

SECTION I

1.01 Title.

This Ordinance shall be known and may be cited as the “Zoning Ordinance of the Village of Lithopolis, Fairfield County, Ohio.”

1.02 Interpretation and Conflict.

In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and the general welfare. It is not intended by this Ordinance to interfere with, or abrogate, or annul any easements, covenants, or other agreements between parties unless they violate this Ordinance. When two specific provisions of this Ordinance conflict, or a provision of this Ordinance conflicts with any other lawfully adopted rules, regulations, ordinances, or resolutions, the most restrictive, or that imposing the higher standards shall apply.

1.03 Separability Clause.

The validation of any clause, sentence, paragraph or section of this Ordinance by a court of competent jurisdiction shall not affect the validity of the remainder of this Ordinance either in whole or in part.

1.04 Adoption.

All ordinances or parts of ordinances in conflict with this Zoning Ordinance or inconsistent with the provisions of this Ordinance are hereby repealed to the extent necessary to give this Ordinance full force and effect. This Ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

SECTION II

ENFORCEMENT

2.01 INTENT

It shall be the duty of the Zoning Inspector to enforce this Ordinance in accordance with the provisions hereof. All officials and public employees of the Village of Lithopolis, shall conform to the provisions of this Ordinance and shall issue no permit or license for any use, building, or purpose in conflict with the provisions of this Ordinance. Any permit or license, issued in conflict with the provisions of this Ordinance shall be null and void.

2.02 Zoning Permits Required.

No building or other structure shall be erected, demolished, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. Zoning permits shall be issued only in conformity with the provisions of this Ordinance unless the Zoning Inspector receives a written Order from the Board of Zoning Appeals deciding an appeal, conditional use, variance, planned unit development, or mobile home park, as provided by this Ordinance.

2.03 Contents of Application for Zoning Permit.

Three copies of an Application for a Zoning Permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one (1) year or substantially completed within two and one-half (2½) years. At a minimum, the application shall contain the following information.

- A. Name, address, and phone number of applicant.
- B. Legal description of property.
- C. Existing use.
- D. Proposed use.
- E. Zoning district.
- F. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any, and the location and dimensions of the proposed building(s) or alteration.
- G. Building heights.
- H. Number of off-street parking spaces or loading berths.
- I. Number of dwelling units.
- J. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this Ordinance.

2.04 Approval of Zoning Permit.

Within thirty (30) days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this Ordinance. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after he shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. Two copies of plans, similarly marked, shall be retained by the Zoning Inspector. One copy retained by the Zoning Inspector shall be forwarded to the County Auditor upon issuance of a Certificate of Occupancy along with one copy of the application. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this Ordinance. In every case where the lot is not provided with public water supply and/or disposal of sanitary wastes by means of public sewers, the application shall be accompanied by a Certificate of Approval by the Health Officer of Fairfield County of the proposed method of water supply and/or disposal of sanitary wastes prior to approval by the Zoning Inspector.

2.05 Submission to the Director of the Department of Transportation.

Before any zoning permit is issued affecting any land within three hundred (300) feet of the centerline of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation or any land within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Zoning Inspector shall give notice, by registered or certified mail to the Director of the Department of Transportation. The Zoning Inspector shall not issue a zoning permit for one hundred twenty (120) days from the date the notice is received by the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Zoning Inspector that acquisition at this time is not in the public interest, or upon the expiration of the one hundred twenty (120) day period, or any extension thereof agreed upon by the Director of the Department of Transportation and the property owner, the Zoning Inspector shall, if the application is in conformance with all provisions of this Ordinance, issue the zoning permit. (Reference ORC 5511.01).

2.06 Expiration of Zoning Permit.

If the work described in any zoning permit has not begun within one (1) year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the person affected. If the work described in any zoning permit has not been substantially completed within two and one-half (2½) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

2.07 Certificate of Occupancy.

- A. It shall be unlawful to use or occupy, or permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered, or enlarged in its use or structure until a Certificate of Occupancy shall have been issued therefore by the Building Inspector stating that the proposed use of the building or land conforms to the requirements of this Ordinance.
- B. Certificates of Occupancy shall be applied for coincident with the application of zoning permits, and shall be issued within ten (10) days after notice by the applicant that all yard, parking area and other site improvements, as required by the approved development plans, have been installed and completed or such assurances are in place to complete all yard, parking area and other site improvements.
- C. Temporary Certificate of Occupancy.
A Temporary Certificate of Occupancy may be issued by the Building Inspector for a period not exceeding six (6) months during alterations or partial occupancy of a building pending its completion.
- D. Record of Certificate of Occupancy.
The Building Inspector shall maintain a record of all Certificates of Occupancy and a copy of any individual Certificate shall be furnished upon request to any occupant or his legally authorized representative.

2.08 Violation.

- A. Failure to Obtain a Zoning Permit or Certificate of Occupancy shall be a violation of this Ordinance and punishable under Section 2.08(D) of this Ordinance.
- B. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates.
Zoning Permits or Certificates of Occupancy issued on the basis of plans and applications approved by the Zoning or Building Inspector authorize only the use, and arrangement set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance, and punishable as provided in Section 2.08(D) of this Ordinance.
- C. Complaints Regarding Violations.
Whenever a violation of this Ordinance occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. He shall record properly such complaint, immediately investigate, and take such appropriate action thereon as may be necessary and as provided by this Ordinance.
- D. Penalties for Violation.
Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in various sections of this Ordinance) shall constitute a misdemeanor. Any person

who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$150.00 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues, after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violations.

2.09 Schedule of Fees, Charges, and Expenses.

The Village Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, certificates of occupancy, appeals, and other matters pertaining to this Ordinance. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

SECTION III

NON-CONFORMING USES

3.01 Intent.

Within the districts established by this Ordinance or amendments hereinafter adopted there exist lots, structures and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Ordinance or future amendments. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival.

3.02 Grace Period.

Any property purchased or acquired in good faith for any non-conforming use prior to the adoption of this Ordinance, upon which property the work of changing or remodeling or construction of such non-conforming use has been legally commenced at the time of adoption of this Ordinance, may be used for the non-conforming use for which such changing, remodeling, or construction was undertaken provided that such work is completed within two (2) years of the date of adoption of this Ordinance or amendment thereto making said use non-conforming.

3.03 Substitution or Extension.

3.031 A non-conforming use may be changed to another non-conforming use only by the Board of Zoning Appeals, provided:

- A. The Board of Zoning Appeals may allow another non-conforming use which is first allowed in the same use district in which the previous non-conforming use was first allowed and may allow a use permitted in a more restricted district but shall not allow a use which is first permitted in a less restricted district.
- B. The Board of Zoning Appeals must determine that any change of use will be no more detrimental to the neighborhood than the prior or existing use.

3.032 Except as hereinafter specifically provided, no non-conforming use, except when required to do so by law, shall be enlarged, extended, reconstructed or structurally altered.

The Board of Zoning Appeals may permit a building containing a non-conforming use to be enlarged to an extent not exceeding twenty-five (25) percent of the ground floor area of the existing building or buildings devoted to a non-conforming use at the time of enactment of this Ordinance or at the time of its amendment making a use non-conforming the Board of Zoning Appeals shall not authorize any enlargement which would result in a violation of the provisions of this Ordinance with respect to any adjoining premises, or which would occupy ground space required for meeting the yard or other requirements of this Ordinance.

- A. No non-conforming building or structure shall be moved in whole or in part to any other location unless such building or structure and the yard and other open spaces provided are made to conform to all of the regulations of the district in which such building or structure is to be located.
- B. The Board of Zoning Appeals may authorize the expansion of non-conforming uses of open space upon the land in ownership at the effective date of this Ordinance, or the date of any amendments making such use non-conforming, provided that such extension is necessary and incidental to the existing properties and shall involve no structure or buildings.
- C. Any residential structure which is non-conforming use to the fact of its being in a Business-District or Industrial-District may be enlarged, extended, reconstructed, or structurally altered provided it meets with the requirements of the least restrictive RESIDENTIAL DISTRICT.

3.04 Discontinuance.

A non-conforming use which has been discontinued or abandoned shall not thereafter be returned to a non-conforming use. A non-conforming use shall be considered abandoned whenever any one of the following conditions exist.

- A. When the intent of the owner to discontinue the use is apparent.
- B. When the use has been discontinued for a period of two (2) years.
- C. When the non-conforming use has been replaced by a conforming use.
- D. When it has been changed to another non-conforming use under permit from the Board of Zoning Appeals.

3.05 Reconstruction.

The reconstruction of a non-conforming use which has been damaged by fire, explosion, act of God, or the public enemy to the extent that the building must be demolished may be rebuilt provided the Village Council determines that such action would not be severely detrimental to surrounding areas.

3.06 Repairs and Alterations.

Such repairs and maintenance work as required to keep it in sound condition may be made to a non-conforming building or structure, provided no structural alterations shall be made except as required by law or authorized by the Village Council.

SECTION IV

ADMINISTRATIVE BODIES AND THEIR RESPONSIBILITIES

4.1 Zoning Inspector.

A Zoning Inspector appointed by the Mayor, and confirmed by council, shall administer and enforce this Ordinance. The Zoning Inspector may be provided with the assistance of such other persons as the Mayor may direct. The duties of the Zoning Inspector shall be:

- A. Upon finding that any of the provisions of this Ordinance are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct such violation(s).
- B. Order discontinuance of illegal zoning, uses of land, buildings, or structures.
- C. Order removal of illegal buildings or structures of illegal additions or structural alterations.
- D. Order discontinuance of any illegal work being done. Take any other action authorized by this Ordinance to insure compliance with or to prevent violation(s) of this Ordinance. This includes the issuance of any permits and such similar administrative duties as are permissible under the law.
- E. Take other such action as directed by the Mayor or required by other ordinances of the Village.

4.2 Building Inspector.

A building Inspector appointed by the Mayor, and confirmed by council, shall administer and enforce this Ordinance and the building code adopted by the Village of Lithopolis. The Building Inspector may be provided with the assistance of such other persons as directed by the Mayor.

4.201 Duties of the Building Inspector

For the purpose of this Ordinance, the Building Inspector shall have the following duties:

- A. Review all proposed building plans.
- B. Review all construction within the Village to confirm conformance with the approved plans and building permit.
- C. Take any other action authorized by this Ordinance to insure compliance with or to prevent violation(s) of this Ordinance. This includes the issuance of any permits and such similar administrative duties as are permissible under the law.

4.4 Board of Zoning Appeals.

In the absence of a properly constituted Planning Commission, the Village Council shall serve as the Board of Zoning Appeals for the Village and in such capacity shall organize and adopt rules in accordance with this Zoning Ordinance. Meetings of

the Village Council in its capacity as the Board of Zoning Appeals shall be held at the call of the President of Council. The President of Council, or in his absence, the President Pro-Tempore, shall administer oaths, and the Village Council may compel the attendance of witnesses. All meetings of the Village Council while servicing as a Board of Zoning Appeals shall be open to the public. The Clerk of the Village Council shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately preserved and maintained by the Clerk as public record. If a properly constituted and seated Planning Commission exists, it shall have all authority given here to the Board of Zoning Appeals.

4.403 Duties of the Board of Zoning Appeals.

In exercising its duties on hearing zoning appeals, the Board of Zoning Appeals may, as long as such action is in conformity with the terms of this Ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of a three-fourths (3/4) majority of the members of the Board of Zoning Appeals shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant of any matter upon which it is required to pass under this Ordinance or to effect any variation in the application of this Ordinance. It should be noted that when the Village Council is ruling as the Board of Zoning Appeals it is acting in a solely administrative capacity.

For the purposes of this Ordinance the Board of Zoning Appeals has the following specific responsibilities:

- A. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, or determination made by the Zoning Inspector.
- B. To grant conditional use permits as specified elsewhere in this Ordinance and under the conditions specified and such additional safeguards as will uphold the intent of this Ordinance.
- C. To grant variance permits as specified elsewhere in this Ordinance and under the conditions specified and such additional safeguards as will uphold the intent of this Ordinance.

4.404 Duties of the Zoning Inspector, Board of Zoning Appeals and Courts on Matters of Appeal.

It is the intent of this Ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Zoning Inspector, and that recourse from the decision of the Board of Zoning Appeals shall be to the courts as provided by law.

SECTION V

ADMINISTRATIVE PROCEDURES

5.1 Procedures for Amendment or District Changes.

This Ordinance may be amended by utilizing the procedure specified in Section 5.101 - 5.111 inclusive, of this Ordinance.

