

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 HEREFTER; 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:

This Zoning Code was Adopted at a regular session of the Village of Fort Loramie in May 2024 by
Ordinance # 2024-1184

Amendments	Date Adopted	Section Amended	Summary of Changes

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150.000 GENERAL PROVISIONS

150.1 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”.

150.2 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.

150.3 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.

150.4 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.

150.5 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.

150.52 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 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, carports 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 the operation of motor vehicles, are retailed directly to the public on the premises, including the sale of minor accessories and the servicing 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

Zoning Code

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 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 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 two 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. However, “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 the 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 that is an activity, profession, occupation, service, craft, or revenue-enhancing hobby that 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 that 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, complete lots of record and portions of lots of record, or portions of lots of record.

LOT COVERAGE

The percentage of a lot that, 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 that 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 that 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 outpatient 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 that 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 the 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 the 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 use 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:

Alley: A right-of-way used primarily for vehicular service access to the back or side of properties abutting on another street.

Arterial Street: A general term denoting a highway used primarily for through traffic, carrying heavy loads and a large volume of traffic, usually on a continuous route.

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.

Cul-de-sac: A local street with one end open to traffic and the other end terminating in a vehicular turnaround.

Dead-end Street: A street having only one outlet for vehicular traffic.

Local Street: A street used primarily for abutting properties and characterized by low traffic loads and volume.

Loop Street: A type of local street, each end of which terminates at an intersection with the 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 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, waveguides, 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

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both directional antennas, such as panels, microwave dishes, and satellite dishes, and omni-directional 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.)

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)

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)

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

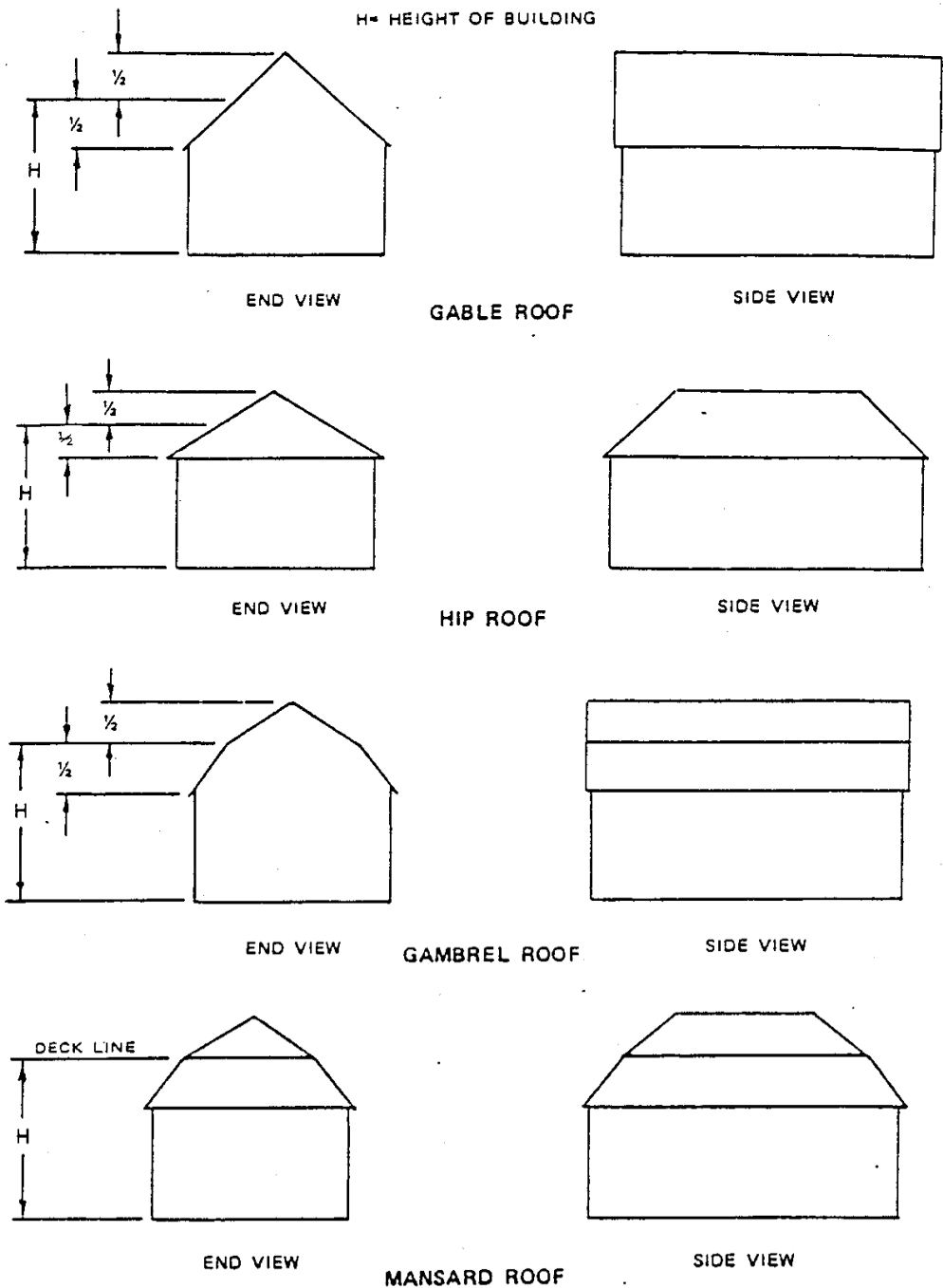
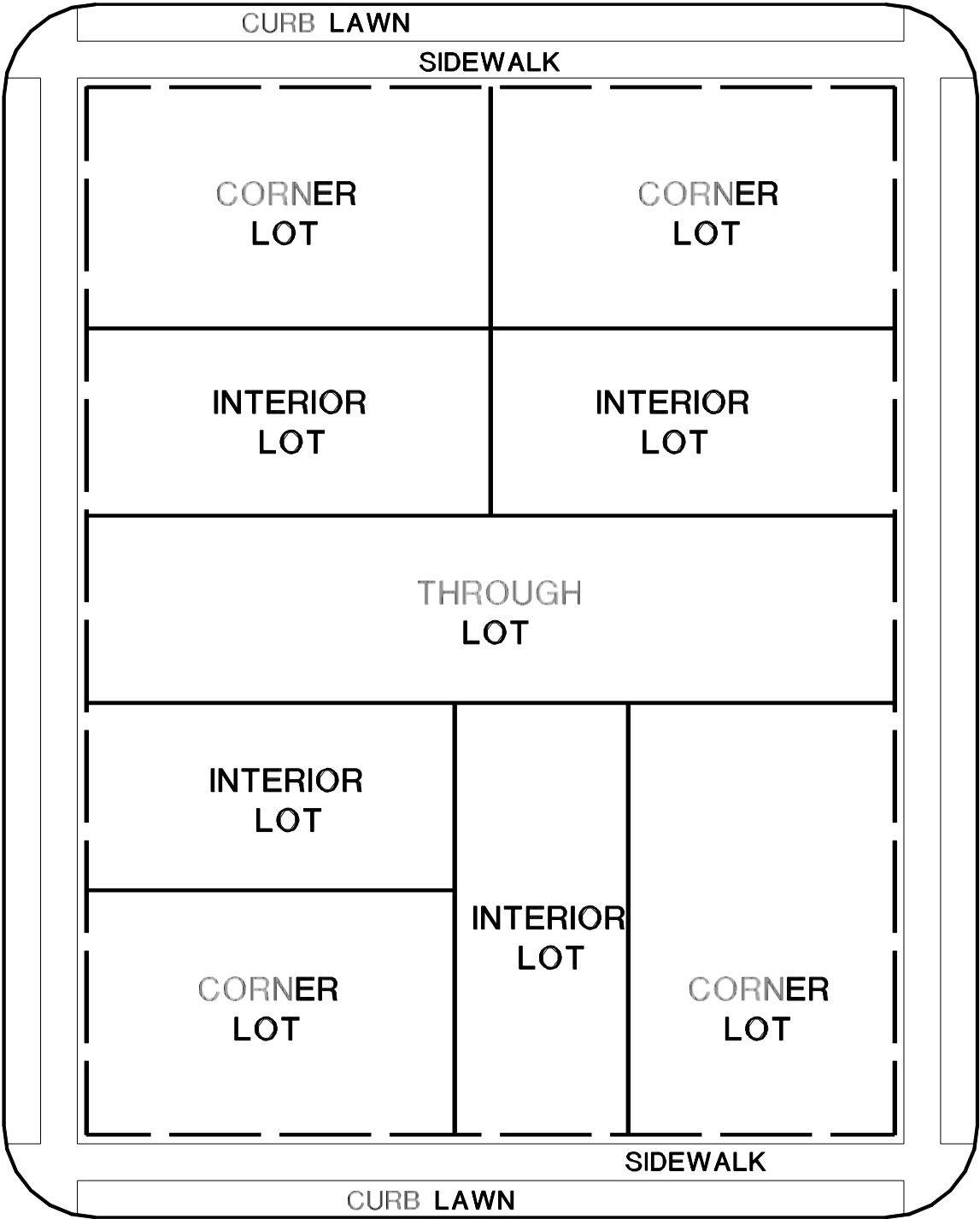
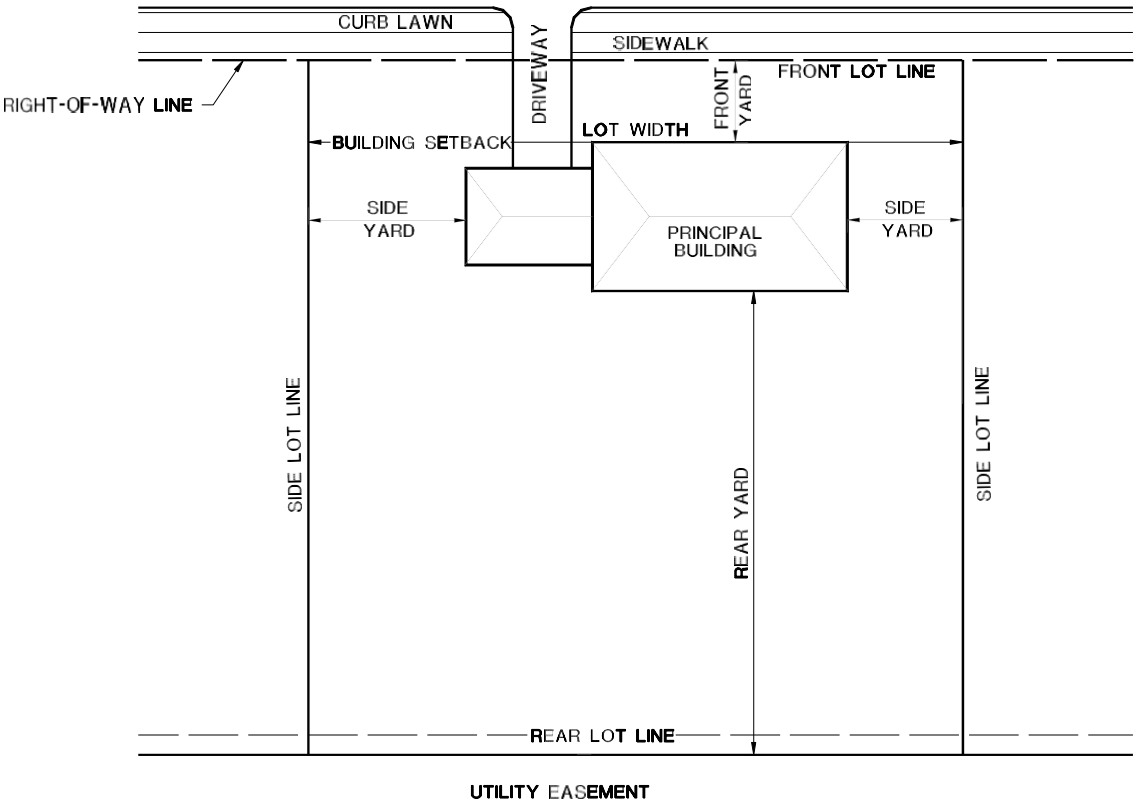


