A. Loading Space Dimensions: Each loading space shall have minimum dimensions of not less than 12 feet in width, 65 feet in length, and a vertical clearance of not less than 14 feet.
- B. Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with Section 150.305, Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties.
- C. Access: All required off-street loading spaces shall access a public street in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
- D. Paving: All required off-street loading spaces together with driveways, aisles, and other maneuvering areas, shall be surfaced with an asphaltic or portland cement binder pavement in order to provide a durable and dust-free surface.
- E. Drainage: All loading spaces, together with driveways, aisles, and other maneuvering areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or public streets. Arrangements shall be made to ensure acceptable diversion to an adequate storm water drainage system. Drainage shall also

meet the requirements of the Village of Fort Loramie Design Criteria and Construction Standards.

- F. Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

150.700 SIGNAGE

150.701 Intent

The intent of this Section is to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents; reduce hazards that may be caused by signs overhanging or projecting into public rights-of-way, provide more open space, curb the deterioration of the natural environment, and enhance community development by permitting signs which are compatible with their surroundings.

150.702 Governmental Signs Excluded

For the purpose of this Zoning Code, "sign" does not include any sign erected and maintained for any governmental function or required by any law, ordinance, or governmental regulation.

150.703 General Requirements for All Signs and Districts

The regulations contained in this Section shall apply to all signs and all zoning districts.

- A. Any illuminated sign or lighting device shall employ or emit only light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. No illuminated sign or lighting device shall be placed, directed, or beamed so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B. No sign, other than a sign performing a public service function by indicating time, temperature or similar information, shall employ any part or element which revolves, rotates, whirls, spins, or otherwise makes use of motion to attract attention.
- C. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of all applicable building and electrical codes.
- D. No projecting sign shall be erected or maintained so as to project more than two (2) feet from the front or face of a building or in such a manner as to impede a public right-of-way.
- E. No sign shall be placed on the roof of any building, except in such a way that the sign appears to be a continuation of the face of the building.
- F. No portable or temporary sign shall be placed on any premises, except as provided in Section 150.706 Temporary Signs.

- G. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices if the use of such materials are determined to create a traffic hazard.
- H. No sign in or on the window of a building and visible from any public or private street or highway shall occupy more than 20% of the window's surface.
- I. No sign shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- J. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall proceed at once to put such sign in a safe and secure condition or remove it.
- K. No sign shall be placed in any public right-of-way. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter, shall be permitted on such property.
- L. All signs shall be so constructed and supported that they will withstand a wind pressure of at least 30 pounds per square foot of surface, and will be otherwise structurally safe, able to support their own weight, and in compliance with any applicable building code or regulation.
- M. No advertising sign shall be attached to or supported by a tree, utility pole, trash receptacle, or public structure.
- N. No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature.
- O. No sign shall be attached in such manner that it may interfere with any required ventilation openings.
- P. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of trespassing.
- Q. No sign shall be located nearer than 8 feet vertically or 4 feet horizontally from any overhead electrical wire, conductor, or guy wire.
- R. No vehicle or trailer may be parked on a business premises or lot for advertising purposes.
- S. Outdoor advertising and off-premises signs are not permitted within the Village unless approved by the Board of Zoning Appeals.

150.704 Permit Required

- A. No person shall cause a sign to be created, located or maintained unless all provisions of this Section have been met. A zoning permit shall be required for each sign hereafter or erected, unless specifically exempted in this Section.
- B. A sign for which a permit has been issued shall not be modified, altered, or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered, or replaced if any such design element constituted a basis for approval of such sign, unless a new or amended permit is obtained.
- C. The repainting, changing of parts, and preventive maintenance of signs shall not be deemed alterations requiring a zoning permit.

150.705 Signs Allowed Without a Permit

The following signs shall not require a permit:

- A. A sign advertising the sale, lease, or rental of the premises upon which it is located, and not exceeding 12 square feet in area, except that in all residential zoning districts the area of the sign shall not be more than 6 square feet.
- B. A professional nameplate not exceeding 4 square feet in area.
- C. A sign denoting the name and address of the occupants of the premises, and not exceeding 2 square feet in area.
- D. A sign or bulletin board customarily incident to places of worship, libraries, museums, schools, social clubs, or societies, not exceeding 15 square feet in area and located on the premises of such institution.
- E. A sign advertising a commercial enterprise, not exceeding 12 square feet in area and advertising only the names of the owners, trade names, products sold and business or activity conducted on the premises where such sign is located.