5.101 Whenever the public necessity, general welfare, or good zoning practice require, the Village Council may by Ordinance, and subject to the procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries or classifications of property.

5.102 Initiation of Zoning Amendments.

Amendments to this Ordinance may be initiated in the following ways:

- A. By adoption of a resolution by the Village Council.
- B. By the filing of an application by at least one (1) owner or lessee of property within the area proposed or affected by said amendment.

5.103 Contents of Application.

The application for amendment shall contain at a minimum the following information:

- A. Name, address, and phone number of the applicant.
- B. Proposed amendment to the text or legal description of the property affected.
- C. Present use and district.
- D. Proposed use and district.
- E. A vicinity map at a scale approved by the Zoning Inspector showing property lines, streets, existing and proposed zoning, and such other items as the Zoning Inspector may require.
- F. A list of all property owners within, contiguous to, and directly across the street from the parcel(s) proposed to be rezoned and their address as appearing on the County Auditor's current tax list. The requirement for addresses may be waived by the Zoning Inspector when more than ten (10) parcels are proposed to be rezoned.
- G. A statement on how the proposed amendment relates to the Village Comprehensive Plan, when and if adopted, and to the neighboring properties.
- H. A fee as established by the Village Council.

5.105 Submission to the Director of the Department of Transportation.

Before any zoning amendment is approved affecting any land within three hundred (300) feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the certification to local officials by the Director of the Department of Transportation, or within a radius of five hundred (500) feet from the point of intersection of said centerline with any public road or highway, the Commission

shall give notice, by registered mail or certified mail to the Director of the Department of Transportation. Village Council shall not approve the amendment for one hundred twenty (120) days from the date the notice is received by the Director of the Department of Transportation. If the Director of the Department of Transportation notifies the Village Council that acquisition at this time is not in the public interest or upon the expiration of the one hundred twenty (12) day period or any extension thereof agreed upon by the Director of the Department of transportation and the property owner, the Village Council shall proceed as required by law. Reference: (Ohio Revised Code 5511.01).

5.107 Public Hearing by Village Council.

The Village Council shall schedule a public hearing. The date of said hearing shall be not more than forty (40) days from the receipt of the amendment.

5.108 Notice of Public Hearing.

Notice of the public hearing required in Section 5.107 shall be given by the Village Council by at least one (1) or more newspapers of general circulation in the Village affected. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

5.109 Notice to Property Owners by Village Council.

If the proposed amendment 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 of The Village Council, by first class mail, at least twenty (20) days before the date of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list and to such other list or lists that may be specified by the Village Council. The notice shall contain the same information as required of notices published in newspapers as specified in Section 5.108. The failure to deliver the notification noted above shall not invalidate any such amendment.

5.110 Action by Village Council.

Within thirty (30) days after the public hearing required in Section 5.107, the Village Council shall either adopt or deny the changes. No such Ordinance shall be passed unless it has been fully and distinctly read on three different days, except that such Ordinance may become emergency legislation if three-fourths (3/4) of the members of the Village Council vote to dispense with this rule.

5.111 Effective Date and Referendum.

Such amendment adopted by the Village Council shall become effective thirty (30) days after the date of such adoption unless within thirty (30) days after the passage of the Ordinance there is presented to the Village Council a petition, signed by a number of qualified voters residing in the Village equal to not less than ten (10) percent of the total vote cast for all candidates for Governor in such area at the last

preceding general election to which a Governor was elected, requesting the Village Council to submit the amendment to the electors of the Village for approval or rejection, at the next primary or general election.

No amendment for which such referendum vote has been requested shall be put into effect unless a majority of the votes cast on the issue is in favor of the amendment. Upon certification by the Board of Elections that the amendment has been approved by the voters it shall take immediate effect.

5.2 Procedures and Requirements for Appeals and Variances.

Appeals and variances shall conform to the procedures and requirements of Sections 5.201 - 5.211 inclusive.

5.201 Appeals.

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Ordinance may be taken by any person aggrieved or by any officer of the legislative authority of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within thirty (30) days after the decision by filing, with the Zoning Inspector and with the Clerk of the Village Council, a notice of appeal specifying the grounds upon which the appeal is being taken.

5.202 An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Inspector certifies to the Board of Zoning Appeals, after notice of appeal shall have been filed with him, that by reason of facts stated in the application a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may, on due cause shown, be granted by the Board of Zoning Appeals after notice to the Zoning Inspector, or by judicial proceedings.

5.203 The Board of Zoning Appeals shall have the power to authorize upon appeal in specific cases, filed as hereinafter provided, such variances from the provisions or requirements of this Ordinance as will not be contrary to the public interest, but only in the case of exceptional conditions, involving irregular, narrow, shallow, or steep lots, or other exceptional physical conditions, whereby strict application of such provision or requirements would result in practical difficulty and unnecessary hardship that would deprive the owner of the reasonable use of the land and buildings involved, but in no other case. Provided, however, no variances from the strict application of any provision of this Ordinance shall be granted by Board of Zoning Appeals unless it finds, beyond reasonable doubt, that all the following facts and conditions exist:

- A. That there are special circumstances or conditions, fully described in the Board of Zoning Appeals' decision, applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or buildings and do not apply generally to land or buildings in the neighborhood, and that said circumstances or conditions are such that strict application of the provisions of this code would result in

practical difficulty and unnecessary hardship and deprive the applicant of the reasonable use of the land and building.

- B. That the variance is the minimum variance that will accomplish the reasonable use of the subject land or building.
- C. That the granting of the variance will be in harmony with the general purpose and intent of this Ordinance and will not be injurious to the neighborhood or otherwise detrimental to the public welfare. In addition to considering the character and use of adjoining buildings and those in the vicinity, the Board of Zoning Appeals, in determining its findings, shall take into account the number of persons residing or working in such buildings or upon such land and traffic conditions in the vicinity.
- D. That the condition or situation of the specific piece of property, or the intended use of said property, for which variance is sought (one or the other or in combination) is not of so general or recurrent a nature as to make reasonably practicable the formulation as a part of this Ordinance of a general regulation for such condition or situation.

5.204 Application for Variance and Appeals: Procedure.

Any person owning or having an interest in property may file an application to obtain a variance or appeal a decision of the Zoning Inspector. An application for a variance or an appeal shall be filed in triplicate with the Zoning Inspector who shall, after ensuring its completeness and that it complies with the requirements of this ordinance, forward without delay a copy to the Board of Zoning Appeals.

5.205 Supplementary Conditions and Safeguards.

In granting any appeal or variance, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the appeal or variation is granted, shall be deemed a violation of this Ordinance. Under no circumstances shall the Board of Zoning Appeals grant an appeal or variance to allow a use not permissible under the terms of this Ordinance in the District involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district.

5.206 Public Hearing by the Board of Zoning Appeals.

The Board of Zoning Appeals shall hold a public hearing within twenty (20) days after receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

5.207 Notice of Parties of Interest.

Before holding the public hearing required in Section 5.207, written notice of such hearing shall be mailed by the Clerk of the Village Council, by first class mail, at least ten (10) days before the day of the hearing to all parties of interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 5.208. Parties of interest shall include owners of property contiguous to, and directly across the street from the property being considered.

5.208 Adjournment of Hearings.

Upon the day for hearing any application or appeal, the Board of Zoning Appeals may adjourn the hearing in order to permit additional information to be secured, or to cause such further notice as it deems proper to be served upon such other property owners as it decides may logically be concerned with said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified at the time of resumption of said hearing unless the Board of Zoning Appeals so decides.

5.209 Decisions of the Board of Zoning Appeals.

The Board of Zoning Appeals shall decide all application and appeals within thirty (30) days after completion of the hearings thereon, and such decision shall become effective upon certification of the Resolution of the Board of Zoning Appeals. A certified copy of the Board of Zoning Appeal's decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions or the same in the permit to the applicant or appellant whenever a permit is authorized by the Board of Zoning Appeals. After the Board of Zoning Appeals, by Resolution, certifies its approval on any application or appeal, there shall be no further hearings upon such case. However, when the Board of Zoning Appeals has denied an application or appeal a new application or appeal may be filed subject to the same procedure as an original application or appeal. If a new application of appeal is filed within one (1) year of the date of the Board of Zoning Appeal's decision, the Clerk shall not schedule any hearing until the Board of Zoning Appeals has received the application or appeal and decided that there is a new matter, evidence, or facts to be heard by the Board of Zoning Appeals.

5.3 Procedures and Requirements for Approval of Conditional Uses.

5.301 Authorization

Specifically listed Conditional Uses are provided within the Zoning District regulations in recognition that such uses, although often desirable, will more intensely effect the surrounding area in which they are located than the Principal Permitted Uses of such Zoning District.

The intent of the procedure for authorizing a Conditional Use is to set forth the development standards and criteria for locating and developing a Conditional Use in accordance with the nature of the surrounding area, conditions of development, and with regard to appropriate plans.

5.302 Application for Conditional Use.

Any person owning or having an interest in property may file an application to use such property for one or more of the Conditional Uses provided for by this Ordinance in the Zoning District in which the property is situated. An application for a Conditional Use Certificate shall be filed in triplicate with the Zoning Inspector who shall, after ensuring it is complete, forward without delay a copy to the Board of Zoning Appeals.

5.303 Contents of Application.

The application for a Conditional Use shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Legal description of property.
- C. The proposed use of the property.
- D. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
- E. A statement of the compatibility of the proposed use to adjacent property and land use.
- F. The application shall be accompanied by three (3) copies of the plat plan, drawn to an appropriate scale, clearly showing the following:
 1. Boundaries and dimensions of the lot.
 2. The size and location of existing and proposed structures.
 3. The proposed use of all parts of the lot and structures, including access-ways, walks, off street parking, loading spaces, and landscaping.
 4. The use of land and location of structures on adjacent property.
 5. Architectural rendering when requested by the Board of Zoning Appeals.
- G. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the Board of Zoning Appeals deliberations.

5.304 Standards for Conditional Use.

The Board of Zoning Appeals shall not grant a Conditional Use unless it shall, in each specific case, make specific findings of fact directly based upon the particular evidence presented to it, that support conclusions that:

- A. The proposed Conditional Use will comply with all applicable regulations of this Ordinance, including lot size requirements, development standards, and use limitations.
- B. Adequate utility, drainage, and other such necessary facilities have been or will be provided.
- C. Adequate access roads or entrance and exit drives will be provided and will be so designed as to prevent traffic hazards and to minimize traffic conflicts and congestion in public streets and alleys.
- D. All necessary permits and licenses for the use and operation of the Conditional Use have been obtained, or evidence has been submitted that such permits are obtainable for the proposed Conditional Use on the subject property.
- E. All exterior lights for artificial open-air illumination are so shaded as to avoid causing direct light upon any property located in any residential district.
- F. The location and size of the Conditional Use, the nature and intensity of the operation involved or conducted in connection with it, the size with respect to streets giving access to it, shall be such that it will be in harmony with the appropriate and orderly development of the district in which it is located.
- G. The location, nature and height of buildings, structures, wall, and fences, on the site and the nature and extent of landscaping and screening on the site shall be such that the use will not unreasonably hinder or discourage the appropriate development, use and enjoyment of adjacent land, buildings, and structures.
- H. The Conditional Use desired will not adversely affect the public health, safety, and morals.

5.305 Supplementary Conditions and Safeguards.

In granting a Conditional Use, the Board of Zoning Appeals may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the Conditional Use is granted, shall be deemed a violation of this Ordinance and punishable under Section 2.08(D) of this Ordinance.

5.306 Public Hearing By the Board of Zoning Appeals.

The Board of Zoning Appeals shall hold a public hearing within twenty (20) days from the receipt of the application specified in Section 5.302.

5.307 Notice of Public Hearing in Newspaper.

Before holding the public hearing required in Section 5.306, notice of such hearing shall be given in one (1) or more newspapers or general circulation of the

Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed conditional use.

5.308 Notice to Parties in Interest.

Before holding the public hearing required in Section 5.306, written notice of such hearing shall be mailed by the Clerk of Council, by first class mail, at least ten (10) days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 5.307.

5.309 Action By the Board of Zoning Appeals.

Within thirty (30) days after the public hearing required in Section 5.306, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 5.305, or disapprove the application as presented. If the application is approved or approved with modifications, the Board of Zoning Appeals shall direct the Zoning Inspector to issue a conditional zoning permit listing the specific conditions specified by the Board of Zoning Appeals for approval. If the application is disapproved by the Board of Zoning Appeals, the applicant may seek relief through the Court of Common Pleas.

