

**VILLAGE OF CHESTERVILLE  
ZONING CODE**

**TITLE ONE – Planning**

**Chap. 01      Planning Commission**

**TITLE TWO - Subdivision Regulations**

**Chap. 02      Purpose**

**Chap. 03      Definitions**

**Chap. 04      Consideration of Topographic Conditions**

**Chap. 05      Sale of Land Within Subdivisions Prior to Plat Approval and Recording**

**Chap. 06      Revision of Plat After Approval**

**Chap. 07      Minor Subdivisions**

**Chap. 08      Major Subdivisions**

**Chap. 09      Open Spaces and Parks**

**Chap. 10      Responsibilities of Administrative Agencies**

**TITLE THREE- Zoning**

**Chap. 11      General Provisions and Definitions**

**Chap. 12      Administration, Enforcement and Penalty**

**Chap. 13      Board of Zoning Appeals**

**Chap. 14      Districts Generally and Zoning Map**

**Chap. 15      R – 1 Residence Districts**

**Chap. 16      B - 2 Districts Generally and Zoning Map**

**Chap. 17      M - 1 General Manufacturing Districts**

**Chap. 18      PD Planned Development Districts**

**Chap. 19      Nonconforming Uses**

**Chap. 20      Off-Street Parking and Loading**

**Chap. 21      Provisions Relating to All Districts**

**Chap. 22      Sign Regulations**

**Chap. 23      Blight Control**

**Chap. 24      Adult Entertainment**

**Appendix 1      Fees**

**Title One - Planning**

**CHAPTER 1**

**PLANNING COMMISSION**

**01.01 Organization**

**01.02 Staff Services**

**01.03 General Procedures**

**01.04 Power and Duties**

**Cross References**

Ohio Revised Code 713

---

**01.01 Organization**

The Planning Commission shall have five (5) members, consisting of the Mayor, one (1) member of Council to serve for the remainder of his/her term, and three citizens of the Village to be appointed by the Mayor for terms of five (5) years each, except that the term of one of the members of the first commission shall be for four (4) years and one (1) for two (2) years. Vacancies occurring otherwise than by expiration of term, shall be filled in the same manner as the original appointments and shall be for the unexpired term. All members shall serve without compensation.

**01.02 Staff Services**

The Mayor shall appoint the secretary of the commission, and the secretary shall prepare and distribute notices of meetings, keep minutes of meetings and prepare resolutions and other documents relating to the work of the commission. The Zoning Inspector or his/her designated representative shall attend all commission meetings if possible.

**01.03 General Procedures**

The commission shall organize and adopt rules to govern its activities, in accordance with this code. Meetings of the commission shall be held at times that the commission may determine as necessary. All meetings of the commission shall be open to the public.

The commission shall keep minutes of its proceedings showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be filed promptly in the Village Office and shall

be public record. Commission will set the time of the next meeting if necessary to finish the business being worked on. After this is accomplished, and the date is clarified to all present, a member shall adjourn the meeting.

Three (3) members of the Board shall constitute a quorum to conduct all business.

The commission may call upon the Village Council for assistance through proper authority in the performance of its duties and shall be the duty of the Council to render such assistance to the commission as may be required.

### **01.03 Power and Duties**

- A. The Planning Commission may initiate proposed amendments to this code.
- B. The Planning Commission shall review all proposed amendments to this code and make recommendations to the Village Council.
- C. The Planning Commission shall have all other responsibilities designated to it by this Code and Ohio Law.

## Title Two Subdivision Regulations

### Cross References

Plat and subdivision defined – see Ohio R.C. 711.101  
Authority to adapt subdivision regulations – see Ohio R.C. 711.101  
Violation of regulations – see Ohio R.C. 711.102  
Vacating plats – see Ohio R.C. 711.17  
Revision of plats – see Ohio R.C. 711.28

---

## Chapter 2

### Purpose

#### 02.01 Purpose

The purpose of this chapter is to establish design principles and standards which a subdivider shall be required to follow in the layout of a subdivision. The principles and standards provided in this chapter shall be carried out in compliance with these regulations, other regulations of the State and specifications for each of the various improvements that may be required by the Zoning Commission.

## Chapter 3

### Definitions

As used in the “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:

- (1) **Alley.** “Alley” means a quantity of land dedicated to public use to provide a secondary means of access to the back or side of properties otherwise abutting a street.
- (2) **Block.** “Block” means a subdivided property surrounded by, but not separated by, one or more of the following barriers: streets, unsubdivided acreage, rivers or streams, or by any other physical features which prevent continuity of development.
- (3) **Dwelling Unit.** “Dwelling unit” means a building or portion thereof, designed for occupancy for residential purposes and having cooking and sanitary facilities.
  - (a) Dwelling Unit, one family: Is a building designed exclusively for and occupied by one (1) family.
  - (b) Dwelling Unit, Two Family: Is a building designed exclusively for or converted for occupancy by two (2) families living independently of each other.
  - (c) Dwelling Unit, Multiple Family: Is a building or portion thereof designed exclusively for or converted for occupancy by three (3) or more families living independently of each other.
- (4) **Easement.** “Easement” means a quantity of land set aside or over which a liberty, or privilege or advantage is granted by the subdivider to the public, a corporation, association, or some person for specific purposes, and shall be designated a “public” or “private” easement depending on the nature of the user.

- (5) **Improvements.** “Improvements” means grading, street surfacing, curb and gutter, sidewalks, utilities and other additions to the natural state of the land which increases its value, utility, or habitability.
- (6) **Location Map.** “Location map” means a drawing located on the subdivision plat which sets forth the location and orientation of the proposed subdivision in relationship to other nearby developments and landmarks in Chesterville.
- (7) **Lot.** “Lots” means a division of land separated or intended to be separated from other divisions of land by description on a recorded subdivision plat, recorded survey map, or by metes and bounds for the purpose of sale, lease or separate use.
- (a) **Corner Lot:** A lot at the point of intersection of and abutting on two (2) or more intersection streets.
- (8) **Lot Area.** “Lot area” means the total square foot of land area within lot lines of a lot.
- (9) **Lot Depth.** “Lot depth” means the horizontal distance between the street right-of-way line and the rear lot line.
- (10) **Lot Lines.** “Lot lines” means the lines defining the boundaries of a lot.
- (11) **Minimum Building Setback Line.** “Minimum Building setback line” means a line between the front and rear lot lines and parallel to the street right-of-way line and at such distance from the street right-of-way line as required by the minimum front yard depth for the lots served with or without centralized sewer facilities.
- (12) **Monument.** “Monument” means a permanent concrete or iron marker used to accurately define all lines of the plat of a subdivision, including all lot corners, boundary line corners and points of change in street alignment.
- (13) **Preliminary Plan.** “Preliminary plan” means a map indicating the proposed layout of the subdivision in sufficient detail and which, if approved, permits proceeding with the preparation of a subdivision plat.
- (14) **Public Reservation.** “Public reservation” means a portion of a subdivision which is set aside for public use and made available for public use and acquisition.
- (15) **Right-of-Way.** “Right-of-way” means a strip of land taken or dedicated for use as a public way.
- (16) **Street.** “Street” means right-of-way designated for public use, which provides vehicular and pedestrian access to adjacent properties whether designated as a street, highway, thoroughfare, parkway, road, avenue, lane, or however otherwise designated. For the purpose of this regulation, streets shall be classified as follows:
- (a) **Arterial Street:** Is a street which is intended to carry heavy loads and move large volumes of traffic from one part of area to another.
- (b) **Cul-de-sac:** Is a street having one (1) outlet open to vehicular traffic and the other end permanently terminated by a vehicular turn-around.
- (c) **Dead End Street:** Is a street temporarily having only one (1) outlet open to vehicular traffic and not provided a vehicular turn-around.
- (d) **Local Street:** Is a street intended primarily to provide access to abutting property owners.
- (e) **Half - Street:** Is a right-of-way dedicated for a new street by a subdivider along such subdividers perimeter property line equal to only one-half (1/2) of the total right-of-way width required by this code. Dedication of a half- street presumes future dedication of a corresponding amount of right-of-way from adjoining land in order to provide the total right-

of-way required for a proposed street. The dedication of additional right-of-way along an existing street is not considered a half-street.

**(17) Subdivider.** “Subdivider” means any individual, firm, association, corporation, trust or any legal entity, commencing proceedings under these regulations to subdivide land in Chesterville.

**(18) Subdivision, Major.** “Subdivision, major” means the division of any parcel of land shown as a unit or as contiguous units on the last preceding tax roll, into six (6) or more parcels, sites, or lots, any one of which is less than five (5) acres for the purpose, whether immediate or future or transfer of ownership. However, the division or partition of land into parcels of more than five (5) acres not involving any new streets or easements of access, and the sale or exchange of parcels between adjoining lot owners where such a sale or exchange does not create additional building sites, shall be exempt, or

The improvement of one or more parcels of land for residential, commercial or industrial structures involving the division or allocation of land for the opening, widening or extension of any street or streets, except private streets, serving industrial structures, the division or allocation of land as open spaces for common use by owners, occupants or lease holders or as easements for the extension and maintenance of public sewer, water, storm drainage or other facilities.

**(19) Subdivision, Minor.** “Subdivision Minor” means a division of a parcel of land along an existing public dedicated street not involving the opening, widening or extension of any street or road and involving no more than five (5) lots after the original tract has been completely subdivided, and one of which is less than five (5) acres.

## **Chapter 4**

### **Consideration of Topographic Conditions**

#### **04.01 Consideration of Topographic Conditions**

Major and minor subdivisions shall be planned to take advantage of the topographic conditions of the land in order to economize in the construction of public facilities and services, to reduce the amount of grading and to minimize the destruction of trees, lakes, watercourses and topsoil.

## **Chapter 5**

### **Sale of Land Within Subdivisions Prior to Plat Approval and Recording**

#### **05.01 Sale of Land Within Subdivisions Prior to Plat Approval and Recording**

No owner or agent of such owner of any land located within a subdivision shall transfer or sell any land by reference to, exhibition of, or use of, a plat of the subdivision before such plat has been approved and recorded in the manner prescribed in these regulations. The description of such lot or parcel by metes and bounds in the instrument of transfer or other documents used in the process of selling or transferring shall not exempt the transaction from the application of these regulations.

## **Chapter 6**

### **Revision of Plat After Approval**

#### **06.01 Revision of Plat After Approval**

No changes, erasures, modifications or revisions shall be made to any plat of a subdivision after approval has been given and an endorsement has been made, in writing, on the plat, unless the plat is first resubmitted and the changes are approved by those public bodies in authority.

## **Chapter 7**

### **Minor Subdivisions**

#### **07.01 Minor Subdivisions**

**(a)** Lots. Lots in minor subdivisions shall be designed as follows:

(1) Conformity with Zoning Code. A lot's size, width, depth and minimum building setback line shall conform to existing Zoning Code regulations

(2) Depth. No lot depth shall exceed three times the lot width.

**(b)** Storm Sewers. Storm sewers in minor subdivisions shall be designed as follows:

(1) If the minor subdivision is in an area where a public storm water system is not available, the subdivider shall do such grading and provide such drainage structures as may be required by the Village Zoning Inspector.

(2) Where a storm drainage system is reasonably accessible, as determined by the Village Zoning Inspector, the subdivider shall extend and connect the subdivision's storm sewers with such storm drainage system and shall do such grading and provide such drainage structures as may be required by the Village Zoning Inspector.

(3) All downspouts must empty into approved storm sewers.

**Chapter 8**  
**Major Subdivisions**

**08.01 Major Subdivisions**

**(A) Streets.** Streets in major subdivisions shall be designed as follows:

(1) Arrangement. The arrangement, character, extent, width and location of all streets shall conform to the Parks and Open Space Plan and the Thoroughfare Plan of current adoption. The design of proposed streets shall provide for the continuation of existing streets and access to adjacent unplatted lands so that the entire area can be served by a coordinated street system.

(2) Right of way widths. The width of a right of way on any street shall be as follows:

<b>Street Type</b>	<b>Minimum Right-of-Way Width (in ft.)</b>
Expressway	As specified by the Ohio Department of Transportation
Primary	100
Secondary	80
Collector	60
Minor	60
Private	60

Where a street as an extension of an existing street having a greater width than specified above, the Planning Commission may require that the new extension of the street have the same width as that of the existing section.