150.706 Temporary Signs

Temporary signs not exceeding 50 square feet in area, announcing special public or institutional events, or the erection of a building and the architect, engineer, builders, or contractors involved there with, are allowed for a period of 60 days plus the duration of such construction period. Such signs shall comply with all requirements of this Zoning Code.

150.707 Political Signs

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way or

on a utility pole. No political sign shall be posted more than 30 days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within 48 hours following election day.

150.708 Business Signs

No exterior business sign shall be erected on any lot or parcel unless it is accessory to a permitted use in the district in which the lot or parcel is located.

- A. Attached Signs are signs that are physically attached to a building or fixed awning.
1. The total area of all attached signs shall not exceed in the aggregate 1 square foot of area for each linear foot of lot width.
 2. An attached sign may not project more than 2 feet horizontally from a building facade.
 3. An attached sign may not project more than 3 feet above the average height of the roof of the structure to which it is attached. No sign shall be erected on a roof.
 4. An attached sign may not project downward from a fixed awning so as to allow less than 9 feet of vertical clearance from the ground to the bottom of the sign.
- B. Detached Signs are signs that are not attached to a building or fixed awning. There shall not be more than one detached business sign per business activity along each street frontage the use abuts. Where various commercial uses are located on the same property with common features, such as shopping centers or commercial complexes, all such business signs shall be supported by only one structure for each lot with street frontage.

Detached signs:

1. Shall not be located on or project over any right-of-way or required setback;
2. Shall not be larger than 80 square feet in area per side;
3. Shall not be more than 15 feet in height;
4. Shall not obstruct or adversely affect vision clearance or traffic visibility;
5. Shall not be closer than 25 feet to an adjacent lot.
6. May be of a portable or temporary nature, advertising sales or other special events, and in addition to permanently mounted detached signs, subject to the following provisions:

- a) All portable and/or temporary signs shall comply with Section 150.706, Temporary Signs, and no such sign shall be permitted in the right-of-way of any street or alley.
 - b) Not more than one portable or temporary sign shall be permitted for an individually-owned business.
 - c) It shall be the lot user's responsibility to maintain portable or temporary signs in good condition and to remove such signs when the time limit for the sign has expired.
 - d) The maximum height for a temporary or portable sign shall be 6 feet, and such sign shall not adversely affect traffic visibility.
 - e) Portable or temporary business signs shall be permitted not more than 4 times per year, each for a period of not more than 3 weeks.
- C. Architectural Canopy Signs are signs which are attached to a building with the message integrated into the canopy surface.
- 1. The total area of all architectural canopy signs shall not exceed in the aggregate 2 square feet of area for each linear foot of building frontage, and, if used in combination with other attached signs, the total area of all signage shall not exceed in the aggregate 3 square feet of area for each linear foot of building frontage.
 - 2. In applying sign area limits, only the area occupied by the sign message will be used. The sign area shall be the rectangular space occupied by lettering or insignia and the space immediately surrounding such lettering or insignia.
 - 3. An architectural canopy sign may not project more than 3 feet horizontally from a building facade over a public right-of-way, or more than 6 feet horizontally from a building facade over private property.
 - 4. An architectural canopy sign shall have a minimum clearance of 9 feet above the sidewalk grade or edge of roadway grade nearest the sign and shall not be located closer than 2 feet from the curb of any roadway.
 - 5. Architectural canopy signs shall be limited to single-story buildings or to the first level only of multi-story buildings, unless otherwise authorized by the Zoning Board of Appeals.
 - 6. Overall height of architectural canopy signs may not exceed 3 feet above the average height of the roof line or the parapet wall of the building to which it is attached, and may not exceed the allowable building height for that zoning district.
 - 7. Principal graphics shall be limited to the face or street side of the structure.

8. When an electric awning sign covers multiple store fronts, each store shall be allowed copy space of no more than eighty 80% percent of that store's width.

D. Enter/Exit Signs may be permitted in addition to detached business signs, subject to the following provisions:

1. All enter/exit signs shall comply with Section 150.703, General Requirements for All Signs and Districts, and shall not be permitted in the right-of-way of any street or alley.
2. The area of enter/exit signs shall not exceed 2 square feet.
3. Not more than one enter sign and one exit sign shall be permitted for each lot. Corner lots may be permitted one additional enter and one additional exit sign if there is an access to a public street on both street frontages.
4. No lettering or sign message other than "enter" or "exit" shall be permitted. The use of logos or directional symbols may be permitted if approved by the Board.
5. The maximum height for an enter/exit sign shall be 3 feet and such signs shall not obstruct or adversely impact traffic visibility.