5.310 Expiration of Conditional Use Permit.

A conditional use permit shall be deemed to authorize only one particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than six (6) months.

5.311 Repeal of Conditional Use Permit.

The Board of Zoning Appeals may repeal a Conditional Use Permit at any time when the applicant does not, or is not complying with conditions that were made a part of the original approval.

SECTION VI

ZONING DISTRICTS AND ZONING MAPS

6.1 Districts.

In order to classify, regulate, and restrict the use and location of buildings designed from specified uses; to regulate and limit the heights and bulk of buildings; to regulate and determine the area of yards, courts, and other open spaces surrounding buildings, and to regulate and limit the density or population, the Village of Lithopolis, Fairfield County, Ohio, is divided into seven (7) zoning districts. The uses and area regulations are uniform in each district and said districts shall be know as:

		<u>Section Number</u>
AR	Agricultural Residential District	7.01
PSR	Planned Suburban Residential	7.04
VE	Village Edge District	7.05
VC	Village Center District	7.07
MH	Mobile Home Residential District	7.09
B	Business District	7.11
I	Industrial District	7.13

6.2 Overlay Districts.

The following districts shall be overlay districts and subject to the regulations of the district which it overlays unless specifically exempted, in addition to the regulations of the specific overly district.

FP	Flood Plain District.
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6.4 District Boundaries.

6.41 Except where referenced and noted on the Zoning Maps by a designated line and/or dimensions, the district boundary lines are intended to follow property lines, lot lines, on centerlines of streets, alleys, streams, or railroads as they existed at the time of the passage of this Ordinance, or the extension of such lines.

6.42 District Boundary Interpretation.

The Zoning Inspector shall interpret the boundary lines which are on the Zoning Maps. When the Zoning Inspector's interpretation is disputed, the boundary lines shall be determined by the Board of Zoning Appeals.

6.3 Maps.

The boundaries of these districts are hereby established as shown on the Zoning Maps of the Village of Lithopolis, Fairfield County, Ohio. Said Zoning Maps and all notations and references and other matters shown thereon, shall be and are hereby made a part of this Ordinance. Said Zoning Maps shall be and remain on file in the Zoning Inspector's Office.

- (1) Final authority. The zoning district map, as amended and adopted, shall be the final authority for the most current zoning district status of land under the jurisdiction of the zoning ordinance.
- (2) Land not otherwise designated. All land within the Village of Lithopolis municipal boundaries, under the zoning ordinance and not otherwise included within another zoning district on the zoning map shall be included in the AR district.

6.5 Identification of the zoning district map. The zoning district map, with any amendments made thereon, shall be identified by the signatures of the Mayor and the Members of Council under the following words:

Official Zoning District Map, The Village of Lithopolis, Ohio

Adopted by the Council, Lithopolis, Ohio

Date

Mayor

SECTION VII

USE DISTRICTS

7.01 AR Agricultural Residential District.

7.011 Intent.

It is the intent of the AR Agricultural Residential District to provide for agricultural activity on large tracts and areas of open land with large tract developments intermingled.

7.012 Principal Permitted Uses.

A building or lot in the AR District shall be used only for the following purposes:

- A. Agriculture and the usual agriculture buildings and structures.
- B. One-family detached dwellings.
- C. Churches or other places of worship, Sunday School buildings and parish houses; provided, that churches and other places of worship and Sunday School buildings shall be located not less than one hundred (100) feet from any lot.
- D. Public and parochial schools provided that no building intended for such use shall be located less than one hundred fifty (150) feet from any other lot.
- E. Public parks, public playgrounds, public recreational and community center buildings and grounds, golf courses, tennis courts, country clubs, and swimming pools, provided that any principle building, tennis court or swimming pool shall be located not less than two hundred (200) feet from any other lot.
- F. Transformer stations, booster stations, sewage pumping stations, pressure regulating stations, and other similar utility stations when operating requirements necessitate, provided there is not storage building or storage yard in connection therewith.
- G. Hospitals and sanitariums provided any building used for such purposes shall be two hundred (200) feet from any lot in a residential district.
- H. Cemeteries, including mausoleums therein, provided that any mausoleum shall be two hundred (200) feet from any lot in a residential district.

7.013 Accessory Uses.

- A. Roadside stands, offering for sale only agricultural products grown on the premises and further that said stand is in operation for not more than 150 days in any year and adequate area exists adjacent thereto for parking. No permanent buildings or structures shall be placed without permission of the Board of Zoning Appeals and issuance of a conditional use permit.
- B. Private garage, parking space, or stable.
- C. Living quarters of persons employed on the premises and not otherwise used as a separate building.

- D. Full time home occupations such as handicraft, dressmaking, millinery, laundering, preserving, and home cooking provided:
 - 1. That such occupations shall be conducted solely by resident occupants in the residence.
 - 2. That not more than one quarter (1/4) of the area of one (1) floor of said residence shall be used for such purposes.
 - 3. That no such use shall require internal or external structural alterations.
 - 4. That no such use shall involve construction features or the use of mechanical equipment not customary in dwellings.
 - 5. That the entrance to the space devoted to such use shall be from within the dwellings.
 - 6. At home occupation shall not include beauty culture schools, beauty parlors, barber shops, offices of professionals or the sale or storage of items which are readily available through retail and wholesale outlets.
 - 7. A permit shall be obtained from the Zoning Inspector prior to establishing a home occupation.
 - 8. No activity shall be conducted or permitted which creates a nuisance to neighboring properties.
- E. Private swimming pools, to be used primarily for the enjoyment of the occupants of the principle use of the property on which it is located and subject to the provisions of Section 9.1.
- F. Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.

7.014 Conditional Uses.

Subject to approval by the Board of Zoning Appeals as provided in Section 5.3.

- A. Kennels and animal hospitals for the raising, breeding, treatment, and boarding of dogs, or other small animals.
- B. Riding academies, stables and the housing of livestock not to exceed 75 head.
- C. Radio, television, or other transmission tower or mast, and the usual accessory buildings, only after their height and location have been approved by the governmental agency charged with the responsibility for maintaining air safety and provided there is a yard area with a radius of half the height of the tower or mast.

7.016 Off-Street Parking and Loading.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 9.5.

7.017 Lot Areas, Yard Requirements, and Height Limits.

Lot areas, yard requirements, and height limits shall be as provided in Section 8.1.

7.018 Prohibited Uses.

- A. No use not specifically authorized by the express terms of this chapter of this zoning Ordinance shall be permitted.
- B. Outdoor storage of inoperable, unlicensed or unused motor vehicles. Said vehicles, if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- C. No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than seven (7) days.
- D. No mobile home shall be placed or occupied in this district.

7.04 PSR Planned Suburban Residential

7.041 Intent

The Planned Suburban Residential (PSR) District is provided as an additional option to the requirements of the standard residential districts. It is intended to promote imaginative, well-designed developments that preserve open space, respect the physical qualities and limitations of the land, and provide improved living environments. The village requires clustering of homes in the PSR overlay district.

7.0412 Benefits of the PSR District

- To achieve these goals the PSR district provides the potential for public zoning approval of the following:
- Flexibility in required yard areas immediately adjacent to structures.
- Flexibility in minimum lot frontage requirements.
- Privately maintained streets, open space and other amenities or improvements.
- Consideration of other unique design features.

7.0413 Responsibility of Applicant

In order to be eligible for consideration under the provision of the PSR District, the applicant is required to provide all information listed herein. If an applicant does not provide required information or meet standards established by this Resolution, it shall be interpreted as forfeiture of the applicant's option to consideration under the terms of the PSR district.

7.042 Principal Permitted Uses..

A building or lot in the PSR District shall be limited to one or more of the following uses:

1. Detached single-family residences.
2. Multifamily housing not to exceed 4 dwelling units per building.
3. Single occupation in association with a permitted dwelling, and in accordance with the standards section.
4. Accessory buildings and uses association with a permitted dwelling, in accordance with the standards section.

5. Public or private schools offering general education courses and having no rooms used for housing or sleeping of students.
6. Parks, playgrounds and playfields open to the public without fee.
7. Public golf courses or other similar outdoor recreational facilities and normal accessory buildings and uses, provided all uses and functions characteristics are specifically included in the approved development plan.
8. Churches or other places of worship provided each occupies a lot no less than five (5) acres and there is one (1) acre or more per hundred (100) seats in the main assembly area.
9. Day care or childcare facilities provided such facilities obtain all required licenses and provide a minimum of five hundred (500) square feet of outdoor play area per child. Such play area shall be enclosed by fencing, which shall conform to the architectural requirements of the development plan.
10. Other residentially-oriented uses which, in the opinion of the Village Council, meet the purpose and intent of the PSR District and are adequately designed, located and otherwise provided for by the Development Plan and other required documents.

7.043 Accessory Uses.

1. Private garage or parking space.
2. Living quarters of persons employed on the premises and not otherwise used as a separate building.
3. Private swimming pools, to be used primarily for the enjoyment of the occupants of the principle use of the property on which it is located and subject to the provisions of Section 9.1.
4. Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.

7.046 Tract Density and Open Space Criteria

The owner(s) of a tract of land 10 (ten) or more acres in area may request that the zoning district map be amended to include such tract in the Planned Suburban Residential (PSR) District.

The density of the development within the PSR District shall start at no more than 2.2 (two point two) dwelling units per acre and with, discretionary density increases, shall not exceed a total of 3.8 (three point eight) dwelling units per net acre.

Council may approve discretionary density increases using one or more of the conditions set forth below;

1. Open space is set-aside in another area prior to development in both areas. For every five (5) acres set aside in another area the development area may increase density by .4 (point four) dwelling units per acres.

The set aside open space must meet all of the following conditions:

- A. The set aside open space land must be permanently restricted from future development through a

conservation easement and the municipality is given the ability to enforce these restrictions.

- B. The set aside open space land shall be owned in a manner prescribed by this ordinance.
 - C. The set aside open space may be counted as open space for only one development.
 - D. The set aside must be contiguous 5 acres sections, be within the Village limits or within the expansion area of the village as determined by Council and have access to a public roadway via a permanent easement.
2. An innovative or creative development plan that benefits or that meets a need of the village and is made at the request of the village. Density increase for this option shall not exceed 1.5 dwelling units per acre.
3. The developer may purchase density credits from the village under the following conditions;
- A. The developer may gain .4 dwelling units per acre for equivalent cost of 5 acres of open space.
 - B. Cost per acre shall be determined by appropriate appraisal, by the village, as to the average value of open space within Fairfield County at the time of the purchase of the density credits.
 - C. If unused, awarded density credits expire 5 years from the date of purchase.
 - D. Density credits are non-refundable.
 - E. Density increase for this option shall not exceed 1.6 dwelling units per acre.

7.0461 Calculation of net acreage

Begin with the gross acreage of the tract.

Subtract existing utility easements.

Subtract existing right-of-ways.

Subtract the size of retention/detention ponds

Subtract any resource protection areas.

Except that up to one third (33%) of any land within the tract devoted to public school sites or within the one hundred (100) year flood plain may be included in the open space calculation.

Except that up to 80% of unique geological or natural features may be included in open space calculations.

Except that up to 80% of unique historical features may be included in open space calculations.

Council shall have the discretion to adjust the net acreage calculations when requested by the applicant and when it is shown that a portion of the tract exceeding twenty percent (25%) is encumbered by easements, right-of-ways or protected areas. All or a portion, as determined by Council, of the easements,

right-of-ways and protected areas may be used to determine the net acreage for the purpose of determining the minimum open space requirements, but can then be added back into the net acreage calculation for the purpose of determining dwelling units per acre.

From the amount of acreage remaining a minimum of 35% shall be set-aside as open space. The amount of open space may automatically be greater than 35% depending upon the resource protection areas within the tract.

This number is the net acreage for use in calculating the dwelling units per acres.

7.047 Procedure

1. Site Plan

- a. In exchange for flexibility, the Planned Suburban Residential (PSR) District requires that the applicant provide some details, which are traditionally found in the subdivision stages of development approval. It is therefore suggested that the applicant informally discuss the plans with the Mayor and Village Engineer prior to submitting a formal application. This site plan phase is mandatory if private streets are proposed.

