

*Minster 1832*

**VILLAGE OF MINSTER, OHIO**

**OFFICIAL ZONING CODE**

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# VILLAGE OF MINSTER, OHIO, ZONING REGULATIONS

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## **CHAPTER ONE:GENERAL REGULATIONS**

### **SECTION A: TITLE AND ENACTMENT**

AN ORDINANCE TO REGULATE, RESTRICT AND LIMIT THE LOCATION AND USE OF BUILDINGS, STRUCTURES AND LAND, FOR TRADE, INDUSTRY, RESIDENCE OR OTHER PURPOSES; TO REGULATE THE HEIGHT OF STRUCTURES; TO PROVIDE A METHOD OF ADMINISTRATION AND ENFORCEMENT; AND TO PRESCRIBE PENALTIES FOR VIOLATION OF THE WITHIN PROVISIONS.

WHEREAS, it is determined by the Village Council of the Village of Minster, Ohio, that it is in the interest of the public health, safety, convenience, comfort, prosperity and general welfare of the Village of Minster, Ohio, to regulate, restrict and limit the location and use of buildings, structures and land for trade, industry, residence or other purposes and for said purposes, to divide the Village of Minster, Ohio, into such districts or zones as are deemed best suited for said purposes;

WHEREAS, these Regulations are intended to conserve and protect property and property values, to secure the most appropriate and most aesthetic use of land, to regulate population density and to facilitate adequate and economical provisions for public improvements;

WHEREAS, it is lawful and appropriate to provide a method of administration and enforcement and to prescribe penalties for the violations of provisions hereafter described, all as authorized by Chapters 711 and 713 of the Ohio Revised Code;

### **NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF THE VILLAGE OF MINSTER, STATE OF OHIO:**

That these Zoning Regulations shall be known and may be cited and referred to as the "Village of Minster, Ohio, Zoning Regulations," that they may be referred to within as "these Regulations," and that they shall contain the following provisions.

### **SECTION B: AREA OF JURISDICTION**

The provisions of these Regulations shall apply to all of the incorporated territory of the Village of Minster, Ohio.

### **SECTION C: OFFICIAL ZONING DISTRICT MAP**

The official Zoning District Map dated June 1, 2017 is an integral part of these Regulations. The official Zoning District Map, and all notations and references and other matters shown thereon, shall be and is hereby made part of these Regulations and shall carry the same force and effect as the balance of the material contained herein.

### **SECTION D: INTERPRETATION AND PURPOSES**

In interpreting and applying the provisions of these Regulations, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety,

comfort, convenience and general health. The lot or yard areas required by these Regulations for a particular building shall not be diminished and shall not be included as a part of the required lot or yard areas of any other building. These Regulations shall not repeal, abrogate, annul or in any other way impair or interfere with any existing provisions of law or ordinance or any rules or regulations previously adopted or issued or which shall be adopted or issued pursuant to law relating to the use of buildings or premises; provided that where these Regulations impose greater restrictions upon the use of buildings or premises or upon the height of buildings or require larger lots or yards than are imposed or required by such existing provisions of law or ordinance by such rules or regulations the provisions of these Regulations shall control.

#### **SECTION E: ESTABLISHMENT OF DISTRICTS**

For the purpose of regulating the location of buildings, other structures and premises to be used for trade, industry, residence or other specified uses; regulating the location of buildings and other structures hereafter erected or altered, setback building lines and the areas of yards, courts and other open spaces; and regulating and limiting the height of buildings and other structures hereafter erected or altered, the Village of Minster is hereby divided into nine (9) Zoning Districts, termed respectively; **R-1, Single and Double Family Residential District; R-2 Single Family Residential District; C-1, Central Commercial District; C-2, General Commercial District; C-3, Regional Commercial District; I-1, Industrial District; PRD, Planned Residential District; PMHP, Planned Mobile Home Park District; PCD, Planned Commercial District; and PHD, Planned Industrial Development.**

The Districts enumerated above are depicted on the Official Zoning District Map, available for public inspection at the Minster Village Administrative Offices. The official Zoning District Map shall be an integral part of these Regulations, and no structures shall be erected, nor shall any land be used, except in conformity with the regulations for the district in which the proposed use is located.