150.709 Wall Signs Pertaining to Nonconforming Uses

A wall sign pertaining to a nonconforming use shall be permitted on the premises of such use, provided the area of each such sign does not exceed 12 square feet.

150.710 Sign Setback Requirements

Except as otherwise provided in this Section, on-premises signs shall be set back from the established right-of-way line of any street at least 10 feet. No off-premises signs are permitted.

- A. For every square foot by which any on-premises sign exceeds 50 square feet, the setback shall be increased by one-half foot, but need not exceed 25 feet.
- B. Real estate signs and bulletin boards for a church, school, or other public, religious, or educational institution may be erected not less than 10 feet from the established right-of-way line of any street or highway, provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.
- C. On-premises signs shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within 10 feet of a side or rear lot line.

150.711 Maintenance

All signs shall be maintained in safe and sound structural condition and neat and presentable appearance at all times. The Zoning Enforcement Officer shall remove any sign or structure found to be structurally unsound within 30 days of issuance or notification, and shall remove any sign which is determined to be unsafe within 10 days of issuance of notification.

150.712 Nonconforming Signs and Structures

Advertising signs and structures in existence prior to the effective date of this Zoning Code which violate or are otherwise not in conformance with the provisions of this Zoning Code shall be deemed nonconforming. All such nonconforming signs and structures shall be maintained in accordance with this Code. The burden of establishing the legal nonconforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

150.713 Loss of Legal Nonconforming Status

A nonconforming sign shall immediately lose its status, and must then be brought into conformity with this Zoning Code or removed, if its structure is altered; if it is enlarged, relocated, or replaced; if it advertises or identifies an establishment which discontinues operation for 90 consecutive days; or if it is structurally damaged to an extent greater than one half of its estimated replacement value. This Section does not apply to changes in sign copy or sign panel replacements.

150.714 Violations

If any sign is installed, erected, constructed, or maintained in violation of any of the terms of this Zoning Code, the Zoning Enforcement Officer shall notify in writing the owner thereof to alter or remove such sign so as to comply with this Zoning Code. Failure to comply with such notification shall be deemed a violation of this Zoning Code.

150.715 Abandoned Signs

A sign shall be considered abandoned:

- A. When it is associated with an abandoned use.
- B. When it remains after the termination of a business. A business is considered to have ceased operations if it is closed to the public for at least 90 consecutive days.
- C. When it is not adequately maintained and necessary repairs or maintenance are not effected within the specified time.

The Zoning Enforcement Officer shall determine abandonment. Upon determination that the sign is abandoned, the right to maintain and use such sign shall terminate immediately and the Zoning Enforcement Officer shall issue an order for the sign to be removed within 30 days.

Any abandoned sign still standing 30 days after an order for its removal may be removed by the Village at the owner's cost.

150.800 AMENDMENTS

150.801 Intent

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

150.802 Initiation of Zoning Amendments

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

- A. By the adoption of a motion by the Planning Commission.
- B. By the adoption of an amendment by Village Council.
- C. By the filing of an application with the Planning Commission by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

150.803 Contents of Application for Zoning Map Amendment

Applications for amendments to the Official Zoning Map adopted as part of this Zoning Code shall include the following information:

- A. The name, address and phone number of the applicant.
- B. The proposed amendment, approved as to form by the Village Solicitor.
- C. The reason(s) for the proposed amendment.
- D. Present use(s) of any property affected by the proposed amendment.
- E. Present zoning district(s) in which the property affected by the proposed amendment is located.
- F. Proposed use(s) as the property affected by the proposed amendment.
- G. Proposed zoning district(s) in which the property affected by the proposed amendment is located.
- H. A vicinity map at a scale approved by the Zoning Enforcement Officer, showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Enforcement Officer may require.

- I. A list of the names and mailing addresses all property owners within, contiguous to, or directly across a street or alley from the passageway proposed to be rezoned, and others who may have a substantial interest in the matter. Addresses need not be included where more than ten parcels are to be rezoned.
- J. A statement of the ways in which the proposed amendment relates to any comprehensive plan then in effect.
- K. A fee as established by the Village Council.