A minimum corner radius of twenty feet shall be provided at the intersection of the street right-of-way line.

(3) Design standards.

A. All new streets are to have curbs and gutters. The width of pavement and rights of way shall be designed to comply with the standards set forth in the following table:

<b>Class of Streets</b>	<b>Right of Way Width (in ft.)</b>	<b>Pavement Width (in ft.)</b>
Primary	100	48
Secondary	80	40
Collector	60	28



Minor	60	28
*Pavement width	dimensions are minimums and are measured	from curb face to curb face

B. The maximum grade, the alignment and the vertical visibility on pavements shall comply with the standards set forth in the following table:

Class of Street	Maximum Grade 1	Maximum Degree of curvature	Minimum Radius of curvature (2) in. ft.	Vertical Visibility (3) (in. ft.)
Drives	12%			
Alleys	10		100	
Minor	7	20	290(4)	200
Collector	6	10	575	250
Secondary	5	5	1150	300
Primary	4	3	1910	500

1. The minimum allowable street grade shall be 0.50 percent

2. The radius of curvature shall be measured along the centerline of the street.

3. The dimensions for the distance of vertical visibility shall be measured from a point 4.5 feet above the street surface on one side of the vertical curve to a point four inches above the street surface on the other side.

4. In the case of a minor street, angle turns may be permitted. For such turns, the minimum pavement radius shall be as set forth in paragraph (a) (7) hereof.

(4) Half streets. Half streets shall be prohibited.

(5) Cul-de-sacs. Streets designed to be used as cul-de-sacs shall not be longer than 800 feet and shall be provided at the closed end with a turn-around having an outside pavement diameter of at least 120 feet.

(6) Reserve strips. Reserve strips preventing access to streets from adjoining property shall be prohibited.

(7) Street Alignment.

A. Horizontal.

1. Street jogs. Street jogs with a centerline offset of less than 150 feet shall not be permitted.

2. Intersections. Streets shall be laid out to intersect as nearly as possible at right angles, and no street shall intersect any other street at an angle of less than eighty degrees. Multiple intersections involving junctions of more than two streets shall be avoided.

3. Angle turns. Angle turns not complying with the standard for the radius of curvature as set forth in paragraph (a) (3) hereof may be permitted on minor streets where such alignment results in more efficient use of the land. Where an angle turn is permitted, there shall be provided on the outside of the turn, in alignment, an "eyebrow" or "bubble" in the form of a segment of a circle. The radius of such circle may be drawn from a point between the centerline and the outside right-of-way line, as may be required to provide for adequate lot width at the street line. The right-of-way line on the inside of the turn (opposite the 'eyebrow') shall have a minimum radius of twenty feet. The centerlines of street sections on either side of an angle turn shall form an angle of not less than eighty-five degrees. The pavement design at such turn shall be as follows.

a. The inside of the angle turn, the curb or the pavement edge shall have a minimum radius of twenty feet.

b. At the outside of the angle turn, a paved area shall be provided, such paved area having a minimum radius of fifty feet.

4. Intersection approaches. Approaches to street intersections shall provide for a minimum stopping sight distance of 100 feet from the centerline of the street intersected.

5. Reverse curves. Reverse curves shall have a minimum tangent between them of 100 feet on all minor or collector streets, 500 feet on secondary streets and 100 feet on primary streets.

#### B. Vertical.

Approaches to intersections shall be reduced to a grade not exceeding three percent for a distance of not less than 100 feet. The maximum grade at the intersections may be exceeded due to steep topography or subsoil conditions in accordance with standard engineering practices.

(8) Street names. No street names shall be used which will duplicate or be confused with the names of existing streets within the Village. Street names shall be subject to approval by the Planning Commission.

(9) Boulevards. Whenever boulevard streets are proposed, the subdivider or developer shall submit to the Planning Commission a written agreement for the maintenance of all median strips and the lawn areas and plantings therein. Maintenance of such median strips, lawn areas and the plantings therein shall be the responsibility of the developer or an association of homeowners whose lots abut onto the proposed boulevard.

(b) Easements. Easements shall be provided as follows:

(1) Utility easements. Electrical and telephone lines may be buried if they are located at the front of lots. Easements centered on rear of side lot lines shall be provided for utilities and shall be at least twenty feet wide.

(2) Drainage way easements. Where a subdivision is traversed by a drainage way, a storm water easement or drainage right of way, a public easement conforming substantially within the lines of such drainage shall be provided. The easement or right of way shall be twenty feet wide or of such further width as is necessary and shall generally follow rear and side lot lines.

(c) Blocks.

(1) Blocks shall be designed as follows:

Block lengths shall not exceed 1,800 feet or be less than 400 feet.

(2) Sidewalks shall be required on both sides of the street where the predominant width is equal to or less than 125 feet and on one side where the predominant lot width is greater than 125 feet, but less than 150 feet. Council may, by action of the Planning Committee, waive the requirements for sidewalks where the predominant lot width is greater than 150 feet.

(d) Lots.

Lots shall be designed as follows:

(1) Conformity with Zoning Code. A lot's size, width, depth and minimum building setback line shall conform to existing Zoning Code regulations.

(2) Corner lots. Corner lots shall have extra width to permit appropriate building setback from, and orientation to, both streets.

(3) Access to Public streets, the subdivision of land shall provide each lot with satisfactory access to an existing public street.

(4) Double frontage lots. Residential lots shall not be laid out so that they have frontage on more than one street, except in the following circumstances:

A. Where lots are adjacent to the intersection of two streets; or

B. Where it is necessary to separate residential property from major arterial thoroughfares.

Where double frontage lots are created adjacent to an expressway or a primary street, a reserve strip twelve feet wide along the street shall be deeded to the Village. The plat shall state that there shall be no right of access across such reserve strip. The Planning Commission may require that a ten-foot wide planting screen be provided along the boundary of the reserve strip.

(5) Lot depth. No lot depth shall exceed three times the lot width.

(e) Public Sites and Open Spaces. Public sites and open spaces shall be designed as follows:

(1) Open space subdivisions. Open space subdivision layout shall be encouraged with ownership and maintenance to be provided by a homeowner's association.

(2) Natural features preservation. Natural features, such as scenic views, water bodies and fine groves of trees shall be given due consideration for their preservation.

(f) Utilities. Utilities shall be designed and installed as follows:

(1) Storm sewers: The design of the subdivision shall provide the necessary means to assure complete drainage in and adjacent to the property to be developed or subdivided. The subdivider or his or her engineer shall submit all drainage calculations along with the improvement plans. A ten-year storm frequency is to be used along with suitable run off factors for the completed development, both with in the subdivider's property and all lands upstream from the subdivider's property.

If the design storm flow is calculated to be an amount which can be conducted adequately by a forty-eight inch conduit or less, then the developer shall install a conduit of sufficient capacity up to forty-eight inches in size to conduct this drainage on and through the subdivider's property. If the design flow is calculated to be an amount in excess of the capacity of the forty-eight inch conduit, then the subdivider must provide a conduit or an open drainage channel treatment designed as provided in.

When necessary, outlet ditches or closed storm sewers of an approved type and size shall be required as part of storm sewer construction. If there is an easement or right of way to be obtained by the subdivider for construction and future maintenance, such right of way or easement shall be shown on the final plat. Two copies of the easement shall be furnished to the Village Zoning Inspector. All storm sewer pipe shall be a minimum of twelve inches in diameter, and the point three feet outside pavement shall be reinforced concrete tile or corrugated metal pipe, and the trench shall be backfilled with an approved porous material (ODOT 603).

(2) Sanitary sewers.

A. Sanitary sewers shall be designed and constructed by the subdivider as required by the County Commissioners.

(3) Water Supply

A. Water system shall be designed and constructed by the subdivider for each lot in accordance with all of Delco's rules and standards.

(4) Fire protection.

A. Residential areas. For fire protection in a residential single-family area, there shall be a distribution of fire hydrants at a ratio of one to each 120,000 square feet of area. The distance between fire hydrants shall not exceed 400 feet. The placement of hydrants shall be approved by the Big Walnut Fire Department.

B. Commercial, business, industrial and apartment areas. For fire protection in commercial, business, industrial and apartment areas, there shall be a distribution of fire hydrants at a ratio of one to each 80,000 square feet of area. A minimum of one hydrant shall be provided within 300 feet of every building or part thereof, and an additional hydrant within 500 feet of every building or part thereof. The placement of hydrants shall be approved by the Big Walnut Fire Department.

C. Fire hydrants. Fire hydrants shall be provided by the subdivider in all subdivisions. The fire hydrants shall meet all specifications listed in the Village's "Design and Detail Specifications." Fire hydrants shall be placed two feet clear behind the back of the curb, whenever possible, or eight feet clear behind the edge of the pavement in uncurbed areas. Fire hydrant placement shall be approved by the Big Walnut Fire Department.

D. Fire flows. Computations shall be provided to verify that the minimum fire hydrant flow in the proposed subdivision meets the requirements for the appropriate insurance ratings. The computations shall be based on a Hazen-Williams coefficient of 100. For residential single-family areas, the fire flow shall be 1000 gpm at twenty pounds per square inch (PSI).

E. Valves. Valves shall be placed outside of pavement wherever practical.

F. Blocking. All trees, bends, plugs and hydrants shall be provided with reaction blocking, tie rods or joints designed to prevent movement.

G. Electric street lights. The developer shall provide any and all utility-approved poles for street lighting purposes.

H. Flood plain. If any portion of the land within a proposed subdivision may be subject to inundation of flood hazard by storm water, such fact and that portion of land shall be clearly indicated on the subdivision plat. Land subject to flooding shall not be platted for residential occupancy or other such uses which may increase danger to health, life or property, or which may aggravate the flood hazard.

## **Chapter 9**

### **Open Spaces and Parks**

#### **09.01 OPEN SPACES AND PARKS**

(a) There shall be no requirement for a subdivider to provide parks or other open space except as required or specified in applicable Zoning Code regulations.

(b) When the Village desires land within the subdivision for such use, then the governmental agency shall notify the subdivider through the Planning Commission.

(c) The Village shall specify the quantity, description, location and use (passive or active) of the land so desired and designate the public entity that will be responsible for the development and maintenance of the use and expense thereof.

(d) If the Village specifies its desire to use certain property as a park or other open space, as set forth in subsection (c) hereof, then the Planning Commission shall forthwith assist with negotiations for the same between the subdivider and the Village, and the land shall become available to the Village by one of the following methods:

(1) Statutory dedication to the Village to accept the same and to maintain and develop the land without compensation to the subdivider.

(2) Statutory dedication to the Village to accept the same and to maintain and develop the land with reasonable compensation to the subdivider.

(3) Reservation, by appropriate legal instrument, for the acquisition of a defined area by the Village to accept, develop and maintain the same for the specific use for a period of one year after the approval of the preliminary plan. Such reservation shall provide for the specific release of the land from these requirements, reverting legal title to the subdivider or his or her successors or assigns if the Village has not obtained a contract to acquire the land or has not filed appropriation proceedings within the one-year limitation.

(4) Any other method arrived at by mutual agreement, including the reservation or granting of land by private deed or covenants for the use of the property owners within the proposed subdivision, with provision being made for the development and maintenance thereof.

(e) The Village may encourage open space subdivisions wherein private property owners, through the use of a homeowner's association will conserve and maintain open space and recreation areas for the private use of property owners within the subdivision.

(f) Failure of the Planning Commission to notify any governmental agency as provided in subsection (b) hereof shall not create any rights in such agency, shall have the same effects as if such agency made no response after being notified and shall not make defective the subsequent subdivision proceedings provided in these regulations.

(g) Any reservation of property for a period of one year, as referred to above, shall be null and void if the subdivision plat of which such property is a part does not receive final approval or is withdrawn by the subdivider before final approval. It is the intent herein not to create a burden on the land if it is not to be subdivided. Any legal instrument creating such a reservation shall so state this intent.

## **Chapter 10**

### **Responsibilities of Administrative Agencies**

#### **10.01 RESPONSIBILITIES OF ADMINISTRATIVE AGENCIES**

These Regulations shall be administered by the following State and/or Village agencies or their designated representatives.