2. Development Plan Submission

- a. Eight copies of a Development Plan, signed by a registered engineer or surveyor and architect or landscape architect, shall be submitted with the request to amend the Zoning District Map. Such Development Plan shall conform to the following;
 1. The preliminary plan requirements of the Village of Lithopolis Subdivision Regulations as amended and may be amended in the future.
 2. The proposed location and sizes of areas of residential use, indicating dwelling unit densities, dwelling unit types, the total number of dwelling units for each density area, and the total number of dwelling units proposed in the Development Plan.
 3. The proposed size, location and use of non-residential portion of the tract, including usable open space, parks, playgrounds, school sites, and other areas and spaces with the suggested ownership of such areas and spaces.
 4. Architectural design concepts to be utilized, landscaping plans, street views of typical improvements, and other information relating to the architectural and landscape themes.

5. The proposed traffic circulation patterns, including all dedicated public and private streets, parking areas, walks, and other access ways, indicating their relationship to topography, existing streets, or showing other evidence or reasonableness.
6. The proposed time schedule of site development, construction of structures, and associated facilities, including sketches and other materials indicating design principles and concepts to be followed in site development, construction, landscaping, and other features such as topography, structures, streets and easements.
7. The relationship of the proposed development to existing and future land use in the surrounding area, the street system, community facilities, services and other public improvements.
8. Evidence that the applicant has sufficient control over the land to effectuate the proposed Development Plan. Evidence of control included property rights, and engineering feasibility data that may be necessary.
9. Deed restrictions, protective covenants, and other legal statements or devices to be used to control the use, development and maintenance of the land, the improvements thereon, including those areas which are to be commonly owned and maintained
10. Other information, as may be required by Council in order to determine compliance with this Ordinance.
11. Evidence that sewer and water is available for the project.

3. BASIS FOR APPROVAL

The basis for approving a Planned Suburban Residential (PSR) District application shall be, but not limited to, the following:

- a. That the proposed development is consistent in all respects with the purpose, intent, and applicable standards of this Zoning Ordinance;
- b. That the proposed development is in conformity with a comprehensive plan or portion thereof as it may apply;

- c. That the proposed development advances the general welfare of the Village and the immediate vicinity;
- d. That the benefits, improved arrangement, and the design of the proposed development justify the deviation from the standard residential development requirements included in this Zoning Ordinance for the AR district.

4. EFFECT OF APPROVAL

- a. The Development Plan as approved by the Village Council shall constitute an amendment to the Planned Suburban Residential (PSR) District Regulations as they apply to the land in the approved amendment.
- b. The approval shall be for a period of two (2) years for property which consists of ten (10) to fifty (50) acres and five (5) years for property in excess of fifty (50) acres. Unless the required subdivision plat is submitted and recorded within the two (2) year limit for property which consists of ten (10) to fifty (50) acres and the five (5) year limit for property in excess of fifty (50) acres, the approval shall be voided and the land revert to its base zoning.
- c. Once approval for the Planned Suburban Residential (PSR) District is given the only modifications that will be permitted to the plan will be with regards to utilities and public improvements. Any modification shall be accompanied by a detailed explanation of the modification and why it furthers the general health, safety and welfare of the public.

5. DEVELOPMENT STANDARDS

The following standards for arrangement and development of land and buildings apply to the PSR Overlay District. When not specifically supplanted by the following standards as approved in the Development Plan, the General Development Standards of the underlying residential district still apply.

a. Open Space

Resource protected areas are areas containing fragile natural features such as forests, floodplains, steep slopes, and open space that can be adversely impacted by development. In all districts it is possible that areas must be set aside as open space for resource protection. At least thirty-five percent (35%) of the net tract area shall be either preserved in its natural state or developed for picnic areas, community gardens, trails, parkland and other similar low-impact passive recreational uses by the municipality. The open space shall be of a size, shape, topography and location to be useable and accessible.

b. Set backs and Lot and Yard Areas

Homes shall be set back one hundred (100) feet from the ultimate right-of-way from external roads.

The minimum lot area shall be seven thousand (7,000) square feet, except that in cluster developments, the minimum lot area for each dwelling unit may be reduced to any size which is justified in an approved Development Plan, provided that the overall density of the tract covered by the Development Plan does not exceed the maximum as stated in Section 7.046. Minimum lot width shall be sixty (60) feet; minimum setback shall be twenty-five (25) feet from the street right-of-way line; minimum side yard shall be five (5) feet; and a minimum rear yard shall be twenty percent (20%) of the lot depth. Yard minimum standards shall also be subject to adjustment, if justified, in an approved Development Plan.

c. Private Roads

Private roads as a common easement may be utilized, provided the following criteria are met;

Preliminary street plans and typical sections are submitted and approved with the Development Plan.

The Village Administrator, Police Chief and the Township Fire Chief provide written statements indicating to Council that the private roads will provide suitable access for public safety and emergency vehicles.

Private maintenance responsibilities are clearly indicated in legal documents.

d. Streets

House Lots shall be accessed from interior streets rather than from roads bordering the tract.

e. Buffer Area

Views of house lots from exterior roads and abutting properties shall be minimized by the use of changes in topography, existing vegetation, or additional landscaping. Council shall have the discretion to require the developer of the PSR overlay district to plan and develop buffer areas where the particular location causes the necessity of buffering. Size, location, type and density of buffering shall be defined by Council when deemed necessary on advice from the Village Engineer.

7.048 NATURAL RESOURCE PROTECTION

Floodplains, steep slopes, mature and young forests, wetlands, and drainage ways shall be protected as required in this section. The following are findings of fact:

7.0481 Wetlands

Determination

Wetland areas shall be determined by reference to the following sources in the order indicated below. If the first source is considered inaccurate or inappropriate, the succeeding techniques may be used:

- a. Wetland inventory maps prepared by Fairfield County.
- b. Field survey of plant material by a botanist.
- c. Soil borings provided by a registered soil engineer or soils scientist.

Protection Levels

One hundred percent (100%) of all wetland areas shall be protected except as follows:

1. Where disturbance of filling is essential to provide access to the buildable portions of the property and no other alternative is feasible.
2. Where required to provide access to a water-related use.
3. Where a crossing of the wetland is essential to the establishment of a permitted use provided that a Conditional Use Permit is obtained; and also provided that:
4. The street cannot, as a practical matter, be located outside a wetland; and
5. The street is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:
6. The street shall be designed and constructed for the minimum cross-section practical to serve the intended use;
7. Street construction activities are to be carried out in the immediate area of the road bed only; and
8. Any filling, flooding, draining, dredging, ditching, tiling, or excavating that is to be done must be necessary for the construction or maintenance of the street.

Disruption and/or Modification

All development proposals which will disrupt any wetlands shall, in addition to the provisions of this Ordinance, provide proof of approval by the U.S. Army Corp of Engineers.

7.0482 Drainage ways

Determination

Drainage ways are determined as follows:

- a. The land, except where areas are designated as floodplain, on either side of and within seventy five (75) feet of the center line of any intermittent or perennial stream shown on the U.S. Geological Survey's 7 1/2 minute quadrangle sheets covering Fairfield County.
- b. The land, except where areas are designated as floodplain, on either side of and within twenty-five (25) feet of the centerline of any swale identified by topography and hydrologic analysis as serving as the principal storm water outfall rather than tributary for, at a minimum, the sub basin of a sub watershed area.
- c. The land included within the following soil classes as mapped in the soil maps provided by the U.S. Department of Agriculture determined to be flood plain soils.

Protection Levels

Drainage ways shall be provided with one hundred percent (100%) protection levels from all land uses. All such protected areas shall be permanent open spaces.

7.0483 Floodplains

Determination

The definition of floodplain as applied to this section coincides with the definition as used elsewhere in this Zoning Ordinance. The one hundred (100) year recurrence interval floodplain and floodways shall be determined by the National Flood Plain Insurance Rate Maps.

Protection Levels

For all developments, the level of protection provided flood lands shall distinguish between floodway and the one hundred (100) year recurrence interval floodplain boundary (as designated on the Flood Boundary and Floodway Maps or as determined by a required on-site survey).

Floodways and one hundred (100) year recurrence interval floodplains shall be provided with one hundred percent (100%) protection.

All protected areas shall be retained in permanent open space. No uses or improvements, other than those permitted herein shall be permitted in any area consisting of floodway or on hundred (100) year recurrence interval floodplain.

All development shall have the approval of the National Flood Plain Insurance Program Coordinator.

7.0484 Steep Slopes

Determination

Steep slopes shall be determined through the use of a topographic survey prepared by and certified by a registered land surveyor at a contour interval of not less than two (2) feet.

Methodology

Steep slopes shall be measured and graphically indicated on a topographic drawing and submitted with the development plan. Such steep slope drawing shall graphically indicate those steep slope areas of the property pursuant to the "steep slope" definition hereinafter provided.

Definition

Any slope in and of the following categories shall be considered a steep slope: 8 to 16 percent, 17 to 25 percent, and greater than 25 percent. No land area shall be considered a steep slope unless the steep slope area has at least a ten (10) foot vertical drop and a minimum area of five thousand (5,000) square feet. If other slope classes within such a defined area which are too small to qualify by themselves as a steep slope under

the two hundred (200) foot provision, then these slope areas shall be combined with slope categories which are less than eight (8) percent.

Protection Levels

The standard to use determining the open space necessary for preserving steep slopes is an open space ratio of 0.50 for slopes ranging from 12-18 percent; 0.70 for slopes ranging from 18-25 percent; and 0.85 for slopes greater than 25 percent.

7.0485 Woodlands

Determination

The determination of woodland boundaries shall be based on a field tree survey compiled by a registered land surveyor, engineer, landscape architect, or forester.

Methodology

Woodland areas shall be measured and graphically indicated on either a topographic or property boundary survey and submitted with the development plan. Such woodland area drawing shall graphically indicate those forest areas of the property pursuant to the "Woodland" definition hereinafter provided.

Definition

Woodland, Mature: An area of mature deciduous trees covering one (1) acre or more and consisting of thirty percent (30%) or more largely deciduous canopy trees having a ten (10) inch or greater caliper or any grove of deciduous trees consisting of eight (8) or more trees having an eighteen (18) inch or greater caliper.

Woodland, Young: An area of deciduous trees covering one (1) acre or more and consisting of seventy (70%) or more canopy trees having a three (3) inch caliper or greater.

Protection Level

No less than fifty percent (50%) of the trees within the wooded area in mature woodlands shall be preserved. No less than thirty percent (30%) of the trees within the wooded area in young woodlands shall be preserved.

7.049 OPEN SPACE OWNERSHIP

Ownership Options:

The following methods may be used, either individually or in combination, to own common facilities; however, open space land shall be initially offered for dedication to the municipality. Common facilities shall not be transferred to another entity except for transfer to another method of ownership permitted under this section, and then only when there is no change in the common

facilities or in the open space ratio of the overall development. Ownership methods shall conform to the following:

Fee Simple Dedication to the Municipality: The Municipality may, but shall not be required to, accept any portion of the common facilities, provided that:

1. There is no cost of acquisition to the municipality; and,
2. The municipality agrees to and has access to maintain such facilities.

Condominium Association: Common Facilities may be controlled through the use of condominium agreements. Such agreements shall be in accordance with relevant state law. All open land and common facilities shall be held as “common elements.”

Homeowner Association: Common facilities may be held in ownership by a homeowner association, subject to all of the provisions for homeowner associations set forth in state regulations and statutes. In addition, the following regulations shall be met:

1. The applicant shall provide the municipality a description of the organization of the proposed association, including its bylaws, and all documents governing ownership, maintenance, and use restrictions for common facilities.
2. The maintenance may be paid for by the applicant or his assignee until such a time that the association is established by the owner before the sale of any dwelling units in the development.
3. Membership in the association shall be automatic (mandatory) for all purchasers of dwelling units therein and their successors in title.
4. The association shall be responsible for maintenance and insurance of common facilities.
5. The bylaws shall confer legal authority on the association to place a lien on the real property of any member who falls delinquent in dues. Such dues shall be paid with the accrued interest before the lien may be lifted.
6. Written notice of any proposed transfer of common facilities by the association or the assumption of maintenance for common facilities must be given to all members of the association and to the municipality no less than thirty (30) days prior to such event.
7. The association shall have adequate staff to administer, maintain, and operate such common facilities.

Easement Dedication to the Municipality: The municipality may, but shall not be required to, require easements for public use of any portion of the common land, elements or facilities. In addition, the following regulations shall apply:

1. There shall be no cost of acquisition to the municipality.
2. Any such easements for public use shall be accessible to the residents of the municipality.
3. A satisfactory maintenance agreement shall be reached between the owner and the municipality.

Unless otherwise agreed to by Council, the cost and responsibility of maintaining common facilities and open space land shall be borne by the property owner, condominium association or homeowner association.