150.804 Contents of Application for Zoning Text Amendment

Applications for amendments proposing to change, supplement, amend, or repeal any portion of this Zoning Code, other than the Official Zoning Map, shall contain at least the following information:

- A. The name, address, and phone number of the applicant.
- B. The proposed amendment, approved as to form by the Village Solicitor.
- C. A statement of the reasons for the proposed amendment.
- D. A statement explaining the ways in which the proposed amendment relates to any comprehensive plan then in effect.
- E. A fee as established by the Village Council.

150.805 Recommendation by Planning Commission

Within 60 days from the receipt of a proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment as requested, or it may recommend that the amendment be denied. The decision of the Planning Commission shall indicate the specific reasons upon which the recommendation is based, including the basis for its determination that the proposed amendment is or is not consistent with any comprehensive plan then in effect.

150.806 Public Hearing by Village Council

Within 40 days of receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing.

150.807 Notice of Public Hearing in Newspaper

Village Council shall give notice of the public hearing by at least one publication in one or more newspapers of general circulation in the Village at least 30 days before the date of the hearing. The notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

150.808 Notice to Property Owners by Village Council

If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council by first-class mail at least 20 days before the date of the public hearing to all owners of property within, contiguous to, or directly across a street or alley from such area proposed to be rezoned or redistricted 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 addresses specified by Village Council. The failure to deliver the notification as provided in this Section shall not invalidate any such amendment. The notice shall contain the same information as required in Section 150.807 Notice of Public Hearing in Newspaper.

150.809 Action by Village Council

Within 30 days after the public hearing the Village Council shall adopt, modify or deny the recommendation of the Planning Commission. If the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than 3/4 its membership. No zoning amendment shall be passed unless it has been read on 3 different days, except that such amendment may be passed as emergency legislation if 3/4 of the members of the Village Council so vote.

150.850 APPEALS AND VARIANCES

150.851 Intent

Appeals and variances shall conform to the procedures and requirements of this Zoning Code. The Board of Zoning Appeals has appellate jurisdiction as to decisions of the Zoning Enforcement Officer and original jurisdiction as to variances. Appeals from decisions of the Zoning Enforcement Officer and applications for variances shall be made by Notice of Appeal Request Variance to the Zoning Board of Appeals, filed with the Village Clerk.

150.852 Appeals

An appeal to the Board concerning interpretation or administration of this Zoning Code may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Enforcement Officer. Such appeal shall be taken within 20 days after the decision by filing with the Zoning Enforcement Officer and with the Board a Notice of Appeal specifying the grounds upon which the appeal is being taken. The Zoning Enforcement Officer shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

150.853 Variances

The Board of Zoning Appeals may authorize in specific cases such variance from the terms of this Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Code would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Zoning Code would result in unnecessary hardship.

150.854 Application and Standards for Variances

Requests for Variances shall contain all of the following requirements:

- A. Name, address, and phone number of each applicant.
- B. Legal description of the property for which the variance is requested.
- C. Description or nature of variance requested.
- D. A fee as established by the Village Council.
- E. Narrative statements establishing and substantiating that the variance conforms to the following standards:

1. The granting of the variance is in accord with the general purpose and intent of the regulations imposed by this Zoning Code on the district in which it is located, and not injurious to the area or otherwise detrimental to the public welfare.
2. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
3. There exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Zoning Code would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
4. Hardship is created by the strict application of this Zoning Code. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. The hardship complained of cannot be self-created nor established by one who purchases with or without knowledge of the restrictions. It must result from the application of this Zoning Code, and it must be suffered directly by the property in question. Evidence of variances granted under similar circumstances need not be considered.
5. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
6. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
7. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

150.855 Additional Conditions and Safeguards

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

150.856 Public Hearing by the Board of Zoning Appeals

The Board shall hold a public hearing within 30 days after the receipt of an Appeal or a Request for a Variance.

150.857 Notice of Public Hearing in Newspaper

Notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least 10 days before its date. The notice shall set forth the time and place of the public hearing, and the nature of the appeal or proposed variance.

150.858 Notice to Parties in Interest

Written notice of such hearing shall be mailed by the Clerk of Council by first-class mail at least 10 days before the day of the hearing to all interested parties. The notice shall contain the same information as required in Section 150.857, Notice of Public Hearing in Newspaper.