Illustration - Exhibit "A" Roof

Types and Building Height



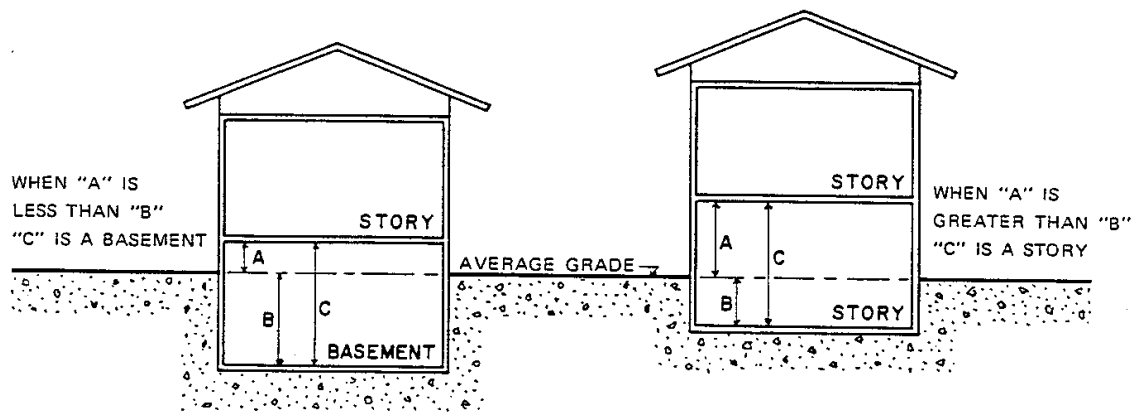
**Illustration - Exhibit “B”
Types of Lots**



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**

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**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 to realize the general purpose set forth in the Preamble of this Zoning Code, provide for orderly growth and development, and protect the property rights of all individuals by ensuring 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
- B. R-1A Single-Family Residential
- C. R-2 Two-Family Residential District C.
- D. R-3 Multi-Family Residential District (Maximum 3)
- E. A-1 Agriculture District
- F. C-1 Commercial District
- G. C-2 Commercial District
- H. I Industrial District

150.103 Zoning District Map

- A. The districts established above shall be situated as shown on the official zoning map, officially adopted as part of this Zoning Code and incorporated by reference herein, with the same force and effect as if fully described in writing.
- B. The official zoning map, identified by the signature of the mayor and clerk of the Village Council, shall be updated within 30 business days of any changes in district boundaries or other matters according to the provisions of this Zoning Code.
- C. A true copy of the official zoning map shall be maintained in the Village Council chambers, accessible to the public, and serve as the final authority on the current zoning status of lands, buildings, and structures in the Village.

150.104 Interpretation of District Boundaries

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

- A. Where district boundaries follow centerlines of streets, such centerlines shall be construed as said boundaries.
- B. Where district boundaries follow lot lines, such lot lines shall be construed as said boundaries.
- C. Where district boundaries follow street or right-of-way lines, they shall be construed as parallel thereto and at a distance indicated on the official zoning map. If no distance is given, dimensions shall be determined by the scale shown on the official zoning map.
- D. The boundary following a railroad line shall be located in the middle of the main tracks.
- E. If a boundary follows a stream, lake, or body of water, it shall be at the limit of the Village's jurisdiction unless indicated otherwise.
- F. If district boundaries follow or approximately follow Village limits, they shall be construed as following such limits.
- G. Upon vacation of a public way, the adjoining zoning district boundaries shall extend to the center, and all areas within the vacation shall be subject to the respective extended districts.

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

150.105 Zoning Upon Annexation

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

150.200 Compliance with Regulations

The regulations for each district in this Zoning Code are the minimum and apply uniformly to each class or kind of structure or land unless otherwise provided.

A. No building, structure, or land shall be used or occupied, and no building, structure, or part thereof shall be erected, constructed, moved, or altered except in conformity with all specified regulations for its district.

B. Except as provided, no building or structure shall be erected or altered:

1. To provide greater height or bulk,
2. To accommodate a greater number of families,
3. To occupy a greater percentage of lot area,
4. To have narrower or smaller yards than required in its district or contrary to this Zoning Code.

C. Unless otherwise provided, no yard of a lot existing at this Zoning Code's passage shall be reduced below the minimum requirements. Yards or lots created after this Zoning Code's effective date shall meet at least the minimum requirements.

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150.202 Summary of Zoning District Requirements

oning 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	15,000 sq. ft.	100 feet	35 feet	10 feet	35 feet	1,200 sq. ft. (*1,800 sq. ft.)	35 feet	35%
R-1A Single-Family Residential	15,000 Sq. Ft.	100 Feet	35 Feet	10 Feet	25 Feet	1,200 sq. ft. (*1,800 sq.ft)	35 Feet	35%
R-2 TWO-FAMILY RESIDENTIAL (Single-Family Dwellings and other Permitted Uses)	10,000 sq. ft.	85 feet	30 feet	10 feet	25 feet	1,100 sq. ft. (*1,600 sq. ft.)	35 feet	40%
R-3 MULTI-FAMILY RESIDENTIAL (Two-Family Dwellings per unit, Multi-Family Dwellings per unit, Maximum 3 level)	12,000 sq. ft.	85 feet	30 feet	10 feet	25 feet	1,100 sq. ft.	35 feet	40%
A-1 Agriculture District (Only used for short time and annexations)	N/A	100 Feet	35 Feet	20 or 40 feet next to R	10 or 40 feet next to R	N/A	45 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	10,000 sq. ft.	100 feet	35 feet	20 or 40 feet next to R	10 or 40 feet next to R	N/A	45 feet	70%

*Other than one story. For definitions, see: Lot, Minimum Area of; also, Illustration Exhibit “C”

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1. Lot Measurements, Width; also, Illustration Exhibit “C”
2. Building Height; also, Illustration Exhibit “A”
3. Yard, Front Yard; also, Illustration Exhibit “C”
4. Yard, Side Yard; also, Illustration Exhibit “C”