(a) The Planning Commission, which, through the Chairperson, shall act as the coordinating agency and shall be responsible for receiving, processing and reviewing all minor subdivisions and all major subdivisions as to conformity with the Zoning Code and other regulations which affect the division of land, and for approving the design layout of the preliminary plan and final plat.

(b) Council, which shall be responsible for managing all affairs required in connection with the dedication of public right of way and other public sites/designated on a minor or major subdivision.

Added 2018

## CHAPTER 11

### General Provisions and Definitions

<b>11.01</b>	<b>Short title</b>	<b>11.06</b>	<b>Amendments</b>
<b>11.02</b>	<b>Purposes</b>	<b>11.07</b>	<b>Separability</b>
<b>11.03</b>	<b>Interpretation</b>	<b>11.08</b>	<b>Definitions</b>
<b>11.04</b>	<b>Compliance Required</b>		
<b>11.05</b>	<b>Application Prior to Construction</b>		

### Cross References

Division of Municipal Corporation into zones - see Ohio R.C. 713.06 Restrictions in location of buildings and structures- see Ohio R.C. 713.07

Restrictions on height of buildings and structures - see Ohio R.C. 713.08

Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set- back building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings and structures - see Ohio R.C. 713.10

Administrative board; powers and duties - see Ohio R.C. 713.11 Notice and hearing on zoning regulations - see Ohio R.C. 713.12 Violations may be enjoined - see Ohio R.C. 713.13

---

#### **11.01 SHORT TITLE**

This zoning Code shall be known as and may be cited as the "Zoning Ordinances of the Village of Chesterville, Morrow County, Ohio," or just "Zoning Code."

#### **11.02 PURPOSES**

This zoning code is adopted for the purpose of improving and protecting the public health, safety, and 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;
- (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; and
- (j) Isolate and manage the location of unavoidable nuisance producing uses.

### **11.03 INTERPRETATION**

In their interpretation and application, the provisions of the Zoning Code shall be held to be the minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. 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.

### **11.04 COMPLIANCE REQUIRED**

A lot may be used and a structure altered, occupied or used only as this Zoning Code permits.

### **11.05 APPLICATION TO PRIOR CONSTRUCTION**

Nothing contained in this Zoning Code shall require any change in the plans, construction, size, or designated use of any building, structure or part thereof for which a building permit has been granted before the enactment of this Zoning Code, or construction of which was legally started without a building permit on or before the enactment of this Zoning Code.

### **11.06 AMENDMENTS**

(a) Procedure and Regulations. Before this Zoning Code or any amendment thereto may be adopted or passed, Council will hold a public hearing thereon and shall give at least thirty days' notice of time and place thereof in a newspaper of general circulation in the Village. 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 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.



~~During such thirty days or twenty days, as the case may be, the text or copy of the text of the amending ordinance, together with maps, plans or copies thereof forming part of or referred to in such ordinance.~~ Such maps and plans, and any reports submitted by the Planning Commission, the Board of Zoning Appeals or the Zoning Inspector shall be made available for public review. No ordinance or amendment which violates, differs from or departs from the plan or report submitted by the Commission, the Board or the Zoning Inspector shall take effect unless passed or approved by not less than three-fourths of the membership of the Council. No ordinance or amendment which is in accordance with the recommendation, plan or report submitted by the Commission, the Board or the Zoning Inspector shall be deemed to pass or take effect without concurrence of at least a majority of the members elected to Council. (Strikeout removed 2018)

**(b) Rezoning.**

**(1)** Amendments or supplements to this Zoning Code may be initiated by:

- A.** Motion of the Commission;
- B.** Application of one or more owners or lessees of property within the district to be changed; or
- C.** Passage of an ordinance by Council.

**(2)** All zoning amendments, or supplements, not initially made by the Commission shall be referred to the Commission for review and recommendation to the Council within thirty days, Council may proceed without a recommendation from the Commission if it so desires.

**(3)** To be approved, applications for amendments should meet at least one of the following conditions:

- A.** There is currently insufficient land throughout the Village zoned for a particular district to meet current and anticipated future demands.
- B.** There has been a substantial change in the area's condition, which has rendered the original zoning obsolete.
- C.** There are other situations where a zoning change would be appropriate for the overall health, safety and welfare of the Village.

~~**D. Fees:** There shall be a fee of twenty dollars (\$20.00) for zoning amendments, due at the time of application, to cover the cost of advertising and other expenses. The application and the fee shall be presented to the Zoning Inspector. The fee shall not be refunded unless the applicant removes such application prior to any advertising. In addition, the fee shall not be refunded if the application is denied. The fee shall not apply to any amendment initiated by the Commission or Council. When the Council finds it necessary to require special studies to be made, the applicant may be required to provide such special studies as a part of the application and bear the cost of the studies. (Removed 2018)~~

## 11.07 SEPARABILITY

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

## 11.08 DEFINITIONS

As used in the "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:

(1) **Accessory use or building.** "Accessory use or building" means any use or structure located on the same lot as or adjacent to a lot occupied by a primary use or structure, where both the lot occupied by the primary use or structure and the adjacent lot are owned by the same party.

(2) **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.

(3) **Apartment house.** "Apartment house" has the same meaning as multi-family dwelling.

(4) **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.

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

(6) **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

(7) **Beginning of construction.** "Beginning of construction" means the incorporation of labor and material within the walls of a building; the incorporation 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.

(8) **Board.** "Board" means the Board of Zoning Appeals.

(9) **Boarding or Lodging house.** "Boarding or lodging house" means a dwelling or part thereof where meals and/or lodging are provided for three or more persons, for compensation, by previous arrangement, but not transients.

**(10) 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.

**(11) 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.

**(12) Cemetery.** "Cemetery" means land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes.

**(13) Clinic.** "Clinic" means a place which provides a range of services by a group of licensed practitioners and their associates and assistants, including the care, diagnosis and treatment of sick, ailing, infirm and/or injured persons, and including the care of persons who are in need of medical, surgical or dental attention, but who are not provided with board or room nor kept overnight on the premises.

**(14) 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.

**(15) Commission.** "Commission" means the Planning Commission.

**(16) District.** "District" means a portion of the territory of the Village within which certain uniform regulations and requirements, or various combinations thereof apply.

**(17) Dwelling.** "Dwelling" means a permanent building used primarily for human habitation, but not including house trailers and facilities for the housing of transient residents.

**Specifically:**

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

**(b)** "Two-family dwelling" means a permanent building designed for occupancy by two families.

**(c)** "Multi-family dwelling" means a permanent dwelling or portion thereof providing separate living accommodations for three or more families.

**(d)** "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.

**(e)** "Dwelling group" means a group of two or more detached dwellings located on a parcel of land having any yard or court in common.

**(18) Essential services.** "Essential services" means those public services provided by the State, County, or Village.

**(19) Frontage.** "Frontage" means all the property abutting on one side of a street, between intersecting or intercepting streets or between a street and right away, 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 it intercepts.

**(20) Garage, private.** "Private garage" means a detached accessory building or a portion of the principle building used primarily for the storage of self-propelled passenger vehicles.

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

**(22) Group home.** "Group home" means any "licensed family home," "foster family home," "public residential care facility," "proprietary home," "residential care facility," or "group home as defined in Section 4321:2-3-02 of the Ohio Administrative Code.

**(23) Home business.** "Home business" means any business that is run out of a residence of a family dwelling. This business shall be of a self-employed type.

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

**(25) House Trailer.** "House trailer" means any pre-manufactured dwelling not considered a modular house.

**(26) Hotel or Motor Hotel.** "Hotel or motor hotel" means a series of detached, semi- attached or attached sleeping or living units for the accommodation of transient guests, such units having convenient access to off-street parking spaces for the exclusive use of the guest or occupants.

**(27) Junk Yard.** "Junk yard" means any open area where waste or discarded or salvaged materials are bought, sold, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage and equipment

**(28) Kennel.** "Kennel" means any structure or premises in which four or more dogs over four months of age are kept.

**(29) 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.

**(30) Manufacturing.** "Manufacturing" means the storage, repair, manufacture, preparation or treatment of any article, substance or commodity.

**(31) Modular Houses.** "Modular houses" means any pre-manufactured home that meets the minimum size of a one family residence.

**(32) 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 with the permitted use provisions of this Zoning Code.

**(33) Recreational Facilities.** "Recreational facilities" means any instrumentality provided by public, church or private enterprise for the purpose of rest and relaxation, mental or physical refreshment or any other recreational activity.

**(34) Standard Equipment.** "Standard equipment" means a criterion for the control of the type and placement of industrial equipment

**(35) 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 .

**(36) Story.** "Story" means that portion of a building including 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 above it.

**(37) Street.** "Street" means any public or private way dedicated to public travel. "Street" includes "road," "highway", and "thoroughfare".

**(38) Structural Alteration.** "Structural alteration" means any change in the structured members of a building, such as walls, columns, beams, or girders.

**(39) 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.

**(40) 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.

**(41) Thoroughfare, Primary or Secondary.** "Thoroughfare, primary or secondary" 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.

**(42) Use.** "Use" means the purpose or activity for which a building, structure or land is occupied or maintained.

**(43) 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 the required number of off-street parking spaces. The establishment or expansion of a use otherwise 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.

**(44) Yard.** "Yard" means an open space on the same lot with the principle building, open, unoccupied and unobstructed by buildings except as otherwise provided in the Zoning Code.

**Specifically:**

- (a)** "Front yard" means the yard extending across the entire width of the lot between the principle building and the right-of-way line or street line which the building faces.
- (b)** "Rear yard" means the yard extending across the entire width of the lot between the rear lot line and the nearest part of the principle building.
- (c)** "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 principle building.
- (d)** "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 building.

**(45) Zoning Permit.** "Zoning permit" 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.

**(46) Zoning Inspector.** "Zoning inspector" means the Zoning Inspector of the Village or his or her authorized representative.

**(47) Zoning map.** "Zoning map" means the Zoning map of the Village, together with all amendments thereto.

## CHAPTER 12

### Administration, Enforcement and Penalty

**12.01 Zoning Inspector**

**12.02 Zoning permits**

**12.03 Building permits**

**12.04 Correction of violations**

**12.05 Penalty; equitable remedies**

### CROSS REFERENCES

Division of mutual corporations into zones - see Ohio R.C. 713.06

Restriction in location of buildings and structures - see Ohio R.C. 713.07

Restriction on height of buildings and structures- see Ohio R.C. 713.08

Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings and structures – see Ohio R.C. 713.10

Administrative board; powers and duties - see Ohio R.C. 713.11

Notice and hearing on zoning regulations- see Ohio R.C. 713.12

Violations may be enjoined - see Ohio R.C. 713.13

---

### 12.01 ZONING INSPECTOR

(a) The position of Zoning Inspector is hereby established. He/she shall be appointed by and serve the Council and shall receive such compensation as Council may provide.

(b) 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 permits, building permits, amendments, appeals, conditional uses and exceptions;

(3) Make and keep records on all applications, issuance and denial of permits and complaints of violations;

(4) Enforce the 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.

## **12.02 ZONING PERMITS.**

(a) Before construction of a new building or changing the use of a building or premises, an application shall be made to the Zoning Inspector for a zoning permit. The zoning permit requirement shall not include interior remodeling if the type of use is not changed and shall not include exterior upkeep and maintenance. The application shall include the following information:

(1) The location of the lot and the existing zoning and land use of the property and the immediately surrounding area;

(2) A plot plan drawn to scale showing the exact dimensions of the lot to be built upon;

(3) The location, dimensions, height and bulk of structures to be erected;

(4) The intended use;

(5) The yard, open area and parking dimensions; and

(6) Any other pertinent data as may be necessary to determine and provide for the enforcement of this Zoning Code.

(b) 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.

(c) Within ten days after receipt of the application, the Zoning Inspector shall issue a zoning permit if the application complies with this Zoning Code and if the application is accompanied by the proper fee.

(d) The zoning permit shall become void at the expiration of six months after date of issuance unless construction is started. If no construction is started or if the use is changed within six months of the date of the permit, a new permit is required upon application.



### **12.03 BUILDING PERMITS.**

A building permit is required for new construction and for additions to existing buildings as required. Applications shall be made to the Zoning Inspector.

### **12.04 CORRECTION OF VIOLATIONS.**

(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; specified time period shall be reported to the Solicitor who shall initiate prosecution procedures.

