

Codified Ordinances of Mount Gilead Part Eleven – Planning and Zoning Code



TITLE FIVE - ZONING ORDINANCE

Amended by Ordinance #1584 on September 17, 2007

Effective Date: October 17, 2007

**CODIFIED ORDINANCES OF MOUNT GILEAD
PART ELEVEN – PLANNING AND ZONING CODE**

TITLE FIVE - ZONING

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CHAPTER 1133 GENERAL PROVISIONS

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CROSS REFERENCES

- Division of municipal corporations into zones - see ORC 713.06
 - Restriction in location of buildings and structures - see ORC 713.07
 - Restrictions on height of buildings and structures - see ORC 713.08
 - Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see ORC 713.09
 - Basis of districting or zoning; classification of buildings and structures - see ORC 713.10
 - Administrative board; powers and duties - see ORC 713.11
 - Notice and hearing on zoning regulations - see ORC 713.12
 - Violations may be enjoined - see ORC 713.13
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1133.01 SHORT TITLE ¹

This Zoning Code shall be known as the "Zoning Ordinance of the Village of Mount Gilead, Morrow County, Ohio," and may be cited as the "Zoning Ordinance" or just the "Zoning Code."

1133.02 EFFECTIVE DATE ²

The provisions in this Zoning Ordinance were originally adopted by Ordinance 1054, passed December 2, 1985. Subsequent amendments are reflected in legislative histories which are footnoted following the amended sections.

1133.03 PURPOSE ^{3, 4}

This Zoning Code is adopted for the purpose of improving and protecting the public health, safety, convenience, comfort, prosperity, and general welfare of residents of the Village. To this end, this Zoning Code seeks to:

- (a) Enhance the quality of life in the Village by making it a more attractive place to live;
- (b) Establish an organized procedure to guide the future development of residential, business and industrial areas;

¹ Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)
² Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)
³ Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)
⁴ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

- (c) Zone all land in the Village with a view to conserving property values and encouraging the most appropriate use of land throughout the Village;
- (d) Encourage economic growth by providing business and industry areas in which to locate and expand;
- (e) Protect all areas of the Village from harmful encroachment by incompatible uses;
- (f) Establish adequate standards for the provision of light, air and open spaces;
- (g) Prevent the overcrowding of land and undue concentration of population, thereby preventing the development of blight and deterioration;
- (h) Lessen congestion in the public streets;
- (i) Foster a desirable pattern of relationships among residential, commercial, industrial and other uses for the mutual benefit of all types of development;
- (j) Facilitate the provision of water, sewerage, schools and other public requirements; and ⁵
- (k) Isolate and manage the location of unavoidable nuisance producing uses.

1133.04 INTERPRETATION ^{6, 7}

In their interpretation and application, the provisions of this Zoning Code shall be held to be minimum requirements, adopted for the promotion of the purposes stated herein.

1133.05 CONFLICT OF LAW ⁸

Whenever the requirements of this Zoning Code are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the requirements which are most restrictive, or which impose the higher standard, shall govern.

1133.06 COMPLIANCE REQUIRED ^{9, 10}

- (a) The regulations set forth by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land except as hereinafter provided:

⁵ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

⁶ Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

⁷ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

⁸ Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

⁹ Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

¹⁰ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

- (1) No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.
- (2) No building or other structure shall hereafter be erected or altered: to exceed the height; to accommodate or house a greater number of families; to occupy a greater percentage of lot area; to have narrower or smaller rear yards, front yards, side yards or other open spaces; or in any other manner contrary to the provisions of this chapter:
 - (b) No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.

1133.07 SEPARABILITY ¹¹

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

11 Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

CHAPTER 1135
ADMINISTRATION, ENFORCEMENT AND PENALTY

- 1135.01 Zoning Inspector
- 1135.02 Zoning Certificate Required
- 1135.03 Contents of Zoning Application
- 1135.04 Review of Zoning Application for Completeness
- 1135.05 Issuance of Zoning Certificate
- 1135.06 Building Permits
- 1135.07 Staking of New Buildings and Improvements Required
- 1135.08 Contents of Site Plan
- 1135.09 Contents of Development Plan
- 1135.10 Development Plan Review by Planning Commission
- 1135.11 Maintenance Responsibilities
- 1135.12 Correction of Violations
- 1135.99 Penalty; Equitable Remedies

CROSS REFERENCES

- Division of municipal corporations into zones - see ORC 713.06
 - Restriction in location of buildings and structures - see ORC 713.07
 - Restrictions on height of buildings and structures - see ORC 713.08
 - Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see ORC 713.09
 - Basis of districting or zoning; classification of buildings and structures - see ORC 713.10
 - Administrative board; powers and duties - see ORC 713.11
 - Notice and hearing on zoning regulations - see ORC 713.12
 - Violations may be enjoined - see ORC 713.13
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1135.01 ZONING INSPECTOR ¹²

- (a) The position of Zoning Inspector is hereby established.
- (b) The Zoning Inspector shall be appointed by and serve at the pleasure of Council and shall receive such compensation as Council may provide. ¹³
- (c) The Zoning Inspector shall have the following duties:
 - (1) Issue zoning and building permits when this Zoning Code has been followed, or refuse to issue such permits in the event of noncompliance;
 - (2) Collect the designated fees for Zoning Certificates, Building Permits, Amendments, Appeals, Conditional Uses and Exceptions. ¹⁴
 - (3) Make and keep records on all applications, issuance and denial of permits and complaints of violations;

¹² Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

¹³ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

¹⁴ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

- (4) Enforce this Zoning Code and take all necessary steps to remedy any condition found in violation of this Zoning Code by ordering, in writing, the discontinuance of illegal uses or illegal work in progress, and request the Solicitor to commence appropriate legal action when necessary;
- (5) Keep the Planning Commission and Council advised of all matters, other than routine duties pertaining to the enforcement of this Zoning Code, and transmit all applications and records pertaining to amendments; and
- (6) Keep the Board of Zoning Appeals advised of all matters pertaining to appeals, variances, conditional uses and exceptions, and transmit all applications and records pertaining thereto.

1135.02 ZONING CERTIFICATE REQUIRED ^{15, 16}

It shall be unlawful for an owner to use or to permit the use of any structure, building or land, or part thereof, hereafter created, erected, changed, converted or enlarged, wholly or partly, until a Zoning Certificate shall have been issued by the Zoning Inspector. The Zoning Certificate requirement shall not include interior remodeling if the type of use is not changed and shall not include exterior upkeep and maintenance.

- (a) When A Zoning Certificate Is Required. A Zoning Certificate shall be required for any of the following:
 - (1) Construction or structural alteration of any building, including accessory buildings.
 - (2) Change in use of an existing building or accessory building to a use of a different classification.
 - (3) Occupancy and use of vacant land, including excavation.
 - (4) Change in the use of land to a use of a different classification.
 - (5) Any change in the use of a nonconforming use.
 - (6) All lawful nonconforming uses of land or buildings created by adoption of this chapter or any amendments.
 - (7) When a Special Flood Hazard Development Permit is required pursuant to Section 1319.11 of the Village of Mount Gilead Building Code. When applicable, the requirements for a Zoning Certificate shall include the requirements to satisfy Chapter 1319 (Flood Damage Prevention) for a Special Flood Hazard Development Permit.

15 Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

16 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

1135.03 CONTENTS OF ZONING APPLICATION ¹⁷

- (a) Every application for a Zoning Certificate shall be submitted on forms (provided by the Zoning Inspector) accompanied by the proper fees.
- (1) When required, a Site Plan, pursuant to [Section 1135.08](#) (Contents of Site Plan) or a S-1 or PD Development Plan, pursuant to [Section 1135.09](#) (Contents of Development Plan), and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made shall be submitted in duplicate.
 - (2) All dimensions shown on filed plans shall be drawn to scale.
 - (3) Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.
 - (4) A file of such applications and plans shall be kept in the office of the Zoning Inspector.
- (b) Fees. Fees for inspection and the issuance of permits or certificates or copies thereof required or issued under the provisions of this Ordinance shall be collected by the Zoning Inspector in advance of review of a zoning application or issuance of a Zoning Certificate.
- (1) The amount of such fees shall be established by the Village Council by separate Ordinance and shall cover the cost of administration, inspection, publication of notice and similar matters resulting from enforcement of this Ordinance. When the Planning Commission, Board of Appeals, or City Council finds it necessary to maintain a strict record of public hearing procedures, or deem it necessary to cause special studies to be made, the applicant shall bear all direct and related costs.
 - (2) The fee for a Zoning Certificate which must be obtained after winning any appeal or upon approval of any variance or conditional use, shall be reduced or waived by the amount of the fee paid for the successful appeal, variance, or conditional use review.
 - (3) The Zoning Inspector and/or Secretary of the Planning Commission shall forthwith deposit all fees with the Clerk - Treasurer who shall credit such fees to the credit of the general revenue fund of the municipality.

1135.04 REVIEW OF ZONING APPLICATION FOR COMPLETENESS ¹⁸

Applications for Zoning Certificates must be completed in full and must be accompanied by the payment of the appropriate fees before the Zoning Inspector is required to consider the application.

¹⁷ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

¹⁸ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

- (a) Applications shall be accompanied by all information required by this Zoning Code, as well as all information required of applicants by administrative rules. An application is complete when the initial submission contains all of the required information that is necessary for the Zoning Inspector and other review bodies to decide whether or not the development, if completed as proposed, will comply with all of the requirements of this Zoning Ordinance.
- (b) The Zoning Inspector shall prepare and maintain application forms, instructional sheets, checklists, or other techniques or devices to assist applicants in understanding the application requirements and the form and type of information that must be submitted.

1135.05 ISSUANCE OF ZONING CERTIFICATE ¹⁹

- (a) No Zoning Certificate for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Ordinance.
- (b) Within ten (10) days after receipt of the application or upon approval by a specified review body, the Zoning Inspector shall issue a Zoning Certificate if the application complies with this Zoning Code and if the application is accompanied by the proper fee.
 - (1) *Review by Board of Zoning Appeals.* The Zoning Inspector shall not issue a Zoning Certificate for a land use subject to public hearing and review by the Board of Appeals until authorized by the Board of Appeals pursuant to [Section 1137.05](#) (Powers and Duties).
 - (2) *Review by Planning Commission.* The Zoning Inspector shall not issue a Zoning Certificate for any of the following applications unless a Site or Development Plan has been approved by the Planning Commission and any necessary zoning amendments are approved by Council:
 - A. S-1 District or PD District Development Plans pursuant to [Section 1135.10](#) (Development Plan Review by Planning Commission);
 - B. Manufactured home park applications pursuant to [Section 1157.10](#);
 - C. A use subject to the performance standards of [Section 1155.02](#).
- (c) Expiration of Zoning Certificate
 - (1) A Zoning Certificate issued for the construction of a new building or the alteration of an existing building shall be void unless substantial construction is commenced within one (1) year after date of issuance and unless construction is completed within two (2) years after date of issuance. Every such Zoning Certificate already issued shall be subject

¹⁹ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

to the same provisions except that the time period shall run from the effective date of this section.

- (2) A new Zoning Certificate is required upon application if no substantial construction activity is started or if the use is changed within one (1) year of the date of the Certificate, or if construction extends beyond two (2) years of the date of issuance of the Certificate.
- (3) The Zoning Inspector shall for just cause be authorized to extend either or both of the time periods upon written application therefore.
- (d) Nonconforming Uses. Upon written request from the owner or tenant, the Zoning Inspector shall issue a Zoning Certificate for any building or premises existing at the time of enactment of this chapter certifying, after inspection, the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this chapter. No charge shall be made for issuing a Zoning Permit in accordance with this division.

1135.06 BUILDING PERMITS ²⁰

A building permit is required for new construction and for additions to existing buildings as required by Section 1301.01 of the Building Code. Applications shall be made to the Mayor.

1135.07 STAKING OF NEW BUILDINGS AND IMPROVEMENTS REQUIRED ²¹

Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started.

1135.08 CONTENTS OF SITE PLAN ²²

A Site plan shall be submitted with all zoning applications for development of a principal building and accessory structures on a single lot. The Site Plan shall include the following information:

- (a) A legend which indicates a compass rose, the scale of the plan, the name of the plan, if any, and the name and contact information for the owner and other members of the development team, if any.
- (b) The location of the lot and the existing zoning and land use of the property and the immediately surrounding area;
- (c) The lot numbers of the concerned and abutting properties;
- (d) The street providing access to the lot and the exact location of the lot in relation to the nearest intersections;

²⁰ Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

²¹ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

²² Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

- (e) The intended use;
- (f) The actual dimensions of the lot, the yard, parking, and other open space dimensions thereof, and the location and size of any existing structure thereon;
- (g) The location, dimensions, height and bulk of structures to be erected and/or the proposed enlargement of the existing structure;
- (h) In every case where the lot is not provided and is not proposed to be provided with public water supply and/or the disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a certificate of approval by the County Health Officer of the proposed method of water supply and/or disposal of sanitary wastes.
- (i) A commercial or industrial use subject to performance requirements shall be accompanied by a plan of the proposed construction or development; a description of the proposed machinery, processes and products; and specifications for the mechanisms and techniques to be used in meeting the performance requirements. Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered engineer or surveyor;
- (j) Each plan shall bear statements declaring that no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure;
- (k) Each plan shall indicate which abutting land was formerly that of the owner of the land involved in the application; and, if any, the approximate date of title transfer;
- (l) Any other pertinent data as may be necessary to determine and provide for the enforcement of this Zoning Code.

1135.09 CONTENTS OF DEVELOPMENT PLAN ²³

A Development Plan shall be required for all proposed S-1 Special District and PD Planned Development District zoning applications. A Development Plan submission shall be composed of the following elements:

- (a) All drawings shall be prepared on reproducible paper. Five copies of the drawing shall be supplied.
- (b) All drawings must include a north arrow and legend.
- (c) All plans shall be drawn to engineer's scale, not to exceed 1:100.

²³ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

- (d) The drawing shall be prepared by a registered engineer or architect. The name of the engineer or architect shall be included on the drawing. The name of the surveyor shall also be included.
- (e) Site bench mark. This shall be referenced to U.S.G.S. datum.
- (f) The location, types, and size for all land use areas;
- (g) Drawings shall show accurate dimensions of the locations and dimensions of all existing and proposed right-of-way lines, property lines, and easements.
- (h) Existing elevations on site and on adjacent properties and proposed elevations. This information shall be sufficient to indicate directions of drainage flow.
- (i) Plans or text showing or describing the arrangement, location, square footages, and design of all buildings, structures, and yards including finished grade at the proposed building(s). For residential uses, indicate dwelling unit densities, dwelling unit types, and the total number of dwelling units in the development plan.
- (j) All building heights, setbacks, and screening as proposed.
- (k) A traffic and circulation plan shall show the location and design of all entrances and exits to the site, circulation drives, walks and other access ways, and parking areas, showing the number of proposed parking spaces, indicating their relationship to topography, existing streets or showing other evidence of reasonableness. Counts of traffic on all streets adjoining the site shall be listed and a forecast of traffic volumes generated by the site shall be made by competent experts.
- (l) Locations and sizes of all existing and proposed utilities (water lines, storm and sanitary sewers, and the like) and appurtenances and connections thereto. Proposed sewers and water lines shall further indicate types of material and elevations.
- (m) The proposed use of any recreational land and any other land for recreational or leisure use;
- (n) All parcels of land intended to be dedicated or temporarily reserved for public use, or reserved in the deeds for the common use of property owners shall be indicated.
- (o) The proposed schedule of site development and construction of structures and associated facilities;
- (p) Sketches and other text or materials indicating design principles and concepts to be followed in site development, construction, landscaping and other features;

- (q) A note shall indicate that all construction and materials shall meet the requirements of the Village.
- (r) Any other information required by the Planning Commission to determine the appropriateness of the proposal.

1135.10 DEVELOPMENT PLAN REVIEW BY PLANNING COMMISSION ²⁴

- (a) Review Procedure. A Development Plan application shall be submitted in tandem with a petition for a zoning amendment to establish an S-1 Special District or a PD Planned Development District. The Development Plan review shall occur concurrently with the zoning amendment review and shall follow the same procedure as for any other district amendment pursuant to [Chapter 1139](#) (Amendment to Zoning Provisions).
 - (1) The application and Development Plan must be submitted to the Zoning Inspector at least ten (10) working days before the scheduled Planning Commission meeting at which the Planning Commission will receive the complete application and schedule a public hearing.
 - (2) Development plans not incorporating all the requirements listed in this section cannot be considered by the Planning Commission regardless of the submission date.
- (b) Review Criteria for Development Plan. The Development Plan shall be subject to the following review criteria for adoption:
 - (1) The site shall have adequate access from public thoroughfares and shall provide interior circulation and access to buildings and parking areas. The design and location of driveways, access points, building locations and parking spaces shall be subject to the review and approval of the Village Services Director.
 - (2) The site shall drain surface water to an approved watercourse or pipe enclosure as reviewed and approved by the Village Services Director. In larger site developments, retention facilities may be required.
 - (3) Within the limits of the site, buildings may be placed anywhere and all setback, screening, bulk, and density requirements may be modified and not be subject to specific limitations if approved by the Planning Commission and Village Council.
 - (4) Additional reasonable requirements concerning protection of adjoining activities, ingress-egress control, setbacks, lighting, signs, and drives may be set by the Planning Commission or Council.