5. Yard, rear yard, also, illustration Exhibit “C”
 6. Floor Area of a Residential Building
 7. Building Height; also, Illustration Exhibit “A”
- Cul-de-sac frontage will be reviewed on Individual basis

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

USE	ZONING DISTRICT						
P = Principal Permitted Use C = Conditional Use	R-1 R-1A Single-Family Residential	R-2 Two-Family Residential	R-3 Multi-Family	A-1 Agriculture	C-1 Commercial	C-2 Comm ercial	I Industrial
AGRICULTURE				P			
RESIDENTIAL							
Single-Family	P	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	C	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	

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USE		ZONING DISTRICT					
		R-1 R-1A Single-Family Residential	R-2 Two-Family Residential	R-3 Multi-Family	A-1 Agriculture	C-1 Commercial	C-2 Commercial I Industrial
P = Principal Permitted Use C = Conditional Use							
ROAD SERVICE AND COMMERCIAL							
Automobile Service Stations					P	P	C
Fraternal and Social Association					P	P	
Convenience Stores					P	P	
Motels and Hotels					P	P	
Printing, Publishing, Lithographing and Binding					P	P	
Self-Service Storage Facilities					P	P	P
Automobile Repair, Painting and Body					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				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:

Single-family detached dwellings

B. Institutional and Public Recreational Uses:

Elementary, Junior High, and High Schools

Places of worship

Libraries

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:

Residential Planned Unit Developments

Home Occupations

B. Institutional and Public Recreational Uses:

Cemeteries

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 (1,800 square feet for more 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

150.210 R-1A 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:

Single-family detached dwellings

B. Institutional and Public Recreational Uses:

Elementary, Junior High, and High Schools

Places of worship

Libraries

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:

Residential Planned Unit Developments

Home Occupations

B. Institutional and Public Recreational Uses:

Cemeteries

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 (1,800 square feet for more 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, allowing for an approximate maximum density of eight dwelling units per acre, and recognizing the development of other than single-family dwelling units.

150.222 Principal Permitted Uses

A. Residential Uses:

Single-family detached dwellings

Two-family dwellings

B. Institutional and Public Recreational Uses:

Elementary, Junior High, and High Schools

Places of worship

Libraries

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:

Residential Planned Unit Developments

Home Occupations

Elderly Housing Facilities

Boarding or Lodging Houses

B. Institutional and Public Recreational Uses:

Child day care centers

Nursing and convalescent homes

Cemeteries

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 (1,600 square feet for more 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: 1,100 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, allowing for a maximum approximate gross density of fifteen dwelling units per acre. The requirements aim to facilitate a comprehensive utilization of land in the district and offer flexible guidelines for development and redevelopment efforts.

150.232 Principal Permitted Uses

A. Residential Uses:

Two-family dwellings

Three-family dwellings

Boarding or Lodging Houses

B. Institutional and Public Recreational Uses:

Elementary, Junior High, and High Schools

Places of worship

Libraries

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:

Multi-Family Dwellings

Residential Planned Unit Developments

Elderly housing facilities

B. Institutional and Public Recreation Uses:

Child day care centers

Nursing and convalescent homes

Cemeteries

Public offices, public buildings, public utilities

Private Clubs

C. Business and Professional Office Uses:

Business, professional, and administrative offices

D. Retail Commercial and Service Uses:

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.

150.243 AGRICULTURAL DISTRICT REGULATIONS

(A) Statement of Intent: The Agricultural District is intended to act as a temporary zoning district for land already used for agricultural purposes with no specific plan for development.

(B) Purpose: This district is intended for use primarily when new land is annexed to the village.

(C) Development Restrictions: No new development will be permitted on land zoned A-1 except in support of the existing agricultural activities already in use.

	<i>Lot Area</i>	<i>Lot Width</i>	<i>Front Setback</i>	<i>Side Setback</i>	<i>Rear Setback</i>	<i>Max Height</i>
	Square Feet	Feet	Feet	Feet	Feet	Feet
Permitted Uses	NA	100	35	20, except 40 for a side yard adjacent to a residential district or use	10, except 40 for a rear yard adjacent to a residential district or use	45 Feet

(A) Permitted Uses:

Already existing agricultural uses.

New agricultural uses in support of existing agricultural uses.

(B) Conditional Uses:

Churches and other places of worship.

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

Places of worship

Public recreation facilities

Libraries

Private Clubs

B. Business and Professional Office Uses

Business, professional, and administrative offices

Medical offices and clinics

C. Retail Commercial and Service Uses

General merchandise stores

Personal Services

Restaurants, standard

Financial establishments

Private Schools

Grocery Stores

D. Road Service and Commercial Entertainment Uses

Automobile service stations

Fraternal and social association facilities

Convenience stores

Motels and hotels

Printing, publishing, lithographing, and binding establishments, provided the gross floor area does not exceed 5,000 square feet.

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

Elderly housing facilities

B. Institutional and Public Recreational Uses

Hospitals

Child day care centers

Public offices, public buildings, and public utilities

Cemeteries

Elementary, junior high, and high schools

C. Retail Commercial and Service Uses

Commercial planned unit developments

Nurseries and garden supply stores

Funeral homes

Animal hospitals, veterinary clinics and kennels, animal grooming, and pet shops

D. Road Service and Commercial Entertainment Uses

Automobile repair, painting, and body shops

Automobile washing facilities

Bars, taverns, and nightclubs

Commercial entertainment, outdoor

Vehicle sales, rental, and service

Carry-Outs, Mini-Markets, and Drive-Through and Drive-In Stores

Restaurants, fast food

Farm implement sales

Service garage

Commercial/Recreation Facilities, Indoor

Adult Entertainment Facilities

E. Light Industrial Uses

Construction trades and contractor offices

Building services and supplies

Plumbing and heating shops

Wholesale distributors

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 to supply a majority of the daily needs of Village residents.

150.272 Principal Permitted Uses

A. Institutional and Public Recreation Uses

Places of worship

Public recreation facilities

Libraries

Private Clubs

B. Business and Professional Office Uses

Business, professional, and administrative

Medical offices and clinics

C. Retail Commercial and Service Uses

General Merchandise Stores

Personal Services

Restaurants, standard

Financial establishments

Private Schools

Grocery Stores

D. Road Service and Commercial Entertainment Uses

Automobile service stations

Fraternal and social association facility

Convenience stores

Motels and hotels

Printing, publishing, lithographing, and binding establishments, provided the gross floor area does not exceed 5,000 square feet

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

Elderly housing facilities

B. Institutional and Public Recreational Uses

Hospitals

Child day care centers

Public offices, public buildings, and public utilities

Cemeteries

Elementary, junior high, and high schools

C. Retail Commercial and Service Uses

Commercial planned unit developments

Nurseries and garden supply stores

Funeral homes

Animals hospitals, veterinary clinic and kennels, animal grooming, and pet shops

D. Road Service and Commercial Entertainment Uses

Automobile repair, painting, and body shops

Automobile washing facilities

Bars, taverns, and nightclubs

Commercial Entertainment, outdoor

Vehicle sales, rental, and service

Carry-Outs, Mini-Markets, and Drive-Through and Drive-In Stores

Restaurants, fast food

Farm implement sales

Service garage

Commercial/Recreation Facilities, Indoor

Adult Entertainment Facilities

E. Light Industrial Uses

Construction trades and contractor offices

Building services and supplies

Plumbing and heating shops

Wholesale distributors

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

None; unless next to R District then 20 feet

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 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 of utilities and transportation systems.

150.282 Principal Permitted Uses

A. Retail Commercial and Service Uses

Nurseries and garden supply stores

B. Road Service and Commercial Entertainment Uses

Automobile Repair, Painting, and Body Shops

Self-service Storage Facility

Service Garage

C. Light Industrial Uses

Construction trades and building offices

Lumber Yards and Building materials, sale and storage

Warehouses

Wholesale Distributors

Heavy equipment rental, sales, service, and storage

Transportation terminals

Public service yards and garages

Public Utilities

D. Heavy Industrial Uses

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

Business, Professional, and Administrative offices

B. Road Service and Commercial Entertainment Uses

Vehicle Sales, Rental, Rental, and Services

Automobile Service Station

C. Light Industrial Uses

Building Services and Supplies

Plumbing and Heating Shops

D. Heavy Industrial

Planned Industrial Development

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 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 to promote public health, safety, and welfare. These Sections intend to permit such uses to be established and maintained in a manner compatible with principal uses and harmonious with uses upon adjacent properties.

B. Except as otherwise provided, an accessory use or structure shall be permitted in association with a principal use or structure provided that:

It shall use 35% or less of the gross floor area of the principal use or structure.

It shall not contain or be used as a dwelling unit.

It shall not exceed 18 feet in height.

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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 the 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. The maximum diameter of any satellite dish shall not exceed 12 feet.

G. The 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.

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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. The 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 the manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.

D. The 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.

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.

All buffer and transition plans must provide for the installation of landscaping materials or use of existing landscaping to assist in the obscuring effect.