### **12.05 PENALTY; EQUITABLE REMEDIES.**

(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 less than one hundred dollars (\$100.00). On a second offense within one year after the first offense such person is guilty of the fourth degree and shall be fined not more than two hundred dollars (\$200.00) or imprisoned not more than thirty days, or both. On each subsequent offense within one year after the first offense shall be fined not more than five hundred dollars (\$500.00) or imprisoned not more than sixty days, or both. Each ten 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, 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.

(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 specifically 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 prevent any illegal act, conduct business or use in or about such premises.

**CHAPTER 13**  
**BOARD OF ZONING APPEALS**

- |  |  |
|--|--|
| <b>13.01 Establishment; composition; terms of office; compensation</b> | <b>13.08 Exceptions to permitted uses</b>          |
| <b>13.02 Organization</b>  | <b>13.09 Interpretation of Zoning Map</b>          |
| <b>13.03 Quorum</b>  | <b>13.10 Nonconforming uses</b>                    |
| <b>13.04 Authority of Chairperson</b>                                  | <b>13.11 Temporary uses</b>                        |
| <b>13.05 Appeals</b>   | <b>13.12 Procedures; minutes; records</b>          |
| <b>13.06 Variances</b>   | <b>13.13 Notice of hearings.</b>                   |
| <b>13.07 Conditional uses</b>  | <b>13.14 Appeals of Board decisions to Council</b> |

**CROSS REFERENCES**

Division of municipal corporations into zones - see Ohio R.C. 713.06  
Restriction in location of buildings and structures- see Ohio R.C. 713.07  
Restrictions on the height of buildings and structures- see Ohio R.C. 713.08  
Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see Ohio R.C. 713.09  
Basis of districting or zoning; classification of buildings and structures - see Ohio R.C.713.10  
Administrative board; powers and duties - see Ohio R.C. 713.011  
Notice and hearing on zoning regulations - see Ohio R.C. 713.12  
Violations may be enjoined- see Ohio R.C. 713.13

---

**13.01 ESTABLISHMENT; COMPOSITION; TERMS OF OFFICE; COMPENSATION**

There is hereby established a Board of Zoning Appeals which shall consist of five members appointed by the Mayor and approved by Council. 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.

Vacancies shall be filled by the Mayor and shall be for the respective unexpired terms. The members of the Board may receive such compensation as Council provides.

### **13.02 ORGANIZATION**

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.

### **13.03 QUORUM**

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

### **13.04 AUTHORITY OF CHAIRPERSON**

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.

### **13.05 APPEALS**

(a) The Board of Zoning Appeals shall hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by the Zoning Inspector in the enforcement of this Zoning Code.

~~(b) There shall be a fee of five dollars (\$5.00) for any appeal of actions by the Zoning Inspector. If such appeal is won by the applicant, the fee for the required zoning permit, which must be obtained after the winning of any appeal, shall be waived, and the zoning permit shall be issued by the Zoning Inspector. (removed 2018)~~

(c) Appeals to the Board may be taken by any person or by any officer or board of the Village deeming himself or herself adversely affected by the decision of the Zoning Inspector, in respect to the interpretation of this Zoning Code. Appeals shall be made not later than thirty calendar days after the date of the action that is the subject of the grievance.

(d) 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 court having lawful jurisdiction.

(e) The Board shall make a decision on the appeal within ten days after the hearing, unless additional time is necessary because of unusual circumstances. The hearing shall be open to the public and any party that may appear in person or by attorney.

### **13.06 VARIANCES**

(a) Where there are practical difficulties or unnecessary hardship in carrying out the strict letter of this Zoning Code, the Board of Zoning Appeals may grant a variance that is in harmony with the general purpose and intent of the Zoning Code. In every instance of granting a variance by the Board, there must be a showing by the Board that most of the following apply:

(1) The strict application of this Zoning Code would result in practical difficulties or unnecessary hardship of the applicant inconsistent with the general purpose and the intent of this Zoning Code.

(2) There are exceptional or extraordinary circumstances or conditions applying to the property involved or to the intended use or development of 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.

(3) The granting of the variance will not alter the essential character of the locality or substantially impair environment quality, property values or public safety or welfare in the vicinity.

(4) 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.

(5) 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 reasonable economic return from, the property.

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

(c) 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 permit.

### **13.07 CONDITIONAL USES**

(a) 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 since this is the

case, the Board shall approve an application for a conditional use only when the following conditions are met:

(1) The conditional uses specifically listed or interpreted as listed in the district in question.

(2) The proposed development will be in keeping with the existing land use character and physical development potential of the area and will not have undesirable effects on the surrounding area.

(3) The criteria listed in Section 09.06 shall also be applied.

(b) In granting a conditional use, 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.

### **13.08 EXCEPTIONS TO PERMITTED USES**

(a) The Board of Zoning Appeals may grant exceptions to permitted uses where the provisions of this Zoning Code, due to conditions precedent or subsequent, are not precise enough or are too general to cover all applications without the Board's interpretation. An exception to a permitted use may be granted by the Board only after review of an application. Therefor, in granting an exception, the Board may impose such conditions as it may deem necessary to protect the public health, safety or welfare and to further the purpose and intent of this Zoning Code. 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.

~~—(b) The fee for an application for an exception shall be twenty dollars (\$20.00), such fee shall be paid at the time of application. The fee for the zoning permit, which must be obtained after approval of any exception shall be waived, and the zoning permit shall be issued by the Zoning Inspector. (removed 2018)~~

### **13.09 INTERPRETATION OF ZONING MAP**

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. No fee shall be charged for an interpretation of the Zoning Map.

### **13.10 NONCONFORMING USES**

(a) The Board of Zoning Appeals may permit changes and extensions of nonconforming uses as follows:

(1) A nonconforming use of a less objectionable nature may be substituted for an existing nonconforming use.

(2) An existing, legal nonconforming use, which occupies only a portion of an existing structure or premises may be extended throughout such structure or premises.

(3) A nonconforming use or building may be altered or reconstructed, provided that such will make the nonconforming use substantially more in character with its surroundings.

(4) A 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 fifty percent of the size of the nonconforming use that existed at the time of passage of this Zoning Code.

~~—(b) The Board may impose such requirements and conditions as it may deem necessary for the protection of adjacent properties and the public interests. The fee for a nonconforming use change shall be twenty dollars (\$20.00), such fee shall be paid at the time of application. The fee for the zoning permit, which must be obtained after approval of any nonconforming use change, shall be waived, and the zoning permit shall be issued by the Zoning Inspector. (removed 2018)~~

### **13.11 TEMPORARY USES**

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

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

~~—(c) The fee for a temporary use shall be twenty dollars (\$20.00), such fee shall be paid at the time of application. The fee for the zoning permit, which must be obtained after approval of any temporary use shall be waived, and the zoning permit shall be issued by the Zoning Inspector. (removed 2018)~~

### **13.12 PROCEDURES; MINUTES; RECORDS**

(a) The Board of Zoning Appeals shall act according to the procedures specified by law, including this Zoning Code.

(b) The Board shall keep minutes of its proceedings showing the vote for each member on all questions, or if absent or failing to vote, indicating such fact.

(c) All applications for appeals, variances, conditional uses, exceptions, nonconforming uses and temporary uses shall be made to the Board, in writing, and on any forms prescribed therefor. All applications shall set forth the reason the appeal, variance, conditional use, exception, nonconforming use or temporary use should be granted.

(d) Every decision of the Board shall be by motion, shall contain a full record of the findings of the Board, together with all documents pertaining thereto, and shall be a public record.

(e) Fees, as prescribed in this Zoning Code, shall be paid in full prior to any action by the Board.

(i) 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.

(g) No action shall be taken on any request for any appeal, variance, conditional use, exception or nonconforming use prior to a Board hearing.

### **13.13 NOTICE OF HEARING**

(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, 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. Such notice shall be served personally or by certified mail, return receipt requested, addressed to the parties making the request, at least five days prior to the date of the scheduled hearing. Except for amendments to this Zoning Code, public hearings are not required, but may be held, if determined necessary by the Board.

(b) 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.

(c) All notices shall be sent to addresses given on the last tax assessment roll or other legally designated address list.

(d) Public hearings shall be advertised by at least one publication in one or more newspapers of general circulation in the Village at least ten days before the date of such public hearing.

(e) 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.

### **13.14 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 calendar days after the decision of the Board is handed down. The decision of the Council is final.

## CHAPTER 14

### Districts Generally and Zoning Map

#### 14.01 Establishment of districts

#### 14.02 Incorporation of zoning map

#### 14.03 Interpretation of district boundaries

#### 14.04 Zoning of Annexed land

### CROSS REFERENCES

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restriction in location of buildings and structures- see Ohio R.C. 713.07

Restriction on height of buildings and structures - see Ohio R.C. 713.08

Restriction on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings and structures - see Ohio R.C. 713.10

Administrative board; powers and duties - see Ohio R.C. 713.11

Notice and hearing on zoning regulations - see Ohio R.C. 713.12

Violations may be enjoined- see Ohio R.C. 713.13

Interpretation of Zoning Map - see Chapter 09.09

---

#### 14.01 ESTABLISHMENT OF DISTRICTS

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

- (a) R-1 Family Residence District
- (b) B-1 General Business District
- (c) M-1 General Manufacturing District
- (d) PD Planned Development District

#### 14.02 INCORPORATION OF ZONING MAP

The districts and boundary 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.

#### **14.03 INTERPRETATION OF DISTRICT BOUNDARIES**

(a) The district boundary lines on the Zoning Map are intended to follow either streets, alleys or lot lines and, where the districts designed on the Map are bounded approximately by such street, alley or lot lines: the street, alley or lot lines shall be construed to be the boundary of the district, 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 on the Zoning Map or by dimensions.

(b) Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located midway between the main tracks of such railroad line.

(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 feet from the district boundary line.

#### **14.04 ZONING OF ANNEXED LAND**

Upon annexation of township territory to the Village, any township zoning regulation 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 the Zoning Code.

## CHAPTER 15

### R-1 Residence Districts

#### 15.01 Purposes Permitted uses

#### 15.02 Permitted uses

#### 15.03 Conditional uses

#### 15.04 Lot area and width

#### 15.05 Yards

#### 15.06 Floor space requirements

#### 15.07 Existing Mobile Homes

#### 15.08 Manufactured Housing

### CROSS REFERENCES

Division of Municipal Corporation into zones -see Ohio R.C. 713.06

Restriction in location of buildings and structures - see Ohio R.C. 713.07

Restriction on height of buildings and structures - see Ohio R.C. 713.08

Restriction on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines- see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings and structures - see Ohio R.C. 713.10

Nonconforming uses- see Chapter 15

Off-street parking and loading - see Chapter 16

Provisions relating to all districts - see Chapter 17

---

#### 15.01 PURPOSES

The purpose of the R-1 Family District 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.

#### 15.02 PERMITTED USES

The following uses are permitted in an R-1 Family Residence District:

- (a) Single and two-family dwellings;
- (b) Churches, schools, libraries, parks, playgrounds and essential services;
- (c) Home businesses; and

- (d) Accessory uses, such as private garages and accessory buildings.

### 15.03 CONDITIONAL USES

Subject to approval by the Board of Zoning Appeals, the following conditional uses may be permitted in an R-1 Family Residence District:

- (a) Multifamily dwellings, tourist homes, lodging houses, hotels and motor hotels, apartment buildings and condominiums;

- (b) Utility substations and pump houses;

- (c) Hospitals, community centers, funeral homes, cemeteries and utility office buildings;

- (d) Offices or studios in residences of physicians, dentists, artists, lawyers, engineers, teachers, architects or other members of a State licensed profession;

- (e) Clubs, lodges, rest homes and clinics; and

- (f) Other uses that may qualify as exceptions pursuant to Section 09.08.

### 15.04 LOT AREA AND WIDTH

Each single and two family dwellings in an R-1 Family Residence District shall be located on a lot having an area of not less than 8,000 square feet and a lot width of not less than 80 feet at the building line. Each multifamily dwelling shall add 2,000 square feet to the lot area and 10 feet to the lot width for each unit over two.