²⁴ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

1135.11 MAINTENANCE RESPONSIBILITIES ²⁵

All structures and all parts thereof shall be maintained in good repair and safe condition and shall be capable of performing the function for which such structure or part of any feature thereof was designed or intended to be used pursuant to Chapter 1307 (Blight Control) of the Village Building Code.

1135.12 CORRECTION OF VIOLATIONS ²⁶

- (a) Declaration of Nuisance. Any use of land or premises carried on in violation of this Zoning Code is declared to be a nuisance per se and shall be subject to the penalties stated in this Zoning Code. Any building or land use activities considered possible violations of this Zoning Code, which activities are observed by residents of the Village, shall be reported to the Zoning Inspector.
- (b) Inspection. The Zoning Inspector shall inspect each alleged violation and shall, in writing, order the correction of all conditions which are found to be in violation of this Zoning Code.
- (c) Correction Period. All violations shall be corrected within a period of thirty days after the written order is issued or within a longer period of time as indicated by the Zoning Inspector. Any violation not corrected within the specified time period shall be reported to the Solicitor who shall initiate prosecution procedures.

1135.99 PENALTY; EQUITABLE REMEDIES ²⁷

- (a) Whoever violates or fails to comply with any of the provisions of this Zoning Code, for which no penalty is otherwise provided, is guilty of a minor misdemeanor on a first offense and shall be fined not more than one hundred dollars (\$100.00). On a second offense within one year after the first offense such person is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty days, or both. On each subsequent offense within one year after the first offense such person is guilty of a misdemeanor of the third degree and shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty (60) days, or both. Each ten (10) days such violation or noncompliance is permitted to exist shall constitute a separate offense.
- (b) The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person, who knowingly commits, participates in, assists in or maintains a violation, may be found guilty of a separate offense and suffer the penalties provided in subsection (a) hereof.
- (c) Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

²⁵ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

²⁶ Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

²⁷ Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

- (d) If any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or if any land is or is proposed to be used, in violation of this Zoning Code or any amendment hereto, Council, the Solicitor, the Zoning Inspector or any adjacent or neighboring property owner who would be specially damaged by such violation may, in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, reconstruction, alteration, conversion, maintenance or use; to restrain, correct or abate such violation; to prevent the occupancy of such building, structure or land; or to pre-vent any illegal act, conduct, business or use in or about such premises.

CHAPTER 1137 BOARD OF ZONING APPEALS

- 1137.01 Establishment; Terms of Office; Compensation
- 1137.02 Officers
- 1137.03 Quorum and Voting
- 1137.04 Minutes; Records
- 1137.05 Powers and Duties
- 1137.06 Applications, Fees, and Other Costs
- 1137.07 Notice of Hearings
- 1137.08 Procedures
- 1137.09 Appeals
- 1137.10 Variances
- 1137.11 Conditional Use Review Standards
- 1137.12 Interpretation of Zoning Map

CROSS REFERENCES

- Division of municipal corporations into zones - see ORC 713.06
 - Restriction in location of buildings and structures - see ORC 713.07
 - Restrictions on height of buildings and structures - see ORC 713.08
 - Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see ORC 713.09
 - Basis of districting or zoning; classification of buildings and structures - see ORC 713.10
 - Administrative board; powers and duties - see ORC 713.11
 - Notice and hearing on zoning regulations - see ORC 713.12
 - Violations may be enjoined - see ORC 713.13
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1137.01 ESTABLISHMENT; TERMS OF OFFICE; COMPENSATION ²⁸

- (a) There is hereby established a Board of Zoning Appeals which shall consist of five members appointed by the Mayor and approved by Council.
- (b) The five members first appointed shall serve for terms of one, two, three, four and five calendar years, or parts thereof, respectively; thereafter, appointments shall be for five-year terms, beginning January 1. Each member shall serve until his or her successor is appointed.
- (c) Vacancies shall be filled by the Mayor and shall be for the respective unexpired terms.
- (d) The members of the Board may receive such compensation as Council provides.

²⁸ Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

1137.02 OFFICERS

- (a) The Board of Zoning Appeals shall elect a Chairperson and a Vice-Chairperson from its membership, shall appoint a Secretary and shall prescribe rules for the conduct of its affairs. ²⁹
- (b) The Chairperson of the Board of Zoning Appeals may administer oaths and compel the attendance of witnesses in any matter coming within the purview of this Zoning Code. ³⁰

1137.03 QUORUM AND VOTING

- (a) The Board of Zoning Appeals shall require a quorum of three (3) members at all of its meetings.
- (b) Every decision of the Board shall be by motion, and the concurring vote of three (3) members shall be necessary to affect any order. ³¹

1137.04 MINUTES; RECORDS ³²

The Board shall keep minutes of its proceedings as a public record. Such records shall contain a full record of the findings of the Board, together with all documents pertaining thereto, and showing the vote for each member on all questions, or if absent or failing to vote, indicating such fact.

1137.05 POWERS AND DUTIES ³³

The Board of Zoning Appeals shall have the following powers and duties:

- (a) To hear and decide appeals pursuant to [Section 1137.09](#) (Appeals), where it is alleged there is error of law in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this chapter or any amendments thereto.
- (b) To hear and decide variances, pursuant to [Section 1137.10](#) (Variances).
- (c) To hear and decide conditional uses pursuant to [Section 1137.11](#) (Conditional Use Review Standards).
- (d) To interpret the Zoning Map pursuant to [Section 1137.12](#) (Interpretation of Zoning Map).
- (e) To hear and decide temporary uses pursuant to [Section 1157.16](#) (Temporary Buildings and Uses).

29 Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

30 Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

31 Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

32 Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

33 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

- (f) To hear and decide appeals and variances to Chapter 1319 (Flood Damage Prevention) of the Building Code pursuant to Section 1319.14 ([Building Code] Appeals; Variances).

1137.06 APPLICATIONS, FEES, AND OTHER COSTS

- (a) All applications to the Board of Appeals shall be submitted to the Zoning Inspector in writing, and on any forms prescribed therefore. All applications shall set forth the reason the application should be granted.³⁴
- (b) Fees, as prescribed in this Zoning Code, shall be paid in full prior to any action by the Board.
- (c) If the Board finds it necessary to draw upon any planning, legal, engineering or any other expert testimony, such fee or service may be required at the expense of the applicant as a part of the application.

1137.07 NOTICE OF HEARINGS³⁵

- (a) When a notice of an appeal, variance, conditional use, exception or nonconforming use has been filed in proper form with the Board of Zoning Appeals:
 - (1) The Secretary or other designated person shall immediately place such request upon the calendar for a hearing, and shall state on any required notice the time, place and object of the hearing.
 - (2) Such notice shall be served personally or by certified mail, return receipt requested, addressed to the parties making the request, at least five (5) days prior to the date of the scheduled hearing.
 - (3) Written notice of a Board hearing shall be given by certified mail, return receipt requested, or personally, to the owners of property within, contiguous to and directly across the street from the land to which such appeal, variance, conditional use, exception, nonconforming use, temporary use or interpretation of the Zoning Map is related. All notices shall be sent to addresses given on the last tax assessment roll or other legally designated address list.
 - (4) Public hearings are not required, but may be held, if determined necessary by the Board. Public hearings shall be advertised by at least one publication in one or more newspapers of general circulation in the Village at least ten (10) days before the date of such public hearing.

³⁴ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

³⁵ Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

- (5) The Board may recess such hearings from time to time, and if the time and place of the continued hearing is publicly announced at the time of adjournment, no further notice shall be required.

1137.08 PROCEDURES ³⁶

- (a) The Board of Zoning Appeals shall act according to the procedure specified by law, including this Zoning Code.
- (b) No action shall be taken on any request for any appeal, variance, conditional use, exception, or nonconforming use prior to a hearing by the Board.
- (c) The Board shall make a decision within ten (10) days after the hearing, unless additional time is necessary because of unusual circumstances.
- (d) The hearing shall be open to the public and any party may appear in person or by attorney.

1137.09 APPEALS ³⁷

- (a) Appeals to the Board may be taken by any person or by any officer or board of the Village adversely affected by the decision of the Zoning Inspector respecting the interpretation of this Zoning Code.
- (b) Appeals shall be made not later than thirty (30) calendar days after the date of the action that is the subject of the grievance.
- (c) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector, whose decision is appealed from, certifies to the Board after the notice of appeal has been filed, that by reason of facts stated in the certificate, a stay would, in his or her opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed by other than a restraining order granted by the Board or by a court having lawful jurisdiction.
- (d) Appeals of Board Decisions to Council. A decision of the Board of Zoning Appeals may be appealed to Council. Such appeal must be filed with the Clerk-Treasurer not later than ten (10) calendar days after the decision of the Board is handed down. The decision of Council is final. ³⁸

1137.10 VARIANCES ^{39, 40}

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

³⁶ Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

³⁷ Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

³⁸ Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

by the Board, there must be a showing by the Board that it has weighed the interests of the owner against those of the neighboring property owners and the community as a whole.

- (a) Area Variances. Where there are practical difficulties in carrying out the strict letter of this Zoning Code regarding yard, height, parking, and sign code requirements, the Board of Zoning Appeals may grant an area or bulk variance that is in harmony with the general purpose and intent of the Zoning Code and that most of the following tests apply:
- (1) The variance will not adversely affect the delivery of governmental services.
 - (2) The property owner did not purchase the property with knowledge of the zoning restriction, unless such modification of the yard or lot area or width regulations is necessary to secure the appropriate improvement of a parcel of land that is too small to be appropriately improved without such modification, provided the parcel was separately owned at the time of passage of this chapter, or is adjacent to buildings that do not conform to the general restrictions applicable to their location.
 - (3) There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of the property that do not apply generally to other properties or uses in the same zoning district or neighborhood that cannot be solved by some manner other than the granting of a variance.
 - (4) The granting of the variance will not alter the essential character of the locality or substantially impair environmental quality, property values or public safety or welfare in the vicinity.
 - (5) A variance is necessary for the applicant to enjoy a substantial property right possessed by other properties in the same zoning district and does not confer a special privilege ordinarily denied to other properties in the district.
 - (6) The grant of a variance is necessary, not because it will increase the applicant's economic return, although it may have this effect, but because without a variance the applicant will be deprived of beneficial use or enjoyment of, or reasonable economic return from, the property.

39 Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

40 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

- (b) Exceptions To Permitted Uses.⁴¹ An exception to a permitted use may be granted by the Board only after review of an application therefore. The Board may impose such requirements and conditions as it may deem necessary for the protection of adjacent properties and the public interests. The Board shall not, however, have the right to change the intent of this Zoning Code by permitting any use that cannot be reasonably interpreted as intended in the district in question.
- (1) The Board of Zoning Appeals may grant exceptions to permitted uses where the strict application of this Zoning Code would result in unnecessary hardship, as defined herein, for the applicant inconsistent with the general purpose and the intent of this Zoning Code or the provisions of this Zoning Code, due to conditions precedent or subsequent, are not precise enough or are too general to cover all applications.
 - (2) The Board of Zoning Appeals may permit the temporary use of a structure or premises in any district for a purpose of use that does not conform to the regulations prescribed elsewhere in this chapter for the district in which it is located, provided that such use is of a temporary nature and does not involve the erection of a substantial structure. A Zoning Certificate for such use shall be granted in the form of a temporary and revocable permit, for not more than a 12-month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare.
- (c) Exceptions to Nonconforming Uses.⁴² The Board of Zoning Appeals may permit changes and extensions of existing, legal nonconforming uses as follows:
- (1) A nonconforming use of a less objectionable nature may be substituted for an existing, legal nonconforming use;
 - (2) A nonconforming use may be substituted for an existing, legal nonconforming use existing at the time of enactment of this chapter if no structural alterations except those required by law or ordinance, are made; provided, however, that in an "R" District, no change shall be authorized to any use which is not a permitted or conditional use in any "B" District;
 - (3) An existing, legal nonconforming use which occupies only a portion of an existing structure or premises may be extended throughout such structure or premises;
 - (4) An existing, legal nonconforming use may be extended when such extension will substantially make the nonconforming use more in character with its surroundings. Such extension shall not be greater than

41 Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

42 Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

fifty percent of the size of the nonconforming use that existed at the time of passage of this Zoning Code;

- (5) It may permit the extension of a district where the boundary line of a district divides a lot or tract held in a single ownership at the time of the passage of this chapter;
- (6) An existing, legal nonconforming structure may be remodeled or repaired where the Board determines that such remodeling or repairing is in the best interest of the Village.
- (7) An existing, legal nonconforming use or building may be altered or reconstructed, provided that such will make the nonconforming use substantially more in character with its surroundings.
- (8) An existing, legal nonconforming building which has been damaged by explosion, fire, act of God, or the public enemy may be reconstructed to the extent of more than fifty-one (51) percent of its fair market value where the Board finds some compelling necessity requiring a continuance of the nonconforming use and the primary purpose of continuing the nonconforming use is not to continue a monopoly;

1137.11 CONDITIONAL USE REVIEW STANDARDS ^{43, 44}

The Board of Zoning Appeals shall hear and determine all conditional uses that are specifically listed in the various districts. Conditional uses, although often desirable, will more intensely affect the surrounding area in which they are located than the permitted uses of such districts. In considering a conditional use application, the Board may impose such conditions as it may deem necessary for the protection of adjacent properties and the public interest, including specific limitations as to future expansion.

- (a) The following basic standards shall generally apply to all conditional uses such that the proposed development:
 - (1) Is specifically listed or interpreted as a conditional use in the district in question;
 - (2) Will be in keeping with the general objectives, or with any specific objective of the Mount Gilead Comprehensive Plan and/or the Zoning Ordinance;
 - (3) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance and nature with the existing or intended land use character of all adjacent uses and structures and physical development potential of the area and will not have undesirable effects on the surrounding area;

43 Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

44 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

- (4) Will not be hazardous or disturbing to existing or future neighboring uses;
 - (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the person responsible for the establishment of the proposed use shall be able to provide adequately any such services;
 - (6) Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, or odors;
 - (7) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
- (b) The following additional standards shall apply to conditional uses in any "S" or "R" District:
- (1) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout and its relation to streets giving access to it shall be such that both pedestrian and vehicular traffic to and from the use and the assembly of persons in connection with it will not be hazardous, inconvenient or conflict with the normal traffic on residential streets, both at the time and as the same may be expected to increase with any prospective increase in the population of the area, taking into account convenient routes of pedestrian traffic, particularly of children, relation to main traffic thoroughfares and to street intersections, and the general character and intensity of development of the area;
 - (2) The location and height of buildings, the location, nature, and height of walls and fences, and the nature and extent of landscaping on the site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings.
- (c) The following additional standards shall apply to conditional uses in any "B" or "M" District:
- (1) The location and size of the use, the nature and intensity of the operations involved in or conducted in connection with it, its site layout, and its relation to streets giving access to it shall be such that vehicular traffic to and from the use will not be more hazardous than the normal traffic of the district, both at the time and as the same may be expected to increase with increasing development of the municipality, taking into account vehicular turning movements in relation to routes of traffic flow, relation to street intersections, sight distances, and relation to pedestrian traffic;

- (2) The nature, location, size and site layout of the use shall be such that it will be a harmonious part of the business or industrial district in which it is situated, taking into account prevailing shopping habits, convenience of access by prospective patrons, the physical and economic relationships of one type of use to another, and characteristic groupings of uses in a commercial or industrial district.

1137.12 INTERPRETATION OF ZONING MAP ⁴⁵

Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board of Zoning Appeals, after notice to the owners of the property, shall interpret the Map in such a way as to carry out the intent and purpose of this Zoning Code.

⁴⁵ Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

CHAPTER 1139 AMENDMENT TO ZONING PROVISIONS

- 1139.01 **Initiation of Amendments**
 - 1139.02 **Planning Commission Amendment Review Procedure**
 - 1139.03 **Council Amendment Review Procedure**
-

1139.01 INITIATION OF AMENDMENTS⁴⁶

Whenever the public necessity, convenience, general welfare or good zoning practices require, the Council may, by ordinance, after receipt of recommendation thereon from the Planning Commission, and subject to the procedures provided by law, amend, supplement or change the regulations, district boundaries or classification of property, now or hereafter established by this chapter or amendments thereof.