The installation of a buffer and transition area must not interfere with existing stormwater drainage flow patterns or utility easement areas, unless suitable measures are undertaken to alleviate problems that might be caused by the installation.

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 the 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 be permitted in 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 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:

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.

Temporary buildings, offices, 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 the expiration of the Temporary Use Permit, whichever occurs first.

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.

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.

No mobile food service operation shall operate, solicit, transact business, and park on streets or property owned and managed by the Village. Any mobile food service operation operating, soliciting, transacting business, or parking on any street owned and managed by the Village will be subject to a \$200 fine if they are found to be without licensure by the Village pursuant to R.C. 715.24. Adopted November 2022.

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-

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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. The fence shall be six (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 of operation of such

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equipment or machinery. Electrical or mechanical equipment that creates visible or audible interference in radio or television receivers or causes fluctuation in line voltage outside the dwelling unit, or 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 effects shall be produced by or result from such use.

G. The following uses are prohibited as home occupations:

Appliance repair;

Light assembly, manufacturing, or fabricating;

Motor vehicle repair, painting, or body work, including reupholstery, detailing, or washing;

Small engine or lawn and garden equipment repair;

Veterinary offices or kennels;

Warehousing of any type;

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 for 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, hidden fastener metal, or fiberglass shingle; no ribbed metal, no corrugated metal or corrugated fiberglass shall be allowed. Code change 2021-1151

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. A 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, 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 that violates 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 over such activities.

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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 that are discernable without instruments at the property lines of the subject premises.

G. Odor: Any use that 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 that utilize activities as specified in this subsection.

C. "Specific sexual activities" are:

Human genitals in a state of sexual stimulation or arousal.

Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio.

Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.

D. "Specific anatomical areas" are:

Less than completely and opaquely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the top of the areola.

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:

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.

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.

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.

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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.
- e. Pawn shops.

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.

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.

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 to minimize any possibility of viewing the interior from public or semipublic areas.

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.

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. The Board must determine 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 a historical area.
- 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 the following requirements:

A. Color and Appearance:

All facilities shall be painted a non-contrasting gray or a similar color minimizing their visibility, unless otherwise required by the Federal Communications Commission, Federal Aviation Administration, and/or historical or architectural standards imposed by Village ordinance.

All appurtenances shall be aesthetically and architecturally compatible with the surrounding environment through camouflage methods 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 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 for emergency contact.

F. Maintenance:

Property owners of facilities shall maintain the property and all structures in good condition, free from trash, litter, outdoor storage, weeds, and other debris.

G. Tower:

Maximum Height: Less than the distance of such a tower from the nearest property line.

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.

Zoning Code

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; 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 regarding 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.

150.319 REGULATIONS ON SOLAR PHOTOVOLTAIC SYSTEMS

1) Purpose:

- a) The purpose of this regulation is to promote the safe, effective, and efficient use of installed solar energy systems, reducing on-site consumption of utility-supplied energy while protecting the health, safety, and welfare of adjacent and surrounding land uses and properties.
- b) This regulation aims to provide property and business owners with flexibility in satisfying on-site energy needs.
- c) Reduce overall energy demands within the Village of Fort Loramie and promote energy efficiency.
- d) Integrate alternative energy systems seamlessly into the Village's neighborhoods and landscapes without diminishing the quality of life.

2) Applicability:

Zoning Code

- a) These regulations apply to building-mounted and ground-mounted systems installed and constructed after the effective date of these regulations.
- b) Solar PV Systems constructed before the effective date of these regulations are not required to meet these requirements.
- c) Solar PV systems related to utility operations are exempt from these requirements.
- d) Any upgrade, modification, or structural change that materially alters the size or placement of an existing solar PV system shall comply with the provisions of these regulations.

3) Permitted Zoning Districts:

- a) Building-mounted systems are permitted in all zoning districts as an accessory use to any lawfully permitted principal use on the same lot upon issuance of the proper permit and upon compliance with all requirements of this section and as elsewhere specified in these regulations.
- b) Building-integrated systems, as defined by these regulations, are not considered an accessory use and are not subject to the requirements of these regulations.
- c) Ground-mounted systems are conditionally permitted in all zoning districts.

4) Location within a Lot:

- a) Building-mounted systems are permitted to face any direction. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures.
- b) Ground-mounted systems can be placed in side or rear yards; NO ground mount systems are permitted in the front yard and shall not extend beyond the front wall of the principal building.

5) Design and Installation Standards:

- a) All wiring must comply with the National Electrical Safety Code, the most recent edition, as amended and adopted by the State of Ohio.
- c) For ground-mounted systems, all exterior electrical lines must be buried below the surface of the ground where possible or placed in conduit.
- d) The solar PV system must be constructed to comply with the most recent fire code as amended and adopted by the State of Ohio.

6) Setback Requirements:

- a) Ground-mounted systems are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed.

The required setbacks are measured from the property line to the nearest part of the system.

No part of the ground-mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.

7) Height Restrictions:

Zoning Code

a) Notwithstanding the height limitations of the zoning district:

b) For a building-mounted system installed on a sloped roof, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, of eighteen (18) inches between the roof and the highest edge or surface of the system.

c) For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed six inches from the highest point of the roof to which it is attached nor extend past the bottom of the roof line.

d) For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to eighteen (18) inches above the roof to which it is attached.

e) Ground-mounted systems may not exceed 8' in height to the highest part of the panel including posts or hardware.

8) Screening and Visibility:

a) Building-mounted systems on a sloped roof shall not be required to be screened.

b) Building-mounted systems mounted on a flat roof shall not be visible from the public right-of-way within a twenty-five (25) foot radius of the property, at a level of five (5) feet from the ground, similar to any other rooftop HVAC or mechanical equipment. This can be accomplished with architectural screening such as a building parapet or by setting the system back from the roof edge in a manner that the solar PV system is not visible from the public right-of-way within a twenty-five (25) foot radius when measured as a distance of five (5) feet from the ground.

9) Impervious Lot Coverage Restrictions:

a) The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district.

If the ground-mounted system is mounted above existing impervious surfaces, it shall not be calculated as part of the lot coverage limitation for the zoning district.

10) Non-Conformance:

a) If a building-mounted system is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district, the building-mounted system shall be permitted as long as it does not extend six inches above the peak or highest point of the roof to which it is mounted and complies with the other provisions of this Ordinance.

b) If a building-mounted system is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setback requirements and/or exceeds the lot coverage limits for the zoning district, a building-mounted system shall be permitted as long as there is no expansion of any setback or lot coverage non-conformity and complies with the other provisions of this Ordinance.

Zoning Code

c) If a ground-mounted system is to be installed on a lot containing a structure that is non-conforming because the required minimum setbacks are exceeded, the proposed system shall be permitted as long as the system does not encroach into the established setback for the lot. If a ground-mounted system is to be installed on a lot that is non-conforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.

11) Signage and/or Graphic Content:

a) No signage or graphic content may be displayed on the solar PV system except the manufacturer's badge, safety information, and equipment specification information. Said information shall be depicted within an area no more than thirty-six (36) square inches in size.

12) Inspection, Safety, and Removal:

a) The Village of Fort Loramie reserves the right to inspect a solar PV system for building or fire code compliance and safety.

b) All ground-mounted systems must be contained in a fence that meets the requirements of the Village of Fort Loramie Zoning Code.

c) If upon inspection, the Village, by its code official, determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Village may order the owner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found, and shall notify the owner of his or her right to appeal such determination.

d) If a property owner fails to repair or remove a solar PV system as ordered, and any appeal rights have been exhausted, the Village may enter the lot, remove the system and charge the owner for all costs and expenses of removal, including reasonable attorney's fees and code officials fees or pursue other legal action to have the system removed at the owner's expense.

e) In addition to any other available remedies, any unpaid costs resulting from the Village's removal of a vacated or abandoned or de-commissioners solar PV system shall constitute a lien upon the property against which the costs were charged. Legal counsel of the Village shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing municipal claims for the cost of such work, in connection with the removal work and the filing of the Village's claim.

13) Permit Requirements:

a) Before any construction or installation on any solar PV system shall commence, a permit issued by the Village shall be obtained to document compliance with this code.

150.320 EXTERIOR MAINTENANCE CODE

Section 01: TITLE

This ordinance shall be known as the Exterior Property Maintenance Code of the Village of Fort Loramie.

Section 02: SCOPE

This ordinance is limited to the establishment of minimum standards for the maintenance of exterior surfaces and exterior functioning units of all structures, buildings, and uses within the Village, including yard areas immediately contiguous thereto.

Section 03: PURPOSE

The purpose of this ordinance is to protect public health, safety, and welfare by establishing minimum standards governing the maintenance, appearance, and exterior condition of all premises and uses throughout the Village. It aims to fix responsibilities and duties upon owners, residents, and managers, authorize exterior inspections, and provide for penalties and remedies for violations. This ordinance is deemed remedial and essential for the public interest.