The applicant shall, at the time of final plat submission, provide a Plan for Maintenance of Open space Lands and Operation of Common Facilities in accordance with the following requirements.

1. The plan shall define ownership;
2. The plan shall establish necessary regular and periodic operation and maintenance responsibilities for the various kinds of open space (i.e., lawns, playing fields, meadows, pastures, croplands, woodlands, etc.);
3. The plan shall estimate staffing needs, insurance requirements, and associated costs and define the means for funding the maintenance of the open space land and operation of any common facilities on an ongoing basis. Such finding plan shall include the means for funding long-term capital improvements as well as regular yearly operating and maintenance costs;

At the municipality's discretion, the applicant may be required to escrow sufficient funds for the maintenance and operation costs of common facilities for up to one year; and any changes to the maintenance plan shall be approved by the Council.

In the event that the organization established to maintain the open space lands and the common facilities, or any successor organization thereto, fails to maintain all or any portion thereof to reasonable order and condition, the municipality may assume responsibility for maintenance, in which case any escrow funds may be forfeited and any permits may be revoked or suspended.

The municipality may enter the premises and take corrective action, including extended maintenance. The costs of such corrective action may be charged to the property owner, condominium association, homeowner association, conservation organization, or individual property owners who make up a condominium or homeowner association and may include administrative costs and penalties. Such costs shall become alien on said properties. Notice of such lien shall be filed by the municipality in the Auditor's Office of Fairfield County.

7.050 Prohibited Uses.

- A. No use not specifically authorized by the express terms of this chapter of this zoning Ordinance shall be permitted.
- B. Outdoor storage of inoperable, unlicensed or unused motor vehicles. Said vehicles, if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- C. No motor home, mobile home or camper of any type may be occupied by a guest of the resident owner for more than seven (7) days.
- D. No mobile home shall be placed or occupied in this district.

7.05 VE - Village Edge District.

7.051 Intent.

It is the intent of the Village Edge District to provide an area for single and two-family dwelling units on smaller lots adjacent to urban area where public sewer and water would be provided. This district is provided for administrative use for parcels previously zoned Village Edge. This district is not available as a zoning or re-zoning option after the effective date of this ordinance.

7.052 Principle Permitted Uses.

- A. Any use or structure permitted and as regulated in the SR District, except as hereinafter specified.
- B. Two-family dwellings.

7.053 Conditional Uses.

Section 5.3. Subject to the approval of the Board of Zoning Appeals as provided in

- A. The office of a resident physician, dentist, architect, engineer, attorney, accountant, real estate broker, or insurance agent or similar professional person when located within his dwelling provided:

- 1. That not more than one (1) person not a resident in said dwelling is employed in such office or agency, and;
- 2. That there shall not be any external alterations made except in the case of a dwelling fronting along a major thoroughfare as shown on the official Thoroughfare Plan. The dwelling shall retain an exterior appearance of a residential structure similar to that of surrounding properties.

7.054 Accessory Uses.

Any accessory use or structure permitted and as regulated in the SR District shall be allowed.

7.056 Off-Street Parking and Loading.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 9.5.

7.057 Lot Areas, Yard Requirements, and Height Limits.

8.1 Lot Areas, Yard Requirements, and Height Limits shall be as provided in Section

7.058 Prohibited Uses:

See 7.018 (Page 33).

7.07 VC- Village Center District.

7.071 Intent.

It is the intent of the Village Center District to provide an area for residential dwellings in areas where public water and sewer are available. This district is provided for administrative use for parcels previously zoned Village Center. This district is not available as a zoning or re-zoning option after the effective date of this ordinance.

7.072 Principle Permitted Uses.

A building or lot in the VC District shall be used only for the following:

- A. Any use or structure permitted and as regulated in the VE District, except as hereinafter specified.
- B. Multi-unit dwellings and apartments for up to three families or units, but not primarily operated for transients.
- C. Rooming or boarding houses having not more than five (5) guest rooms.
- D. A tourist house having not more than five (5) guest rooms when located on a State or Federal Highway.
- E. Private clubs, lodges, and meeting places for other organizations not including any use that is conducted as a gainful business, provided that the buildings in which such uses are housed shall be located at least twenty-five (25) feet from any other lot in a residential district.
- F. Nursery schools and day nursery schools, provided that all outdoor play areas shall be located not less than ten (10) feet from any adjoining lot in a residential district and, provided, further, that such play area shall be fenced and screened.

7.073 Conditional Uses.

Subject to the approval of the Board of Zoning Appeals as provided in Section 5.3.

- A. Offices, clinics and other places of services of licensed or regulated professionals such as, physicians, dentists, architects, engineers or attorneys, provided:
 1. That any building used therefore shall retain or have an exterior appearance of a residential structure similar to that of surrounding properties excepting a one-story structure may be built adjacent to two story structures.
- B. Neighborhood Services customary with the daily life of the residents of the Village including but not limited to; convenience stores, restaurants and retail business.
- C. Bar, cocktail lounge, nightclub and dance hall provided the principle building shall be located not less than one hundred (100) feet from any residential lot.

7.074 Accessory Uses.

Any accessory use or structure as regulated in the VE District shall be allowed.

7.076 Off-Street Parking and Loading.

Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 9.5.

7.077 Lot Areas, Yard Requirements, and Height Limits.

Lot areas, yard requirements, and height limits shall be as provided in Section 8.1.

7.078 Prohibited Uses:

Same as 7.018.

7.09 MH Mobile Home Residential District.

7.091 Intent.

It is the intent of the MH Mobile Home Residential District to provide an area for planned mobile home courts where public sewer and water are available.

7.092 Principle Permitted Uses.

A building on a lot in the MH District shall be used only for the Mobile Home Parks.

7.093 Accessory Uses.

Accessory uses, buildings, or other structures customarily incidental to Mobile Home Parks shall be allowed.

7.094 Approval Procedure.

Any MH District shall be established as set forth in Section 5.1 of this Ordinance providing the following additional procedures and requirements are fully met:

General Standards for Mobile Home Parks.

- A. Each application for an MH District shall submit in addition to that required in Section 5.103, a plan at a scale approved by the Board of Zoning Appeals showing the location and dimensions of streets, and other roadways; lots; typical lot improvements; areas for recreation, storage, and off or on street parking, buffering, screening, or fencing; provisions for garbage and trash removal; location of utilities including street lighting, pedestrian walkways, and such other items the Commission deems necessary.

7.095 Mobile Home Park Requirements.

Mobile home park shall meet the following minimum requirements:

- A. A mobile home park shall contain a minimum of twenty (20) acres.
- B. The maximum density shall not exceed six (6) mobile homes per gross acre.
- C. All mobile homes or accessory buildings shall be located no closer than thirty-five (35) feet from the front property lines, not closer than twenty (20) feet from the side or rear property line. However, if the side or rear

property line abuts an arterial street as shown on the Major Thoroughfare Plan, the minimum side or rear yard shall be thirty-five (35) feet.

- D. All mobile home parks should have access to adequate collector streets with a right-of-way not less than sixty (60) feet in width. Marginal access roads may be required if deemed necessary for mobile home parks that would have direct access onto an arterial street.
- E. The design and construction of the interior street system shall conform to all requirements of the Village Engineer. Parking on interior streets shall not be permitted unless the pavement width is thirty-five (35) feet at a minimum. Street width shall be measured from back of curb to back of curb.
- F. All mobile home parks shall have paved pedestrian walkways at least four (4) feet in width. The location of necessary walkways shall be decided by the Commission and Council and may vary relative to location, intensity of use, and location of recreational areas and service buildings.
- G. At least ten (10) percent of the gross land area of the mobile home park shall be reserved for recreational and open space uses. This figure is in addition to any other open areas required by yard requirements or other sections of this resolution. A clustering of units is encouraged.
- H. The outer boundaries of a mobile home park shall contain a buffer zone. This buffer zone shall be composed of a green strip, not less than twenty (20) feet in width, located along all park boundaries. The type of plantings shall be approved by the Commission and Council. This green strip may be in a yard adjacent to a street or road, provided all other provisions of the Ordinance are met.

7.096 Mobile Home Lot Requirements.

Individual mobile home lots within mobile home parks shall conform to the following requirements:

- A. Each mobile home lot shall contain a minimum area of four thousand (4,000) square feet.
- B. The minimum width of each mobile home lot shall be forty (40) feet and the minimum depth of each lot shall be one hundred (100) feet. The minimum width of corner lots, however, shall be fifty (50) feet.
- C. There shall be a minimum clearance of twenty (20) feet between individual mobile homes.
- D. Each mobile home lot shall be provided with a paved driveway to accommodate off-street parking for two (2) vehicles. The size of the driveway shall not be less than four hundred (400) square feet.
- E. Each mobile home lot shall be provided with a three (3) foot walkway leading from the main entrance to the main walkway or adjacent street.
- F. Each mobile home lot shall be provided with a stable base upon which to place the mobile home. This base shall be approved by the Commission and Council.

- G. Each mobile home lot shall be provided with a paved patio area at least one hundred (100) square feet in area. The patio should be located on the entrance side of the mobile home.
- H. Each mobile home lot shall be provided with anchors and tie downs such as cast-in place concrete "dead men" eyelets imbedded in the concrete runways, screw augers, arrowhead anchors, or other devices for securing the stability of the mobile home.
- I. The four (4) corners of each mobile home lot shall be marked in a manner acceptable to the Zoning Inspector and Council.
- J. Each mobile home shall be skirted, entirely enclosing the bottom section, within ninety (90) days after its placement.
- K. Each mobile home placed within the mobile home park shall have a minimum livable area – (see Table 8.1).
- L. The maximum height of mobile homes and accessory buildings shall not exceed twenty (20) feet.

7.097 Mobile Home Utilities and Other Services.

Mobile home park utilities and other services shall conform to the following requirements:

- A. Within each mobile home park storm drainage shall be provided in accordance with the following requirements:
 - 1. All areas of a mobile home park shall be graded in a manner so that there will be no poorly drained areas. Grading shall not obstruct the natural drainage of surrounding properties.
 - 2. Open drainage ditches are prohibited. All drainage systems shall be designed in accordance with the specifications of the Village Engineer.
- B. Within each mobile home park there shall be installed a water supply and distribution system in conformance with the requirements of the Ohio Department of Health. Each mobile home lot shall be connected to this system.
- C. Within each mobile home park, there shall be installed a sanitary waste distribution system which shall be connected with a municipal sewer system where available, or a central treatment plan shall be located, constructed, and maintained in accordance with the regulations of the Ohio Department of Health and the EPA (Environmental Protection Agency). Each mobile home lot shall be connected to this system.
- D. Each mobile home shall be provided with suitable electrical equipment in accordance with the National Electrical Code and local codes.
- E. All interior streets and walkways shall be lighted by not less than three tenths (3/10) foot candle of artificial light.
- F. Within each mobile home park, all utility lines including those for electricity and telephone service shall be installed underground.
- G. The storage and collection of garbage and refuse within each mobile home park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards, or air pollution. All

garbage shall be stored in fly-tight, rodent-proof containers. These containers shall be located no more than one hundred fifty (150) feet from any mobile home lot, and shall be collected at least once weekly.

- H. Within each mobile home park, there shall be provided a fire protection system approved by the Ohio Department of Health and the local fire authority. Standard fire hydrants should be located within four hundred (400) feet of all mobile homes. If standard fire hydrants are not feasible, there shall be installed within three hundred (300) feet of each mobile home lot a two (2) inch frost protected riser with a two and one-half (2½) inch hose connection. Portable fire extinguishers should be provided at convenient and accessible locations.
- I. Service buildings may be provided by the management for offices, repair and storage, laundry facilities, and indoor recreation areas. No such building shall be located closer than fifty (50) feet from any mobile home.

7.099 Prohibited Uses.

Same as 7.018 (see page 33).

7.11 Business District.

7.111 Intent.

It is the intent of the Business District to provide an area for retail business and service uses. It is further the intent of this District to prohibit residential units except in conjunction with business uses.

7.112 Principal Permitted Uses.

A building or lot in a Business District shall be used only for the following purposes:

- A. Any retail business; except those first permitted in an Industrial District which are considered as either industrial or service establishments rather than retail business.
- B. Restaurants, café, and soda fountain.
- C. Automobile service stations, car washes and commercial parking lots.
- D. Bank, building and loan associations and personal loan company.
- E. Indoor theater or assembly hall.
- F. Bar, cocktail lounge, nightclub, billiard parlor, pool hall, bowling alley, and dance hall provided the principle building shall be located not less than one hundred (100) feet from any lot in a residential district.
- G. Motel.
- H. Self-service laundry and dry cleaner.
- I. Funeral Parlor.
- J. Offices of business, professionals, or industrial firms, not including the manufacture or storage of goods on the premises.
- K. Commercial recreational area.