- (a) Applications for amendments should meet at least one of the following conditions:
 - (1) There is currently insufficient land throughout the Village zoned for the particular district to meet the current and anticipated future demands;
 - (2) There has been a substantial change in the area's condition which has rendered the original zoning obsolete;
 - (3) The land is subject to annexation by the Village;
 - (4) There are other situations where a zoning change would be appropriate for the overall health, safety and welfare of the Village.
- (b) Amendments or supplements to this Zoning Code may be initiated by:
 - (1) Passage of a resolution by Council;
 - A. All zoning amendments or supplements not initially made by the Planning Commission shall be referred to the Planning Commission for review and recommendation to Council before any action is taken by Council.
 - B. If no recommendation is received by Council within thirty (30) days of such referral, Council may proceed without a recommendation from the Planning Commission if it so desires.
 - (2) Motion of the Planning Commission;

⁴⁶ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

- (3) Application of one or more owners or lessees of property within the district to be changed;
 - A. Applications for any change of district boundaries or classifications of property as shown on the zoning map shall be submitted to the Planning Commission, at its public office upon such forms, and shall be accompanied by such data and information as may be prescribed for that purpose by the Planning Commission, so as to assure the fullest practicable presentation of facts for the permanent record. Each such application shall be verified by at least one of the owners or lessees of property within the area proposed to be reclassified, attesting to the truth and correctness of all facts and information presented with the applications.
 - B. Any person or persons desiring a change in the zoning classification of property shall file with the application for such change, a statement giving the names and addresses of the owners of all properties lying within two hundred (200) feet of any part of the property the zoning classification of which is proposed to be changed.

(c) *Petitions for Annexation Shall Initiate Rezoning.*

- (1) Upon receipt of notice of hearing of annexation petitions, the clerk shall forward copies to the Planning Commission to consider the appropriate zoning classification of the territory to be annexed in accordance with this chapter.
- (2) The Planning Commission shall make its recommendation to the Council in a timely fashion such that the ordinance designating the zoning classification for the territory to be annexed shall become effective at the same time as the ordinance approving the annexation of the territory.

1139.02 PLANNING COMMISSION AMENDMENT REVIEW PROCEDURE ⁴⁷

(a) Notice to Property Owners of Public Hearing by Planning Commission

- (1) Before submitting its recommendation on a proposed amendment to the Council, the Planning Commission shall hold a public hearing thereon, notice of which shall be given by publication in a newspaper of general circulation in the municipality at least thirty (30) days before the date of the hearing, once a week for two weeks. The notice shall state the place or places and times at which the proposed amendment to the ordinance, including text and maps, may be examined and other notices as required by state statutes or Planning Commission.
- (2) In addition to the published notice as hereinbefore specified, the Planning Commission shall give notice of time, place and purpose of public hearings to be held by it on proposed amendments or

⁴⁷ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

supplements, by mailing a postal card or letter notice not less than twenty (20) days prior to the date of the hearing, to the owners of all properties lying within two hundred (200) feet of any part of the property proposed to be changed. The failure to notify, as provided in this section, shall not invalidate any recommendations adopted hereunder; it being the intention of this section to provide, so far as may be possible, due notice to the persons substantially interested in the proposed change that an application is pending before the Planning Commission, proposing to make a change in the zoning district map or the regulations set forth in this chapter.

- (b) Action of Planning Commission. The Planning Commission may recommend to Council that the application be granted as requested, or it may recommend a modification of the zoning amendment requested in the application, or it may recommend that the application be not granted. These recommendations shall be certified to Council within thirty (30) days after the Planning Commission hearing.

1139.03 COUNCIL AMENDMENT REVIEW PROCEDURE⁴⁸

(a) Public Hearing by Council and Notice to Property Owners

- (1) After receiving from the Planning Commission certification of the recommendations on the proposed amendment and before this Zoning Code or any amendment thereto may be adopted or passed, Council shall hold a public hearing thereon and shall give at least thirty (30) days notice, once a week for two weeks, of the time and place thereof in a newspaper of general circulation in the Village. The notice shall state the place or places and times at which the proposed amendment to the ordinance, including text and maps, may be examined and other notices as required by state statutes.
- (2) Whenever an amendment to this Zoning Code intends to rezone or redistrict ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk-Treasurer, by first class mail, at least twenty (20) days before the date of the public hearing, to the owners of property within, contiguous to and directly across the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditor's current tax list of the County Treasurer's mailing list and on such other list that may be specified by Council. The failure of delivery of such notice shall not invalidate any such amendment.
- (3) During such thirty (30) days or twenty (20) days notice periods, as the case may be, the text or copy of the text of the amending ordinance, together with the maps, plans or copies thereof forming part of or referred to in such ordinance, and any reports submitted by the Planning Commission, the Board of Zoning Appeals or the Zoning Inspector shall

48 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

be on file for public examination in the office of the Clerk-Treasurer or in such other office as is designated by Council.

- (b) Action of Council. After holding the above public hearing, the Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the ordinance or the zoning map.
- (1) No ordinance or amendment which is in accordance with the recommendation, plan or report submitted by the Planning Commission, the Board or the Zoning Inspector shall be deemed to pass or take effect without the concurrence of at least a majority of the members elected to Council.
 - (2) No such ordinance or amendment which differs or departs from the plan or report submitted by the Planning Commission, the Board, or the Zoning Inspector shall take effect unless passed or approved by not less than three-fourths (0.75) of the membership of Council.

CHAPTER 1141 ZONING DISTRICTS AND ZONING MAP

- 1141.01 **Establishment of Districts**
- 1141.02 **Incorporation of Zoning Map**
- 1141.03 **Interpretation of District Boundaries**
- 1141.04 **Zoning of Annexed Land**

CROSS REFERENCES

- Division of municipal corporations into zones - see ORC 713.06
 - Restriction in location of buildings and structures - see ORC 713.07
 - Restrictions on height of buildings and structures - see ORC 713.08
 - Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see ORC 713.09
 - Basis of districting or zoning; classification of buildings and structures - see ORC 713.10
 - Administrative board; powers and duties - see ORC 713.11
 - Notice and hearing on zoning regulations - see ORC 713.12
 - Violations may be enjoined - see ORC 713.13
 - Interpretation of Zoning Map - see P. & Z. 1135.09
-

1141.01 ESTABLISHMENT OF DISTRICTS ⁴⁹

For the purpose of this Zoning Code, the Village is divided into the following districts:

- (a) Open Area Districts
 - (1) "S-1" Special District
 - (2) "A-1" Agriculture District
- (b) Residential Districts
 - (1) "R-1" Very Low Density District
 - (2) "R-2" Low Density Residence District
 - (3) "R-3" Medium Density Residence District
- (c) Business Districts
 - (1) "B-1" Central Business District
 - (2) "B-2" Highway and General Business
- (d) Industrial Districts
 - (1) "M-1" Restricted Industrial District
 - (2) "M-2" General Industrial District
- (e) PD Planned Development District

⁴⁹ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

1141.02 INCORPORATION OF ZONING MAP ^{50, 51}

The districts and boundaries thereof are established as shown on the Zoning Map, which Map, together with all notations, references, data district boundaries and other information shown thereon, shall be part of this Zoning Code. The Zoning Map, properly attested, shall be and remain on file in the office of the Clerk-Treasurer.

- (a) No amendment which involves districts portrayed on the Official District Map shall become effective until after such change and entry has been made on the map. No changes of any nature shall be made in the Official Zoning Map or matter shown thereon except in conformity with the procedures set forth in this chapter.
- (b) Authority of Map. The Official District Map, which shall be located in the office of the Village Administrator, shall be the final authority as to the current zoning status of land and water area, buildings and other structures.
- (c) Annexed Territory. All territory hereafter annexed to the Village shall be automatically zoned as the district which represents its intended use.

1141.03 INTERPRETATION OF DISTRICT BOUNDARIES ^{52, 53}

- (a) The district boundary lines on the Zoning Map are intended to follow centerlines of thoroughfares or railroads or lot lines, unless such is otherwise indicated on the Map. In case of subdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning Map or by dimensions.
- (b) Whenever any street, alley, or other public way is vacated by official action of the Council, the zoning district adjoining each side of such street, alley, or public way shall be automatically extended to the center of such vacation.
- (c) When a district boundary divides a lot in a single ownership existing at the time of enactment of this Zoning Code, the use authorized on, and the district requirements of, the least restricted portion of such lot shall be construed as extending to the entire lot, provided that such extension shall not include any part of the lot which is more than fifty (50) feet from the district boundary line.
- (d) Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this Zoning Code. In case of any questions as to the location of any boundary line between

50 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)
 51 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)
 52 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)
 53 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

zoning districts, a request for interpretation of the Zoning District Map may be made to the Board and a determination shall be made by the Board.

1141.04 ZONING OF ANNEXED LAND ⁵⁴

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

54 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

CHAPTER 1143 OPEN AREA DISTRICTS REQUIREMENTS

- 1143.01 Purposes of Open Space Districts
- 1143.02 Permitted and Conditional Uses
- 1143.03 Minimum Lot Area and Width
- 1143.04 Minimum Yard Setbacks
- 1143.05 Minimum Building Bulk Requirements
- 1143.06 Minimum Floor Area Requirements

CROSS REFERENCES

- Division of municipal corporations into zones - see ORC 713.06
- Restriction in location of buildings and structures - see ORC 713.07
- Restrictions on height of buildings and structures - see ORC 713.08
- Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see ORC 713.09
- Basis of districting or zoning; classification of buildings and structures – see ORC 713.10
- Nonconforming uses - see P. & Z. Ch. 1147
- Off-street parking and loading - see P. & Z. Ch. 1149
- Provisions relating to all districts - see P. a Z. Ch. 1151

1143.01 PURPOSES OF OPEN SPACE DISTRICTS ⁵⁵

- (a) Purpose of S-1 Special Use District. The S-1 Special District is to be applied to areas which are to contain large public or semipublic holdings, areas suitable for noncommercial recreation, areas subject to periodic flooding, or to preserve or to create areas with specific functional residential needs. These specific functional needs shall include:
 - (1) Public and institutional activities which can, by orderly location and arrangement of facilities, be more efficient, more accessible to the public, and can promote higher quality of visual and functional design.
 - (2) Residential areas designed for special population groups or housing types. Flexibility in design to create a sound living environment in districts containing multiple-family housing, condominium housing, housing for the elderly, public housing, and the like, is encouraged. Institutional and public services may be incorporated into the district.
 - (3) Residential planned areas whose individual activities can be designed to relate functionally to each other, to provide adequate parking and circulation to provide adequate points of ingress and egress while protecting adjacent activities from adverse effects of the district.

⁵⁵ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

- (b) Purpose of A-1 Agriculture District. The A-1 District shall apply to land which is level or gently rolling and is best reserved for agricultural and other rural purposes.

1143.02 PERMITTED AND CONDITIONAL USES ⁵⁶

The following land use matrix indicates permitted (P) and conditional (C) land uses which may be considered for development in the Open Space Districts as indicated in the columns on the right side of the matrix. Conditional uses are subject to approval by the Board of Zoning Appeals.

Land Use	Zoning Districts	
	S-1	A-1
(a) <u>Agricultural Uses</u>		
(1) Agriculture		P
(2) Forestry		P
(3) Plant cultivation	P	
(4) Specialized animal raising and care of fur-bearing animals, stabling of horses, animal kennels, and raising of domestic or laboratory animals or birds		C
(b) <u>Residential Uses</u>		
(1) Single-family dwellings		P
(2) Group adult care facility for three (3) to five (5) unrelated adults pursuant to ORC 3722.03		P
(3) Group foster home pursuant to ORC 5103.0318		P
(4) Group MR/DD residential facility for one (1) to eight (8) persons pursuant to ORC 5123.19(N)		P
(c) <u>Public and Semi-Public Uses</u>		
(1) Airports	C	
(2) Cemeteries	C	
(3) Child day care home – Type B		P
(4) Churches	C	C
(5) Essential services, including utility substations and pump houses, but not including buildings	P	P
(6) Hospitals	C	C
(7) Institutions of an educational, religious, charitable, or philanthropic nature	C	C
(8) Public administrative, cultural, or service buildings; <u>not</u> including land or buildings devoted solely to the storage and maintenance of equipment and material	P	P
(9) Public Libraries	C	C
(10) Public parks and conservation areas	P	P

⁵⁶ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

Land Use	Zoning Districts	
	S-1	A-1
(11) Public service facilities and other public utility offices and buildings	C	P
(12) Schools, including nursery schools and colleges	P	P
(d) Commercial Uses		
(1) Outdoor advertising and commercial billboards, as defined and further regulated by Chapter 1325 of the Mount Gilead Building Code		C
(2) Recreation facilities - Commercial, including commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, carnivals, and similar commercial enterprises	C	C
(3) Recreation facilities – Noncommercial, including private country clubs, riding clubs, golf courses, private community swimming pools, and other similar recreation areas, facilities, or centers	P	P
(e) Industrial Uses		
(1) Sand, gravel, and topsoil extraction	C	C
(f) Accessory Uses		
(1) Accessory uses clearly incidental and customary within the district	P	P
(2) Home occupations		P

1143.03 MINIMUM LOT AREA AND WIDTH ⁵⁷

Each lot in an Open Space District shall be located on a lot having a minimum lot area and a lot width not less than as specified below:

Zoning District	Type of Structure	Development Standards	
		Minimum Lot Area (per family)	Minimum Lot Width At Building Line
S-1	Dwellings	None Required	None Required
	Non-dwellings	3 acres	250 feet
A-1	Dwellings	1 acre	150 feet
	Non-dwellings	3 acres	250 feet

⁵⁷ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

1143.04 MINIMUM YARD SETBACKS⁵⁸

All lots in an Open Space District shall have the following minimum yard setback areas:

Zoning District	Type of Buildings	Minimum Yard Setbacks			
		Front Yard	Side Yard (One Side)	Side Yard (Both Sides)	Rear Yard
S-1	Dwellings	None Required Subject to Modification by Planning Commission and Village Council			
	Non-dwellings	60 feet	50 feet	100 feet	60 feet
A-1	Dwellings	60 feet	25 feet	60 feet	60 feet
	Non-dwellings	60 feet	50 feet	100 feet	60 feet

1143.05 MINIMUM BUILDING BULK REQUIREMENTS⁵⁹

(a) All structures in an Open Space District shall meet the following maximum height and lot coverage requirements:

Zoning District	Type of Buildings	Maximum Height of Buildings		Maximum Percentage of Lot Coverage
		In Stories	(In Feet)	
S-1	All Structures	3	45 ft	15 %
A-1	All Dwellings	2-1/2	35 ft	15 %
	Non-Dwellings	3	45 ft.	15 %

(b) Exception to Height Limits. The height limitations of this Section shall not apply to the uses listed in [Section 1155.01](#) (Height Regulation Exceptions).

1143.06 MINIMUM FLOOR AREA REQUIREMENTS⁶⁰

In an A-1 District, all buildings constructed for home habitation shall provide a minimum of twelve hundred (1,200) square feet of floor area per dwelling unit for living purposes. In determining floor areas, only the area used for living quarters shall be counted. Garages, carports, porches, breezeways, utility rooms, laundry areas, furnace rooms, and basements are to be excluded.

⁵⁸ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

⁵⁹ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

⁶⁰ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

CHAPTER 1145 RESIDENTIAL DISTRICTS REQUIREMENTS

- 1145.01 Purposes of Residential Districts
- 1145.02 Permitted and Conditional Land Uses
- 1145.03 Lot Area and Width
- 1145.04 Minimum Yard Setbacks
- 1145.05 Maximum Building Bulk Requirements
- 1145.06 Minimum Floor Area Requirements
- 1145.07 Conversion of Existing Dwellings

CROSS REFERENCES

- Division of municipal corporations into zones - see ORC 713.06
 - Restriction in location of buildings and structures - see ORC 713.07
 - Restrictions on height of buildings and structures - see ORC 713.08
 - Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see ORC 713.09
 - Basis of districting or zoning; classification of buildings and structures - see ORC 713.10
 - Nonconforming uses - see P. & Z. Ch. 1147
 - Off-street parking and loading - see P. & Z. Ch. 1149
 - Provisions relating to all districts - see P. a Z. Ch. 1151
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1145.01 PURPOSES OF RESIDENTIAL DISTRICTS^{61, 62}

The purpose of the R-1, R-2 and R-3 Family Residence Districts is to provide an area for residential uses and those public and semi-public uses normally considered an integral part of the residential neighborhood they serve.

- (a) The "R-1" Very Low Density District is for low density residential development which may or may not have combined water facilities or sewage disposal services.
- (b) The "R-2" Low Density Residence District is for relatively low density residential development. Combined water facilities and sewage disposal services are required.
- (c) The "R-3" Medium Density Residence District is for medium density residential development which has ready access to most community facilities. Community water and sewerage facilities are required.

61 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

62 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

1145.02 PERMITTED AND CONDITIONAL USES ^{63, 64}

The following land use matrix indicates permitted (P) and conditional (C) land uses which may be considered for development in the residential district as indicated in the zoning district columns on the right side of the matrix. Conditional uses may only be permitted subject to approval by the Board of Zoning Appeals.