Section 04: APPLICABILITY

Every building, occupancy, or use shall comply with the provisions of this ordinance, irrespective of construction or alteration dates. This ordinance establishes minimum standards for the initial and continued occupancy and use of all such structures, without replacing or modifying existing construction standards.

Section 05: CONFLICT OF LAWS

If this ordinance imposes a higher standard than any other Village ordinance or state law, the higher standard prevails. If this ordinance imposes a lower standard, the higher standard from other ordinances or state law prevails.

Section 06: DEFINITIONS

For this ordinance, certain terms are defined. Present tense includes the future; singular includes the plural, and vice versa. "Building" includes "structure," and "shall" is mandatory.

Deterioration: The condition of the exterior characterized by holes, breaks, rot, etc., due to decay, neglect, or lack of maintenance.

Exterior of the Premises: Portions of a building exposed to public view and open space outside of any building.

Section 07: ENFORCEMENT

Enforcement lies with the Village Administrator, Zoning Administrator, Village Police Chief, or Village Fire Chief, as required to carry out the provisions herein.

Section 08: INSPECTION

All buildings, premises, and uses within the Village are subject to exterior inspections by designated authorities.

SECTION 09: MAINTENANCE RESPONSIBILITY

- a) The owner/manager of every structure or use within the Village is responsible for maintaining the exterior surfaces in conformance with this Ordinance.
- b) The owner/manager of every structure or use within the Village is responsible for maintaining the contiguous yard area in conformance with this Ordinance.
- c) No owner or manager shall be relieved of obligations or entitled to defend any violation by a contract or agreement with any other person.

SECTION 10: GENERAL EXTERIOR MAINTENANCE REQUIREMENTS

- a) The exterior of all structures or uses within the Village, whether functional or aesthetic, shall be maintained in good repair. Any exterior part with functional use must be capable of performing its intended function.
- b) The entire yard area, extending up to and including the lot line in all directions, shall be maintained in a safe, clean, and sanitary condition.

SECTION 11: EXTERIOR SURFACES

- a) All exterior surfaces of structures or uses within the Village shall resist decay or deterioration. Surfaces must be covered to prevent decay and deterioration. If a wall segment has more than 25% of its area deteriorated, it must be surface-coated entirely.
- b) Deteriorated exterior walls, doors, porches, floors, steps, railing, or features must be repaired, replaced, or removed.
- c) Damaged or broken windows, screens, shutters, and deteriorated sill, sash, molding, lintel, frame, or trim must be repaired or replaced.

SECTION 12: FOUNDATIONS

- a) The foundation of every structure or use within the Village must be maintained to prevent damage to its structural integrity.

SECTION 13: ROOFS, GUTTERS, DOWNSPOUTS, AND CHIMNEYS

- a) Roofs must be maintained weather-tight. Missing shingles or other roofing materials must be replaced with similar materials. Roof segments with more than 25% deterioration must be replaced or repaired with similar materials.

b) Structures with gutters and/or downspouts must be maintained to keep them free of exterior rust and corrosion. Rust or corrosion must be removed, painted, or coated to keep them free of visible rust.

SECTION 14: YARD AREA MAINTENANCE

a) Refuse:

(1) No furniture, mattresses, household furnishings, rugs, appliances, dilapidated vehicles or parts, discarded or abandoned machinery, and construction equipment shall be placed or stored in any yard area or use within the Village for more than seven days.

(2) Exterior property areas of all premises or uses shall be kept free of debris, objects, materials, or conditions that create a health, accident, or fire hazard, or constitute a public nuisance. All debris shall be removed within seven days.

b) Grass and Weed Control:

(1) Grass and weeds shall be maintained, controlled, and cut per Ohio Basic Code § 93.40. All lots shall have appropriate ground cover or landscaping material to assure absorption of rainfall and prevent erosion and rapid runoff.

c) Accessory Structures:

(1) All structures or uses in the yard area, such as sheds, barns, garages, bins, etc., shall be maintained in good repair.

(2) Any broken, rusted, deteriorated or decayed fence, yard enclosure, or device or structure in the yard area contiguous to any structure or use within the Village shall be repaired or removed.

d) Ground Surface Hazards:

(1) Holes, cracks, excavations, breaks, projections, and obstructions that are a hazard to persons on the premises shall not be permitted.

e) Motor Vehicles:

(1) Parking of motor vehicles is regulated by the Zoning Code.

SECTION 15: INFESTATION

All structures and premises shall be maintained free of vermin, rodents, and pests, and free of sources of breeding, harborage, and infestation.

SECTION 16: NOTICE OF VIOLATION

a) Where a violation exists, the Village Administrator, Zoning Administrator, Village Police Chief, or Village Fire Chief shall serve a written notice specifying the violation. A reasonable period, not exceeding ninety days, is provided to correct or abate the violation. The notice states that non-compliance may lead to the Village taking corrective action and charging the cost to the responsible person.

b) Notice shall be served by certified mail to the owner's current address and to the occupant at the property address.

- c) Notice may also be served by personal delivery to the owner or occupant.
- d) In the absence of an appeal, the completion of notice and failure to comply constitute a Final Order in administrative proceedings.

SECTION 17: VILLAGE RIGHT OF ABATEMENT

If a violation is not corrected or abated as required by a Final Order:

The Village of Fort Loramie has the right to enter the premises, make corrections or abatements, and recover the actual cost, plus 15% for inspections and administrative fees, from the owner and/or other person named in the final order.

Alternatively,

Upon failure to correct or abate the violation, any two or more inspectors may enter the premises to inspect the interior of the building to determine the extent of unsafe conditions observed or if any other unsafe conditions exist.

- a) Prior to inspecting the interior, the inspector(s) shall notify the owner or owners of the date and time of the inspection.
- b) The Village, its employees, or agents, including inspectors, shall be immune from liability for damage caused to the structure to gain entry to the interior, pursuant to this Ordinance.
- c) It is a violation for the property owner or owners to fail to take the measures instructed in the notice within the specified timeframe.

SECTION 18: ORDERING BUILDING VACATED

When the Police Chief and Village Administrator, with the advice and consent of the Zoning and Building Inspector or Fire Chief, believe that a building or structure poses a risk to life due to being unsafe or unsanitary, they may order occupants to vacate immediately upon notice, and the structure be razed.

SECTION 19: POSTING OF NOTICE

The Police Chief and Village Administrator shall post a notice at entrances to a building or structure deemed unfit for occupancy, stating, "This building is unfit for occupancy and its use has been prohibited forthwith." The notice remains posted until the building or structure is razed.

SECTION 20: UNLAWFUL ENTRY

It is unlawful for any person, other than an employee or designee of the village properly authorized, to remove or cause the removal of the notice without written permission from the Village Administrator or the Police Chief.

SECTION 21: VIOLATION UNLAWFUL ENTRY

Violation of this section is punishable by a fine of up to \$500. Each removal of the notice constitutes a separate violation. It is also unlawful for any person other than those authorized by law or the Village Administrator or Police Chief to enter a building or structure posted with the described notice. Violation of this section is punishable by a fine of up to \$500. Each lawful entry by a person as described above is considered a separate violation.

SECTION 22: REMOVAL OF BUILDING AT EXPENSE OF OWNER

If an order to remove a building or structure is not complied with within the specified timeframe, the Police Chief and/or Village Administrator may cause the building or structure to be removed at the expense of the owner or owners. The Village shall give at least ten (10) days' written notice by certified mail to the owner or owners before taking such action.

SECTION 23: RIGHT OF ENTRY

The Police Chief and/or Village Administrator or their duly authorized agent are authorized to enter the premises at any time thereafter. The owner shall permit entry to abate the nuisance by demolition and removal of the structure or by taking any other action required.

SECTION 24: RECOVERY OF ABATEMENT COSTS

In abating the nuisance, the Village may go to whatever extent necessary. The cost of the abatement shall be recovered from the owner in the following manner:

- (a) The owner or owners shall be billed directly by certified mail for the cost of the abatement. The bill must be paid within 60 days after receipt.
- (b) If costs are not recovered, the village shall cause the cost of the abatement to be levied as an assessment and recovered in accordance with R.C. § 715.261.

SECTION 25: APPEAL

- a) Within fourteen days of receiving notice of a violation, the person may request a hearing before the Board of Zoning Appeal by filing a written request with the Village Administrator or Zoning Administrator. The appeal shall be heard at the next regularly scheduled meeting of the Board of Zoning Appeals, allowing at least ten days' notice to the party and the Village Administrator or Zoning Administrator. The Board of Zoning Appeals may sustain, modify, or dismiss, in whole or in part, any action required to correct or abate the violation and shall issue a Final Order.
- b) The Board of Zoning Appeals shall consider the following in determining appropriate action:
 - (1) Modifications shall not alter the standards or detrimentally affect health, safety, or welfare.
 - (2) Strict enforcement causing undue hardship may constitute an undue and unnecessary burden.

SECTION 26: ENLARGEMENT OF AUTHORITY

This section is not a limitation but an enlargement of existing authority under state statutes or previous ordinances.