### 15.05 YARDS

- (a) Generally. All structures in an R-1 Family Residence District shall have the following minimum yard spaces:

- (1) Single-family dwelling

Front yard	25 feet
Side yard	8 feet
Rear yard	25 feet

- (2) Two-family dwelling

Front yard	25 feet
Side yard	8 feet
Rear yard	35 feet

- (3) Multifamily and other permitted uses as required by Board of Zoning Appeals

- (b) Corner Lots. Corner lots shall provide the minimum front yard requirements on each street side of the lot

### 15.06 FLOOR SPACE REQUIREMENTS

In an R-1 Family Residence District, all buildings constructed for home habitation shall provide the following square feet of floor space for living purposes, excluding garages, porches, breezeways, etc.:

	Minimum First Floor	Total Minimum
(a) One-story single-family dwelling	1,250	1,250
(b) 1-1/2 story single-family dwelling	900	1,250
(c) Two-story single-family dwelling	750	1,400
(d) Split level single-family dwelling		1,250
(e) Two-family dwelling		
One floor plan (per unit)	850	
Two floor plan (per unit)	600	1,250
(f) Multiple dwelling		
per unit for one bedroom units		500
Add for each additional bedroom		120

### 15.07 EXISTING MOBILE HOMES

Existing Mobile Homes (trailers) on lots at the time of this ordinance can remain until the owner sells the lot. The Mobile Home will be removed at the time of sale. Any new home constructed on the lot must meet the Residential floor space requirements found in Section 11.06. Present owners may replace a Mobile Home with one of the same size or larger.

### 15.08 MANUFACTURED HOUSES

Manufactured housing is allowed in R-1 Family Residential Districts if the following conditions are met

- (1) Built pursuant to HUD Code after January 1, 1995.
- (2) Attached to a permanent foundation.
- (3) Length of at least 22 feet.
- (4) Width of at least 22 feet.
- (5) Floor space area of 1,250 feet.
- (6) Conventional residential siding, 6 inch minimum eave overhang, and minimum of 3:12 roof pitch.

## CHAPTER 16

### B-1 General Business District

#### 16.01 Purposes

#### 16.02 Permitted uses

#### 16.03 Conditional uses

#### 16.04 Conditional uses

#### 16.05 Yards

#### 16.06 Landscaping or screening

### CROSS REFERENCES

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restriction in location of buildings and structures- see Ohio R.C. 713.07

Restrictions on height of buildings and structures- see Ohio R.C. 713.08

Restrictions on bulk and location of buildings and structures. Percentage of lot occupancy and set-back building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings and structures - see Ohio R.C. 713.10

Nonconforming uses - see Chapter 15

Off-street parking and loading- see Chapter 16

Provisions relating to all districts - see Chapter 17

---

#### 16.01 PURPOSES

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

#### 16.02 PERMITTED USES

The following uses are permitted in a B-1 General Business District:

- (a) Any uses permitted in residential districts, including conditional uses
- (b) Major retail outlets, including furniture, department, clothing, shoe, variety, hardware, appliance, paint, lumber yard and wallpaper stores;
- (c) Food, drug and beverage establishments, including grocery stores, supermarkets, meat markets, drug stores, bakeries in conjunction with retail sales, restaurants, tea rooms and taverns;
- (d) Specialty shops, including gift shops, magazine, book and stationary outlets, florist shops, camera and photography shops and sporting goods stores;

(e) Service and recreational facilities, including laundromats, dry cleaning and laundry pick-up stations, barber and beauty shops, shoe repair and tailor shops, news media and mortuaries;

(f) Business and professional offices, including medical and dental offices and clinics, law offices, insurance and real estate offices, banks, finance and utility companies;

(g) Automotive and related uses, including automobile service stations, public garages, motorcycle and bicycle shops and cab stands;

(h) Accessory uses or buildings; and

(i) Group homes.

### **16.03 CONDITIONAL USES**

Subject to approval by the Board of Zoning Appeals, the following conditional uses may be permitted in a B-1 General Business District

(a) Construction establishments, such as building, plumbing, heating and other special trade contractors;

(b) Manufacturing establishments;

(c) Trucking terminals and facilities;

(d) Wholesale and warehousing facilities and

(e) Other uses that may qualify as an exception pursuant to Section 08.08

### **16.04 LOT AREA AND WIDTH**

(a) Residential Uses. Each residential use to be accommodated in the B-1 Business District shall meet the minimum lot width requirements of the R-1 Family Residence District.

(b) Business Uses. No minimum lot area or minimum lot width is required for business uses.

### **16.05 YARDS**

(a) Residential Uses. Each residential use to be accommodated in the B-1 Business District shall meet the minimum yard requirements of the R-1 Family Residence District.

(b) Business Uses.

(1) Front Yard. No minimum yard required, except the front of buildings should be in line with buildings on adjoining lots.

(2) Side Yard. No minimum yard required, except lots adjoining a residence shall provide a side yard of six feet, and those adjoining a residential district shall also provide a side yard. No roof overhang shall extend over an adjoining property.

(3) Rear Yard. There shall be a rear yard of twenty feet. Where a lot line abuts an alley, one-half of the width of such alley may be considered in meeting the rear yard requirements.

#### **16.06 LANDSCAPING OR SCREENING**

For uses in a B-1 General Business District abutting a residential district, the minimum yards may be reduced up to fifty percent of the minimum side or rear yard requirements if acceptable landscaping or screening, approved by the Board of Zoning Appeals, is provided. Such screening shall be masonry or solid fence between four and six feet in height. Maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen feet in width planted with evergreen hedge, or dense planting of evergreen shrubs not less than four feet in height.

## CHAPTER 17

### M-1 General Manufacturing Districts

#### 17.01 Purposes

#### 17.02 Permitted uses

#### 17.03 Conditional uses

#### 17.04 Yards

#### 17.05 Screening

### CROSS REFERENCES

Division of municipal corporations into zones - see Ohio R.C. 713.06

Restriction in location of buildings and structures - see Ohio R.C. 713.07

Restrictions on height of buildings and structures - see Ohio R.C. 713.08

Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings and structures - see Ohio R.C. 713.10

Nonconforming uses - see P & Z Chapter 15

Off-street parking and loading - see P & Z Chapter 16

Provisions relating to all districts - see P & Z Chapter 17

---

#### 17.01 PURPOSES

The purpose of the M-1 General Manufacturing District is to provide for business uses, storage and manufacturing uses not normally creating a nuisance discernable beyond the property on which they are located.

#### 17.02 PERMITTED USES

The following uses are permitted in an M-1 General Manufacturing District

- (a) Any use permitted in the B-1 General Business District, except residential uses;
- (b) Manufacturing;
- (c) Research and testing facilities;
- (d) Offices and laboratories;



- (e) Grain elevators and fees mills;
- (f) Manufacture, sale and storage of building materials;
- (g) Wholesale and warehousing activities;
- (h) Transport and trucking terminals;
- (i) Equipment storage and sales;
- (j) Restaurants;
- (k) Recreational facilities;
- (l) Essential services;
- (m) Accessory uses; and
- (n) Public service facilities.

### **17.03 CONDITIONAL USES**

Subject to approval by the Board of Zoning Appeals, the following conditional uses may be permitted in an M-1 General Manufacturing District:

- (a) Mineral extraction, storage and processing, including oil and gas wells;
- (b) Dwellings; and
- (c) Other uses that may qualify as an exception pursuant to Section 09.08

### **17.04 YARDS**

All structures to be constructed, altered or moved in an M-1 General Manufacturing District shall provide yards of the following minimum depths:

- (a) Front Yard, Thirty-five feet;
- (b) Side Yard. Fifteen feet, except where a side yard abuts a residential district, in which case a side yard of twenty-five feet shall be provided; and
- (c) Rear Yard. Twenty-five feet

### **17.05 SCREENING**

In an M-1 General Manufacturing District, 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 district.

## CHAPTER 18

### PD Planned Development Districts

**18.01 Purposes.**

**18.02 Permitted uses.**

**18.03 Conformity to Village plans.**

**18.04 Lots; yards.**

**18.05 Development plans.**

**18.06 Zoning permits.**

**18.07 Changes In use.**

### CROSS REFERENCES

Division of municipal corporations into zones-see Ohio R.C.713.06

Restriction in location of buildings and structures- see Ohio R.C. 713.07

Restrictions on height of buildings and structures- see Ohio R.C.713.08

Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see Ohio R.C. 713.09

Basis of districting or zoning; classification of buildings and structures - see Ohio R.C. 713.10

Nonconforming uses-see 15.02 Chapter 15 .

Off-street parking and loading- see Chapter 16

Provisions relating to all districts - see Chapter 17

---

### 18.01 PURPOSES

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 for projects where an extensive review of plans is desirable. No uses are permitted outright.

### 18.02 PERMITTED USES

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

- (a) Camps
- (b) Vacation home development
- (c) Large recreational complexes having several types of recreational uses
- (d) Manufacturing parks

(e) Housing projects for three acres or fifteen or more dwelling units;

(f) Shopping centers;

(g) 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;

(h) Combinations of the uses set forth in subsections (a) to (h) hereof;

(i) Home Businesses

(j) Essential Services;

(k) Accessory uses;

(l) Public uses and

(m) Public service facilities

(n) Apartment Buildings

(o) Condominiums

(p) Lodging Houses

(q) Tourist Homes

(r) Child Day Care

(s) Funeral Homes or Mortuaries

(t) Professional Services

Such as Services Provided by Doctors, Dentist, Lawyers, Architects, Engineers, Insurance and Real Estate Agents

### **18.03 CONFORMITY TO VILLAGE PLANS**

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.

### **18.04 LOTS; YARDS**

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:

(a) The lot and yard requirements of the zoning district specified as most appropriate or similar to the type of structure

- (b) Specific yard and lot requirements (made part of the development plan text) prepared by the developer and approved by Council or
- (c) Arrangement in accordance with a map plan of the site, showing the arrangement of the site and structures and approved by Council.

#### **18.05 DEVELOPMENT PLANS**

(a) A development plan is required for each proposed PD Planned Development District. The development plan shall include the following:

(1) The proposed location and size of areas (all land uses) indicating types of uses for each different type of land use area;

(2) Square footage of building area and location of any uses other than residential;

(3) The location of residential uses, indicating dwelling unit densities, dwelling unit types and the total number of dwelling units in the development plan, and showing boundaries of all sites or lots;

(4) The proposed provision of water, sewage disposal and surface draining facilities;

(5) The proposed traffic circulation pattern, including public and private streets, parking areas, walks and other access ways, indicating their relationship to topography, existing streets or showing other evidence of reasonableness;

(6) The proposed use of any required recreational land and any other land for recreational or leisure use;

(7) The proposed schedule of site development and construction of structures and associated facilities;

(8) Sketches and other text or materials indicating design principles and concepts to be followed in site development construction, landscaping and other features;

(9) Plans or text showing or describing the arrangement of structures and yards as required in section 14.04; and

(10) Any other information required by the Planning Commission to determine the appropriateness of the proposal.

(b) Five copies of the development plan shall be submitted to the Zoning Inspector at least fifteen days prior to the preliminary discussion meeting at which it is 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.

(c) At the discussion meeting it shall be determined if the application is eligible for further consideration, and if so, Council shall proceed to consider the requested zoning amendment in the same manner as other Zoning amendments.

#### **18.0.6 ZONING PERMITS**

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.

**CHAPTER 19**  
**Nonconforming Uses**

**19.01 Continuation**

**19.02 Modifications; alterations**

**CROSS REFERENCES**

Division of municipal corporations into zones - see Ohio R.C. 713.06  
Restriction in location of buildings and structures - see Ohio R.C. 713.07  
Restrictions on height of buildings and structures - see Ohio R.C. 713.08  
Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and set-back building lines - see Ohio R.C. 713.09  
Basis of districting or zoning; classification of buildings and structures - see Ohio R.C. 713.10  
Administrative board; powers and duties - see Ohio R.C. 713.11  
Notice and hearing on zoning regulations - see Ohio R.C. 713.12  
Violations may be enjoined- see Ohio R.C. 713.13 Nonconforming uses - see P & Z 09.10

---

**19.01 CONTINUATION**

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.

**19.02 MODIFICATIONS; ALTERATIONS**

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) When authorized by the Board of Zoning Appeals in accordance with Section 12.10, a nonconforming use may be substituted by another not more objectionable nonconforming use.

(b) Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use.