7.113 Accessory Uses.

- A. Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted use.
- B. Temporary buildings for uses incidental to construction work which buildings shall be removed upon completion or abandonment of the construction work.
- C. Dwelling units, provided said units are:
 - 1. Located in a building whose principle use is first permitted in the Business District.

7.115 Off-Street Parking and Loading.

- A. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 9.5.
- B. A 20' setback shall be provided from all public right-of-ways.
- C. If adjacent to any residential district, a 15' setback shall be provided from the property line and shall be appropriately landscaped.

7.116 Lot Areas, Yard Requirements, and Height Limits.

Lot areas, yard requirements, and height limits shall be provided in Section 8.1.

7.13 Industrial District.

7.131 Intent.

It is the intent of the Industrial District to provide area for businesses, service establishments, and industrial uses. It is further the intent of the Industrial District to prohibit dwelling units.

7.132 Principle Permitted Uses.

A building or lot in the Industrial District shall be used only for the following purposes.

- A. Any use permitted and as regulated in the Business District except as hereinafter specified.
- B. Warehouses and commercial storage units.
- C. Railroad yards, not including railroad repair shops.
- D. Any other industrial use provided the building, structure, area, or lot used for such purposes is set back one hundred (100) feet from any residential district.
- E. Automobile dealerships, both new and used, with and without service departments.
- F. Commercial storage units.

7.133 Accessory Uses.

Accessory uses, buildings, or other structures customarily incidental to any aforesaid permitted uses shall be allowed.

7.135 Off-Street Parking and Loading.

- A. Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses set forth in Section 9.5.
- B. A 20' setback shall be provided from all public right-of-ways.
- C. If adjacent to any residential district, a 15' setback shall be provided from the property line and shall be appropriately landscaped.

7.136 Lot Areas, Yard Requirements, and Height Limits.

Lot areas, yard requirements, and height limits shall be as provided in Section 8.1.

7.137 Prohibited Uses.

No land, building, or structure in the Industrial District shall be used for the following:

- A. Dwellings, residences, living quarters, or other residential uses, except for watch man quarters.
- B. Motel or hotel.
- C. Schools and colleges.
- D. Churches\ or religious establishments
- E. Hospitals, clinics, and other institutions for human care, except where incidental to a permitted principle use.
- F. No use not specifically authorized by the express terms of this chapter of this Zoning Ordinance shall be permitted.

7.15 F-1 Flood Plain District (Overlay District).

7.151 Intent.

It is the intent of the F-1 Flood Plain District to Prohibit the use of flood plains for uses which could be detrimental to health and welfare.

7.152 Land Subject to Flooding.

The Village of Lithopolis shall maintain on file for public examination, current maps, delineating the boundaries within the Village of all lands designated "flood plains". In the event a property owner contests the boundaries of such flood plain, he shall be given reasonable opportunity to present technical evidence to support his position.

7.153 Prohibited Uses in Flood Plain

- A. Structures designated or used for human habitation.
- B. The storage or processing of materials that are pollutants, buoyant, flammable, poisonous, explosive, or could be injurious to human, animal, or plant life in time of flooding, or that have a high flood damage potential.
- C. Garbage and waste disposal facilities.
- D. Open space uses shall be permitted within the flood plain to the extent that they are permitted within the zoning district controlling use of said

land and provided they do not require structures, fill or storage of material or equipment.

- E. No structure shall be permitted within the 100 year flood plain and no use shall be permitted within the flood plain which will adversely affect the efficiency or which will unduly restrict the capacity of the channel or floodway or any tributary to the main stream, drainage ditch or other drainage facility or system.
- F. No fill shall be deposited within the flood plain without permission from the Village Council. Showing must be made that such fill is for some beneficial purpose and will be protected against erosion by rip-rap, vegetation cover or bulkheading. No dredging shall be permitted of the channel or floodway unless the applicant provides evidence to the Board of Zoning Appeals that all State and Federal permits are issued as required by law.

7.154 Permitted Uses.

The only uses allowed in a flood plain are those uses which are allowed in the underlying district which are not specifically prohibited in Section 7.153 of this Ordinance.

SECTION VIII

LOT REQUIREMENTS

8.1 Lot Areas, Yard Requirements, and Height Limits.

8.11 Residential Districts.

The minimum lot areas, yard requirements, and height limits for a Residential District shall be as shown on Table 8.1 for each principle structure. For principle buildings other than residential buildings, minimum lot areas, yard requirements, and height limits, shall be the least restrictive requirements established in any Residential District, provided, however, the requirements established in principle permitted use sections shall take precedence over any requirements established in this section.

8.12 Business and Industrial Districts.

The lot areas, yard requirements, and height limits for business and industrial district shall be as follows for each principal structure:

Front Yard Depth	50 Feet
Lot Area	12,000 square feet
Lot Frontage	80 Feet
Side Yard Width	None, except where joining a residential zone, then 25 feet
Rear Yard Depth	25 feet, except abutting a residential district, then not less than that required in the adjoining residential district.
Height Limits	No principal structure shall exceed two stories or 35 feet.

8.14 Measurements.

8.141 Front Yard Depth.

The front yard depth shall be measured from the right-of-way line of the existing street on which the lot fronts provided there is a minimum right-of-way of sixty (60) feet. In the case where the right-of-way is less than sixty (60) feet, the front yard depth shall be measured from a point thirty (30) feet from the centerline of the street.

8.142 Side Yard Width.

The side yard width shall be measured from the nearest side lot line and, in the case the nearest side lot line is a side street lot line, from the right-of-way line of the existing street provided there is a minimum right-of-way of sixty (60) feet. In the

case where the right-of-way is less than sixty (60) feet, the side yard width shall be measured from a point thirty (30) feet from the centerline of the street.

8.15 Exceptions.

8.151 Side Yard Exceptions.

The only side yard modifications and exceptions shall be:

- A. Along the side line of a corner lot in a residential district, the width of the street side yard shall not be less than twenty (20) feet.
- B. The side yard requirements for a row dwelling are the same as if said row dwelling was considered one structure.
- C. Side yard width may be varied where the side wall of a building is not parallel with the side lot line or is broken or otherwise irregular. In such case, the average width of the side yard shall not be less than the otherwise required least width provided, however, that such side yard shall not be narrower at any point than three fourth (3/4) the otherwise required least width.

8.152 Front Yard Exception.

In any residential district where a block has thirty (30) percent of the lot frontage on one side of the street improved with buildings, and the average depth of the front yards of said existing buildings along the entire block front, excluding corner lots, is less than the front yard depth prescribed elsewhere in this Ordinance the required depth of the front yards shall be modified, provided, however, there are two (2) or more front yards of existing buildings involved. In such cases, the required front yard in question shall be the average depth of existing front yards provided, further, that said front yard shall be at least thirty (30) feet.

8.153 Rear Yard Exceptions.

Institutional facilities and buildings of a religious organization shall be required to furnish a twenty (20) foot rear yard.

8.154 Projections into Yards.

The only projections into yards shall be:

- A. A wall or fence not over six (6) feet high may be erected in any yard or court, except a front yard or side street side yard in which case the height of the wall or fence shall not be over four (4) feet. If the wall is a retaining wall, the height shall be measured on the highest (fill) side. No fence, trees, or foliage shall be maintained on a lot that will materially obstruct the view of a driver of a vehicle.
- B. Steps, uncovered porches, decks or other similar features at least five (5) feet from every lot line may project into any yard.
- C. Fences must be set back two (2) feet from the right-of-way on side and rear yards and three (3) feet from the right-of-way on the front yard.

- D. Cornices, canopies, eaves, pilasters, sills, or other architectural features may project into any yard or court a distance not exceeding three (3) feet.
- E. Chimneys may project into any yard a distance not exceeding two and one-half (2½) feet, any bay windows or balconies may project into any yard a distance not exceeding three (3) feet, provided; however, that such chimneys, bay windows, and balconies, do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.

8.155 Height Limits Exceptions.

- A. The height limitations of this Ordinance shall not apply to churches, schools, hospitals, and such public buildings as a library, museum, art gallery, fire station, or a public building of a cultural, recreational or administrative nature; provided, that for each two (2) feet by which the height of such building exceeds the maximum height otherwise permitted in the district, its side and rear yards shall be increased by one-half (1/2) foot over the side and rear yard otherwise required in the district.
- B. Church spires, belfries, cupolas, and domes, monuments, fire and house towers, observations towers, transmission towers, chimneys, smokestacks, flag poles, radio and television towers, masts and aerials, may exceed the height limitations.
- C. In the Industrial District, the height limitations shall not apply to bulkheads, water tanks, monitors, towers, monuments, fire towers, hose towers, cooling towers, grain elevators, and gas holders.

8.2 Existing Lots of Record: Modification of Requirements.

In any district where dwellings are permitted, a one-family detached dwelling may be erected on any lot of official record on the effective date of this Ordinance, even though such lot does not comply with the lot area and width requirements of the district; provided said lot has a minimum of forty (40) feet frontage on a public street; and further provided the following conditions are complied with:

- A. If the owner of such lot does not own adjoining property and did not own such property at the time of this Ordinance became effective:
 - 1. Reduction in side yard widths for narrow lots; in any district where dwellings are permitted two (2) inches may be deducted from the required least width of each side yard and four (4) inches from the required sum of least widths of both side yards for each foot that a lot is narrower than the required width for the district. Such deductions shall not apply to buildings higher than two (2) stories. In no case, however, shall any side yard be narrower than five (5) feet.
 - 2. Reduction in depth of rear yard:
For lots have a depth of less than one hundred and ten (110) feet, the depth of the rear yards need not exceed twenty-five (25) per

cent of the depth of the lot, but shall not be less than fifteen (15) feet in any case.

- B. If the owners of such lot owns adjoining property, or owned such property at the time this Ordinance became effective, the modification of lot area and yard dimensions set forth hereinbefore shall not apply except as set forth hereinafter. In order to erect a dwelling or dwellings thereon, the owner of two or more adjacent lots fronting on the same street shall re-divide such lots in such a manner that they conform with the lot area and yard requirements for a single family dwelling in the district. However, if the average width of the lots resulting from such re-division would exceed the required lot width for a single family dwelling by more than twenty (20) feet, such re-division, if any, may be so made as to provide one (1) more building lot than otherwise would be permitted. In such a case, the provisions of Section 3.2(A) hereinbefore relating to reduction of side yard width and rear yard depth shall apply.

8.3 Conversion of Dwelling.

The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families shall be permitted only within a district in which a new building for similar occupancy would be permitted under this Ordinance. The occupancy resulting from such conversion shall comply with the requirements governing new construction in such district with respect to minimum lot width, lot area per dwelling unit, dimensions of yards and other open spaces, and off-street parking, except that, in case of a dwelling in existence at the time of the effective date of this Ordinance. The following modification of such requirements shall be permitted:

- A. In the VE District, a dwelling may be converted to a two or more family occupancy provided it is located on a lot having a width of not less than ninety (90) feet and a lot area of not less than four thousand (4,000) square feet per dwelling unit.
- B. No addition to an existing building shall be permitted if said addition violates any yard requirement of the district.
- C. Minimum livable square footage requirements per Table 8.1

8.4 Rear Dwellings.

Rear dwellings shall be prohibited and considered non-conforming uses subject to the requirements of Section III.

8.5 Transitional Uses in residential districts.

In any PSR, VE or VC District, a transitional use shall be permitted on a lot, the side line of which adjoins either directly or across an alley from a Business or Industrial District. The permitted transitional use for any such lot shall be the same as for the District respectively next listed in Section 6.0. The requirements governing lot area per Dwelling-unit, off-street parking, yards and other open spaces shall be that of 6.0. Any transitional use authorized in this Section shall not extend more than one hundred (100)

feet into the residential district as measured from the side lot line abutting the zoning district boundary line.

8.6 Accessory Building in a residential district.

Accessory building in a residential district shall be subject to the following requirements:

- A. No accessory building shall be erected in any required yard, other than a rear yard.
- B. No accessory building shall occupy more than forty (40) percent of the required rear yard.
- C. An accessory building may be erected five (5) feet from the interior side or rear lot line provided the accessory building is located not less than seventy (70) feet in any Agricultural District, or fifty-five (55) feet in any other District from the front yard line.
- D. The height of an accessory building shall not exceed fifteen (15) feet and the distance of such building from other principle buildings on the same or adjacent lot shall be a least ten (10) feet.