<u>Land Use</u>	Zoning Districts		
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>
(a) <u>Agricultural Uses</u>			
(1) Agriculture	C		
(2) Animal and poultry husbandry	C		
(3) Plant cultivation	P		
(b) <u>Residential Uses</u>			
(1) Single-family dwellings	P		
(2) Two-family dwellings		P	
(3) Multifamily dwellings		P	P
(4) Apartment Buildings		P	P
(5) Conversion of dwelling to apartment		C	C
(6) Lodging houses		C	C
(7) Tourist homes			C
(8) Manufactured home parks, pursuant to Section 1157.10			C
(9) Group adult care facility for three (3) to five (5) unrelated adults pursuant to ORC 3722.03	P		C
(10) Group adult care facility for six (6) to sixteen (16) unrelated adults pursuant to ORC 3722.03			C
(11) Group foster home pursuant to ORC 5103.0318	P		C
(12) Group MR/DD residential facility for one (1) to eight (8) persons pursuant to ORC 5123.19(N)	P	P	P
(13) Group MR/DD residential facility for between nine (9) and sixteen (16) persons pursuant to ORC 5123.19(O)			C
(14) Group home for the aging	C	C	C
(c) <u>Public and Semi-Public Uses</u>			
(1) Cemeteries	C		
(2) Child day care home – Type B	P	P	P
(3) Child day care home – Type A			C
(4) Child day care center			C
(5) Churches	C	C	C
(6) Social Activities, such as clubs, lodges, and community centers	C	C	C

63 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

64 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

<u>Land Use</u>	Zoning Districts		
	<u>R-1</u>	<u>R-2</u>	<u>R-3</u>
(7) Essential services, including utility substations and pump houses, but not including buildings	P	P	P
(8) Hospitals	C	C	C
(9) Institutions of an educational, religious, charitable, or philanthropic nature	C	C	C
(10) Playgrounds	P	C	C
(11) Public administrative, cultural, or service buildings, not including land or buildings devoted solely to the storage and maintenance of equipment and material	C	C	C
(12) Public Libraries	P	P	P
(13) Public parks	C	C	C
(14) Public service facilities and other public utility office buildings	C	C	
(15) Schools, including nursery schools and colleges	C	C	C
(16) Social Activities, such as clubs, lodges, and community centers	C	C	C
(d) <u>Commercial Uses</u>			
(1) Hotels and Motor hotels			
(2) Filling stations, subject to §1157.07 ⁶⁵	C	C	C
(3) Funeral homes or mortuaries			C
(4) Professional activities, such as services provided by doctors, dentists, lawyers, architects, engineers, and insurance and real estate agents		C	C
(5) Recreation facilities – Noncommercial, including private country clubs, riding clubs, golf courses, private community swimming pools, and other similar recreation areas, facilities, or centers	C	C	C
(6) Public garages, subject to §1157.14 ⁶⁶	C	C	C
(7) Sales depots, subject to §1157.15 ⁶⁷	C	C	C
(8) Used car lots, subject to §1157.17 ⁶⁸	C	C	C
(e) <u>Accessory Uses</u>			
(1) Accessory uses clearly incidental and customary within the district	P	P	P
(2) Home occupations	P	P	P

65 Amended by Ord. 362 on 12-8-1939 (effective 1-7-1940)

66 Amended by Ord. 362 on 12-8-1939 (effective 1-7-1940)

67 Amended by Ord. 362 on 12-8-1939 (effective 1-7-1940)

68 Amended by Ord. 362 on 12-8-1939 (effective 1-7-1940)

1145.03 LOT AREA AND WIDTH ^{69, 70}

Each dwelling in a Residence District shall be located on a lot having a minimum area and a lot width not less than the following requirements:

Zoning District	Type of Residential Unit	Development Standards	
		Minimum Lot Area (per family)	Minimum Width At Building Line
R-1	Single Family	15,000 s.f.	90 ft.
	Non-Dwellings	2 acres	200 ft.
R-2	Single Family	10,000 s.f.	80 ft.
	Two-Family	7,500 s.f.	120 ft.
	Multifamily and Condominiums	5,000 s.f.	160 ft.
	Non-Dwellings	1 acre	150 ft.
R-3	Single Family	8,000 s.f.	80 ft.
	Two-Family	5,500 s.f.	90 ft.
	Multifamily and Condominiums	4,000 s.f.	120 ft.
	Manufactured/Mobile Homes	See Section 1157.10 (Manufactured Home Park)	
	Non-Dwellings	8,000 s.f.	80 ft.

1145.04 MINIMUM YARD SETBACKS ^{71, 72}

All lots in a Residence District shall have the following minimum yard setback areas. For the purpose of this section, eaves, steps and open porches shall not be considered as a part of a building, provided, however, that this shall not be construed to permit any portion of a building on a lot to encroach upon another lot.

Zoning District	Type of Buildings	Minimum Yard Setbacks			
		Front Yard	Rear Yard	Side Yard (One Side)	Side Yard (Both Sides)
R-1	All Dwellings	40 ft.	40 ft.	12 ft.	20 ft.
	Non-Dwellings	60 ft.	60 ft.	50 ft.	100 ft.
R-2	Single Family	30 ft.	30 ft.	10 ft.	25 ft.
	Two-Family	30 ft.	30 ft.	10 ft.	25 ft.
	Multifamily and Condominiums	30 ft.	40 ft.	20 ft.	50 ft.
	Non-Dwellings	50 ft.	50 ft.	30 ft.	60 ft.

69 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

70 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

71 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

72 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

Zoning District	Type of Buildings	Minimum Yard Setbacks			
		Front Yard	Rear Yard	Side Yard (One Side)	Side Yard (Both Sides)
R-3	Single Family	30 ft.	25 ft.	10 ft.	20 ft.
	Two-Family	30 ft.	25 ft.	10 ft.	25 ft.
	Multifamily	30 ft.	25 ft.	15 ft.	30 ft.
	Condominiums	30 ft.	25 ft.	15 ft.	25 ft.
	Manufactured & Mobile Homes	See Section 1157.10 (Manufactured Home Park)			
	Non-Dwellings	50 ft.	50 ft.	30 ft.	60 ft.

1145.05 MAXIMUM BUILDING BULK REQUIREMENTS ⁷³

(a) All structures in a Residence District shall meet the following maximum height and lot coverage requirements:

Zoning District	Type of Buildings	Maximum Height of Buildings		Maximum Percentage of Lot Coverage
		In Stories	(In Feet)	
R-1	All Dwellings	2-1/2	35 ft	--
	Non-Dwellings	2	35 ft.	15 %
R-2	All Dwellings	2-1/2	35 ft	--
	Non-Dwellings	3	45 ft.	20 %
R-3	Single Family and Two-Family	2-1/2	35 ft.	--
	Multifamily and Condominiums	3	40 ft.	--
	Non-Dwellings	3	45 ft.	20 %

(b) Multifamily and condominium buildings with a height in excess of the maximum height specified for such buildings may be permitted provided the required front, side and rear yards are increased by two (2) feet for each foot of additional building height above the maximum specified height, except that no building shall exceed a maximum height of sixty (60) feet without prior approval of the Board of Zoning Appeals.

(c) *Exception to Height Limits.* The height limitations of this Section shall not apply to the uses listed in [Section 1155.01](#) (Height Regulation Exceptions).

1145.06 MINIMUM FLOOR AREA REQUIREMENTS ^{74, 75}

In a Residence District, all buildings constructed for home habitation shall provide the following floor area for living purposes. In determining floor areas, only the area

73 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)
74 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)
75 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

used for living quarters shall be counted. Garages, carports, porches, breezeways, and basements are to be excluded.

MINIMUM FLOOR AREA PER DWELLING UNIT				
District	Single And Two-Family Dwellings	Efficiency Apartment	One-Bedroom Apartment	Two Or More Bedrooms In Apartment
R-1	1,100 s.f.	--	--	--
R-2	1,000 s.f.	500 s.f.	650 s.f.	800 s.f.
R-3	900 s.f.	500 s.f.	650 s.f.	800 s.f.

1145.07 CONVERSION OF EXISTING DWELLINGS ⁷⁶

In a Residence District, a residence may be converted to accommodate an increased number of dwelling units provided:

- (a) The proposed number of units from the conversion is a specified permitted or conditionally permitted use in the district;
- (b) If the building is to be altered on the outside, the yards shall not be reduced to less than the yard dimensions required by the zoning regulations for new structures in that district;
- (c) The lot area per family is equal to the lot area requirements for new multifamily structures in that district;
- (d) The number of square feet of living area per family unit is not less than that which is required for new construction in that district.

⁷⁶ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

CHAPTER 1147 BUSINESS DISTRICTS REQUIREMENTS

- 1147.01 Purposes of Business Districts
- 1147.02 Permitted and Conditional Land Uses
- 1147.03 Lot Area and Width
- 1147.04 Minimum Yard Setbacks
- 1147.05 Maximum Building Bulk Requirements
- 1147.06 Landscaping or Screening

CROSS REFERENCES

- Division of municipal corporations into zones - see ORC 713.06
 - Restriction in location of buildings and structures - see ORC 713.07
 - Restrictions on height of buildings and structures - see ORC 713.08
 - Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see ORC 713.09
 - Basis of districting or zoning; classification of buildings and structures - see ORC 713.10
 - Nonconforming uses - see P. & Z. Ch. 1147
 - Off-street parking and loading - see P. & Z. Ch. 1149
 - Provisions relating to all districts - see P. & Z. Ch. 1151
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1147.01 PURPOSES OF BUSINESS DISTRICTS ^{77, 78}

The purpose of the B-1 and B-2 General Business Districts is to provide for a wide range of retail facilities and services.

- (a) "B-1" Central Business District. For areas of the existing central business district which are structurally sound and functional plus additional areas which are logical for expansion of a unified and compact commercial core.
- (b) "B-2" Highway and General Business. Areas along major highways or thoroughfares which provide sales and services oriented to highway travelers; or general businesses including sale and services for automotive, farm machinery, building trades, and the like.

1147.02 PERMITTED AND CONDITIONAL LAND USES ^{79, 80}

The following land use matrix indicates permitted (P) and conditional (C) land uses which may be considered for development in the B-1 and B-2 Districts as indicated in the zoning district columns on the right side of the matrix. The lack of any symbol indicates that the use is not permitted in the district. Conditional uses are subject to review by the Board of Zoning Appeals.

77 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

78 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

79 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

80 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

Land Use	Zoning Districts	
	<u>B-1</u>	<u>B-2</u>
(a) <u>Residential Uses</u>		
(1) Single-family dwellings	C	C
(2) Two-family dwellings	C	C
(3) Group adult care facility for three (3) to five (5) unrelated adults pursuant to ORC 3722.03	C	C
(4) Group foster home pursuant to ORC 5103.0318	C	C
(5) Group MR/DD residential facility for one (1) to eight (8) persons pursuant to ORC 5123.19(N)	C	C
(b) <u>Public and Semi-Public Uses</u>		
(1) Churches	C	C
(2) Essential services, including utility substations and pump houses, but not including buildings	C	C
(3) Hospitals	C	C
(4) Institutions of an educational, religious, charitable, or philanthropic nature	C	C
(5) Playgrounds		
(6) Public administrative, cultural, or service buildings; not including land or buildings devoted solely to the storage and maintenance of equipment and material	C	C
(7) Public Libraries	C	C
(8) Public parks	C	C
(9) Public service facilities and other public utility offices and buildings	C	
(10) Schools, including nursery schools and colleges	C	C
(11) Social activities, such as clubs, lodges, and community centers	C	
(c) <u>Commercial Uses</u>		
(1) Animal hospitals and clinics		C
(2) Automotive sales, repairs, and related uses, including automobile service stations, public garages, motorcycle and bicycle shops and cab stands	C	P
(3) Bakeries in conjunction with retail sales		C
(4) Business services, such as services primarily to other commercial or industrial enterprises or repair of home or business appliances and machines	P	P
(5) Dairy sales		C
(6) Entertainment facilities conducted for commercial gain, such as theaters, carnivals, and night clubs	P	P
(7) Entertainment facilities		P
(8) Farm implement sales and service		P
(9) Funeral homes or mortuaries	P	P
(10) Hotels and motels	C	P

Land Use	Zoning Districts	
	B-1	B-2
(11) Offices and banks, with drive-in services	C	
(12) Offices and banks, without drive-in services	P	P
(13) Outdoor advertising, as defined and further regulated by Chapter 1325 of the Mount Gilead Building Code	C	C
(14) Personal services, including laundromats, dry cleaning and laundry pick-up stations, tailor shops, barber and beauty shops, and shoe and watch repair	P	P
(15) Professional activities, such as services provided by doctors, dentists, lawyers, architects, engineers, and insurance and real estate agents	P	P
(16) Recreation facilities - Commercial, including commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, carnivals, and similar commercial enterprises		C
(17) Recreation facilities – Noncommercial, including private country clubs, riding clubs, golf courses, private community swimming pools, and other similar recreation areas, facilities, or centers		C
(18) Restaurants and taverns	P	P
(19) Retail businesses	P	P
(d) <u>Industrial Uses</u>		
(1) Printing and publishing	C	C
(2) Wholesale businesses		C
(e) <u>Accessory Uses</u>		
(1) Accessory uses clearly incidental and customary within the district	P	P
(2) Home occupations	P	

1147.03 LOT AREA AND WIDTH ^{81, 82}

Each business use shall be located on a lot having a minimum area and a lot width not less than the following requirements:

Zoning District	Development Standards	
	Minimum Lot Area	Minimum Width At Building Line
B-1	None Required	None Required
B-2	30,000 square feet	150 feet

81 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

82 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

1147.04 MINIMUM YARD SETBACKS^{83, 84}

All lots in a Business District shall have the following minimum yard setback areas:

Zoning District	Minimum Yard Setbacks		
	Front Yard	Side Yard (Each Side)	Rear Yard
B-1	None required, except the front of buildings should be in line with buildings on adjoining lots	None required, except lots adjoining a residential use or district shall meet the requirements of Section 1155.06	10 feet
B-2	60 feet	30 feet	20 feet

1147.05 MAXIMUM BUILDING BULK REQUIREMENTS⁸⁵

All structures in a Business District shall meet the following maximum height and lot coverage requirements:

Zoning District	Maximum Height of Buildings		Maximum Percentage of Lot Coverage
	In Stories	(In Feet)	
B-1	3	45	85 %
B-2	2	35	50 %

1147.06 LANDSCAPING OR SCREENING⁸⁶

For nonresidential uses abutting "R" Districts, landscaping and/or screening approved by the Board of Zoning Appeals shall be provided and maintained in good condition as a precondition to any and every nonresidential use of such abutting property. The Board of Zoning Appeals shall have original jurisdiction to reduce the minimum yard requirements stated in [Section 1155.06](#) (Setbacks of Nonresidential Buildings Adjacent to a Residential District) provided it finds, after considering the nature of the nonresidential use and determining the type of landscaping and/or screening required, that the reduction will not be detrimental to the abutting "R" District or the owners or occupants thereof.

83 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

84 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

85 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

86 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

CHAPTER 1149 INDUSTRIAL DISTRICTS REQUIREMENTS

- 1149.01 Purposes of Industrial Districts
- 1149.02 Permitted and Conditional Uses
- 1149.03 Lot Area and Width
- 1149.04 Minimum Yard Setbacks
- 1149.05 Maximum Building Bulk Requirements
- 1149.06 Landscaping or Screening

CROSS REFERENCES

- Division of municipal corporations into zones - see ORC 713.06
 - Restriction in location of buildings and structures - see ORC 713.07
 - Restrictions on height of buildings and structures - see ORC 713.08
 - Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see ORC 713.09
 - Basis of districting or zoning; classification of buildings and structures - see ORC 713.10
 - Nonconforming uses - see P. & Z. Ch. 1147
 - Off-street parking and loading - see P. & Z. Ch. 1149
 - Provisions relating to all districts - see P. & Z. Ch. 1151
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1149.01 PURPOSES OF INDUSTRIAL DISTRICTS ^{87, 88}

- (a) "M-1" Restricted Industrial. For areas of light industry with restricted manufacturing operations, research facilities and offices of a restricted nature which will have little or no detrimental effects on neighboring land uses.
- (b) "M-2" General Industrial. For areas which, because of their access to transportation and community services, and relative isolation from other land uses, provide good sites for most types of general industry.

1149.02 PERMITTED AND CONDITIONAL USES ^{89, 90}

The following land use matrix indicates permitted (P) and conditional (C) land uses which may be considered for development in the M-1 and M-2 Districts as indicated in the zoning district columns on the right side of the matrix. Conditional uses are subject to review by the Board of Zoning Appeals.