(c) Whenever a lawful use becomes nonconforming through a change in this Zoning Code or in the district, such use may be continued subject to the same limitations and conditions set forth in subsections (a) and (b) hereof:

(d) No building structure or premises where a nonconforming use has been discontinued for a period of twenty-four months or more shall again be put to a nonconforming use,

(e) A nonconforming lawful use which has been damaged or destroyed by fire, explosion, act of God or a public enemy may be reconstructed and used as before the time it was damaged or destroyed, provided that such repairs or reconstruction are completed within twenty-four months of the date of such damage; that the new building, use or structure shall not contain more than the original space of the replaced building, use or structure; and that it shall conform to all applicable building regulations.

## CHAPTER 20

### Off-Street Parking and Loading

**20.01 Location; access; ratio**

**20.02 Schedule of parking spaces**

**20.03 Development and maintenance of parking areas**

**20.04 Off- Street Loading**

#### CROSS REFERENCES

Division of Municipal corporations into zones-- see Ohio R.C. 71 3.06

Restriction in location of buildings and structures – see Ohio RC 713.07

Restrictions on height of buildings and structures – see Ohio RC 713.08

Restrictions on bulk and location of buildings and structures, percentage of lot occupancy  
and set-back building lines – see Ohio RC 713.09

Basis of districting or zoning; classification of buildings and structures – see Ohio RC 713.10

Administrative Board; powers and duties – see Ohio RC 713.11

Notice and hearing on zoning regulations – see Ohio RC 713.12

Violations may be enjoined – see Ohio RC 713.13

Off-Street parking and loading – see P & Z 17.06

---

#### **20.01 Location; Access; Ratio**

Off-Street automobile parking spaces shall be provided on any lot on which any of the uses listed in Section 16.02 are established. Such spaces shall be provided with vehicular access to a street or alley. For purposes of determining the off-street parking space required, the ratio of' 180 square feet per parking space shall be used.



## 20.02 SCHEDULE OF PARKING SPACES

The number of off-street parking spaces required shall be as follows:

Use	Parking Spaces Required
Automobile or machinery sales and service garages	1 space for each 600 sq. ft. of floor area
Banks, business and professional offices	1 space for each 400 sq. ft. of floor area
Bowling alleys	5 spaces for each alley
Churches and schools	1 space for each 6 seats in an auditorium or 1 space for each classroom, whichever is greater
Drive-in restaurants	Conditional upon approval of the Board of Zoning Appeals, based on the particular design of the facility
Dwellings	1 space for each single family dwelling 2 spaces for each two-family dwelling 1 1/2 spaces for each unit in a multi-family Dwelling
Funeral Homes, Mortuaries	4 spaces for each parlor or 1 space for each 50 sq. ft. of floor area Whichever is greater
Furniture and appliance stores household equipment or 1000 square-foot and greater	1 space for each 400 sq. ft. of floor area
Hotels, lodging houses and motor hotels	1 space for each living or sleeping unit
Libraries and museums or art galleries	1 space for each 250 sq. ft. of floor area
Manufacturing plant, research or testing Laboratories and bottling plants and Over 1,000 sq. ft. in area	1 space for each three employees in the maximum working shift or 1 space for each 1200 sq. ft. of floor area Whichever is greater
Medical or dental clinics	1 space for each 250 sq. ft. of floor area

Restaurants, bars and night clubs over 1000 sq. ft. in floor area (except drive-ins)	1 space for each 200 sq. ft. of floor area
Retail stores, shops, etc. of over 2000 sq. ft. In floor area	1 space for each 300 sq. ft. of floor area
Sanitariums, convalescent homes, Children's Homes and hospitals	1 space for each 2 beds
Sports arenas, auditoriums, theaters and Assembly halls, other than schools	1 space for each 6 seats
Wholesale establishments or warehouses	1 space for every 3 employees on maximum Shift or 1 space for each 3000 sq. ft. of floor Area, whichever is greater

**19.03 DEVELOPMENT AND MAINTAINENCE OF PARKING AREAS**

Every parcel of land hereafter used as a public or private parking area, including a business parking lot and an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirement is:

(a) Screening and Landscaping. Off-street parking areas for more than five vehicles shall be effectively screened on each side which adjoins premises situated in any residential district by a masonry wall or solid fence of acceptable design. Such wall or fence shall be between four and six feet in height and shall be maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen feet in width planted with an evergreen hedge, or dense planting of evergreen shrubs not less than four feet in height.

(b) Surfacing. Any off-street parking area for more than five vehicles shall be graded for proper drainage and surfaced so as to provide a durable and dustless surface.

(c) 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.

(d) Setback. No part of any parking area for more than five vehicles shall be closer that five feet to any established right-of-way.

## CHAPTER 21

### Provisions Relating to All Districts

<b>21.01 Prohibited uses</b>	<b>21.07 Essential services</b>
<b>21.02 Agricultural uses; housing of animals in close proximity to dwellings</b>	<b>21.08 Unsafe buildings</b>
<b>21.03 Rear dwellings</b>	<b>21.09 Vacated streets or alleys</b>
<b>21.04 Street frontage required</b>	<b>21.10 Building height.</b>
<b>21.05 Traffic visibility across corner lots</b>	<b>21.11 Accessory buildings in residential districts</b>
<b>21.06 Off-street parking and loading</b>	<b>21.12 Exceptions and modifications</b>
	<b>21.13 Performance standards</b>

### CROSS REFERENCES

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

---

### 21.01 PROHIBITED USES

The following are expressly prohibited within any zoning district:

- ~~(a) Kennels;~~
- ~~(b) Automobile wrecking and junk yards; and~~
- ~~(c) House trailers.~~

(removed 2018)

1. Metallic powder works or electroplating;

2. Chemical plants which could have a by-product polluting the air, land and water;
3. Crematory;
4. Distilling of bones, fat or glue, glue, gelatin manufacturing;
5. Waste dumping (toxic or otherwise), storing, burying, reducing, disposing of or burying garbage refuse, scrap metal, rubbish, offal or dead animals, except such as a result from the normal use of premises unless such dumping is done at a place provided by the Village Council/township trustees for such specific purposes.
6. Salvage yards including but not limited to auto, agriculture, machinery, marine etc. or places for the collection of scrap metal, paper, rags, glass or junk for salvage or storage purposes.
7. Outdoor theaters;
8. Commercial race tracks;
9. Outdoor storage of inoperable, unlicensed or unused motor vehicle for a period of thirty (30) days is prohibited. Said vehicles, if stored on the premises shall be enclosed within a building;
10. Manufactured or storage of explosives or fireworks;
11. Amusement parks;
12. Competition of motorized vehicles where admission is charged;

**Definition of an “inherently dangerous animal”**

Any animal that poses a possibility of any one or more of the following;

- A. Harmful competition to native wildlife
  - B. Introduction of diseases of pets harmful to humans, domestic animals or wildlife
  - C. Threatening wildlife or natural resources
  - D. Endangerment to human physical safety
  - E. Inherently dangerous animals are not animals considered common pets or common farm animals
13. Tires, disabled automobiles and trucks;
  14. House trailers;
  15. Kennels
  16. The possession, importing, breeding, boarding, exhibiting, or selling of any inherently dangerous animal; for example, lions, tigers, bears (including those native to Ohio), alligators, wild cats, poisonous reptiles of all types; as well as, boa constrictors, anaconda or pythons over eight (8) feet in length, and other inherently dangerous animals not indigenous to Ohio.

### **21.02 AGRICULTURAL USES; HOUSING OF ANIMALS IN CLOSE PROXIMITY TO DWELLINGS**

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 300 feet to any residence other than the residence of the owner or keeper of such animals in any zoning district.

### **21.03 REAR DWELLINGS**

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.

### **21.04 STREET FRONTAGE REQUIRED**

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

### **21.05 TRAFFIC VISIBILITY ACROSS CORNER LOTS**

In any residential district, on any corner lot, no fence, structure or planting shall be erected or maintained within twenty feet of the corner (the point of intersection of the right of way lines) which fence, structure or planting interferes with traffic visibility across the corner.

### **21.06 OFF-STREET PARKING AND LOADING**

In any district, spaces for off-street parking and loading shall be provided in accordance with Chapter 16

### **21.07 ESSENTIAL SERVICES**

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.

### **21.08 UNSAFE BUILDINGS**

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.

### **21.09 VACATED STREET OR ALLEY**

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 vacated 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.

### **21.10 BUILDING HEIGHT**

No building shall exceed two and one-half stories or thirty-five feet in height.

### **21.11 ACCESSORY BUILDINGS IN RESIDENTIAL DISTRICTS**

In a residential district, accessory buildings shall be at least six feet from any lot line.

### **21.12 EXCEPTIONS AND MODIFICATIONS**

(a) Platted lots. When a lot which is an official platted lot of the Village as recorded at the time of adoption of this Zoning Code 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.

(b) Yards.

(1) Allowable projections of residential structures. 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. 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 feet and does not reach closer than four feet to any lot line.

(2) Allowable projections of accessory buildings. One-story accessory buildings may project only into the rear yards abutting on an alley, providing such projection extends not closer than five feet to the rear line.

(c) Height limits. The height limitations of this Zoning Code shall not apply to church spires, belfries, cupolas and domes not intended for human occupancy, monument, water towers, masts, and aerials. Buildings may be constructed to exceed height line limitations if a full sprinkler system is installed.

(d) Off-street Parking in B-1 Districts.

(1) Chapter 16 shall not apply to the following portions of the B-1 General Business District:

A. All lots along Sandusky Street from Mill Street to Poplar Street;

B. All lots along Portland Street from Squires Street to Walnut Street.

(2) Plans for parking must be submitted and approved by the Board of Zoning Appeals before a zoning permit will be issued.

### **21.13 PERFORMANCE STANDARDS**

(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 explosive 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 discernable 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 discernable on any adjoining lot or property.

(7) Air pollution. No pollution of air by 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 Agency.

(b) All uses existing on the effective date of this Zoning Code shall conform to this section within one year provided that an extension of up to six months may be granted by the Board if the owner or operator of the use can demonstrate that compliance would create an unreasonable hardship

(c) The Zoning Inspector shall refer any proposed use which is likely to violate this section to the Board for review.

**CHAPTER 22**  
**Sign Regulations**

**22.01 Purpose**

**22.01 Governmental Signs Excluded**

**22.02 General Requirements**

**22.03 Measurement of Sign Area**

**22.04 Signs Permitted in all Districts Not Requiring a Permit**

**22.05 Signs Permitted in any District Requiring a Permit**

**22.06 Signs Permitted in Commercial and Industrial Districts Requiring a Permit**

**22.07 Temporary Signs**

**22.08 Free – Standing Signs**

**22.09 Pole Signs**

**22.10 Wall Signs Pertaining to Nonconforming Uses**

**22.11 Political Signs**

**22.12 Sign Setback Requirements**

**22.13 Special Yard Provisions**

**22.14 Violations**

**22.15 Fees**

**22.01 Purpose:**

The purpose of this chapter is to promote and protect the public health, welfare and safety by regulating existing and proposed outdoor advertising signs and outdoor signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right-of-way, provide more open space, and curb the deterioration of the natural environment and enhance community development.



## **22.02 Governmental Signs Excluded**

For the purpose of this resolution, “sign” does not include signs erected and maintained pursuant to and in discharge of any governmental functional or required by any law, ordinance or governmental regulation.

## **22.03 General Requirements**

The regulations contained in this section shall apply to all signs and all use districts.

1. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance;
2. All wiring, fittings and materials, used in the construction, connection and operation of electrically illuminated signs shall be in accordance with provisions of the National Electrical Code or the local electric code in effect;
3. No projecting sign shall be erected or maintained from the front or facing building, a distance of more than two (2) feet, including those projecting from the face of any theater, hotel or motel marquee;
4. No sign shall be placed on the roof of any building;
5. No portable or temporary sign shall be placed on the front or facing a building, on any premises;
6. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices, as well as strings of lights shall not be used for the purpose of advertising or attracting attention when not part of a sign;
7. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than twenty (20) percent of the window surface;
8. No sign of any classification shall be installed, erected or attached in any form, shape or manner to a fire escape or any door or window giving access to any fire escape;
9. All signs hung and erected shall be plainly marked with the name of the person, firm or corporation hanging or erecting the sign;
10. Should any sign be or become unsafe or be in danger with the name of the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe place and secure condition or remove the sign.
11. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property bearing no advertising matter shall be permitted on any property.
12. No building wall shall be used for advertising except that pertaining to the use carried on within such building.