8.7 Pending Applications for Zoning Permits.

Nothing contained in this Ordinance shall require any change in the overall layout, plans, construction, size, or designated use of any development, building, structure, or part thereof, for which official approvals and required zoning permits have been legally granted before the enactment of this Ordinance, the construction of which, conforming with such plans, shall have been started within six (6) months of the effective date of this Ordinance and completion thereof carried on in a normal manner within the subsequent two (2) year period, and not discontinued until completion except for reasons beyond the owners control.

TABLE 8.1

District	Number Families	Height Limit and Stories	Lot Frontage (Feet)	Min. Livable Floor Area	Lot Width at Building Line (feet)	Lot Area (Sq. Ft.)	Front Yard Depth (Feet)	Side Yard Width (Feet)	Required Parking Per unit (Off – street)	Rear Yard Depth (Feet)
AR	1	1-2 ½	120	1,200	150	1 acre	50	20	2	50
MH	1	1								
VE	1	1-2 ½	70	1,200	80	10,000	20	10	2	35
	2	1-2 ½	90		100	12,000	20	10	2	35
PSR	1-4	1-2 ½	Per Development Plan	Per Development Plan	Per Development Plan	7,000/du or Per Development Plan	Per Development Plan	Per Development Plan	2	Per Development Plan
VC	1-3	1-2 ½	40	850	50	5,500/du	10	5 with encroachment	2	30
	Accessory	Structures in VC District	-(i.e. shed, garage)							
								3	N/A	3

SECTION IX

SPECIAL REGULATIONS

9.1 Private Swimming Pools.

No private swimming pool shall be allowed in any residential district except as an accessory use, and unless it complies with the following conditions and requirements.

- A. The pool is intended, and used primarily for the enjoyment of the occupants of the principle use of the property.
- B. It may not be located closer than fifteen (15) feet to any lot line of the property on which it is located.
- C. The swimming pool, or the entire lot on which it is located, shall be walled or fenced by a four (4) foot or higher structure so as to prevent uncontrolled access by children from the street, or from adjacent properties.
- D. An enclosed swimming pool shall be considered as accessory building and shall comply with the requirements of Section 8.6. An existing pool shall not be enclosed unless it complies with the requirements of Section 8.6.

9.2 Patios.

Patios may be located in side and rear yards provided they are not closer than two and one-half (2½) feet to any property line.

9.4 Burned Structures.

A structure in the Village that has been on fire shall comply with the following:

- A. If repair work has not been started within ninety (90) days after date of fire, sufficient written evidence shall be given the Zoning Inspector to indicate owner has not made settlement with insurance company.
- B. If said structure is declared a total loss, it shall be removed within one hundred eighty (180) days from the date of fire or one hundred eight (180) days after settlement with insurance company. If removal has not been started within one hundred eighty (180) days after date of fire, sufficient written evidence shall be given Zoning Inspector to indicate owner has not made settlement with insurance company.
- C. Removal must be completed within sixty (60) days after such removal work has been started.

9.41 Required Trash Areas.

All commercial, industrial, and multi-family residential uses that provide trash and/or garbage collection areas shall be enclosed on at least three (3) sides by a solid wall or fence of at least four (4) feet in height if such area is not within an enclosed building or structure. Provisions of adequate vehicular access to and from such area or areas for collection of trash and/or garbage as determined by the Zoning Inspector shall be required.

9.42 Visibility at Intersections.

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half (2½) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines thirty (30) feet from the point of intersection.

9.5 Off-Street Parking and Loading Spaces.

In all directions, every industrial, business, institutional, recreational, residential or any other use shall provide at the time any building or structure is erected, enlarged, or increased in capacity, off-street parking and loading spaces for motor vehicles in accordance with the requirements of this section.

- A. Each off-street parking space shall have an area of not less than one hundred sixty (160) square feet exclusive of access drives or aisles and shall be of usable shape and condition. There shall be adequate provisions for ingress and egress to all parking spaces. Where a lot does not abut on a public street or alley, or on a private easement or access not less than eight (8) feet in width in the case of a dwelling, and not less than eighteen (18) feet in width in all other cases, leading to the parking or storage areas, or loading or unloading spaces, required hereunder, in such manner as to secure the most appropriate development of the property in question; but, except where provided in connection with a use permitted in an residential district, such easement of access, or access drive, shall not be located in a residential district.
- B. Parking spaces for all types of uses may be provided either in garages or parking areas conforming to the provisions of this Ordinance.
- C. Off-street parking facilities shall be located as hereinafter specified; where a distance specified, such distance shall be measured from the nearest point of the parking facility to the nearest point of the building or use such facility is required to serve.
 - 1. For one and two-family dwellings on the same lot with the building they are required to serve.
 - 2. For multi-unit dwellings, not more than two hundred (200) feet from the building they are required to serve.
 - 3. For uses located in, and first permitted in a Business District; and for hospitals, sanitariums, convalescent, nursing, and rest homes; homes for the aged, dormitories, tourist houses, private clubs, fraternity and sorority houses; lodges, and offices as first permitted in an residential district, not more than three hundred (300) feet from the building they are required to serve.
 - 4. For uses other than those specified above, not more than eight hundred (800) feet from the building they are intended to serve.

- D. For the purpose of this Section, "floor area" in the case of offices, merchandising, or service types of uses, shall mean the gross floor area used, or intended to be used, by tenants; or by services to the public or customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for areas used principally for non-public purposes such as storage, incidental repair, processing or packaging of merchandise, for show windows, for offices incidental to the management or maintenance of stores, or buildings; for toilet or restrooms; for utilities, or for dressing rooms, fitting, or alteration rooms.
1. In hospitals, bassinets shall not be counted as beds.
 2. In stadiums, sports arenas, churches, and other places of assembly; in which patrons, or spectators occupy benches, pews, or other similar seating facilities; each twenty (20) inches of such seating facilities shall be counted as one seat for the purposes of determining facilities under this Ordinance.
 3. When units of measurement, determining number of required parking spaces, result in a requirement of a fractional space, any fraction up to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one parking space.
- E. Whenever, in any building, there is a change in use, or an increase in floor area, or other unit of measurement specified hereinafter; for the purpose of determining the number of required off-street parking spaces, and such change or increase creates a need for an increase of more than ten (10) percent in the number of off-street parking spaces, as determined by the requirements in this Section. Additional off-street parking spaces shall be provided on the basis of the increased requirement of the new use, or on the basis of the increase in floor area, or other unit of measurement. Provided, however, that in case a change or changes in use creates a need for an increase of less than five (5) off-street parking facilities since the effective date of this Ordinance, no additional space shall be required.
- F. In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses, computed separately. Off-street parking facilities for one use, shall not be considered as providing required parking facilities for any other use.
- G. Nothing in this Section shall be construed to prevent collective provision of off-street parking facilities for two or more buildings or uses; provided that the total of such off-street parking spaces supplies collectively, shall not be less than the sum of the requirements for the various uses computed separately; provided, also, that the requirements set for in (C) of this Section as to maximum distances between parking facilities and buildings, or uses served, shall apply to each establishment participating in the collective provision of parking.
- H. Not more than fifty (50) per cent of the off-street parking facilities required under this Section for a church, theater, bowling alley, dance hall; or an establishment for the sale and consumption of food, alcoholic beverages or refreshments; may be supplied by off-street parking facilities provided

by other types of buildings or uses as specified in (l) of this Section which are not normally open, used, or operated during the principle operating hours of theaters, churches, or other aforesaid establishments, provided that a properly drawn instrument is executed by the parties concerned for the joint instrument, duly approved as to form and manner of execution by the Village's Legal Representative, shall be filed with the application for a building permit. Buildings or uses not normally open, used, or operated during the principle operating hours of theaters, churches, or other aforesaid establishments; are defined as banks, business offices, retail stores, personal service shops, clothing, or shoe repair, or service shops, manufacturing buildings, and similar uses.

- I. The number of off-street parking facilities required shall be as set forth in the following:

Automobiles or Machine Sales and Service	1 for each 800 square feet of floor area.
Banks, business and professional offices, except medical floor area, dental offices and clinics	1 for each 400 square feet of floor area.
Bowling Alleys	5 for each alley, plus the necessary space as set forth in this section for other affiliated uses.
Churches and Schools	1 for each 8 seats in an auditorium OR 1 for each 6 seats in palces of worship OR 1 for each 17 classroom seats, whichever is greater.
Dance Halls and Assembly Halls without fixed seats or Exhibition Halls	1 for each 100 square feet used for assembly or dancing .
Dwelling Units	2 for each equivalent dwelling unit
Funeral Homes and Mortuaries	4 for each parlor or 1 for each 50 square feet of floor area, whichever is greater.
Retail Sales stores and shops	4 plus 1 for every 300 square feet of floor area over 1200 square feet.
Hospital and inpatient medical facilities	1 for every 2 beds.
Medical and Dental clinics	1 for each 100 square feet of floor area.
Hotels, Motels, Rooming Houses, Lodging Houses, Sororities and Faternities	1 for every bedroom.
Libraries, Museums or Galleries	1 for each 600 square feet of floor area.
Manufacturing plants, Research or Testing Labs	1 for each 1200 square feet of floor area.
Resturants, Bars and Night Clubs	1 for every 100 square feet of floor area.
Sanitariums, Convalescent Homes, Homes for the Aged, Childrens Homes	1 for every 6 beds.
Sports Arenas, Theaters, Concert Halls or other performance venues	1 for each 4 seats.
Wholesale establishments or warehouses	5 plus 1 for every 3,000 square feet of floor area over 5,000 square feet.

<p>In the case of a use not specified, the requirements for off-street parking facilities for a use which is so mentioned and to which said use is similar, as determined by the Zoning Inspector, shall apply.</p>	
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Each of the above required parking facilities shall be equal to the off-street parking space established in (A) of this Section.

- J. Loading spaces shall be provided and maintained on the same premises with every building, structure, or part thereof, erected, occupied, enlarged, or intended to be used for manufacturing, storage, warehouses, goods display, department store, wholesale store, market retail store, hotel, hospital, laundry, dry cleaning, or other uses similarly involving the receipt or distribution by vehicles, of materials or merchandise.
 - 1. Such space shall be adequate for standing, loading, and unloading services, in order to avoid undue interference with public use of the streets or alleys.
 - 2. Loading and unloading space shall not be occupied or considered as any part of the required off-street parking.
 - 3. All districts shall include a ten (10) foot by twenty-five (25) foot loading space with a fourteen (14) foot height clearance, for every 20,000 square feet or fraction thereof, in excess of 3,000 square feet of building floor or land used for above mentioned purposes.
 - a. Buildings used for offices or hotel.

3,000 - 150,000	1 space.
150,000 - 399,999	2 spaces.
400,000 - 659,999	3 spaces.
Each additional 350,000	1 space.
 - b. All other uses.

1,000 - 9,999	1 space.
10,000 - 39,999	2 spaces.
40,000 or more	3 spaces plus one space for each 30,000 square feet over 40,000 square feet of building area.

9.6 Condominium Development Plans

The intent of this section is to provide regulatory standards for condominiums and condominium subdivisions similar to those required for projects developed under other forms of ownership within a zoning district. This article is not intended to prohibit or treat a proposed or existing condominium project differently than a project or development under another form of ownership. Condominium developments, whether part of a platted subdivision or not shall comply with the following standards.

9.61 Submittal Requirements

For all condominium projects within the village, a person, firm, corporation or other legal entity intending to develop a condominium project shall file with the village all information and fees required for a development plan under the Village Subdivision Regulations, a copy of the proposed Master Deed and all other information required by the Ohio Condominium Law.

9.62 Area, Height and Bulk Requirements

The areas and setbacks required for condominium buildings shall be based on the density provisions contained in this code for the specific zone.

9.63 Review and Approval

All condominium plans shall be reviewed under the following procedure:

- a. Preliminary Approval: A complete development plan shall be submitted for preliminary condominium site plan approval by the Village Council. Council shall review the development plan and approve with conditions or deny. If a condominium development plan is incomplete, Council shall table the request and direct the applicant to prepare additional information or revise the plan. No installation or construction of any improvements or land balancing or grading shall be made or begun until the final condominium site plan has been approved. No removal of trees and/or other vegetation shall be started at this time except for minor clearing required for surveying and staking purposes.
- b. Final Approval: The following information shall be submitted for final condominium site plan approval. The Village Council shall review the site plan and approve with conditions or deny. If a condominium development plan is incomplete, the Village Council shall table the request and direct the applicant to prepare additional information or revise the plan.
 1. A full site plan. Within a phased project, the final plan shall constitute only that portion of the approved preliminary plan that the proprietor proposes to record and develop at that time.
 2. All necessary permits and approvals from the village engineer.
 3. Condominium master deed and bylaws.