87 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)
 88 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)
 89 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)
 90 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

Land Use	Zoning Districts	
	<u>M-1</u>	<u>M-2</u>
(a) <u>Agricultural Uses</u>		
(1) Agriculture		C
(2) Livestock auctions and sales		C
(b) <u>Public and Semi-Public Uses</u>		
(1) Essential services, including utility substations and pump houses, but not including buildings	P	P
(2) Public service facilities and other public utility offices and buildings	P	P
(c) <u>Commercial Uses</u>		
(1) Funeral homes or mortuaries		
(2) Outdoor advertising, as defined and further regulated by Chapter 1325 of the Mount Gilead Building Code	C	C
(3) Restaurants and taverns	C	C
(d) <u>Industrial Uses</u>		
(1) Food processing	C	
(2) Grain elevators and feed mills		P
(3) Manufacturing: General		P
(4) Manufacturing: Restricted (such as drugs, sporting goods, processing and assembly of glass products, small household appliances, electronic products and parts for production of finished equipment, research and testing laboratories, printing and engraving plants, bakeries, or dairies)	P	
(5) Offices and laboratories	P	
(6) Printing and publishing	P	
(7) Research and testing facilities	P	
(8) Storage and sales of junk		P
(9) Transport and trucking terminals and facilities		P
(10) Warehousing facilities		P
(11) Wholesale businesses		P
(e) <u>Accessory Uses</u>		
(1) Accessory uses clearly incidental and customary within the district	P	P

1149.03 LOT AREA AND WIDTH ⁹¹

Each industrial use shall be located on a lot having a minimum area and a lot width not less than the following requirements:

Zoning District	Development Standards	
	Minimum Lot Area	Minimum Width At Building Line
M-1	1 acre	200 feet
M-2	1 acre	200 feet

1149.04 MINIMUM YARD SETBACKS ^{92, 93}

All structures to be constructed, altered or moved in an Industrial District shall provide yards of the following minimum depths:

Zoning District	Minimum Yard Setbacks		
	Front Yard	Side Yard (Each Side)	Rear Yard
M-1	50 feet	30 feet	40 feet
M-2	50 feet	30 feet	40 feet

1149.05 MAXIMUM BUILDING BULK REQUIREMENTS ⁹⁴

All structures in an Industrial District shall meet the following maximum height and lot coverage requirements:

Zoning District	Maximum Height of Buildings		Maximum Percentage of Lot Coverage
	In Stories	(In Feet)	
M-1	3	45	60 %
M-2	3	45	60 %

1149.06 LANDSCAPING OR SCREENING ^{95, 96}

Newly established manufacturing uses adjacent to a residential district shall provide, on the adjacent property line, a dense hedge, tree row or other suitable landscape device adequate to visually screen the manufacturing area from the residential area.

91 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)
 92 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)
 93 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)
 94 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)
 95 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)
 96 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

CHAPTER 1151 PD PLANNED DEVELOPMENT DISTRICT

- 1151.01 Purpose
- 1151.02 Permitted Uses
- 1151.03 Lots; Yards
- 1151.04 Development Plans
- 1151.05 Zoning Certificates
- 1151.06 Changes in Uses

CROSS REFERENCES

- Division of municipal corporations into zones - see ORC 713.06
 - Restriction in location of buildings and structures - see ORC 713.07
 - Restrictions on height of buildings and structures - see ORC 713.08
 - Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see ORC 713.09
 - Basis of districting or zoning; classification of buildings and structures - see ORC 713.10
 - Nonconforming uses - see P. & Z. Ch. 1147
 - Off-street parking and loading - see P. & Z. Ch. 1149
 - Provisions relating to all districts - see P. & Z. Ch. 1151
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1151.01 PURPOSE ⁹⁷

The purpose of the PD Planned Development District is to permit greater flexibility in land development than that permitted by the strict interpretation of this Zoning Code. The Planned Development District should only be used for projects of high quality that would not normally be provided for in other districts or for projects where an extensive review of plans is desirable. No uses are permitted outright.

1151.02 PERMITTED USES ⁹⁸

After an extensive plan review, the following uses may be permitted in a PD Planned Development District:

- (a) Camps;
- (b) Manufactured home parks pursuant to [Section 1157.10](#); ⁹⁹
- (c) Vacation home developments;
- (d) Large recreational complexes having several types of recreational uses;
- (e) Manufacturing parks;
- (f) Housing projects for three acres or fifteen or more dwelling units;
- (g) Shopping centers;
- (h) Facilities needed in support of any of the uses set forth in subsections (a) to (g) hereof, such as shopping, schools, churches, clubs, parks, water and/or sewage treatment facilities, etc., when submitted as a part of the overall development plan;
- (i) Combinations of the uses set forth in subsections (a) to (h) hereof;
- (j) Home businesses;

⁹⁷ Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

⁹⁸ Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

⁹⁹ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

- (k) Essential services;
- (l) Accessory uses;
- (m) Public uses; and
- (n) Public service facilities.

1151.03 LOTS; YARDS ¹⁰⁰

- (a) A planned development project shall generally conform to any adopted Village plans and any standards proposed therein, and shall be compatible with and not adversely affect adjacent and other property in the area. ¹⁰¹
- (b) In a PD Planned Development District, the physical relation of structures and their yard space shall be determined in accordance with one or a combination of the following methods:
 - (1) The lot and yard requirements of the zoning district specified as most appropriate or similar to the type of structure;
 - (2) State Health Department regulations for manufactured home parks; ¹⁰²
 - (3) Specific yard and lot requirements (made a part of the development plan text) prepared by the developer and approved by Council even though the use of the land, the location and height of buildings to be erected in the area and the yards and open space contemplated by the plan do not conform in all respects to the district regulations of the district in which the project is located; or ¹⁰³
 - (4) Arrangement in accordance with a map plan of the site, showing the arrangement of the site and structures and approved by Council.
- (c) Zero Lot Line Concept. All zero lot line buildings shall be no more than a two-family unit. Each unit shall meet the fire code requirements of the state. The architectural style and color selection shall be uniform for both units. The design of the unit shall be subject to approval by the Planning Commission. Should alterations be needed a joint agreement between both owners shall be secured and approved by the Planning Commission. ¹⁰⁴

1151.04 DEVELOPMENT PLANS ^{105, 106}

An authorized agency of the Village, state or federal government or the owner or owners of any tract of land in an "R" District may submit to the Council a plan for the use and development of an entire tract of land for residential and allied purposes. The development plan shall be referred to the Planning Commission for

100 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)
 101 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)
 102 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)
 103 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)
 104 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)
 105 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)
 106 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

study and report and for public hearings in the same manner as a zoning amendment.

(a) Optional Preliminary Discussion Meeting. At the option of the applicant, the Development Plan or a preliminary development concept may be informally reviewed with the Planning Commission and other appropriate agencies or persons prior to zoning amendment.

(1) The Development Plan shall be submitted to the Zoning Inspector at least fifteen (15) days prior to the preliminary discussion meeting at which it is to be considered. Prior to the discussion meeting, the Zoning Inspector shall provide copies of the development plan to Council, the Planning Commission, the County Health Department and other appropriate agencies or persons for study and comment, and shall request their attendance at the discussion meeting.

(2) At the discussion meeting it shall be determined if the application is eligible for further consideration, and if so, the applicant will be encouraged to submit the Development Plan or a modification thereof, to the Planning Commission with a petition for zoning amendment for formal review.

(b) Review Procedure

(1) Notice and publication of such public hearings shall conform to the procedures prescribed in [Chapter 1139](#) (Amendment to Zoning Provisions) for hearings or changes and amendments. If the Planning Commission approves the plans these shall be submitted to the Council for consideration and action.

(2) The approval and recommendations of the Planning Commission shall be accompanied by a report stating the reasons for approval of the application and specific evidence and facts showing that the proposed development project meets with the following conditions:

A. The property adjacent to the area included in the plan will not be adversely affected.

B. The plan is consistent with the intent and purpose of this chapter to promote the public health, safety, morals, and general welfare.

C. The use of the land shall be similar to the uses permitted in the district in which the plan is located.

D. That the average lot area per family contained in the site, exclusive of the area occupied by streets, will not be less than the lot area per family required in the proposed district in which the development is located.

(c) Approval of Plans. If the Planning Commission and Council approve the plans, a Zoning Certificate may be issued.

1151.05 ZONING CERTIFICATES ^{107, 108}

- (a) No Zoning Certificate shall be issued for any construction in a PD Planned Development District unless the proposed development is entirely in accordance with the approved development plan and any additional conditions that may have been imposed by Council at the time of its approval.
- (b) In addition, no Zoning Certificate shall be issued for camps, manufactured home parks or vacation home developments unless the required State or County Health Department approval has been obtained as required by this Zoning Code.

1151.06 CHANGES IN USES ¹⁰⁹

Once a PD Planned Development District is underway or completed, no change in use is permitted except by approval of the Board of Zoning Appeals pursuant to [Section 1137.10\(b\)](#) (Exceptions to Permitted Uses).

107 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

108 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

109 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

CHAPTER 1153 NONCONFORMING USES

- 1153.01 Continuation of Uses
- 1153.02 Prior Construction
- 1153.03 Modifications; Alterations
- 1153.04 Existing Lots of Record

CROSS REFERENCES

- Division of municipal corporations into zones - see ORC 713.06
 - Restriction in location of buildings and structures - see ORC 713.07
 - Restrictions on height of buildings and structures - see ORC 713.08
 - Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and Set-back building lines - see ORC 713.09
 - Basis of districting or zoning; classification of buildings and structures - see ORC 713.10
 - Administrative board; powers and duties - see ORC 713.11
 - Notice and hearing on zoning regulations - see ORC 713.12
 - Violations may be enjoined - see ORC 713.13
 - Nonconforming uses - see P. & Z. 1135.10
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1153.01 CONTINUATION OF USES ^{110, 111}

Except as hereinafter specified, the lawful use of a building or premises existing at the time of the adoption or amendment of this Zoning Code may be continued, although such use, building or structure does not conform to the provisions of this Zoning Code for the district in which it is located.

- (a) The nonconforming use of a building may be extended throughout those existing parts of the building which were arranged or designed for such use.
- (b) All uses nonconforming at the time of the adoption of this section by reason of noncompliance with [Section 1155.02](#) (Performance Standards), if not otherwise stipulated by the Board, shall conform therewith within the time limit specified in [Section 1155.02\(b\)\(3\)](#).
- (c) Abandonment. A nonconforming use which is discontinued for a continuous period of six (6) months, where the intent of the owner to discontinue the use is obvious, shall not again be used except in conformity with the regulations of the district in which it is located.
- (d) Zoning Certificate. A Zoning Certificate shall be required for all lawful nonconforming uses of land and building created by adoption of this chapter in accordance with the provisions of [Section 1135.02](#) (Zoning Certificate Required).

110 Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

111 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

1153.02 PRIOR CONSTRUCTION ^{112, 113}

Any building arranged, intended or designed for a nonconforming use the construction of which has been started at the time of the passage of this chapter, but not completed, may be completed and put into such nonconforming use, provided it is done within one (1) year after this chapter takes effect.

1153.03 MODIFICATIONS; ALTERATIONS ^{114, 115}

No existing building or premises devoted to a use not permitted by this Zoning Code in the district in which such building or premises is located, except when required by law or order, shall be enlarged, extended, reconstructed, substituted or structurally altered, unless the use thereof is changed to a use permitted in the district in which such building or premises is located, except as follows:

- (a) Change to Conforming Use. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.
- (b) Restoration. Repairs and maintenance work as required to keep a nonconforming building or structure in a sound and safe condition may be made.
- (c) Reconstruction. Replacement of a nonconforming use which has been destroyed by fire, explosion, act of God, public enemy or the ravages of time can be rebuilt so long as the cost of rebuilding does not exceed 50% of the value of the structure. Value of the structure will be determined by referring to the appraised value as set by the office of the Morrow County Treasurer. When the damage to the structure is less than 50% of its value, a nonconforming use may be repaired or reconstructed, and used as before the time of damage, provided such repairs reconstruction are started within one year of the occurrence date of such damage and complete not more than 120 days later.
- (d) Extension
 - (1) No nonconforming building or structure shall be moved, extended, enlarged or altered and no nonconforming use of land shall be expanded, except when authorized by the Board in accordance with the provisions of [Section 1137.10](#) (Variances).
 - (2) Any building which is nonconforming solely because it does not comply with front yard setback requirements may be altered or extended from the side or back without a variance permit provided the alteration or extension conforms to all requirements under this chapter.

112 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)
 113 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)
 114 Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)
 115 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

(e) Substitution

- (1) When authorized by the Board of Zoning Appeals, in accordance with [Section 1137.10](#) (Variances), a nonconforming use may be substituted by another not more objectionable nonconforming use.
- (2) Nonconforming trailers, mobile homes, or manufactured homes located on a lot in any district other than in an established manufactured home park in an "R-3" District, once removed shall not be relocated on such lot unless the unit was "traded in" for a manufactured home. In this instance, the replacement shall be on site within one week of the removal of the previous unit.

1153.04 EXISTING LOTS OF RECORD ¹¹⁶

When a lot which is an official platted lot of the Village, as recorded at the time of adoption of this Zoning Code (Ordinance 1054, passed December 2, 1985), does not comply with the area, yard or other requirements of this Zoning Code, such lot may be used as a building site. However, the yard and other requirements of the district shall be complied with as closely as possible considering the conditions present on the lot and in the opinion of the Board of Zoning Appeals.

- (a) Subject to compliance with provisions of this section, a lot in a district which permits residential uses, having a width less than that required by [Section 1145.03](#) (Lot Area and Width), but having at least 80% of the minimum lot area required by [Section 1145.03](#) (Lot Area and Width), and existing as such on the effective date of this chapter in any "R" district, may be used for the erection of a single-family dwelling even though its area and width are less than the minimum requirements set forth herein. Each side yard shall be a minimum of six (6) feet.
- (b) Where two adjacent lots of record with less than the required area and width are held by one owner, the Board may require that the lot be combined and used for one main building. In either case, the prevailing setback shall be met. Where three or more contiguous unimproved lots of record with less than the required area and width are held by one owner, the Board may require replatting to fewer lots to permit compliance with minimum yard requirements.

¹¹⁶ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

CHAPTER 1155 GENERAL DEVELOPMENT REGULATIONS

- 1155.01 Height Regulation Exceptions
- 1155.02 Performance Standards
- 1155.03 Prohibited Land Uses
- 1155.04 Setbacks of Buildings on More Than One Street
- 1155.05 Setbacks of Buildings on Principal Streets and Highways
- 1155.06 Setbacks of Nonresidential Buildings Adjacent to a Residential District
- 1155.07 Setbacks of Open Structures and Architectural Projections
- 1155.08 Street Frontage Required
- 1155.09 Traffic Visibility Across Corner Lots
- 1155.10 Unsafe Buildings
- 1155.11 Vacated Streets or Alleys

CROSS REFERENCES

- Division of municipal corporations into zones - see ORC 713.06
 - Restriction in location of buildings and structures - see ORC 713.07
 - Restrictions on height of buildings and structures - see ORC 713.08
 - Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see ORC 713.09
 - Basis of districting or zoning; classification of buildings and structures - see ORC 713.10
 - Administrative board; powers and duties - see Ohio- R. C. 713.11
 - Notice and hearing on zoning regulations - see ORC 713.12
 - Violations may be enjoined - see ORC 713.13
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1155.01 HEIGHT REGULATION EXCEPTIONS ¹¹⁷

- (a) Apartment, institutional, and industrial buildings may exceed the maximum height specified in each district where such buildings may be permitted, provided the required front, side and rear yards are increased by two (2) feet for each foot of additional building height above the maximum specified in such district, except that no building shall exceed a maximum height of sixty (60) feet without prior approval of the Board of Zoning Appeals.

- (b) The height regulations prescribed in this Code shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar structures, elevator bulkheads, smokestacks, conveyors and flagpoles, except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

¹¹⁷ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

1155.02 PERFORMANCE STANDARDS ¹¹⁸

- (a) No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition, as follows:
- (1) *Fire hazards.* Any activity involving the use of flammable or ex-plosive materials shall be protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of such materials.
 - (2) *Radioactivity or electrical disturbance.* No activity shall emit dangerous radioactivity at any point, or cause electrical disturbance adversely affecting the operation at any point of any equipment or appliance other than that of the creator of such disturbance.
 - (3) *Noise.* Noise which is objectionable, as determined by the Board of Zoning Appeals, due to volume, frequency or beat, shall be muffled or otherwise controlled, except during construction operations. Sirens and related apparatus used solely for public purposes are exempt from this requirement.
 - (4) *Vibration.* No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
 - (5) *Smoke.* Smoke shall be controlled as much as economically possible as determined by the Board in accordance with Ohio Environmental Protection Agency standards.
 - (6) *Odors.* No malodorous gas or matter shall be permitted which is discernible on any adjoining lot or property.
 - (7) *Air pollution.* No pollution of air by fly ash, dust, vapors or other substances shall be permitted which is harmful to health, animals, vegetation or other property, or which can cause soiling.
 - (8) *Glare.* No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.
 - (9) *Erosion.* No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
 - (10) *Water pollution.* Pollution of water shall be subject to the requirements, regulations and standards established by the Ohio Environmental Protection Agency.