#### **22.04 Signs Permitted in all Districts Not Requiring a Permit**

1. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet;
2. Professional name plates not to exceed four (4) square feet in area;
3. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area;

#### **22.05 Signs Permitted in any District Requiring a Permit**

1. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies such signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution;
2. Any sign advertising a commercial enterprise, including real estate developers or sub dividers, in a district zoned residential shall not exceed twelve (12) square feet in area and shall advertise only the names of the owner's trade names, products sold and/or the business or activity conducted on the premises where such sign is located;

#### **22.06 Signs Permitted in Commercial and Industrial Districts Requiring a Permit**

The regulations set forth in this section shall apply to signs in all commercial and industrial districts and shall require a permit.

#### **22.07 Temporary Signs**

Temporary signs not exceeding fifty (50) square feet in area, announcing special public or institutional events, the erection of a building the architect the builders or the contractor may be erected for a period of sixty (60) days plus the construction period.

#### **22.08 Free-Standing Signs**

Free-Standing signs not over thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet per display area and located not closer than ten (10) square feet to any street right-of-way line and not closer than thirty (30) square feet to any adjoining lot line may be erected to serve a group of business establishments. There shall be only one free-standing sign for each building, regardless of the number of businesses conducted in said building.

#### **22.09 Pole Signs**

Pole signs for symbolic design shall be permitted for business establishments provided no part of such sign shall project into the right-of-way of any street or highway. The maximum area

of any face of such sign shall not exceed thirty (30) square feet and the pole support of the sign shall not be less than fifty (50) feet from any lot in any residential district.

#### **22.10 Wall Signs Pertaining to Nonconforming Uses**

Wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed twelve (12) square feet.

#### **22.11 Political Signs**

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. All candidates for public office, their campaign commissioners or other persons responsible for the posting on public property of campaign material shall remove such material within two weeks following Election Day.

#### **22.12 Sign Setback Requirements**

Except as provided in this resolution, signs and outdoor advertising structures where permitted.

- A. Increased Setbacks: For every square foot by which such sign or outdoor advertising structure exceed fifty (50) square feet, the setback shall be increased by one half (1/2) foot but need not exceed on hundred (100) feet.
- B. Setbacks at the intersection of highways: At the intersection of any state or federal highway with an arterial or collector street, the setback of any sign or outdoor advertising structure shall not be less than fifty (50) feet from the established right-of-way of each highway or street.
- C. Setbacks for Public and Quasipublic Signs: Real Estate signs and bulletin boards for a church, school or any other public religious or educational institution may be erected not less than ten (10) feet from the established right-of-way of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.

#### **22.13 Special Yard Provisions**

Signs and advertising structures where permitted shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that no sign or advertising structure shall be erected or placed closer than twenty (20) feet of a side or rear lot line in any residential district.

#### **22.14 Violations**

In case any sign shall be installed, erected, constructed or maintained in violation of any of the terms of this ordinance, the Zoning Inspector shall notify in writing the owner or lessee thereof

to alter such sign so as to comply with this ordinance. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be levied a fine.

**21.15 Fines**

Fines shall be subject to the provisions as specified by the Village Council of Chesterville.

(added 2018)

## Chapter 23

### Blight Control

#### 23.01 Definitions

#### 23.02 Maintenance of Buildings

#### 23.03 Maintenance of Premises

#### 23.04 Maintenance of Accessory Buildings and Fences

#### 23.05 Removal of Junk, Litter, inoperable Vehicles and Debris

#### 23.06 Steps, Walks and Driveways

#### 23.07 Notices of Violations; Noncompliance; Remedies of Village

#### 23.08 Correction of Violations by Village; Costs; Liens

#### 23.09 Reports of Violations

#### 23.09 Reports of Violations

### Cross References

Removal of unsafe structures – see ORC 715.26(B), 715.261

Removal of noxious weeds or litter – see ORC 731.51

Public nuisances – see ORC 3767

---

#### 23.01 Definitions

(a) **Blighting.** “Blighting influence” means that a building or other structure is so poorly maintained that its condition, directly or indirectly, represents a threat to the health or safety of the general public or to persons living on adjoining property or in the area; constitutes an unsanitary condition; lends itself to habitation or infestation by rodents, termites or other vermin; or represents a threat to property values or to the residential or commercial desirability of adjoining property or other property within the area.

(b) “Accessory building” means any structure located on the same lot as, or on a lot adjacent to a lot occupied by, a principal building, and its use is incidental and subordinate to that of the principal building.

#### 23.02 Maintenance of Buildings

The exterior and condition of all buildings and structures on any premises shall be maintained so that the appearance thereof reflects a level of maintenance in keeping with the standards of the Village and so as to avoid blighting influences and hazards to health and safety.

### **23.03 Maintenance of Premises**

(a) The owner, lessee or tenant of the owner having charge of the premises shall keep the exterior of all buildings and other structures on the premises, including, but not limited to, walls, roof, cornices, chimneys, drains, porches, landings, stairs, store fronts, signs, windows, doors, awnings, in good repair, and all surfaces thereof shall be kept protected for the purpose of preservation and avoiding a blighting influence to adjoining properties. All obsolete signs shall be removed. All surfaces shall be maintained free of broken glass, loose shingles, crumbling stone or brick or other conditions reflective of deterioration or inadequate maintenance, to the end that the property itself may be preserved safely, fire hazards eliminated and adjoining properties and neighborhoods protected from blighting influences.

(b) All premises shall be appropriately maintained. Lawns, hedges, bushes, trees and other vegetation kept trimmed and from becoming overgrown where exposed to public view or where such vegetation may constitute a blighting influence to adjoining properties. Lawns must be maintained at 8" or less. However, this section shall not preclude the maintenance of underdeveloped or undeveloped land in its natural state.

(c) All canopies, signs, awnings, exterior stairways, exhaust ducts, porches where exposed to public view, shall be maintained in good condition and shall not show evidence of weathering, discoloration, ripping or tearing or other holes or breaks.

### **23.04 Maintenance of Accessory Buildings and Fences**

(a) All dilapidated accessory buildings on any property shall be removed or rehabilitated. All accessory buildings which are to remain shall provide weather-proofed usable space and shall not harbor rodents, termites or other vermin, or otherwise, directly or indirectly, threaten the health and safety of the general public.

(b) Outside storage on residentially zoned properties that can be seen from beyond the property line is not allowed. Generally, any equipment, building or landscaping materials; parts/auto parts; appliances or any scrap items may not be visible. Boats, campers and other similar items may be stored in a limited area of the rear yard of residentially zoned properties.

(c) Fences, retaining walls or similar structures shall be anchored firmly in the ground shall be constructed in a workmanlike manner, shall be maintained so that such fences, retaining walls or similar structures shall always be in the state of good structural repair and shall not constitute a threat to the health and safety of the general public. In the alternative, such fences, retaining walls or similar structures shall be removed or replaced.

### **23.05 Removal of Junk, Litter, Inoperable Vehicles and Debris**

(a) All yards, courts or lots shall be kept free of junk, litter, inoperable vehicles and debris which may cause a fire hazard or act as a breeding ground for vermin or insects, or which have a blighting influence on the area.

(b) Junk, litter, inoperable vehicles and debris cannot be left on the property. It must be disposed of properly. This includes discarded or broken auto parts, furniture, building and/or landscaping material and tires; litter such as discarded paper, cardboard, plastics, etc.; debris such as tree trimmings and fallen tree limbs or any other items that have been discarded.

### **23.06 Steps, Walks and Driveways**

All steps, paths, walkways, porches, drives, parking lots and parking areas shall be so constructed and maintained as to ensure safety and shall be kept free from deterioration and blighting influences. If any such area, by reason of its state of repair, constitutes a danger to health or safety, it shall be repaired or replaced. Hazards and unsanitary conditions shall be eliminated. All driveways and walks which exist within the public right of way which are now paved shall be maintained in good order by and at the expense of the owner of the title of the property.

### **23.07 Notices of Violations; Noncompliance; Remedies of Village**

(a) When any premises is in violation of this chapter, the Mayor shall issue a notice of violation to the owner, lessee or agent or tenant of the owner having charge of the premises, by certified mail, return receipt requested, or delivered by the Zoning Inspector. This notice of violation shall contain an order to conform to this chapter within a certain number of days, not to exceed thirty.

(b) If the owner does not comply with the order contained in the notice of violation, then the Mayor shall have the provisions of this chapter enforced and shall cause the violation to be corrected. The Mayor may employ the necessary labor and equipment to perform such task, together with any cleanup work required. All expenses incurred shall, when approved by Council, be paid out of any money in the treasury of the Village not otherwise appropriated.

(c) In addition, the owner shall be liable for the penalties provided in this chapter.

### **23.08 Correction of Violations by Village; Costs; Liens**

(a) Whenever any violation of this chapter is corrected by the Village, upon completion of the work, the Village shall give five (5) day notice, as set forth in section 23.07 (a), to the owner, lessee or agent or tenant of the owner having charge of the premises in violation, at the last known address of such person to pay the charges incurred. Such notice shall be accompanied by a statement of the amount of charged incurred, including the following:

- (1) Administration and supervision;
- (2) Transportation of equipment;
- (3) Equipment rental;
- (4) Equipment operator;

- (5) Incidental labor;
- (6) Materials provided; and
- (7) Legal fees incurred

(b) If such charges are not paid within thirty days after the mailing of the notice, then Council shall make a written resolution to the County Auditor of its action under this chapter, with a statement of the approved charges, the amount paid for the performing of labor, the fees of the officers who made the service of the notice and return and a proper description of the premises by legal description or permanent parcel number. Such amounts, as approved by Council, shall be entered upon the tax duplicate, shall be a lien upon such lands from the date of the entry and shall be collected as other taxes and returned to the Village within the General Fund.

### **23.09 Reports of Violations**

Council members and/or the Zoning Inspector shall report violations of this chapter to the Mayor for appropriate action.

### **23.10 Penalties**

Whoever violates or fails to comply with any of the provisions of this chapter will be fined one hundred (\$100.00) dollars for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

Added 2018



## Chapter 24

### Adult Entertainment

#### 24.01 Background and Purpose

#### 24.02 Adult Entertainment Regulations

#### 24.01 Background and Purpose

The Adult Entertainment Regulations grow out of noted concerns raised by the Village of Chesterville concerning the possibility of adult businesses locating in the Village and the potential of resulting ill effects on the Village.

**(a) Zoning Authority:** Village of Chesterville, pursuant to Ohio RC 519.02 and for the purposes specified thereunder, may and does regulate and has local zoning control over land use in Chesterville. Adult entertainment establishments are a type of land use:

**(b) Studies of Sexually Oriented Businesses:** Chesterville believes that the detailed findings of these studies are indicative of the kinds of problems that can occur when adult entertainment establishments locate within a community like Chesterville. The studies which were selected for relevance and appropriateness to Chesterville are the following:

- (1) Effects on Surrounding Area of Adult Entertainment Businesses in Saint Paul, Minnesota, by the Division of Planning, Department of Planning and Economic Development, St. Paul, Minnesota, 1978.
- (2) Adult Entertainment 40-Acre Study, Planning Division, Department of Planning and Economic Development, St. Paul, Minn., 1978.
- (3) Report of the Attorney General's Working Group On The Regulation of Sexually Oriented Businesses, 1989, Herbert H. Humphrey III, Attorney General, State of Minn.
- (4) Sexually Oriented Business Study, Rochester, New York, by Duncan Associates, July 2000
- (5) Adult Entertainment Businesses In Indianapolis: An Analysis, 1984.
- (6) City of Austin, Texas Study of the Time, Place And Manner Regulation of (Adult) Business Activity, by the Special Programs Division of the Office of Land Development Services, Austin, Police Department and Austin Building Inspection Department, 1986.
- (7) A Report on the Secondary Impacts Of Adult Use Businesses in the City of Denver, prepared for Denver City Council by the Zoning Administration, Office of Planning and Development, Department of Public Safety, Department of Excise and Licenses, Assessor's Office, and City Attorney's Office, January, 1998.
- (8) Study of Adult Businesses and Other Businesses with Adult Materials, Kansas City, Missouri, by Attorney Eric Damian Kelley, Ph.D., AICP and Connie B. Cooper, AICP, April 1998.
- (9) Adult Entertainment Study, Department of City Planning, City of New York, November 1994.
- (10) A Study of Land Use Regulation of Adult Entertainment Establishments, Springfield, Missouri; Department of Community Development, November 1986.
- (11) Adult Use Study, Newport News, Virginia, Department of Planning and Development, March 1986.
- (12) Study of the Effects of the Concentration of Adult Entertainment Establishments in the City of Los Angeles, by the Los Angeles City Planning Department, June 1977.