#### **SECTION F: RULES FOR OFFICIAL ZONING DISTRICT MAP INTERPRETATION**

It is the intent of these Regulations that the entire area under the jurisdiction of the Village of Minster Zoning, including all land, water areas, streets, alleys, railroads and other rights-of-way, be included in the Districts established by these Regulations. In any case where territory is not specifically indicated on the Official Zoning District Map of the Village as being in any District, such territory shall automatically be classified as R-1, Low-Density Single-Family Residential District, until otherwise classified.

When definite distances in feet are not shown on the Official Zoning District Map, the district boundaries on the Official Zoning District Map are intended to be along existing street, alley or property lines or extensions of or from the same, and if exact location of such line is not clear, it shall be determined by either supplemental detail drawings or rules of interpretation, adopted by the concurring vote of a majority of the Board of Zoning Appeals.



When the streets or alleys on the ground differ from the streets or alleys shown on the Official Zoning District Map, the Board of Zoning Appeals may apply the district designations on the map to the property on the ground in such manner as to conform to the intent and purposes of this section in the judgment of the Board of Zoning Appeals.

#### **SECTION G: RULES FOR TEXT INTERPRETATION OF ZONING REGULATIONS**

In the interpretation of the text, the rules of interpretation contained in this section shall be observed and applied, except when the context clearly indicates otherwise. The following rules apply to the text:

1. The particular shall control the general.
2. In case of any difference of meaning or implication between the text and any caption or illustration, the text shall control.
3. The word “shall” shall be mandatory and not discretionary. The word “may” shall be permissive.
4. Words used in the present tense shall include the future; words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicated the contrary.
5. The phrase “used for” includes “arranged for,” “designed for,” “maintained for,” or “occupied for.”

#### **SECTION H: REQUIRED CONFORMANCE**

Except as hereinafter specifically provided:

1. No land shall be used except for a use permitted in the Zoning District where it is located, or for a use conditionally permitted and subject to the granting of a conditional use by the Board of Zoning Appeals.
2. No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building be used, except for a use permitted or conditionally permitted in the District in which such building is located and only after a Zoning Compliance Certificate has been obtained.
3. Every building erected or structurally altered shall be located on a lot as herein defined. No more than one principal building per lot shall be permitted except on corner lots that are split in accordance with Chapter Two, Section C.
4. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the District in which such building is located.

5. No parcel of land described by metes and bounds or lot hereafter shall be established which does not conform and meet the requirements of these Regulations.
6. No lot, yard, court, parking area or other space shall be reduced in area or dimension so as to make such area less than the minimum required by the Regulations; and, if already less than the minimum required by these Regulations such area or dimension shall not be further reduced. No part of a yard, court, parking area or other space provided about, or for, any building or structure for the purpose of complying with provisions of these Regulations shall be included as part of a yard, court, parking area or other space required under these Regulation for another building or structure.

#### **SECTION I: REGULATIONS NOT RETROACTIVE**

Except as otherwise specified in these Regulations, any use, lot, building or structure that exists as of the enactment date of these Resolutions, the original zoning regulations (1970), or any amendment thereof, may be continued even though such use, lot, building or structure may not conform to the provisions of the Zoning District where it is located. The provisions for non-conforming uses shall apply.

#### **SECTION J: REGULATIONS OF NON-CONFORMITIES**

Non-conforming uses include buildings, structures or uses that lawfully existed prior to the adoption of these Regulations and are prohibited or further restricted as a result of the provisions adopted in these Regulations.

1. All non-conforming uses are considered by these Zoning Regulations to be incompatible with the permitted uses of the Zoning District in which the non-conforming uses are located.
2. A non-conforming use of a building may be changed to another non-conforming use only by the Board of Zoning Appeals and shall be restricted as follows:
  - a. The Board of Zoning Appeals may permit substitution of a new non-conforming use in place of an existing non-conforming use, provided that the Board of Zoning Appeals determines that any changes of use will be less detrimental to the neighborhood than the existing use.
3. Any non-conforming use of land that is discontinued, or building or structure left vacant or abandoned for a period of twelve (12) months or more, shall not thereafter be returned to a non-conforming use.
4. Any non-conforming buildings, structures or use of land superseded by a permitted use within the Zoning District where it is located shall thereafter be in conformance with these Regulations, and the previous non-conforming use shall not be resumed.



5. No non-conforming use shall be enlarged, extended, reconstructed, or structurally altered except as pursuant to the provisions of these Regulations.
6. 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 Zoning District in which such building or structures are to be located.
7. Nothing in these Regulations shall grant legal non-conforming use status to a use that existed unlawfully prior to the enactment of these Regulations.