118 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

(b) Enforcement Provisions ¹¹⁹

- (1) *Submission of Statements and Plans.* The Zoning Inspector or Board of Zoning Appeals, prior to the issuance of a Zoning Permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.
- (2) *Measurement Procedures.* Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, N.Y., the Manufacturing Chemists' Association, Inc., Washington D.C., and the United States Bureau of Mines.
- (3) All legal, nonconforming uses existing on the effective date of this Zoning Code shall conform to this section within one (1) year, provided that an extension of up to six (6) months may be granted by the Board if the owner or operator of the use can demonstrate that compliance would create an unreasonable hardship.

1155.03 PROHIBITED LAND USES ¹²⁰

The following uses are expressly prohibited within any zoning district:

- (a) Kennels;
- (b) Automobile wrecking and junk yards; and
- (c) Mobile homes, except in a trailer park licensed by the State or used for a temporary purpose not to exceed twelve months.

1155.04 SETBACKS OF BUILDINGS ON MORE THAN ONE STREET ¹²¹

- (a) In residential districts, lots having frontage on more than one (1) street shall require that the front yard be along the major traveled street and shall also meet the front yard setback requirement on the other street.
- (b) Lots in non-residential districts having frontage on more than one (1) street shall provide the required front yard along the major traveled street and meet two-thirds of the front yard setback requirements on the other street.

119 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

120 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

121 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

1155.05 BUILDING SETBACKS ON PRINCIPAL STREETS AND HIGHWAYS ¹²²

Along any state highway, federal highway, or street, other than in a B-1 area, no building or accessory building shall be located within sixty (60) feet of the existing right-of-way of such highway or any proposed right-of-way line on the municipalities thoroughfare plan, except that in an "R" District, if a then-existing residential structure in an "R" District, within one hundred (100) feet on the same side of the street is closer, the setback line so established by the adjacent residential structure shall control. Where there is no officially established public right-of-way for a road open to the public, all buildings shall be set back at least eighty (80) feet from the centerline of the traveled roadway.

1155.06 SETBACKS OF NONRESIDENTIAL BUILDINGS ADJACENT TO A RESIDENTIAL DISTRICT ¹²³

The following specified business and Industrial buildings shall not be located nor conducted closer to any lot line of an "R" District than the distance specified in the following schedule.

Specified Nonresidential Land Use	MINIMUM SIDE OR REAR YARD ABUTTING ANY "R" DISTRICT
Access drives for nonresidential uses	10 feet
Auto and metal salvage operations	500 feet
Billboards	10 feet
Churches	10 feet
Commercial Uses, generally	10 feet
Entertainment facilities	10 feet
Extraction of minerals, storage and processing	500 feet
Hospitals	10 feet
Industrial uses, generally	100 feet
Motels and Hotels	10 feet
Outside sale or storage of building material or construction equipment	100 feet
Public and Semipublic Buildings	10 feet
Recreation facilities	10 feet
Schools	10 feet
Trailers and manufactured home parks	10 feet

1155.07 SETBACKS OF OPEN STRUCTURES AND ARCHITECTURAL PROJECTIONS ¹²⁴

- (a) Open structures such as porches, canopies, balconies, platforms, carports, and covered patios, and similar architectural projections shall be considered a part of the building to which attached and shall not project into the required minimum front, side, or rear yard.

¹²² Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

¹²³ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

¹²⁴ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

- (b) Any structure may project into the required front yard if existing structures on both adjacent lots in the same district have less than the required minimum front yard. However, such projection shall extend not closer to the street than the most conforming of the adjacent structures.
- (c) Architectural features of residential buildings, such as window sills, cornices and roof overhangs, may project into the required yard, provided such projection is not more than four (4) feet and does not reach closer than four (4) feet to any lot line. No roof overhang shall extend over an adjoining property except as permitted in [Section 1157.09](#) (Marquees and Overhangs in B Districts).

1155.08 STREET FRONTAGE REQUIRED ¹²⁵

Except as permitted by other provisions of this Zoning Code, no lot shall contain any building used in whole or in part for residential purposes unless such lot abuts, for at least fifty (50) feet, on a street, and there shall be not more than one (1) single-family dwelling for such frontage.

1155.09 TRAFFIC VISIBILITY ACROSS CORNER LOTS ¹²⁶

In any district, on any corner lot, no fence, structure or planting shall be erected or maintained within thirty (30) feet of the corner at a height between two and one-half and ten feet above curb or street grade or so as to interfere with traffic visibility across the corner. "Corner" for the purpose of the preceding sentence shall mean the point of intersection of the nearest boundaries of the traveled portion of the adjacent streets extended to meet each other at right angles.

1155.10 UNSAFE BUILDINGS ¹²⁷

Nothing in this Zoning Code shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

1155.11 VACATED STREETS OR ALLEYS ¹²⁸

Whenever any street, alley or other public way is vacated by official action as provided by law, the zoning district adjoining the side of such public way shall be extended automatically to the middle of such vacated public way, depending on the side or sides to which such lands revert, to include the right of way thus vacated, which vacated right of way shall thenceforth be subject to all regulations for the extended district.

125 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)
 126 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)
 127 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)
 128 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

CHAPTER 1157 SUPPLEMENTAL LAND USE REGULATIONS

- 1157.01 Accessory Buildings and Uses
- 1157.02 Agricultural Uses; Housing of Animals in Close Proximity to Dwellings
- 1157.03 Dish Antennas and Non-Mobile Antennas
- 1157.04 Essential Services
- 1157.05 Extraction, Storage, And Processing Of Minerals, Clay, Sand And Gravel
- 1157.06 Fences and Planting Screens
- 1157.07 Filling Stations
- 1157.08 Junk Storage and Sales
- 1157.09 Marquees and Overhangs in B Districts
- 1157.10 Manufactured Home Parks
- 1157.11 Off-street Parking and Loading
- 1157.12 Open Storage and Display of Material and Equipment
- 1157.13 Rear Dwellings
- 1157.14 Public Garages
- 1157.15 Sales Depots
- 1157.16 Temporary Buildings and Uses
- 1157.17 Used Car Lots

CROSS REFERENCES

- Division of municipal corporations into zones - see ORC 713.06
 - Restriction in location of buildings and structures - see ORC 713.07
 - Restrictions on height of buildings and structures - see ORC 713.08
 - Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see ORC 713.09
 - Basis of districting or zoning; classification of buildings and structures - see ORC 713.10
 - Administrative board; powers and duties - see ORC 713.11
 - Notice and hearing on zoning regulations - see ORC 713.12
 - Violations may be enjoined - see ORC 713.13
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1157.01 ACCESSORY BUILDINGS AND USES ^{129, 130}

- (a) No accessory buildings shall be located in any required front or side yard except under unusual circumstances or where such activity shall not conflict with the intent and purpose of this chapter; or, where enforcement shall result in extreme hardship. Either exception shall require approval of the Board of Zoning Appeals.

- (b) Accessory buildings such as garages may be located in the rear yard provided such buildings are set back at least six (6) feet from the side lot lines and six (6) feet from the rear lot lines.

129 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

130 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

1157.02 AGRICULTURAL USES; HOUSING OF ANIMALS IN CLOSE PROXIMITY TO DWELLINGS ¹³¹

Nothing in this Zoning Code shall prevent the use of any land for agricultural purposes, or the construction or use of a building or structure incident to the agricultural use of the land on which such building or structure is located. However, no building to house animals, other than domestic pets, shall be erected closer than three hundred (300) feet to any residence other than the residence of the owner or keeper of such animals in any zoning district.

1157.03 DISH ANTENNAS AND NON-MOBILE ANTENNAS ¹³²

- (a) Any dish antenna or non-mobile antenna in any residential district shall either be mounted on the roof of the residence or in the rear yard of the property.
- (b) Any antenna mounted in the rear yard or side yard shall be no closer than six (6) feet to any property line.
- (c) No dish antenna or non-mobile antenna shall be mounted in the yard unless a Zoning Certificate is issued by the Zoning Inspector permitting such placement.
- (d) Antennas may be placed on the roof without a permit, but dish antennas mounted on the roof shall be no larger than six (6) feet in diameter.

1157.04 ESSENTIAL SERVICES ¹³³

Essential services shall be permitted as authorized and regulated by law and other resolutions of the Village, it being the intention hereof to except such essential services from the application of this Zoning Code.

1157.05 EXTRACTION, STORAGE, AND PROCESSING OF MINERALS, CLAY, SAND AND GRAVEL ¹³⁴

The extraction, storage and processing of minerals, clay, sand and gravel shall be conducted in accordance with the requirements of this section

- (a) Extraction, storage and processing of minerals of all types shall be permitted in districts as specified in the use regulations of this Zoning Code.
- (b) The performance standards of [Section 1155.02](#) shall be met.
- (c) Mineral extraction, storage or processing shall not be conducted closer than five hundred (500) feet from any "R" District; nor closer than one hundred (100) feet from any structure used for human occupancy in any district.

131 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

132 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

133 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

134 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

- (d) Buildings and structures for which no future use is contemplated and for which no other acceptable use is practicable or feasible shall be demolished and removed.
- (e) Excavated areas shall be re-graded to remove abrupt and precipitous slopes and barren areas shall be planted with suitable materials to adequately control erosion. Where such grading is impracticable because of rock formations, the excavated area shall be enclosed by a fence six (6) feet in height which shall be maintained in good condition.

1157.06 FENCES AND PLANTING SCREENS ¹³⁵

Fences, plant material, and similar screening devices up to three (3) feet in height are permitted in yards fronting on the public street, and up to six (6) feet in height in the remaining yards.

1157.07 FILLING STATIONS ^{136, 137}

In any residential district within the Village, a public gasoline or oil filling station shall require the written consent of two-thirds of the owners of property abutting on the street for a distance of five hundred (500) feet in each direction from the median line of such proposed use, according to the frontage on both sides of such street.

1157.08 JUNK STORAGE AND SALES ¹³⁸

- (a) Junk storage and sales shall be permitted only in an "M-2" District after permission has been granted by the Board of Zoning Appeals.
- (b) Junk storage and sales shall be effectively screened on all sides by means of walls, fences or plantings. Walls or fences shall be a minimum of eight (8) feet in height with no advertising thereon. In lieu of such wall of fence, a strip of land not less than fifteen (15) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height may be substituted. Storage or materials shall not exceed the height of the screening.

1157.09 MARQUEES AND OVERHANGS IN B DISTRICTS ¹³⁹

Marquees in B-1 and B-2 Areas - All overhangs or marquees on store fronts shall be nine (9) feet above the sidewalk, and seven (7) feet from the front building line; but in no case shall the marquee come within two (2) feet of the face of the curb. In all cases the overhangs and marquee shall be continuous from building to building. In case of building line offsets of adjacent properties the Board of Appeals and Zoning Inspector will make the final decision as to the proper elevation and

135 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

136 Amended by Ord. 362 on 12-8-1939 (effective 1-7-1940)

137 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

138 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

139 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

amount of overhang. Drainage from all overhangs or marquise shall be taken care of at the discretion of the Zoning Inspector.

1157.10 MANUFACTURED HOME PARKS ¹⁴⁰

Except as permitted in [Section 1159.05\(b\)](#) (Parking and Maintenance of Recreational Equipment), no mobile home, manufactured home, trailer or similar portable residence structures shall be permitted to be used for habitation in the municipality, except in a Manufactured Home Park in an "R-3" Residence District or permanently-sited manufactured homes as defined herein. Such park shall conform to all County and State Health Department and Ohio E.P.A. requirements and:

- (a) Contain a minimum of four acres.
- (b) Provide an adequate supply of municipal water.
- (c) Provide an adequate system of collective sanitary sewers, sewage treatment and disposal and refuse pick-up areas. These areas must be screened or fenced in on a hard surface area with adequate containers.
- (d) Provide a clearly defined minimum lot area for each home or trailer which meets State Health Department requirements.
- (e) Provide the minimum clearance required by Ohio law between the individual homes or trailers and a fifty (50) foot setback from any property line bounding the manufactured home park.
- (f) All home spaces shall abut upon a dustless surface driveway of not less than twenty (20) feet in width, which shall have unobstructed access to a private or public street.
- (g) A safe, usable developed recreation area shall be conveniently located in each manufactured home park and shall not be less than ten (10) percent of the gross area of the tract.
- (h) Manufactured home parks shall be effectively screened on all sides by means of walls, fences or plantings except where the area is sufficiently removed from other urban uses as determined by the Board. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height may be substituted.
- (i) All manufactured and mobile homes must be properly skirted.
- (j) Maintenance responsibilities: refer to [Section 1135.11](#).

140 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

1157.11 OFF-STREET PARKING AND LOADING ¹⁴¹

In any district, spaces for off-street parking and loading shall be provided in accordance with [Chapter 1159](#).

1157.12 OPEN STORAGE AND DISPLAY OF MATERIAL AND EQUIPMENT ¹⁴²

- (a) The open storage and display of material and equipment incident to permitted or conditional uses in "B" or "M" Districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any "R" District by means of walls, fences and plantings. Walls or fences shall be a minimum of four feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.
- (b) The temporary open storage of contractor's equipment and material shall be permitted on the site upon which buildings or structures are being erected or installed for the duration of the construction period. Storage of such equipment and material beyond the date of completion of the project shall be subject to a special permit authorized by the Board of Zoning Appeals.
- (c) No material or equipment storage shall be located in any front yard without approval of the Board.

1157.13 REAR DWELLINGS ¹⁴³

No building in the rear of a principal building on the same lot shall be used for residential purposes unless it conforms to all yard, open space and off-street parking requirements.

1157.14 PUBLIC GARAGES ^{144, 145}

In any residential district within the Village, a public garage shall require the written consent of two-thirds of the owners of property abutting on the street for a distance of 500 feet in each direction from the median line of such proposed use, according to the frontage on both sides of such street.

1157.15 SALES DEPOT ^{146, 147}

In any residential district within the Village, any proposed sales depot shall require the written consent of two-thirds (2/3) of the owners of property abutting on the street for a distance of five hundred (500) feet in each direction from the median line of such proposed use, according to the frontage on both sides of such street.

141 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

142 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

143 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

144 Amended by Ord. 362 on 12-8-1939 (effective 1-7-1940)

145 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

146 Amended by Ord. 362 on 12-8-1939 (effective 1-7-1940)

147 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

1157.16 TEMPORARY BUILDINGS AND USES ^{148, 149}

Temporary buildings and construction trailers used in conjunction with construction work only may be permitted in any district during the period construction work is in progress when approved by the Board of Zoning Appeals, but such temporary buildings shall be removed upon completion of the construction work. Such temporary use shall be granted in the form of a temporary and revocable permit for not more than a twelve (12) month period subject to such conditions as will safeguard the public health, safety, convenience and general welfare.

1157.17 USED CAR LOTS ^{150, 151}

In any residential district within the Village, a used car lot shall require the written consent of two-thirds (2/3) of the owners of property abutting on the street for a distance of five hundred (500) feet in each direction from the median line of such proposed use, according to the frontage on both sides of such street.

148 Amended by Ord. 1130 on 2-1-1988 (effective 3-2-1988)

149 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

150 Amended by Ord. 362 on 12-8-1939 (effective 1-7-1940)

151 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

CHAPTER 1159 OFF-STREET PARKING AND LOADING

- 1159.01 **General Requirements**
- 1159.02 **Schedule of Parking Spaces**
- 1159.03 **Development and Maintenance of Parking Areas**
- 1159.04 **Special Parking Provisions**
- 1159.05 **Parking and Keeping of Vehicles**
- 1159.06 **Off-Street Loading Requirements**

CROSS REFERENCES

- Division of municipal corporations into zones - see ORC 713.06
 - Restriction in location of buildings and structures - see ORC 713.07
 - Restrictions on height of buildings and structures - see ORC 713.08
 - Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see ORC 713.09
 - Basis of districting or zoning; classification of buildings and structures - see ORC 713.10
 - Administrative board; powers and duties - see ORC 713.11
 - Notice and hearing on zoning regulations - see ORC 713.12
 - Violations may be enjoined - see ORC 713.13
 - Parking generally - see TRAF. Ch. 351
 - Off-street parking and loading - see P. & Z. 1151.06
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1159.01 GENERAL REQUIREMENTS ^{152, 153}

- (a) **Location.** In all districts in connection with every industrial, business, institutional, residential, or other use, there shall be provided, at any time any building or structure is erected or is enlarged, or is altered in any way which would provide for habitation by an increased number of people, the number of off-street parking spaces for automobiles set forth in **Section 1159.02** (Schedule of Parking Spaces) are established in accordance with the requirements of this chapter.
- (b) **Access.** There shall be adequate provision for ingress and egress to all parking spaces. Where a lot abuts a public or private alley or easement of access, there shall be provided an access drive leading to the parking, storage, or loading or unloading spaces required hereunder: not less than eight (8) feet in width in the case of a dwelling, and not less than twenty (20) feet in width in all other cases.