(13) Everything You Wanted to Know about regulating Sex Businesses xxx, by Eric Damian Kelley FAICP and Connie Cooper FAICP for the American Planning Association, Planning Advisory Service Report, Number 495/496.

**(c) Adverse Secondary Impacts of Sexually Oriented Businesses:**

(1) There is a correlation between sexually oriented businesses and a reduction in appraised property values and an increase in property deterioration to both residential and commercial property values within a 1 – 3 block surrounding area.

The 1984 Indianapolis Study “undertook the quantification of possible effects of the proximity of adult entertainment businesses on the value of residential properties within a 1,000 foot radius of their locations”. The study looked at a comparison in property values between the “Control” area and the “Study” area. The “Study” areas were defined areas where adult entertainment uses were establishments were located. The “Control” areas were defined as areas similar in nature but outside the area where adult entertainment uses were established. The study noted that “despite average property values in the Study Area being “distinctly higher than the Control Areas, during the period 1979 – 1982, the Control Area showed an average annual appreciation of 24%, while the Study Area appreciated only 8.7% annually.

**(a)** As reported in the Kelley & Cooper APA report #495/496, a nationwide Survey of MAI appraisers, revealed that 78% of respondents indicated that an adult bookstore would have a negative effect on residential property values within one block of the premises. 19% of the appraisers felt this depreciation would be in excess of 20%. 59% of appraisers felt the depreciation would be from 1 – 20%. 69% of appraisers also felt that a similar decrease in value would occur to commercial values within one block of an adult bookstore.

**(b)** The Denver study reported that for the period 1994 –1997 residential properties “showed a loss in value for the ones that abut the adult business block” (page 43 of this study).

(2) The Denver Study found that 69% of residents surveyed felt that adult entertainment establishments had a negative overall effect on their neighborhood. 23% of residents polled within the study areas in Denver reported they had considered moving to get away from the adverse impacts of adult entertainment establishments (see page 26 of the study). Specific activities observed by those living near adult entertainment establishments included littering, trespassing and drinking alcohol in public. Litter generated by customers of such businesses includes pornographic printed matter, used condoms, people urinating, masturbating and soliciting for prostitution in areas adjacent to adult entertainment establishments (page 26 of the study).

(3) Patrons of standard businesses that were located in areas of adult entertainment felt less safe going to do business there.

(4) There is a correlation between sexually oriented businesses and significantly increased major crime rates (such as indecent exposure, prostitution, rape, robbery and violent offences) in the immediate area of sexually oriented businesses.

**(a)** The St. Paul 40-Acre Study cited a separate Phoenix, Arizona study, which noted that “on average, in the three study areas, property crimes were 43 percent higher, violent crimes

were 4% higher and sex crimes were 500% higher than the control areas. Moreover, the study area with one of the city's highest concentrations of adult businesses had a sex crime rate over 11 times as large as a similar area having no adult businesses. Finally, 89% of the reported crimes of indecent exposure were committed at the addresses of adult businesses."

- (b)** In the 1987 St. Paul 40-Acre Study noted that adult entertainment correlates to street prostitution, which leads to other crimes. 70% of all street prostitution in the St. Paul study was located within the "street prostitution zone" which was within the adult entertainment business areas studied. Street prostitution increased within 1-8 pedestrian blocks of sexually oriented businesses.
- (c)** In examining the impact of adult entertainment uses in terms of the numerical instance of major crime per 10,000 population, in the 1984 Indianapolis Study established a "Control" area and a "Study" area for comparison. The "Control" area closely resembled the "Study" area socially, economically and geographically, but did not have adult entertainment uses. The Indianapolis study created a mathematical scoring system to evaluate crime both within and out of the "Study" area. The Indianapolis Study noted that:

  - (1) "The average crime rate figure for the Indianapolis Police Department district was 784.55. The Control Area had a rate that was 137.79 higher than the overall police district, whereas the Study Area was 204.17 points higher than the Control Area of the study were exposed to a major crime rate in their neighborhoods that was 18% higher than that of the IPD generally" (reference to page 10 of the study).
  - (2) "Residents of the Study Area, however were exposed to a major crime rate that was 23% higher than that of the control area and 46% higher than the population of the IPD District as a whole" (reference to page 10 of the study).
  - (3) "The Study Area exhibits a crime rate that is 127% higher than the Control Area in locations that are mixed district-commercial and residential in nature" (reference to page 12 of the study).
  - (4) "Both the Control and the Study areas experienced a significantly higher incidence of major crimes/10,000 population than the IPD District as a whole. Much of this increase would be expected given their location in generally older populous areas of the city. It is more difficult to explain the distinctly higher crime rate in the Study Area as compared to the Control Area-1,099.55 verses 886.34" (reference page 18 of the study).
  - (5) "The average sex related crime rate in the Control Area was 26.2. The Study Area had an average rate of 46.4. If the same ratio between the Control and the Study Areas established for major crime during this period were applied, we would expect a crime rate that was 23% higher in the Study Area. The actual rate is 77% higher. An obvious difference of one or more adult entertainment establishments" (reference pages 18-19 of the study).
- (d)** The Austin Study (p. 113) "reveals a definite pattern concerning sex-related crime rates. Sex-related crime rates in the Control Area are consistently low, ranging from 65% to 88% of the city wide average. In contrast, sex related crimes in the Study Area are 177% to 482% higher than the city wide average".

- (e) The Denver study noted that the vice detail “has made arrests, primarily for public indecency, at all of the adult bookstores and theater/bookstores in Denver over the past several years (page 31 of the study).
- (f) The Denver study also noted that:
  - (1) Crimes against persons accounted for 12.1% of all reported offences in the Study Areas, compared to 7.8% for the city as a whole (page 34 of the study).
  - (2) Drug related crimes were 10.7% of all reported offences in the Study Area vs. 2.7% city wide.
  - (3) Robberies were highest in Adult Theater Study areas, at 9.1% of all crimes vs. 2.7% citywide.
  - (4) Adult theater study areas had by far the most crimes related to them. For the period 1995-96 the city tallied major crimes that included assault, criminal mischief, disturbance, DUI, fight, harassment, threat, prowler, noise, vice/narcotics, robbery, shooting, stabbing, theft and sexual assault. Incidence of crimes was greatest near 24-hour operating sexual oriented businesses.
  - (5) There is a correlation between illegal prostitution and the human contact business such as “health clubs”, escort services, non-therapeutic massage and lingerie modeling (see APA Report 495 by Kelley and Cooper).
  - (6) Adult video arcades or “peep shows” correlate with illicit sexual activity, acts of indecent exposure, loitering and unsanitary conditions on the premises (see APA Report 495 by Kelly and Cooper, and the studies for Austin, TX and Indianapolis).
  - (7) The concentration of two or more adult businesses in one location multiplies the adverse secondary impacts related to that site (St. Paul, Denver, Kansas City, Los Angeles, Austin, Newport News and Rochester, New York). Dispersion by separation is an important regulation to reduce adverse secondary effect. The co-location of multiple adult uses within one building is also problematic and should not be allowed.
  - (8) Chesterville incorporates the detailed findings of the adverse secondary effects of adult entertainment establishments in the thirteen specific studies listed herein into this Ordinance by reference, and notes that, without specific zoning to mitigate such effects, the same adverse secondary effects can be expected to occur in Chesterville at such time when adult entertainment establishments choose to locate there. Chesterville intends to use its zoning powers over local land use authorized by Ohio RC. 519.02 to regulate adult entertainment establishments, and therefore to mitigate the anticipated adverse secondary impacts of such establishments.

**(d) Zoning Issues Regarding Adult Entertainment Establishments**

- (1) Although there are, by recent survey of the Columbus Yellow Book and Columbus Dispatch, 10 Adult book stores, 8 strip clubs, 120 Escort services, 6 non-therapeutic massage parlors and 2 adult oriented lingerie modeling studios in the Columbus, Ohio metropolitan area (survey was taken in 2013), at the time of the adoption of this regulation (2018) there are no sexually oriented businesses in Chesterville. There is the possibility that adult entertainment businesses will someday want to locate within the Village. Renton, a suburb of Seattle enacted 1000 foot separation standards between adult entertainment establishments and certain other land uses; those standards were upheld by the United States Supreme Court.

The Village wishes to use zoning powers to establish appropriate locations for adult entertainment establishments so as to minimize the adverse secondary effects of such establishments.

- (2) At the time of the adoption of this amendment to the Zoning Code (2018) the M1 District would be the most appropriate location for adult entertainment establishments provided they can meet the 1000 foot separation requirement in Section 24.02 (a) (1).

#### **24.02 Adult Entertainment Regulations**

**(a) Permitted Adult Entertainment Establishments** – Adult Entertainment establishments, with the exception of “touching businesses”, are permitted only in the Manufacturing District and shall be subject to the following restrictions:

- (1) Adult entertainment establishments shall not be permitted within 1000 feet (measured from the closest property line of each use) of:
  - a. A religious institution;
  - b. A kindergarten – 12<sup>th</sup> grade school;
  - c. A park or playground;
  - d. A residence within the R1 District;
  - e. A library;
  - f. A Day Care Center; or
  - g. Another adult entertainment establishment.
- (2) Only one adult entertainment establishment (i.e. adult arcade, adult bookstore, adult cabaret, adult motion picture theater, adult theater, lingerie modeling studio, nude or seminude model studio, or sexual encounter establishment) is permitted in a single building. No co-location of adult entertainment establishments is permitted within one building. It is not permissible to co-locate an adult bookstore with an adult theater, for example.
- (3) Hard core material is not displayed publicly.
- (4) No adult entertainment establishment shall be open for business prior to 10:00 am or later than 11:00 pm.
- (5) Viewing booths shall not be used in conjunction with any “touching business” that results in the touching of clients by employees or employees by clients.
- (6) Adult entertainment stores that sell both mainstream media and hard core material shall do so in accordance with the following:
  - a. Hard core material shall be physically and visually separated from mainstream media and shall not be displayed publicly.
  - b. Separation shall be by a solid opaque-walled enclosure at least eight feet high or reaching the ceiling.
  - c. Inventory marked to and predominantly consumed by minors shall not be displayed within 15 feet of the entrance to the hard core material section.
  - d. Access to the hard core material section shall be controlled by electronic or other means to provide assurance that a person under age 18 will not obtain access and the general public will not accidentally enter this section.
  - e. The hard core material section shall provide signage at its entrance warning that persons under the age of 18 are not permitted inside.
  - f. No adult arcades are permitted in stores selling mainstream media.

- g. No more than one designated area for sexually oriented merchandise per store.
  - h. There shall be no exterior signs that advertise hard core material or XXX media.
- (b) Prohibited Adult Entertainment Establishments** – “Touching businesses” such as non-therapeutic massage, lap dancing and nude modeling that involves employee-client touching are not permitted in Chesterville.

Added 2018

## Appendix 1

### Chesterville Village Zoning Fee Schedule

#### Residential Uses:

One and two family dwelling units and additions to dwelling units: \$.30 per square foot of living space.

#### Residential Accessory Uses:

Buildings and additions to accessory buildings: \$.30 per square foot to a maximum of \$100.00

Buildings not on a permanent foundation: \$25.00

#### Non-Residential Uses:

Commercial Building (business use): \$.20 per square foot.

Industrial Use: \$.30 per square foot.

The fee for lot splits: \$100.00

The fee for a temporary use permit: \$100.00

The fee for a copy of the Village of Chesterville Zoning Ordinance: \$10.00

The fee to file an appeal shall be as follows: \$150.00 plus all direct and related costs

The fee in this section may be modified from time to time, increased or decreased, by resolution of the Village Council.

Fee for not getting a permit before building begins: The regular fee for a permit will be doubled when the property owner does not receive a permit in advance. This will be at the opinion of the Zoning Inspector.