150.859 Action by Board of Zoning Appeals

Within 30 days after the public hearing the Board shall either approve, approve with additional conditions and safeguards as specified in Section 150.855, Additional Conditions and Safeguards, or disapprove the appeal or proposed variance. The Board shall further, upon any approval of a variance, make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure.

150.860 Term of Variance

No order of the Board granting a variance shall be valid for a period longer than 12 months from the date of such order unless a Zoning Permit or zoning approval is obtained and the erection or alteration of a building is started or the use is commenced within such period.

150.861 Authorized Variances

Variances from the requirements of this Zoning Code shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by this Zoning Code, have been met by the applicant. Variances may be granted:

- A. To permit any yard or setback less than the yard or setback required by the applicable regulations;
- B. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than 80% of the required area and width;

- C. To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week;
- D. To reduce the applicable off-street parking or loading facilities required, but generally by not more than 30% of the required facilities;
- E. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance;
- F. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally by not more than 40%;
- G. To increase the maximum allowable size or area of signs on a lot, but generally by not more than 25%;
- H. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally by not more than 25%.

150.900 ADMINISTRATION

150.901 Intent

The intent is to set forth the powers and duties of the Planning Commission, the Board of Zoning Appeals, the Village Council, and the Zoning Enforcement Officer with respect to the administration of the provisions of this Zoning Code.

150.902 General Provisions

The formulation, administration, and enforcement of the Zoning Code is hereby vested in the following offices and boards of the Village of Fort Loramie:

- A. Zoning Enforcement Officer
- B. Planning Commission
- C. Board of Zoning Appeals
- D. Village Council
- E. Village Solicitor

150.903 Zoning Enforcement Officer

A Zoning Enforcement Officer designated by the Mayor shall administer and enforce this Zoning Code. He may be provided with the assistance of such other persons as the Mayor may direct.

150.904 Responsibilities of Zoning Enforcement Officer

The Zoning Enforcement Officer shall have the following:

- A. Enforce the provisions of this Zoning Code and interpret the meaning and application of its provisions.
- B. Respond to questions concerning applications for amendments to the Zoning Code text and the Official Zoning District Map.
- C. Issue Zoning Permits and certificates of occupancy as provided by this Zoning Code, and keep a record of same with a notation of any special circumstances involved.
- D. Act on all applications authorized by the provisions of this Zoning Code within the specified time, or notify the applicant in writing of the refusal or disapproval of such application and the reasons therefore. Failure to notify the applicant in case of such

refusal or disapproval within the specified time shall entitle the applicant to appeal the application to the Board of Zoning Appeals.

- E. Conduct inspections of buildings and uses of land to determine compliance with this Zoning Code, and, in the case of any violation, notify in writing the person(s) responsible, specifying the nature of the violation and ordering appropriate corrective action.
- F. Maintain in current status the Official Zoning District Map kept on permanent display in the Village offices.
- G. Maintain permanent and current records required by this Zoning Code, including zoning permits, zoning certificates, inspection documents, and records of all variances, amendments, and special uses.
- H. Make such records available for the use of the Village Council, the Planning Commission, the Board of Zoning Appeals, and the public.
- I. Review and approve site plans pursuant to this Zoning Code.
- J. Determine the existence of any violations of this Zoning Code, and cause such notifications, or initiate such other authorized administrative or legal action as needed to address such violations.

150.905 Planning Commission

The Planning Commission shall require a quorum of three members at all of its meetings and the concurring vote of three members shall be necessary to effect any order. Meetings of the Planning Commission shall be held at the call of the Chairman or any two other members and at such times as may be necessary. The Planning Commission shall act by resolution or motion and shall keep minutes of its proceedings, showing the vote of each member upon each question, or such member's absence or failure to vote. The minutes shall indicate each item considered by the Planning Commission. The Planning Commission shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Village of Fort Loramie.

150.906 Duties of Planning Commission

The Planning Commission shall have the following duties:

- A. Recommend the proposed Zoning Code, including its text and the Official Zoning District Map to the Village Council for formal adoption.
- B. Initiate advisable Official Zoning District Map changes, or changes in the text of the Zoning Code, to promote the best interest of the public through recommendations to the Village Council.

- C. Review all proposed amendments to the text of this Zoning Code and the Official Zoning District Map and make recommendations to the Village Council as specified in Section 150.800, Amendments.
- D. Review all Planned Unit Development applications and make recommendations to the Village Council as provided in this Zoning Code.
- E. Review all special uses as identified in the respective zoning districts according to provisions and criteria stated in this Zoning Code.
- F. Carry on a continuous review of the effectiveness and appropriateness of this Zoning Code, and recommend such changes or amendments as appropriate.