SECTION 27: FAILURE TO COMPLY WITH ORDERS

In addition to other available remedies or penalties, any person failing to comply with an order to repair or remove an unsafe building may be issued a citation by the village and fined up to \$500. Each failure to comply constitutes a separate violation.

- a) Each day of non-compliance may be considered a separate violation.

150.400 CONDITIONAL USES; SUBSTANTIALLY SIMILAR USES

Intent:

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, along with the broadening of numerous conventional uses, have necessitated more flexible regulations. These are designed to accommodate these activities reasonably and equitably, safeguarding property rights and ensuring the health, safety, and general welfare of the community. Toward these ends, this Zoning Code recognizes the need for a detailed evaluation of each conditionally permissible use in a specific district concerning its location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation.

Contents of Application:

Any owner or agent proposing a conditional use shall file a Conditional Use Permit application with the Zoning Enforcement Officer. Within 20 days, the officer shall transmit it to the Board of Zoning Appeals. The application shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Legal description of the property.
- C. Zoning district.
- D. Description of the existing use, if any.
- E. Description of the proposed conditional use.
- F. A plan of the proposed site, showing various elements.
- G. A narrative statement discussing compatibility with adjacent properties and the effects on elements like traffic, noise, glare, odor, fumes, and vibration.
- H. A list of property owners within 200 feet.

I. A fee as established.

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

General Standards For All Conditional Uses:

In addition to specific requirements, the Board shall review each proposed use based on the following standards:

A. Compliance with established conditional use provisions.

B. Accordance with the general or specific objectives of the Zoning Code.

C. Design, construction, operation, and maintenance harmonious with the existing or intended character of the general vicinity.

D. Non-hazardous or disturbing to existing or future neighboring uses.

E. Adequate service by essential public facilities and services.

F. No excessive additional requirements at public cost for facilities and services.

G. No detrimental impact on persons, property, or the general welfare.

H. Vehicular approaches designed to avoid traffic interference.

I. No destruction, loss, or damage to a natural, scenic, or historic feature.

Action by the Board of Zoning Appeals:

Within 30 days of receiving the application or the public hearing date, if held, the Board shall:

A. Approve issuance of a Conditional Use Permit upon a written finding that the proposed use is permissible, meets all conditions for approval, and will not significantly impact surrounding uses. The Board may prescribe supplemental conditions.

B. Make a written finding that the application is deficient or needs modification, returning it to the applicant with specified necessary changes.

C. Deny the application, providing written reasons for disapproval.

Supplemental Conditions and Safeguards:

The Board may impose additional conditions and safeguards for a conditional use if deemed necessary for public health, safety, or welfare. Violation of these conditions shall be considered a punishable violation of this Zoning Code.

Public Hearing:

A public hearing may be ordered and held by the Board when necessary, in the public interest. Held within 30 days after receiving the application, notice of the hearing shall be published in a local newspaper at least 10 days before its date. Written notice shall also be mailed to interested parties at least 10 days before the hearing.

Expiration of Conditional Use Permit:

A Conditional Use Permit authorizes only one particular conditional use and expires automatically if not instituted or utilized within one year of issuance or if the use ceases for more than two years.

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

For a use not listed in this Zoning Code, the Board may determine if it is substantially similar to a specific use provided for in the Code. If found substantially similar, the use is deemed permitted or conditional based on the district regulations. The Board shall notify the Council, including written findings and reasoning. Unless rejected within 30 days, the determination becomes effective.

The Board considers the following standards for determining substantial similarity:

- A. Compatibility with the general use classification system in this Zoning Code.
- B. Nature, characteristics, and intensity of the proposed use in relation to permitted or conditionally permitted uses in the district.
- C. Size, dimensional requirements, parking, traffic generation potential, and other regulatory considerations.

If a use is determined to be substantially similar, it is permitted or conditionally permitted under the same conditions as the similar use in the Zoning Code.

150.500 - PLANNED UNIT DEVELOPMENTS (PUD)

Intent

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

Requirements

The owner or owners of any parcel of land in the designated districts may submit an application to the Village Council for the type of Planned Unit Development permitted in that district. Residential Planned Unit Developments (R-PUDs) are permitted in the R-1, R-2, and R-3 Residential zoning districts. Commercial Planned Unit Developments (C-PUDs) are permitted in the C Commercial zoning districts. Industrial Planned Unit Developments (I-PUDs) are permitted in the I Industrial zoning districts.

Permitted Uses

The uses permitted in the PUD shall align with those allowed by the zoning district containing such development.

Procedure

A. An application for a commercial, residential, or industrial PUD, accompanied by a concept plan of the development, shall be submitted to the Planning Commission. The Planning Commission shall conduct at least one public hearing on the application within 30 days of its receipt. Within 30 days of the public hearing, the Planning Commission shall file a written report on the application to the Village Council, addressing the impact on adjacent areas, community services, and other matters related to public health, safety, and welfare. The report shall recommend approval, approval with amendments, or denial.

B. Upon receipt of the Planning Commission's report, the Village Council shall conduct at least one public hearing on the application before making a decision within 60 days. 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 approved concept plan. If found in conformance, the plan shall be filed as a final plat and recorded in the County Recorder's office. Upon recording of the final plat, the Zoning Enforcement Officer shall issue the necessary permits.

Submission Requirements

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

A. Names of owners, developers, and designers of the plan, and proposed name of the development.

B. Legal description of the land to be developed.

C. Statement of the objectives to be achieved by the PUD, including the rationale behind the assumptions and choices made.

D. Development schedule indicating the approximate dates for construction.

E. Quantitative data for total dwelling units, commercial facilities, industrial buildings, parcel sizes, lot coverage, densities, open space, and economic feasibility study.

F. Site plan and supporting maps showing existing conditions, proposed lot lines, buildings, structures, circulation systems, utility systems, and adjacent land areas.

G. Development Plan

Subsequent to approval of a concept plan, the applicant shall submit legal agreements, restrictive covenants, documentation related to homeowners' or merchants' associations, and detailed site plans.

Legal agreements stipulating conveyance of open space for public use to homeowners' or merchants' associations.

Restrictive covenants or conditions applying to any parcel in the PUD.

Legal documentation related to the incorporation of homeowners' or merchants' associations for maintaining common open space.

Site plans and supporting maps indicating surveys, drainage, vegetation, topography, landscaping, and other engineering specifications.

Plans for stormwater control and grading.

Special Provisions

A. The Village Council may approve greater densities and smaller lot sizes in a PUD than those permitted in the zoning district, but not exceeding 25% greater density and 50% smaller lot size.

B. The Planning Commission, if consistent with public health, safety, and welfare, may permit commercial uses in residential PUDs, subject to specified conditions.

C. The Planning Commission shall recommend overall density and lot sizes, considering open space, design quality, impact on utilities, circulation patterns, amenities, and relationships with surrounding areas.

D. Ownership of Common Open Space

In an R-PUD, common open space shall be owned by homeowners as tenants-in-common. A homeowners' association shall be formed before conveying more than 50% of the lots, with legal documents stipulating the association's control and maintenance responsibilities.

Common open space shall be protected against development and environmental damage by conveying an open space easement to the Village before recording the final plat.

Zoning Code

A written agreement between the developer and the Village shall address failure of maintenance, construction, and enforceability, constituting a lien on the property.

Copies of management policies, deed restrictions, or covenants shall be provided to the Planning Commission.

Residential and Commercial Planned Unit Development Design Standards

A. Applicants are encouraged to use innovative design, including varying lot sizes and building orientation.

B. PUDs shall be designed to promote harmonious relationships with surrounding land uses.

C. Open space within a PUD may be required, meeting specific criteria related to size, use, landscaping, and approval by the Planning Commission.

D. Townhouses in PUDs must adhere to specified criteria regarding building arrangement, yard size, distances between structures, and landscaping.

E. Parking regulations within the PUD shall comply with Section 150.600, Off-Street Parking and Loading Regulations. Parking areas over 40,000 square feet shall be landscaped according to an approved plan.

F. Signs in a PUD shall conform to Zoning Code requirements, with restrictions on size and design based on residential or commercial nature. Planning Commission may adjust sign size based on PUD characteristics.

G. Street layouts shall minimize pavement lengths, conform to natural contours, and include fire lanes in commercial PUDs.

Industrial Planned Unit Development Design Standards

A. Plans shall include all contiguous land, designed for safe access, harmonious land use arrangements, separation of transportation modes, stormwater management, waste disposal, buffers, parking, and utilities.

B. Adequate buffering shall be provided for areas abutting residential zones, including fences, berms, or plantings over 6 feet tall. A green belt may be required for developments causing excessive noise, traffic, dust, glare, or odor.

C. Outdoor storage areas shall be indicated on plans, specifying material details, storage type, and screening requirements.

D. Exterior construction materials for buildings in I-PUD shall not include raw galvanized metal or untreated concrete block.