¹⁵² Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)
¹⁵³ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

1159.02 SCHEDULE OF PARKING SPACES ^{154 155}

- (a) Interpretation. The following rules shall govern the determination of spaces required:
 - (1) *Floor Area* shall mean the gross floor area of the specified use.
 - (2) Fractional numbers shall be increased to the next whole number.
 - (3) The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature.
- (b) Number Of Spaces Required. The number of off-street parking spaces to be provided shall not be less than as specified in the following table:

USES	PARKING SPACES REQUIRED
<u>Residential Uses</u>	
Dwellings, including 1, 2 and 3 families, multiple dwellings, summer cottages, and manufactured homes.	Two for each dwelling unit, "2 and 3 family multiple dwellings," one for each dwelling unit, except that one additional space of proper size and construction shall provided for each additional be motor vehicle owned and/or continuously stored on a residential property by the resident or owner.
Condominiums, residential (per unit)	Two for each dwelling unit and one for each unit surrounding, or which is part of a complex, for every commonly shared community building, pool or recreation area.
Rooming or boarding house, group home, lodging house, family home, and retirement home.	One for each sleeping room or suite.
Sanitarium, convalescent home, home for the aged or similar institution.	One for each three beds.
<u>Public and Semi-Public Uses</u>	
Church or temple.	One for each five seats in main auditorium.
College or high school.	One for each eight seats in main auditorium or three for each classroom, whichever is greater.
Country club or golf club.	One for each five members.
Community center, library, art gallery or museum.	Ten plus one additional for each 300 square feet of floor area in excess of 2,000 square feet.
Hospital	One for each bed.
Private club or lodge.	One for each five members.
School (except high school or college).	One for each ten seats in auditorium or main assembly room, or one for each classroom, whichever is greater.

154 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)
 155 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

USES	PARKING SPACES REQUIRED
<u>Commercial Uses</u>	
Bowling alley.	Five for each alley.
Hotel or motel.	Five parking spaces plus one parking space for each sleeping room or suite. These spaces shall be in addition to the parking spaces that shall be provided for any portion of the hotel that is used for office, business, or commercial purposes including the lobby, but not including corridors giving access to sleeping rooms.
Mortuary or funeral home.	One for each 50 square feet of floor space in slumber rooms, parlors, or individual funeral service rooms.
Nightclubs, cafes or similar recreation or amusement establishments, dance halls, assembly or exhibition halls without fixed seats.	One for each 100 square feet of floor space.
Offices for financial institutions, insurance offices, real estate offices	One parking space for each two employees and one space for each 500 square feet of floor space exclusive of storage areas.
Retail Stores	One parking space for each two employees and one space for each 500 square feet of floor space exclusive of storage areas.
Restaurant	One parking space for each two employees, one parking space for each three seats.
Service-Oriented Establishments, including Beauty Shop, Barber Shop, Law Offices, Chiropractor Offices, or similar establishments	One parking space for each two employees and one parking space for each 100 square feet of floor space exclusive of storage rooms.
Theater or auditorium (except school auditorium), sports arena, stadium or gymnasium.	One for each five seats or bench seating spaces.
<u>Industrial Uses</u>	
Manufacturing, industrial or mining establishment, research or testing laboratory, creamery, bottling plant, warehouse or similar establishment.	One for each two employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.

1159.03 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS ^{156, 157}

Every parcel of land hereafter used as a public, commercial, or private parking lot for other than single family dwelling, shall be developed and maintained in accordance with the following requirements:

- (a) Setbacks
 - (1) If located on the same lot with a main building, a parking area shall not be located within the front yard required for such building.
 - (2) In no case shall any part of a parking area be closer than five (5) feet to any established street or alley right of way. Any such required fence or hedge shall be set back from each street, as determined by the Board of Appeals upon direct application therefore.
 - (3) No part of any parking area for more than five (5) vehicles shall be closer than twenty (20) feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot, unless separated by an acceptably designed screen.
- (b) Parking Space Area. Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
- (c) Surfacing. Any off-street parking area for two vehicles or less shall be graded for proper drainage and shall be a properly stoned surface, free of dust and mud. Any off-street parking area for more than two vehicles shall be graded for proper drainage and surfaced so as to provide a blacktop or concrete surface. A design drawing of the parking area must be submitted for approval before a Zoning Certificate will be issued.
- (d) Screening and Landscaping. Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins or faces premises situated in any residential district or institutional premises, by a fence or hedge as determined by the Board of Appeals upon direct application for such determination. (Due consideration shall be given to adjacent property owners.
- (e) Lighting. Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any residential district.

1159.04 SPECIAL PARKING PROVISIONS ¹⁵⁸

- (a) Joint Use. Two or more nonresidential uses may jointly provide and use parking spaces when their hours of operation do not normally overlap, provided that a written agreement, approved by the Village Legal Counsel and

156 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)
 157 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)
 158 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

accepted by the Board of Zoning Appeals shall be filed with the application for a Zoning Certificate.

- (b) Other Locations. Parking spaces may be located on a lot within three hundred (300) feet other than that containing the principal use with the approval of the Board of Appeals, provided a written agreement, approved by the Village Legal Counsel and accepted by the Board of Appeals, shall be filed with the application for a Zoning Certificate.

1159.05 PARKING AND KEEPING OF VEHICLES ¹⁵⁹

- (a) Disabled or Unlicensed Vehicles. It shall be unlawful to park or keep any disabled or unlicensed motor vehicle, or any part thereof, except as provided in [Section 1159.05\(b\)](#) (Parking and Maintenance of Recreational Equipment) in any district except by permission of the Planning Commission, for a period of more than fourteen (14) days, whether or not consecutive, unless the vehicle is stored in an enclosed garage or other accessory building.
- (b) Parking and Maintenance of Recreational Equipment. It shall be unlawful to park or keep recreational equipment such as manufactured or mobile homes, house trailers, camping trailers, pick-up campers, boat trailers, boats, snowmobiles, snowmobile trailers, and similar items in any residential district except as follows:
- (1) In a manufactured home park meeting the requirements of [Section 1157.10](#) (Manufactured Home Parks).
 - (2) In an enclosed building.
 - (3) By the owner of the equipment upon the unenclosed portion of the premises of the owner of the equipment, subject to the following conditions:
 - A. The equipment shall not be inhabited (except for occasional emergency sleeping room) or used for the conduct of any commercial enterprise.
 - B. The equipment shall have no permanent connections to electric, water, gas, or sewer facilities.
 - C. No more than one piece of each type of such equipment and never more than two pieces of such equipment shall be parked upon the unenclosed portion of the premises at any one time.
 - D. The equipment shall be parked at least three feet behind the front house line (exclusive of porches, porticos and similar projections) of the house on the property and at least three feet away from the side and rear lot lines of the property, except that for loading and

159 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

unloading purposes the equipment may be parked in the driveway for a period of not more than 48 hours, and subject to the stipulation that in cases of unusual circumstances such as topography, irregular shape of lot, location of buildings and unique hardship the owner may appeal for a variance of these set backs. After a hearing, a variance may be granted by the Board of Zoning Appeals should they find that such variation will not be of substantial detriment to adjacent property, and will not materially impair the purposes of this chapter or the public interest.

- E. The equipment shall be kept in good repair and shall carry a current year's license and/or registration.
- F. Under no circumstances shall the area underneath or around the equipment be used as storage.

(4) By visitors at least one of whom is the owner of the equipment or lessee of the equipment from other than the owner of the premises, upon the unenclosed portion of the premises of the persons being visited, subject to the following conditions:

- A. The visitors shall not park or inhabit their equipment on the premises more than two separate times in any year nor more than 14 consecutive days at any one time where there shall be an interval of three months between each of the two permissible separate times that their equipment is so parked or inhabited.
- B. No more than one piece of each type of such equipment and never more than two pieces of such equipment shall be parked upon the unenclosed portion of the premises at any one time.
- C. The equipment shall not be parked or inhabited upon any unenclosed portion of the premises except in the rear and side yards of the premises so long as parked or inhabited at least three feet away from the side or rear yard boundaries of the premises; provided, however, the Zoning Inspector shall be authorized to permit temporary parking and/or habitation on the driveway in the front yard so long as he first finds that weather conditions and lack of access prevents parking and/or habitation in the rear or side yards of the premises.

1159.06 OFF-STREET LOADING REQUIREMENTS ^{160, 161}

- (a) In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of 10,000 square feet or less, which is to be occupied by manufacturing, storage facility, warehouse, retail store, wholesale store, market, hotel, hospital, mortuary, dry cleaning or other uses

160 Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)
 161 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained on the same lot with such building at least one off-street loading space, plus one additional loading space for each additional 20,000 square feet or major fraction thereof of gross floor area.

- (b) Each loading space shall be not less than twelve (12) feet in width, forty-five (45) feet in length, and fourteen (14) feet in height.
- (c) Subject to the limitations in [Section 1155.06](#) (Setbacks of Nonresidential Buildings Adjacent to a Residential District), completely unenclosed loading spaces may occupy all or any part of any required yard or court space.

CHAPTER 1161 SIGNS

1161.01 General Sign Provisions

CROSS REFERENCES

- Division of municipal corporations into zones - see ORC 713.06
 - Restriction in location of buildings and structures - see ORC 713.07
 - Restrictions on height of buildings and structures - see ORC 713.08
 - Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see ORC 713.09
 - Basis of districting or zoning; classification of buildings and structures - see ORC 713.10
 - Administrative board; powers and duties - see ORC 713.11
 - Notice and hearing on zoning regulations - see ORC 713.12
 - Violations may be enjoined - see ORC 713.13
 - Parking generally - see TRAF. Ch. 351
 - Off-street parking and loading - see P. & Z. 1151.06
 - Signs – see SIGNS Ch. 1325
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1161.01 GENERAL SIGN PROVISIONS ¹⁶²

All signs shall be subject to the Building Maintenance Code, contained in Chapter 1325 of the Codified Ordinances of the Village of Mount Gilead, Ohio, as modified by this Chapter.

¹⁶² Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

CHAPTER 1163 DEFINITIONS

1163.01 Definitions

1163.01 DEFINITIONS ¹⁶³

As used in this Zoning Code, the word "shall" is mandatory and not directory, and the word "used" shall be deemed to include "designed, intended or arranged to be used." In addition, as used in this Zoning Code:

Accessory Use or Structure - "Accessory use or structure" means a use or structure (such as a garage) incidental to the main use of the land or building owned by the same party. In commercial, institutional and industrial areas, parking lots are accessory uses. ¹⁶⁴

Agriculture - "Agriculture" shall include farming, dairying, pasturage, agriculture, horticulture, viticulture, animal and poultry husbandry and the processing and sale of agriculture products from land under same ownership. (See also "specialized animal raising and care") ¹⁶⁵

Alley or Lane - "Alley" or "lane" means a public or private way not more than twenty feet wide affording only secondary means of access to abutting property.

Alteration - "Alteration" means any enlargement; addition; relocation; repair; remodeling; change in number of living units; development of or change in a sign; by painting or otherwise; or other change in a facility, but excluding painting except as provided above for signs; ordinary maintenance for which no building permit is required; and demolition or removal. ¹⁶⁶

Animal and Poultry Husbandry - "Animal and poultry husbandry" means the agricultural practice of breeding and raising of livestock. ¹⁶⁷

Apartment House - "Apartment house" has the same meaning as multi-family dwelling.

Automotive Repair - "Automotive repair" includes the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles. ¹⁶⁸

Automotive Sales - "Automotive sales" means the sale or rental of new or used motor vehicles or trailers. ¹⁶⁹

¹⁶³ Amended by Ord. 1054 on 12-2-1985 (effective 1-1-1986)

¹⁶⁴ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

¹⁶⁵ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

¹⁶⁶ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

¹⁶⁷ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

¹⁶⁸ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

¹⁶⁹ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

Automobile Service Station or Filling Station - "Automobile service station or filling station" means a place where gasoline, kerosene, other motor fuel or lubrication oil or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, including greasing and oiling on the premises, or where repair or maintenance of motor vehicles is performed.

Automobile Wrecking - "Automobile wrecking" means the dismantling or disassembly of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement - "Basement" means a story whose floor line is below grade at any entrance or exit and whose ceiling is not more than five feet above grade at any such entrance or exit.

Beginning of Construction - "Beginning of construction" means the in-corporation o labor and material within the walls of a building; the in-corporation of labor and materials at the site, lot or parcel where a building is to be constructed; the incorporation of labor and materials where land is to be used for purposes other than construction of a building; and the moving of dirt which alters the natural topography and drainage patterns of the area.

Board - "Board" means the Board of Zoning Appeals of the Village Of Mount Gilead, Ohio.

Boarding or Lodging House. "Boarding or lodging house" means a dwelling or part thereof where lodging is provided, with or without meals, for compensation, for more than three non-transient individuals. ¹⁷⁰

Building - "Building" means any structure constructed or used for residential, business, manufacturing or other public or private purposes, or accessory thereto, and includes tents, lunch wagons, dining cars and similar structures, whether stationary or movable.

Building, Front Line - "Front Line of Building" means the line of that face of the building nearest the front line of the lot. This face includes porches whether enclosed or unenclosed but does not include steps. ¹⁷¹

Building Height - "Height of building" means the vertical distance from the established average sidewalk grade, street grade or finished grade at the building line, whichever is the highest, to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or to the mean height level between eaves and ridge for gable, hip and gambrel roofs. ¹⁷²

Building Permit - "Building permit" means a document issued by the Zoning Inspector authorizing the construction of a new building or an addition to an existing building.

Building, Principal - "Principal building" means a building in which is conducted the main or principal use of the lot on which the building is situated. ¹⁷³

170 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

171 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

172 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

173 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

Building Setback – “Building setback” means the minimum distance prescribed by the Zoning Code between any property line and the closest point of the foundation or any supporting post or pillar of any related building or structure. ¹⁷⁴

Business District, Central – The “Central Business District” includes comparison and convenience shopping; professional, business, and financial services; public and semipublic uses and other activities of a comparable clean and compact nature which contribute to the economic and design of the area as determined by the Board. ¹⁷⁵

Business District, Highway And General – The “Highway and General Business District” includes commercial uses requiring locations on major thoroughfares and at their intersections. Highway uses include motels, service stations, and restaurants. General and service businesses include auto and farm implement sales and services, building trades and services, commercial recreation and other commercial uses which do not contribute to the design of unified commercial center. ¹⁷⁶

Business Services - “Business services” means any activity conducted for gain which renders services primarily to other commercial or industrial enterprises or which services and repairs appliances and machines used in homes or businesses. ¹⁷⁷

Cellar - A “cellar” is a story partly underground and having more than half of its height below grade. A cellar shall not be considered a story for purposes of height measurement, or in determining the permissible number of stories or in computing floor area or in calculating living area. ¹⁷⁸

Cemetery - “Cemetery” means land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

Child Day Care Home, Type B - A “child day care home, type B” means a permanent residence of the provider regulated by ORC 5104 in which child day care is provided for one (1) to six (6) children at one time and in which no more than three (3) children are under two years of age at one time. This type of home shall be considered a residential use of property permitted in all zoning districts in which residential uses are permitted. ¹⁷⁹

Child Day Care Home, Type A - A “child day care home, type A” means a permanent residence of the administrator licensed under ORC 5104 in which child day care or publicly funded child day care is provided for seven (7) to twelve (12) children at one time or for four (4) to twelve (12) children at one time if four (4) or more children at one time are under two (2) years of age. ¹⁸⁰

Child Day Care Center – A “child day care center” means anyplace that provides day care or publicly-funded day care to thirteen (13) or more children at one time or anyplace

174 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

175 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

176 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

177 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

178 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

179 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

180 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

that is not the residence of the licensee or administrator where child day care is provided to seven (7) to twelve (12) children at one time. ¹⁸¹

Club - "Club" means a nonprofit association of persons who are bona fide members, paying regular dues, and are organized for some common purpose, but not including a group organized solely or primarily to render a service customarily as a business enterprise.

Commercial Entertainment Facilities - "Commercial entertainment facilities" means any activities conducted for gain which are generally related to the entertainment field, such as motion picture theaters, carnivals, night clubs and similar entertainment activities.

Commission - "Commission" means the Planning Commission of the Village of Mount Gilead.