9.64 Requirements for Roads and Easements

Condominium projects with private roads shall comply with all street requirements found in the village regulations pertaining to public roads and driveways, unless otherwise approved by Council, and shall include all necessary easements granted to the Village for constructing, operating, inspecting, maintaining, repairing, altering, replacing or removing pipelines, mains, conduits and other installations of a similar character for the purpose of providing public utilities, including but not limited to conveyance of sewage, water and storm water runoff across, through and under the property subject to said easement, and excavating and filling ditches and trenches necessary for the location of said structures.

9.65 Condominium Design Standards

All condominium projects shall comply with the design standards contained in the Village Subdivision Regulations Ordinance. The intent of this section is to require that condominium subdivisions meet design standards similar to those required for projects developed as a subdivision plat.

9.66 Final Application

An application for final condominium site plan must be submitted within one (1) year after the date of preliminary condominium site plan approval by the Village Council, or such preliminary approval shall be deemed null and void. The proprietor may be granted one six (6) month extension with approval from the Village Council.

SECTION X
DEFINITIONS

ACREAGE - Any tract or parcel of land which has not been sub-divided and/or platted.

ACCESSORY USE OR STRUCTURE - A use or structure subordinate to the principle use of a building on the same lot and serving a purpose customarily incidental to the use of the principle building or use.

AGRICULTURE - The use of land for agriculture purposes, including farming, dairying, pasturage, apiculture, horticulture, viticulture, and animal and poultry husbandry, and the necessary accessory uses for packing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities and provided further that the above uses shall not include the commercial feeding of garbage or offal to swine or other animals.

ALLEY - A public right-of-way less than thirty (30) feet in width, but not less than twelve (12) feet, which affords only secondary means of access to abutting property.

APARTMENT - Two or more rooms, designed for, arranged for, intended for, or occupied, as a residence by one family with facilities for cooking therein.

APARTMENT BUILDING - Any building housing three (3) or more apartment units providing said units are the principle use of the building.

AUTOMOBILE OR TRAILER SALES AREA - An open area, other than a street, used for the display, sale, or rental of new or used motor vehicles or trailers in operable condition and where only incidental repair work is done.

BASEMENT - That portion of a building, the floor of which is not less than two (2) feet below and the ceiling of which is not less than four (4) feet and six (6) inches above the average grade. A basement, when used as a dwelling, shall be considered as a store for purposes of height measurement, and as a half-story for purposes of side yard determination.

BOARDING HOUSE, ROOMING HOUSE - A building or part thereof, other than a hotel or restaurant where meals and/or lodging are provided for compensation, for three (3) or more persons primarily non-transients where no cooking or dining facilities are provided in individual rooms.

BUILDABLE AREA - The buildable area of a lot is the space remaining after the minimum open space requirements of this Ordinance have been complied with.

BUILDING - Building means a combination of materials to form a construction that is safe and stable, and adapted to permanent or continuous occupancy for public, institutional, residence, business or industry purposes.

BUILDING, HEIGHT OF - The vertical distance from the average contact ground level at the front wall of the building to the highest point of the copying of a flat room or to the deck line of a mansard roof, or the mean height level between eaves and ridge for gable, hip, or gambrel roofs.

CELLAR - Cellar means that portion of a building, the ceiling of which is entirely below or less than four (4) feet six (6) inches above ground.

CERTIFICATE OF OCCUPANCY - A document issued by the Zoning Inspector which indicates that buildings, structures, or uses are consistent with this Ordinance.

COURT - A open, unoccupied space, other than a yard, on the same lot with a building or group of buildings.

DISTRICT - A portion of the territory of the Village within which certain regulations and requirements or various combinations thereof apply under the provisions of this Ordinance.

DWELLING - Any building or portion thereof designed or used as the residence of one or more persons, but not including a tent, trailer, or trailer coach, or a room in a hotel or motel.

DWELLING, SINGLE FAMILY - A building designed for or used for residence purposes by one family.

DWELLING, TWO FAMILY - A building designed for or used for residence purposes by two families.

DWELLING, MOBILE HOME - A single-family dwelling designed to be moved by being built on a frame or chassis and further specifically designed and constructed so that wheels are, or may be attached for transportation on public streets or highways and designed without the need for a permanent foundation arriving at the site complete and ready for residential occupancy except for minor and incidental unpacking and assembly operations; location on wheels, jacks, blocks, or other foundation, connection to utilities and the like.

If applicable, the following criteria maybe used to define and identify a mobile home for purposes of this Ordinance:

- a. A single-family dwelling constructed between 1975 and June 14, 1976 may be defined as a mobile home if constructed in accordance with the

standards of Chapter BB-77, Industrialized Units, and Mobile Homes of the Ohio Building Code.

- b. A single-family dwelling constructed other than between 1975 and June 14, 1976 may be defined as a mobile home if constructed in accordance with the standards of the National Home Construction and Safety Standards Act -- 42 USC 5042(6) and as hereinafter amended.

A single-family dwelling may be defined as a mobile home if constructed in accordance with the standards of the National Home Construction and Safety Standards Act -- 42 USC 5042(6) and as hereinafter amended; except those constructed between 1975 and June 14, 1976, which may be defined as mobile home if constructed in accordance with the standards of Chapter BB-77, Industrialized Units and Mobile Homes of the Ohio Building Code.

DWELLING, MULTI-UNIT - A building or portion thereof designed for or used for residence purposes by three (3) or more families.

DWELLING, REAR - A dwelling which does not have at least thirty (30) feet of frontage on a public street.

DWELLING UNIT - A one room, or a suite of two (2) or more rooms, designed for and used by one (1) family for living and sleeping purposes.

ENCROACHMENT – Refers to the intrusion into a yard setback by any portion of the building including bay windows and chimney’s exclusive of roof overhangs. The length of the encroachment cannot be any more than 30% of the building length in the yard in question. The encroachment cannot be more than one-half the yard requirement.

FAMILY - A person living alone, or two (2) or more persons living together as a single housekeeping unit, in a dwelling unit.

FILLING STATION - Any building, structure, or land used primarily for the dispensing, sale, or offering for sale to the consumers, automobile fuels, oils, or accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories, but not including major work such as motor replacement, body and fender repair or spray painting.

GARAGE, PRIVATE - A detached accessory building or a portion of the principle building used only for the storage of self-propelled vehicles and incidental residential storage.

GARAGE, PUBLIC - A building or portion thereof, designed or used for equipping, servicing, repairing, hiring, selling, or storing self-propelled vehicles.

HARDSHIP – An existing condition on a parcel that limits the owner to develop the land under the respective zoning classification at the time that application for development is

submitted. These conditions include but are not limited to the shape of the parcel or the existing topography. In no circumstance shall a hardship be considered on the basis of financial limitation to the developer (i.e. reduction in the number of lots).

HOME OCCUPATION - See Section 7.013(D).

HOSPITAL - An institution providing health and services primarily for in-patient medical and surgical care of the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility. The term hospital shall specifically not include tuberculosis, mental, or penal hospitals, rest homes, or nursing homes.

HOTEL - A building occupied as primarily and temporary abiding place of individuals who are lodged with or without meals, and in which there are more than twenty (20) sleeping rooms or apartments.

JUNK YARD - A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, dis-assemble, or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials, and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building, and not including pawn shops and establishments for the sale, purchase or storage of used furniture and household equipment, used cars, inoperable condition, or salvaged materials incidental to manufacturing operations.

LIVABLE FLOOR AREA – The space within a dwelling unit that can be utilized for daily activities. This space excludes the garage or storage space that does not have direct access from dwelling unit.

LOT - A parcel of land occupied or intended to be occupied by a principle building or a group of such buildings and accessory buildings, or utilized for a principle use and used accessory thereto, together with the open space as required by this Ordinance and having frontage on a public street. Thus, the lot boundary may or may not coincide with the boundary of a lot of record.

LOT AREA - The computed area contained within the lot lines.

CORNER LOT - A lot abutting upon two (2) or more streets at their intersection or upon two (2) parts of the same street, forming an interior angle of less than one hundred thirty-five (135) degrees. The point of intersection of the street lines is the corner.

LOT, DEPTH - The mean horizontal distance between the front and the rear lot lines.

LOT, INTERIOR - A lot other than a corner lot.

LOT LINES - The property lines bounding the lot.

LOT LINE, REAR - The lot line opposite the most distant from the front lot line.

LOT LINE, SIDE - Any lot line other than a front or rear lot line.

LOT OF RECORD - A lot which is part of a subdivision, or a lot described by metes and bounds, the map and/or description of which has been recorded in the office of the Registrar of Deeds of Fairfield County.

LOT, THROUGH - An interior lot having frontage on two (2) streets.

LOT WIDTH - The mean width of the lot measured at right angles to its depth.

MOTEL - A building, or group of buildings comprising individual sleeping or living units primarily for the accommodation of transient guests.

NON-CONFORMING USE - A building, structure, or premises legally existing any/or used at the time of adoption of this Ordinance or any amendment thereto, and which does not conform with the use regulations of the district in which located.

OPEN SPACE - An area open to the sky which must be delineated by the developer at the time of application as open space. This area may include but is not limited to; recreation facilities, pools, retention ponds and tennis courts., and up to one-half of all surface area for storm water detention facilities.

OWNER - Owner of record according to records contained in the County Offices.

PARKING AREA - An open area, other than a street or other public way, used for the parking of motor vehicles.

PATIO - An uncovered area, other than a parking space, surfaced or constructed, the use of which is customarily incidental to that of the main use of the land.

STORY - That portion of a building, included between the surface of any floor, and the surface of the floor next above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

STORY, FIRST - The lowest story or the ground story of any building the floor of which is not more than two (2) feet below the average contact ground level at the exterior walls of the building except that any basement or cellar used for residence purposes, other than for a janitor or caretaker shall be deemed the first story.

STORY, HALF - A partial story under a gable, hip, or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story.

STREET - A public right-of-way which provides a public means of access to abutting property. The term street shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare, or any other similar term.

STRUCTURE - Anything constructed, the use of which required permanent location on the ground, or attachment to something having a permanent location on the ground.

STRUCTURAL ALTERATION - Any change in the structural members of a building, such as walls, floors, columns, beams, or girders.

SWIMMING POOL, PRIVATE - A private swimming pool, as regulated herein, shall be any pool, enclosed or unenclosed, and containing or normally capable of containing water to a depth at any point greater than three (3) feet.

TOURIST HOME - A building or part thereof, other than a hotel, boarding house or motel, where lodging is provided by a resident family in its home for compensation, primarily for transients.

TRAILER CAMP OR TRAILER PARK - Any lot or part thereof, or any parcel of land, which is used or offered as a location for two (2) or more house trailers.

USE, TRANSITIONAL - A use of land or building located or permitted to be located on certain lots abutting a zoning boundary line in the more restricted of the two different zoning districts in accordance with the provisions of the Ordinance.

YARD, FRONT - An open space extending the full width of the lot between a building and the front lot line, unoccupied and unobstructed from the ground upward as hereinafter specified.

FRONT YARD, MINIMUM DEPTH - The shortest distance, measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the front lot line.

YARD, REAR - An open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.

REAR YARD, MINIMUM DEPTH - The shortest distance measured horizontally, between any part of a principle building, other than such parts hereinafter excepted, and the rear lot line.

YARD, SIDE - An open space extending from the front yard to the rear yard between a principle building and the nearest side lot line, unoccupied and unobstructed from the ground upward except as hereinafter specified.

SIDE YARD, MINIMUM WIDTH - The shortest distance measured horizontally, between any part of a building, other than such parts hereinafter excepted, and the nearest side lot line.

ZONING CERTIFICATE - A document issued by the Zoning Inspector authorizing the construction or alteration of buildings, structures, or uses consistent with the terms of this Ordinance.

ZONING INSPECTOR - The Zoning Inspector or his authorized representative, appointed by the Mayor.

ZONING MAP - The Zoning Maps of the Village of Lithopolis, Fairfield County, Ohio, dated as of the Ordinance date together with all amendments subsequently adopted.