150.907 Duties of the Board of Zoning Appeals

The Board of Zoning Appeals has the following specific responsibilities:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Enforcement Officer.
- B. Authorize such variances from the terms of this Zoning Code as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Zoning Code will result in unnecessary hardship, and so that the spirit of this Zoning Code shall be observed and substantial justice done.

150.908 Village Council

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

- A. Approve the appointments of members to the Planning Commission.
- B. Approve the appointments of members to the Board of Zoning Appeals.
- C. Initiate or act amendments to the Zoning Code text or Official Zoning District Map. Final action on zoning amendments shall be undertaken only at a public hearing.

150.909 Schedule of Fees

Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

Application for a Conditional Use Permit	\$100.00
Substantially Similar Use Determination	\$100.00
Application for Zoning Permit	\$100.00
Application for Variance	\$100.00
Appeal	\$100.00
Application for Amendment to Zoning Code	\$100.00
Application for Amendment to Zoning Map	\$100.00
Application for Planned Unit Development District	\$250.00

Such fees shall be waived under the following circumstances:

- A. When an appeal is made by a political subdivision or instrumentality.
- B. When an appeal is the result of property acquisition by a political subdivision.
- C. Upon a showing of financial hardship.

Fees may be reduced or waived only by the Village Council.

Fees are not refundable.

150.950 ZONING PERMIT REQUIREMENTS AND ENFORCEMENT

150.951 Intent

The intent is to explain the procedures to be followed in obtaining permits and other administrative approvals under this Zoning Code.

150.952 Zoning Permits Required

No building or other structure shall be erected, moved, added to, or structurally altered; nor shall any building, structure, or land be established or changed in use; nor shall any accessory use or structure, sign, or swimming pool be installed, without a permit issued by the Zoning Enforcement Officer. Zoning Permits shall be issued only in conformity with the provisions of this Zoning Code unless the Zoning Enforcement Officer receives a written order from the Board, deciding an appeal, conditional use, or variance, or from Village Council, approving a Planned Unit Development District, as provided by this Zoning Code.

150.953 Contents of Application for Zoning Permit

An Application for Zoning Permit shall be made in writing signed by the owner or an authorized representative, who shall attest to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit, if granted, shall expire and will be revoked if the permitted work has not begun within 1 year or been substantially completed within 2 years of its issuance. The application shall contain the following information and be accompanied by all required fees:

- A. Name, address, and phone number of owner.
- B. Legal description of property or lot number.
- C. Existing use.
- D. Proposed use.
- E. Zoning District.
- F. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
- G. Building heights.
- H. Number of off-street parking spaces or loading berths, and their layout.
- I. Location and design of access drives.

- J. Number of dwelling units.
- K. Signage information.
- L. If applicable, applications for a conditional or temporary use permit, unless previously submitted.
- M. Such other documentation as may be necessary to determine conformance with and provide for the enforcement of this Zoning Code.
- N. A Site Plan in triplicate for any new construction of any principally or conditionally permitted use, except single-family and two-family dwellings.
- O. Plans in triplicate showing that a residential unit meets the requirements of Section 150.315, Residential Design and Appearance Standards.
- P. Detention basin information.
- Q. Flood Zone information.
- R. Types of dust-free, hard surface.

150.954 Site Plan Required Contents

A site plan submission shall contain the following:

- A. The accurate dimensions and size of the site area and the topography of the site and immediately adjoining lands within 50 feet of the property line at 1-foot intervals.
- B. The locations and dimensions of all existing and proposed streets, courts, and pedestrian walkways within and abutting the site, as well as the location, size, and means of ingress and egress of all off-street loading and parking areas. The arrangements of the parking areas and access shall also be shown, and the means of defining parking areas and access lanes shall be illustrated. All proposed signs shall be shown, detailing location, dimensions, height and, where applicable, verbiage.
- C. The location and size of all existing and proposed buildings and structures within the site and on adjoining lands within 50 feet of the property line, as well as the existing or proposed use of each such building or structure, including the number, type, and floor area of commercial uses to be accommodated in each.
- D. A complete utilities plan, showing electric, gas, telephone, cable television, storm sewer, water, and sanitary sewer services, including connections to existing service lines and existing and proposed easements. Such plans shall comply with the Village of Fort Loramie Design Criteria and Construction Standards and Drawings.