Conditional Uses - "Conditional uses" are land uses only allowed in a zoning district after special consideration by the Planning Commission at an administrative hearing to determine whether the impact on the district or to adjacent landowners requires conditions be placed on the use. A conditional use is not considered to be a nonconforming use. ¹⁸²

Condominiums - "Condominiums" include a building, or group of buildings, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners. Both residential condominiums and commercial condominiums exist; however, for purposes of this chapter, residential are only heretofore defined. Commercial condominiums will be handled as any other commercial or business property. ¹⁸³

Condominium Association - A "Condominium Association" is the community association which administers and maintains the common property and common elements of a condominium. ¹⁸⁴

Council - "Council" means the Village Council of The Village of Mount Gilead, Ohio. ¹⁸⁵

Development Plan – A "Development Plan" is an application submission requirement concurrent with any requested S-1 or P-D Zoning Map amendment. ¹⁸⁶

District - "District" means a portion of the territory of the Village with-in which certain uniform regulations and requirements, or various combinations thereof, apply.

District, Zoning - "Zoning districts" means administrative tracts designating the uses to which land can legally be utilized. Boundaries of the districts are shown on the "district map" which is part of this chapter. ¹⁸⁷

181 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)
182 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)
183 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)
184 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)
185 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)
186 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)
187 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

Drive-In Commercial Uses - "Drive-in commercial uses" means any retail commercial use catering primarily to vehicular trade which provide services to patrons parked in off-street parking spaces or to vehicles lined up in stacking lanes, such as drive-in restaurants, drive-in theaters, drive-up and carry-out stores, and similar uses. ¹⁸⁸

Dwelling - "Dwelling" means a permanent building used primarily for human habitation, but not including mobile homes and facilities for the housing of transient residents.

Dwelling Group - "Dwelling group" means a group of two or more detached dwellings located on a parcel of land having any yard or court in common.

Dwelling, Multifamily - "Multifamily dwelling" means a permanent building or portion thereof providing separate living accommodations for three or more families.

Dwelling, Single-family - "Single-family dwelling" means a permanent building, separate and free-standing in itself, providing living accommodations for one family.

Dwelling, Two-family - "Two-family dwelling" means a permanent building designed for occupancy by two families.

Dwelling Unit - "Dwelling unit" means one room, or a suite of two or more rooms, designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

Essential Services - "Essential services" means those public services provided by the State, County or Village.

Family - "Family" means one or more persons occupying a dwelling and living as a single housekeeping unit and doing their own cooking on the premises as distinguished from a group occupying a boarding or lodging house or hotel, as herein defined. ¹⁸⁹

Food Processing - "Food processing" means the preparation or processing of food products. Examples of activities included are bakeries and dairies. ¹⁹⁰

Frontage - "Frontage" means all the property abutting on one side of a street, between intersecting or intercepting streets or between a street and right-of-way, waterway, or Village boundary measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

Garage, Private - "Private garage" means a detached accessory building or a portion of the principal building used primarily for the storage of self-propelled passenger vehicles. Not more than one of the vehicles may be a commercial vehicle of more than two-ton capacity. ¹⁹¹

Garage, Public - "Public garage" means a space or structure for the storage, sale, hire, care, repair or refinishing of self-propelled vehicles.

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189 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

190 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

191 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

Group Adult Care Facility – “Group adult care facility” means any residence, facility, institution, hotel, congregate housing project, or similar facility licensed pursuant to ORC 3722 that provides accommodations and supervision to three (3) to sixteen (16) unrelated adults, at least three (3) of whom are provided: assistance with activities of daily living; assistance with self-administration of medication; or preparation of special diets pursuant to the instructions of a physician or a licensed dietitian. ¹⁹²

Group Foster Home – “Group foster home” means a private residence certified by the State of Ohio in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children non-secure care, supervision, or training twenty-four hours a day. Any certified foster home shall be considered to be a residential use of property for purposes of municipal, county, and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. ¹⁹³

Group Home for the Aging - "Group home for the aging" means any home or facility maintained for the purpose of providing skilled nursing care and medical supervision of persons requiring extended special care at a lower level than that available in a hospital and licensed under section 3721.02 or 3721.09 of the Revised Code, including any part of a home for the aging licensed as a nursing home; or a facility or part of a facility, other than a hospital, that is certified as a skilled nursing facility under Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended; or a nursing facility as defined in ORC Section 5111.20(M), other than a portion of a hospital certified as a nursing facility." ¹⁹⁴

Group MR/DD Residential Facility – “Group MR/DD residential facility” means a residential facility licensed under ORC 5123.19 or otherwise regulated by the Department of Mental Retardation and Developmental Disabilities that provides room and board, personal care, habilitation services, and supervision in a family setting for at least six but not more than sixteen persons with mental retardation or a developmental disability. ¹⁹⁵

Height of Building - See “[building height](#).”

Highway, Major – A “major highway” means a street or road of considerable continuity and used primarily as a traffic artery for intercommunication among large areas. ¹⁹⁶

Home Occupation - “Home occupation” means a residential accessory use of a service character customarily conducted within a dwelling by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use other than a small sign (not over four square feet in size) and in connection therewith there is not involved the keeping of a stock in trade. The office of a physician, surgeon, dentist or other professional person, including an instructor in individual musical instruments limited to a single pupil at a time who offers skilled services to clients, and is not professionally engaged in the purchase or sale of economic goods, shall be deemed to

¹⁹² Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

¹⁹³ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

¹⁹⁴ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

¹⁹⁵ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

¹⁹⁶ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

be home occupations; and the occupations of beauty operator, with not more than one paid assistant shall be deemed to be home occupations. Tourist homes, real estate offices, convalescent homes, mortuary establishments, and stores, trades or business of any kind not herein excepted shall not be deemed to be home occupations. Borderline cases shall be ruled on by the Board of Appeals. ¹⁹⁷

Hospital - "Hospital" means a building or portion thereof used for the accommodation of sick, injured or infirm persons, including sanitarium.

House trailer - "House trailer" has the same meaning set forth in Chapter 1305 of the Building Code.

Hotel - "Hotel" means a building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office supervised by a person in charge at all hours. As such, it is open to the public in contra-distinction to a boarding house or a lodging house which are herein separately defined. ¹⁹⁸

Institution - "Institution" means buildings or land occupied by a nonprofit corporation or a nonprofit establishment for public use. ¹⁹⁹

Junk Storage And Sales - "Junk storage and sales" means any lot, land or structure, or part thereof, used primarily for the collection, storage, or sale of waste paper, rags, scrap metal or salvaged or discarded material, or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in operating condition, or for the sale of parts thereof. ²⁰⁰

Kennel - "Kennel" means any structure or premises in which four or more dogs over four months of age are kept.

Legal Counsel - "Legal counsel" means an attorney representing a municipality. ²⁰¹

Loading Space - "Loading space" means a space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks. ²⁰²

Lot - "Lot" means a piece, parcel or plot of land, including, but not limited to, a single platted lot, a portion of a platted lot or a combination of platted lots or portions of platted lots. "Platted lot" means a tract or parcel of land as designated on the official recorded plats of the Village.

Lot Coverage - "Lot coverage" means percentage of lot coverage shall be the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage. ²⁰³

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198 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

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202 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

203 Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

Lot Width - "Lot width" means the width of a lot at the building setback line measured at right angles to its depth. ²⁰⁴

Manufactured Home - A "Manufactured home" is a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, 88 Stat. 700, 42 U.S.C.A. 5401, 5403, and that has a permanent label or tag affixed to it, as specified in 42 5415, certifying compliance with all applicable federal construction and safety standards. (See also "[permanently-sited manufactured home](#)") ²⁰⁵

Manufactured Home Parks ²⁰⁶ - "Manufactured home parks" means any tract of land upon which three or more manufactured or mobile homes used for habitation are parked, either free of charge or for revenue purposes, and includes any roadway, building, structure, vehicle, or enclosure used or intended for use as a part of the facilities of the park. "Manufactured home park" does not include any of the following:

- (1) A tract of land used solely for the storage or display for sale of manufactured or mobile homes or solely as a temporary park-camp (as defined in ORC 3733.01);
- (2) A tract of land that is subdivided and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes used for habitation and the roadways are dedicated to the local government authority;
- (3) A tract of land within an area that is subject to local zoning authority and subdivision requirements and is subdivided, and the individual lots are for sale or sold for the purpose of installation of manufactured or mobile homes for habitation.

Manufacturing, General - "General manufacturing" means any manufacturing or industrial production which by the nature of the materials, equipment and process utilized are not objectionable by reason of odor, radiation, noise, vibration, cinders, gas fumes, dust, smoke, refuse matter or water-carried waste. Any manufacturing or industrial process permitted in an "M-2" District shall comply with [Section 1155.02](#) (Performance Standards), Building Code Chapter 1325 (Sign Regulations), and applicable regulations of the Ohio EPA. ²⁰⁷

Manufacturing, Restricted - "Restricted manufacturing" means any manufacturing or industrial production which by the nature of the materials, equipment and process utilized are to a considerable measure clean, quiet and free of any objectionable or hazardous element. Restricted industrial uses shall comply with [Section 1155.02](#) (Performance Standards), Building Code Chapter 1325 (Sign Regulations), and applicable regulations of the Ohio EPA, and shall include the industrial uses listed below and any other uses which are determined by the Board to be of the same restricted character: Drugs, sporting goods; processing and assembly of glass products, small household appliances, electronic products and parts for production of finished

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equipment; research and testing laboratories, printing and engraving plants, bakeries or dairies.²⁰⁸

Mineral Extraction, Storage and Processing - “Mineral extraction, storage and processing” means any mining, quarrying or processing of limestone sand, gravel or other mineral resources.²⁰⁹

Mobile Home: A “mobile home” is a building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five body feet in length or when erected on site, is three hundred twenty or more square feet, built on a permanent chassis and is transportable in one or more sections, and does not qualify as a “manufactured home” or as an “industrialized unit” as defined by this Resolution. Any vehicle designed, or constructed so as to permit its being used as a conveyance upon the public streets or highways and constructed in such a manner as will permit occupancy thereof as a dwelling or sleeping place for one or more persons, not capable of self propulsion by engine and transmission as an integral part thereof.²¹⁰

Motel - “Motel” means a building or group of buildings used for the temporary residence of motorists or travelers.²¹¹

Motor Vehicles - “Motor Vehicles” means any powered vehicle which is required to be licensed by the state.²¹²

Nonconforming use. “Nonconforming use” means a use of a building or land, lawful at the time of enactment of this Zoning Code that does not conform to the permitted use provisions of this Zoning Code.

Off-Street Parking Space - “Off-street parking space” means any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space has an area of not less than 180 square feet, exclusive of access drives or aisles.²¹³

Permanently-Sited Manufactured Home²¹⁴- A “permanently-sited manufactured home” means a manufactured home that meets all of the following criteria:

- (1) The structure is affixed to a permanent masonry, concrete, or another style of approved footing or foundation and is connected to appropriate facilities.
- (2) The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area, excluding garages, porches, or attachments, of at least nine hundred (900) square feet.
- (3) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and a six (6) inch minimum eave overhang, including appropriate guttering.

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(4) The structure was manufactured after January 1, 1995.

(5) The structure is not located in a “manufactured home park” as defined herein.

Personal Services - “Personal services” means any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repairing, barber shop, beauty parlors and similar activities. ²¹⁵

Performance Standards - “Performance standards” means criteria established in the interest of protecting the public health and safety for the control of noise, odor, smoke or other nuisance which is generated by, inherent to or incidental to land uses.

Planning Commission - “Planning Commission” means the Planning Commission of the Village of Mount Gilead. ²¹⁶

Plant Cultivation - “Plant cultivation” means the cultivation of crops, fruit trees, nursery stock, truck garden products and similar plant materials outside of structures, such as greenhouses. ²¹⁷

Practical Difficulties. “Practical difficulties” is a standard which must be met by requests for area variances, which involve an exception from such requirements as yard, lot, height, parking, and signage. The tests for determining whether the standard has been met and whether the area variance is justified are contained in [Section 1137.10 \(Variances\)](#). ²¹⁸

Professional Activities - “Professional activities” means the use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects, and engineers. ²¹⁹

Public Service Facility - “Public service facility” means the erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water, and sewage disposal services. ²²⁰

Public Uses - “Public Uses” means public parks, schools, and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material. ²²¹

Recreational Facilities, Commercial - “Commercial recreational facilities” means recreational facilities open to the public, established and operated for a profit, such as

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²¹⁶ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

²¹⁷ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

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²²⁰ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

²²¹ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

commercial golf courses, golf driving ranges, swimming pools, ice skating rinks, riding stables, race tracks, carnivals and similar commercial enterprises. ²²²

Recreational Facilities, Noncommercial - “Noncommercial recreational facilities” means private and semipublic recreational facilities which are not operated for commercial gain, including private country clubs, riding clubs, golf courses and other private noncommercial recreation areas and facilities or recreation centers including private community swimming pools. ²²³

Semipublic Uses - “Semipublic uses” means institutional, academic, and community service uses conducted by, or a facility or structure owned or operated under, private-nonprofit ownership or control. Such uses include: educational, cultural, recreational, religious, charitable, or philanthropic types of public services, including: churches, Sunday schools, parochial, private and public schools, colleges, hospitals, cemeteries, civic buildings, community buildings and uses, museums, art galleries, libraries, parks, and other services and institutions of a similar nature. ²²⁴

Service Station - “Service station” means any building, structure, or land used for the dispensing, sale or offering for sale at retail of any automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories but not including major repair work, such as motor replacement, body and fender repair or spray painting. ²²⁵

Sign - “Sign” means any device designated to inform or attract the attention of persons not on the premises on which the sign is located. ²²⁶

Sign, Freestanding – “Freestanding sign” means any sign supported by structures or supports that are placed on, or anchored in, the ground and that are independent from any building or other structure. ²²⁷

Specialized Animal Raising and Care - “Specialized animal raising and care” means the use of land and buildings for the raising and care of fur-bearing animals such as rabbits and domestic pets; and the stabling and care of horses, animal kennels, pigeon raising and raising of any other domestic or laboratory animals or birds of a similar nature. ²²⁸

Standard equipment - “Standard equipment” means a criterion for the control of the type and placement of industrial equipment.

Story - “Story” means that portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if it is used for living quarters or if two-thirds of its volume is above the average level of the adjacent ground. ²²⁹

²²² Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

²²³ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

²²⁴ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

²²⁵ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

²²⁶ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

²²⁷ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

²²⁸ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

²²⁹ Amended by Ord. 1584 on 9-17-2007 (effective 10-17-2007)

Street - "Street" means any public or private way dedicated to public travel. "Street" includes "road," "highway" and "thoroughfare."

Street Line, Right-of-Way Line - "Street line, Right-of-Way Line" means a strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the 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.²³⁰

Structural Alteration - "Structural alteration" means any change in the structural members of a building, such as walls, columns, beams or girders.

Structure - "Structure" means anything constructed, the use of which requires permanent location on the ground or an attachment to something having a permanent location on the ground.

Tourist Home - "Tourist home" means a building or part thereof, other than a boarding house, lodging house, hotel or motor hotel, where lodging is provided by a resident family in its home, for compensation, mainly for transients.

Thoroughfare, primary or secondary - "Primary or secondary thoroughfare" means a Federal or State numbered highway or County or other road or street designated as a primary thoroughfare, or a County or other road, street or alley designated as a secondary thoroughfare, respectively.

Unnecessary Hardship – "Unnecessary hardship" is a term that applies to use variances and means that the owner, unless granted a variance, will be unable to use the property for the purposes for which it is zoned and in effect, because of the character of the property, it cannot be used and the result would be a taking. As long as economically viable alternatives are available, unnecessary hardship is not established merely because one's property can be put to a more profitable use.²³¹

Use - "Use" means the purpose or activity for which a building, structure or land is occupied or maintained.

Variance - "Variance" means a modification of the strict terms of this Zoning Code, where such variance will not be contrary to the public interest, where the need for such variance is not based upon the actions of the applicant and where a literal enforcement of this Zoning Code would result in unnecessary and undue hardship. As used in this Zoning Code, a variance is authorized only for height, area or size of structures, for size of yards and open spaces, or for the required number of off-street parking spaces. The establishment or expansion of a use other-wise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning district or uses in an adjoining zoning district.

Yard - "Yard" means an open space on the same lot with a principal building, open, unoccupied and unobstructed by buildings except as otherwise provided in this Zoning Code. Specifically:

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Yard, Front – “Front yard” means the yard extending across the entire width of the lot between the principal building and the right-of-way line or street line which the building faces.

Yard, Rear – “Rear yard” means the yard extending across the entire width of the lot between the rear lot line and the nearest part of the principal building.

Yard, Side – “Side yard” means the yard extending along the side lot line from the front yard to the rear yard and lying between the side lot line and the nearest part of the principal building.

Zero Lot Line - “Zero Lot Line” means a development approach in which a building is sited on one lot with no side yard on one side.²³²

Zoning Certificate - "Zoning Certificate" means a document issued by the Zoning Inspector authorizing buildings, structures or uses consistent with this Zoning Code and for the purpose of carrying out and enforcing its provisions.

Zoning Inspector - "Zoning Inspector" means the Zoning Inspector of the Village or his or her authorized representative.

Zoning Map - "Zoning Map" means the official Zoning Map of the Village, together with all amendments thereto.

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