E. Building designs and materials shall promote a visually harmonious environment.

- F. Outdoor lighting shall not cause excessive glare disrupting neighboring land uses.
- G. Not more than 80% of the total land area in an industrial development shall be devoted to structures, accessory uses, parking areas, and streets.
- H. All parking areas in an I-PUD shall contain landscaping according to an approved plan, and erosion control measures shall be employed during construction.
- I. Access requirements include paved roads for each structure, designated loading docks, fire lanes, and indicated rail lines or facilities.
- J. Industrial Performance Standards - Compliance with local, state, and federal standards regarding air and water quality, heat, noise, glare, and odor is mandatory.
- K. Signs within an I-PUD shall conform to Section 150.700, Signage, with an additional entrance identification sign not exceeding 100 square feet.
- L. Parking and Loading Regulations within an I-PUD shall comply with Section 150.600, Off-Street Parking and Loading Facilities.
- M. Height Regulations - The maximum building height in an I-PUD shall be 40 feet, with other structures complying with the Zoning Code.

150.600 OFF-STREET PARKING AND LOADING FACILITIES

Intent

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

General Parking Requirements

When erecting, enlarging, increasing in capacity, or using any building, structure, or land, off-street parking spaces for automobiles shall be provided as per these Sections. A parking plan is required for all uses, except for single or two-family residential uses. The parking plan must be submitted to the Zoning Enforcement Officer as part of the zoning permit application. The plan shall depict property boundaries, parking spaces, access driveways, circulation patterns, drainage and construction plans, as well as boundary walls, fences, and a screening plan where appropriate.

Off-Street Parking Design Standards

All off-street parking facilities shall adhere to the following standards and specifications:

Zoning Code

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 lack direct access to a public street, an access drive shall be provided with a dedicated easement of access, as follows:

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.

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.

All parking spaces, excluding those for single, two, or three-family dwellings, shall have access to a public street so that any vehicle entering or leaving 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 a 10-foot grass area is present between the parking area and the street right-of-way, and one tree is planted for every 30 feet of frontage.

D. **Screening:** Screening shall be provided on each side of a parking area that abuts any Residential District, complying with Section 150.305 Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties.

E. **Paving:** All required parking spaces, 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, provided paved areas are available for daily-use parking. Where paving is not required, proper dust-control measures shall be undertaken and maintained.

F. **Drainage:** All parking spaces, driveways, aisles, and maneuvering areas shall be graded and drained to dispose of surface water, designed to prevent excess drainage onto adjacent properties, walkways, or public streets. Adequate arrangements shall be made for acceptable diversion to an adequate stormwater drainage system, meeting the Village of Fort Loramie Design Criteria and Construction Standards and Drawings.

G. **Barriers:** Where a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided to prevent any part of a parked vehicle from extending beyond the property line.

H. **Visibility:** Access driveways for parking areas shall be located to ensure any vehicle entering or leaving such parking area is 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 another manner approved by the Zoning Enforcement Officer, and shall be maintained in a clearly visible condition.

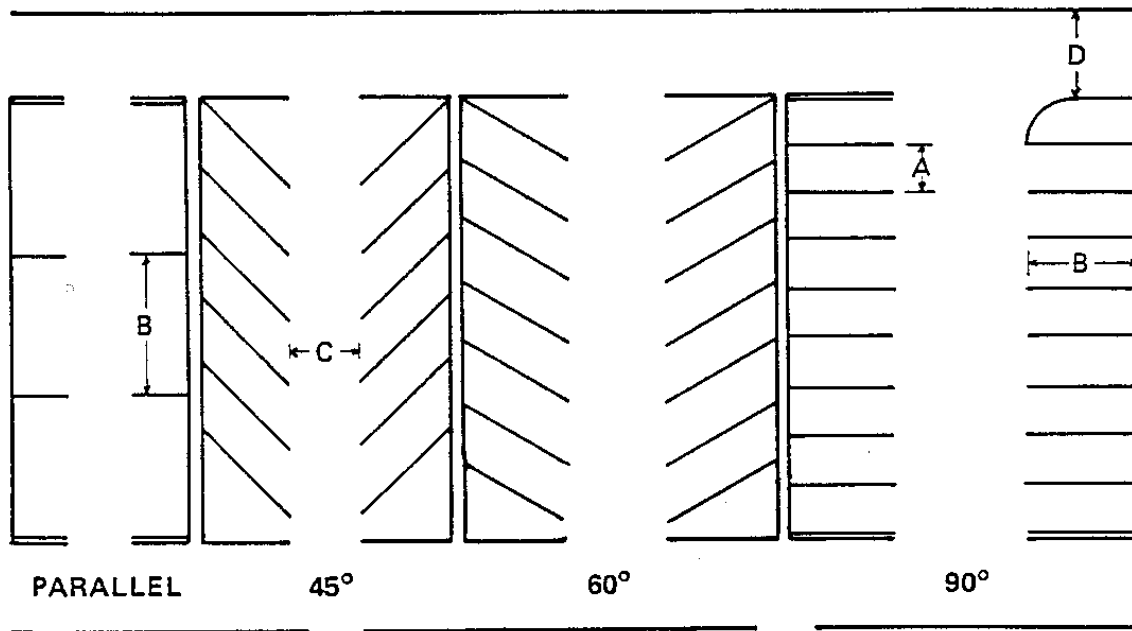
Zoning Code

J. Maintenance: The 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 arranged to direct 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'

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.

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 as 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.

Off-Street Waiting Areas for Drive-In Services

Establishments that, 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 fewer than five waiting spaces per window. Drive-in restaurants and other similar uses that 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 fewer 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.

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.

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

Elementary and Junior High Schools: One space per employee and one space for each two classrooms.

High Schools: One space per employee and one space for each six students at capacity.

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Places of Worship: One space for each four seats at the maximum capacity of the main sanctuary.

Public Offices and Public Buildings: One space for every 250 square feet of gross floor area.

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

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.

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

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.

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.

Restaurants: One space for each 100 square feet of gross floor area, and one space for each employee on the largest work shift.

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.

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.

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.

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.

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.

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.

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.

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

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.

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.

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.

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, whichever is the greater number:

Total Spaces in Lot/Structure

Number of Designated Accessible Spaces

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

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.

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 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 stormwater 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

Intent

The intent of this Section is to promote and protect public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It aims 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. Additionally, it intends to reduce sign or advertising clutter, distraction, and obstructions that may contribute to traffic accidents, hazards, and nuisances.

Governmental Signs Excluded

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

General Requirements for All Signs and Districts

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

A. Any illuminated sign or lighting device shall emit only light of constant intensity, without flashing, intermittent, rotating, or moving lights. Illuminated signs shall not cause glare or reflection that may constitute a traffic hazard or nuisance.

B. No sign, except those providing time, temperature, or similar information, shall employ revolving, rotating, or moving elements to attract attention.

C. All wiring, fittings, and materials used in electrically illuminated signs shall comply with applicable building and electrical codes.

D. No projecting sign shall extend more than two (2) feet from the building's front or face, avoiding obstruction of public right-of-way.

E. Signs on the roof shall appear as a continuation of the building's face.

F. Portable or temporary signs are not allowed on any premises, except as provided in Section 150.706 Temporary Signs.

G. Signs shall not contain banners, posters, pennants, ribbons, streamers, spinners, or similar moving devices if deemed to create a traffic hazard.

H. Signs on building windows visible from public streets or highways shall not occupy more than 20% of the window's surface.

I. No sign shall be attached to a fire escape, door, window giving access to any fire escape, or any manner obstructing ventilation openings.

J. If any sign becomes unsafe, the owner or maintainer must promptly secure or remove it.

K. No signs shall be placed in public right-of-way. Signs directing traffic and parking on private property, without advertising, are allowed on such property.

Zoning Code

L. All signs shall withstand a wind pressure of at least 30 pounds per square foot, be structurally safe, comply with applicable building codes, and support their own weight.

M. Advertising signs shall not attach to trees, utility poles, trash receptacles, or public structures.

N. Signs shall not contain obscene or indecent content.

O. No signs shall interfere with required ventilation openings.

P. Signs on vacant lots are allowed for sale, lease advertising, danger notification, or prohibition of trespassing.

Q. Signs shall not be closer than 8 feet vertically or 4 feet horizontally from any overhead electrical wires or structures.

R. Vehicles or trailers for advertising purposes are not allowed on business premises.

S. Outdoor advertising and off-premises signs are not permitted within the Village without approval from the Board of Zoning Appeals.

Permit Required

A. No person shall create, locate, or maintain a sign without meeting all provisions of this Section. A zoning permit is required for each sign unless exempted.

B. A sign with a permit shall not be modified, altered, or replaced without obtaining a new or amended permit.

C. Repainting, changing parts, and preventive maintenance of signs do not require a zoning permit.

Signs Allowed Without a Permit

The following signs do not require a permit:

A. A sign advertising the sale, lease, or rental of the premises, not exceeding 12 square feet (6 square feet in residential zones).

B. A professional nameplate not exceeding 4 square feet.

C. A sign denoting the name and address of occupants, not exceeding 2 square feet.

D. A sign or bulletin board for places of worship, libraries, museums, schools, social clubs, or societies, not exceeding 15 square feet.