- E. The location, size, and type of fire hydrants, building plans, fire suppression system plans, fire department access areas, and fire lane signage. Such plans shall comply with applicable state and local Building and Fire Codes and shall be approved by the Fire Chief.
- F. A grading and drainage plan, showing proposed grading of the site and methods used to comply with Village storm water runoff, erosion, and sediment control specifications found in the Village of Fort Loramie Design Criteria and Construction Standards and Drawings.
- G. A landscaping plan, showing the location and types of screen planting, buffer areas, manmade screening, and other features.
- H. An exterior lighting plan, showing the location of lighting fixtures, their type and output as well as the proposed radius of lighted area for each fixture.
- I. Any proposed internal vehicular circulation of access roads shall be delineated and related to connections with public streets. Existing and proposed traffic patterns and volumes and the anticipated effect on existing public streets serving the site shall be provided for the Village Engineer's review. Complexes shall provide curb or other types of internal access lane separations for parking spaces to assist in internal circulation and parking area delineation.
- J. The division of the development into sections shall be delineated if staged construction is contemplated, showing which parking areas and other improvements shall be provided for each stage of development.
- K. Proposed complexes designed for condominium, cooperative, or other multiple ownership arrangements shall indicate proposed individual, joint, or common ownership areas to assure maintenance and operation of common features such as lighting and parking facilities. Any arrangements requiring subdivision approval shall also be subject to the Subdivision Regulations.

150.955 Approval of Zoning Permit Application

Within 30 days after the receipt of an Application for Zoning Permit, the Zoning Enforcement Officer shall allow or disapprove the application in accordance with the provisions of this Zoning Code. All Zoning Permits shall be conditioned upon commencement of the permitted work within 1 year and completion within 2 years. Zoning Permits are non-transferable. One copy of all submitted plans shall be returned to the applicant by the Zoning Enforcement Officer after the Officer has marked such copy as allowed or disapproved and attested to the same by signing such copy. One copy of such plans, similarly marked, shall be retained by the Zoning Enforcement Officer. The Zoning Enforcement Officer shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Zoning Code.

150.956 Failure to Obtain a Zoning Permit

Failure to obtain a Zoning Permit shall be a punishable violation of this Zoning Code.

150.957 Construction and Use to be as Provided in Applications, Plans and Permit

Zoning Permits issued on the basis of plans and applications approved by the Zoning Enforcement Officer authorize only the use, arrangement or construction set forth in such approved plans and applications, or authorized amendments thereto. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Zoning Code.

150.958 Zoning Permit Revocation

The Zoning Enforcement Officer may issue a revocation notice to revoke a permit or administrative approval issued contrary to this Zoning Code or based upon false information or misrepresentation in the application.

150.959 Complaints Regarding Violations

Whenever a violation of this Zoning Code is alleged to have occurred, any person may file a written complaint to such effect. Such complaint shall fully state the causes and basis thereof and shall be filed with the Zoning Enforcement Officer. The Zoning Enforcement Officer shall record such complaint, immediately investigate it, and take action thereon as provided by this Zoning Code.

150.960 Notice of Violation

Whenever the Zoning Enforcement Officer or his agent determines that there is a violation of any provision of this Zoning Code, a warning order shall be issued and shall serve as a notice of violation. Such order shall:

- A. Be in writing.
- B. Identify the violation.
- C. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Zoning Code being violated.
- D. State the time by which the violation must be corrected.

Service of notice of violation shall be as follows:

- A. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or

- B. By certified mail deposited in the United States Post Office directed to the last known address of the person or persons responsible. If a certified mail envelope is returned with an endorsement showing it was unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing which shall be filed by the Zoning Enforcement Officer. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or
- C. By posting a copy of the notice form in a conspicuous place on the premises found to be in violation.

150.961 Penalties and Fines

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, move, repair, maintain, or structurally alter any building, structure, or land in violation of any provision of this Zoning Code or any amendment thereto. Any person, firm, or corporation who violates this Zoning Code or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Section.

150.962 Additional Remedies

Nothing in this Zoning Code shall be deemed to abolish, impair, or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Zoning Code, or in the case of an imminent threat of such a violation, the Zoning Enforcement Officer, the Village Solicitor, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

Chapter 150 - Zoning Code

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