E. A sign advertising a commercial enterprise, not exceeding 12 square feet, displaying only names, trade names, products, and business conducted.

Temporary Signs

Temporary signs under 50 square feet, announcing special events or building erection, are allowed for 60 days plus construction duration, complying with this Zoning Code.

Political Signs

Political signs must not be destructive to public property and are prohibited in public right-of-way or on utility poles. Posting is limited to 30 days before an election, and removal must occur within 48 hours following election day.

Business Signs

No exterior business sign shall be erected unless accessory to a permitted use in the district.

Attached Signs

Total area of all attached signs shall not exceed 1 square foot per linear foot of lot width.

Projection from building facade limited to 2 feet horizontally.

Maximum projection above the roof is 3 feet.

No signs on the roof.

No projection from a fixed awning below 9 feet vertical clearance.

Detached Signs

One detached sign per business activity along each street frontage.

Shall not be on or project over any right-of-way or setback.

Not larger than 80 square feet, 15 feet in height.

Must not obstruct visibility or traffic.

No closer than 25 feet to an adjacent lot.

Portable or temporary detached signs subject to regulations.

Maximum height for temporary or portable signs is 6 feet, allowed four times per year for three weeks each.

Architectural Canopy Signs

Total area shall not exceed 2 square feet per linear foot of building frontage.

Combined signage with attached signs shall not exceed 3 square feet per linear foot.

Horizontal projection over public right-of-way limited to 3 feet, 6 feet over private property.

Minimum 9 feet clearance above the sidewalk.

No closer than 2 feet from the curb.

Limited to single-story or first level of multi-story buildings, unless authorized by the Zoning Board of Appeals.

Overall height may not exceed 3 feet above the average roof line or parapet wall.

Principal graphics limited to the face or street side of the structure.

When covering multiple store fronts, each store allowed copy space of no more than 80% of that store's width.

Enter/Exit Signs

Must comply with Section 150.703 and not in the right-of-way.

Area not to exceed 2 square feet.

One enter sign and one exit sign per lot, with additional allowance for corner lots.

No other lettering permitted; logos or directional symbols subject to Board approval.

Maximum height is 3 feet.

Wall Signs Pertaining to Nonconforming Uses

Wall signs for nonconforming uses permitted with a maximum area of 12 square feet.

Sign Setback Requirements

On-premises signs must be set back at least 10 feet from the established right-of-way line.

A. Setback increases by half a foot for every square foot exceeding 50 square feet, up to 25 feet.

B. Real estate signs and bulletin boards for public institutions allowed 10 feet from right-of-way, avoiding traffic visibility obstruction.

C. On-premises signs in residential districts shall not be erected within 10 feet of a side or rear lot line.

Maintenance

All signs must be maintained in safe and structurally sound conditions, ensuring a 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. Any sign deemed unsafe must be removed within 10 days of notification.

Nonconforming Signs and Structures

Advertising signs and structures existing before the effective date of this Zoning Code, which violate or are not in conformance with its provisions, shall be considered nonconforming. The maintenance of all such nonconforming signs and structures shall adhere to this Code. The responsibility of establishing the legal nonconforming status of any advertising sign or structure lies with the owner of the sign or structure.

Loss of Legal Nonconforming Status

A nonconforming sign shall lose its status immediately and must be brought into conformity with this Zoning Code or removed under the following conditions:

Zoning Code

If its structure undergoes alterations.

If it is enlarged, relocated, or replaced.

If it advertises or identifies an establishment that discontinues operation for 90 consecutive days.

If it is structurally damaged to an extent greater than one half of its estimated replacement value.

This provision excludes changes in sign copy or sign panel replacements.

Violations

If any sign is installed, erected, constructed, or maintained in violation of this Zoning Code, the Zoning Enforcement Officer shall provide a written notification to the owner. The owner must then alter or remove such sign to comply with the Zoning Code. Failure to comply with this notification shall be considered a violation of the Zoning Code.

Abandoned Signs

A sign is considered abandoned under the following circumstances:

A. When associated with an abandoned use.

B. When it remains after the termination of a business, which is deemed to have ceased operations if closed to the public for at least 90 consecutive days.

C. When it is not adequately maintained, and necessary repairs or maintenance are not undertaken within the specified time.

The determination of abandonment rests with the Zoning Enforcement Officer. Upon such determination, the right to maintain and use the sign shall immediately terminate. The Zoning Enforcement Officer shall issue an order for the sign's removal within 30 days.

150.800 AMENDMENTS

Intent

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

Initiation of Zoning Amendments

Amendments to this Zoning Code may be initiated:

A. By the adoption of a motion by the Planning Commission.

B. By the adoption of an amendment by the 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.

Contents of Application for Zoning Map Amendment

Applications for amendments to the Official Zoning Map shall include:

- A. Name, address, and phone number of the applicant.
- B. The proposed amendment, approved as to form by the Village Solicitor.
- C. Reason(s) for the proposed amendment.
- D. Present use(s) of any affected property.
- E. Present zoning district(s) of the affected property.
- F. Proposed use(s) for the affected property.
- G. Proposed zoning district(s) for the affected property.
- H. A vicinity map approved by the Zoning Enforcement Officer.
- I. A list of names and mailing addresses of property owners within the affected area.
- J. A statement of how the proposed amendment relates to any comprehensive plan in effect.
- K. A fee as established by the Village Council.

Contents of Application for Zoning Text Amendment

Applications for amendments to the Zoning Code, other than the Official Zoning Map, shall contain:

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

Recommendation by Planning Commission

Within 60 days of receiving a proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council, indicating approval, modification, or denial, along with specific reasons.

Public Hearing by Village Council

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

Notice of Public Hearing in Newspaper

Village Council shall provide notice of the public hearing through publication in one or more newspapers at least 30 days before the hearing, summarizing the proposed amendment.

Notice to Property Owners by Village Council

For amendments affecting ten or fewer parcels, the Clerk of Council shall mail written notices at least 20 days before the public hearing to all affected property owners.

Action by Village Council

Within 30 days after the public hearing, the Village Council shall adopt, modify, or deny the Planning Commission's recommendation, requiring a 3/4 majority if denying or modifying.

150.850 APPEALS AND VARIANCES

Intent

Appeals and variances shall conform to the procedures and requirements of this Zoning Code. The Board of Zoning Appeals has appellate jurisdiction and original jurisdiction over variances.

Appeals

An appeal may be made by any person aggrieved or by any affected officer or bureau of the Village's legislative authority, filed within 20 days of the decision, specifying the grounds for appeal.

Variances

The Board of Zoning Appeals may authorize variances in specific cases not contrary to the public interest, where strict enforcement would result in unnecessary hardship.

Application and Standards for Variances

Requests for variances shall include:

- A. Name, address, and phone number of each applicant.
- B. Legal description of the property.
- C. Description or nature of variance.
- D. A fee established by the Village Council.
- E. Statements justifying the variance against standards provided.

Public Hearing by the Board of Zoning Appeals

The Board shall hold a public hearing within 30 days of receiving an appeal or variance request.

Notice of Public Hearing in Newspaper

Notice of the hearing shall be published in one or more newspapers at least 10 days before the date, stating the time, place, and nature of the appeal or variance.

Notice to Parties in Interest

The Clerk of Council shall mail written notices at least 10 days before the hearing to all interested parties, containing the same information as required for newspaper notice.

Action by Board of Zoning Appeals

Within 30 days after the public hearing, the Board shall approve, approve with conditions, or disapprove the appeal or variance.

Term of Variance

No variance shall be valid for more than 12 months unless a Zoning Permit is obtained and construction or use commences within this period.

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, supporting conclusions that the standards and conditions imposed by this Zoning Code have been met by the applicant. Variances may be granted for the following purposes:

- 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 a period 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%;

- I. 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

Intent

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

General Provisions

The formulation, administration, and enforcement of the Zoning Code are 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

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.

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 the same with a notation of any special circumstances involved.

Zoning Code

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.

Planning Commission

The Planning Commission shall require a quorum of three members at all 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.

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.

Zoning Code

- 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.

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.

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 on amendments to the Zoning Code text or Official Zoning District Map. Final action on zoning amendments shall be undertaken only at a public hearing.

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.

Temporary Use Permit	\$25.00
Zoning permit for a small accessory building (mini barn) No Foundation and moveable	\$25.00
Application for a Conditional Use Permit	\$100.00
Substantially Similar Use Determination	\$100.00
Application for Zoning Permit	\$100.00
Application for Variance	\$200.00
Appeal	\$100.00
Application for Amendment to Zoning Code	\$200.00
Application for Amendment to Zoning Map	\$200.00
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

Intent

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

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.

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 the owner.

B. Legal description of the 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 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.

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

Zoning Code

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.

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 the 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.

Failure to Obtain a Zoning Permit

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

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.

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.

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 complaints shall fully state the causes and basis thereof and shall be filed with the Zoning Enforcement Officer. The Zoning Enforcement Officer shall record such complaints, immediately investigate them, and take action thereon as provided by this Zoning Code.

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.

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.

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.