#### **SECTION K: PENDING APPLICATIONS FOR ZONING COMPLIANCE CERTIFICATE**

Nothing in these Regulations 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 building permits have been legally granted before the enactment of these Regulations, the construction of which, conforming with such plans, shall have been started within twelve (12) months of the effective date of these Regulations and completed in a normal manner within a subsequent one (1) year period and not discontinued until completion, except for reasons beyond the builder's control. All permits, for which construction has not begun within twelve (12) months of the effective date or amendment of these Regulations, are hereby revoked and void.

#### **SECTION L: ESSENTIAL SERVICES**

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structure of any public utility or public facility shall be permitted in any Zoning District provided every effort is made to conform to the building design, lot and yard requirements for the Zoning District in which it is to be located; and proper safeguards are provided to protect the character and general welfare of the Zoning District. A special permit issued by the Zoning Administrator will be required to assume compliance with these Regulations.

#### **SECTION M: INVALIDITY OF A PART**

If any article, section, subsection, paragraph, sentence, clause or phrase of these Regulations is declared unconstitutional or otherwise invalid by any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not affect the constitutionality or validity of the remaining articles, sections, subsections, paragraphs, sentences, clauses or phrases of these Regulations since the same would have been enacted without the unconstitutional or invalid article, section, subsection, paragraph, sentence, clause or phrase.

#### **SECTION N: APPLICABILITY**

These Regulations shall apply to all land, every structure and every use of land or structure except for those uses specifically mentioned in Section K, as required by the Ohio Revised Code.

## **SECTION O: MISCELLANEOUS PROVISIONS**

1. **Street Frontage Required:** Except as permitted by other provisions of these Regulations, all lots created after the adoption of these Regulations shall have frontage on a public street.
2. **Prohibited Uses:** Within the Village of Minster, no lot, premises, place or buildings shall be used and no buildings or structures shall be erected or placed that are arranged, intended or designed to be used for any use that would constitute a violation of any one or more of the performances standards for potential hazards and/or nuisances specified in Chapter Nine, Section A.
3. **Vision Clearance:** A “sight triangle,” defined as that area from the intersection point of two (2) streets on the lot to a point twenty (20) feet back from this point on the lot lines, shall be required on corner lots at all street intersections in all Districts except C-1. To ensure that traffic visibility is not obstructed and driving hazards are not created, visibility between two (2) and ten (10) feet above the plane of established grades of the street shall be clear of landscape materials, vehicles, fences, signs or any other view-obstructing structures. Trees shall be permitted in the sight triangle as long as only the trunk is visible within ten (10) feet above ground.
4. **Unsafe Buildings:** Nothing in these Regulations shall prevent the strengthening or restoring to a safe condition of any part of any building or structure.
5. **Height Limitation Exceptions:** The height of these Regulations shall not apply to barns, silos or other farm structures or buildings, church spires, belfries, cupolas, domes, monuments, chimneys, smokestacks, flag poles, aerials, water towers, grain elevators and other structures the Board of Zoning Appeals deems to require excessive height in order to function properly.
6. **Annexed Land:** When land is annexed to the Village of Minster, the Jackson Township Zoning regulations then in effect shall remain in full force and shall be enforced by the township officials until such time as the Village shall adopt regulations for said land. Within ninety- (90) days after the annexation, the Planning Commission shall make a recommendation to the Village Council as to the zoning of the annexed area following the procedures outlined in Chapter Nine.

## **SECTION P: REPEAL OF EXISTING ORDINANCES**

All ordinances or parts of ordinances inconsistent with or in conflict with these Regulations are hereby repealed to the extent necessary to give these Regulations full force and effect. These Regulations shall become effective from and after the date of their approval and adoption, as provided by law.

**SECTION Q: SCHEDULE OF MINIMUM REQUIREMENTS**

The following table provides the minimum parcel or lot size, minimum setbacks, and height limitations for all zoning districts in the Village of Minster.

**TABLE I**

ZONING DISTRICT	MINIMUM LOT SIZE	LOT WIDTH****	SETBACKS			MAXIMUM HEIGHT*
			Front	Side	Rear	
R-1: Single & Double Family	<u>5,000 S.F.</u>	68 FEET	35 FEET	7.5 FEET	35 FEET	35 FEET
<u>R-2: Single Family</u>	<u>8,000 S.F.</u>	<u>80 FEET</u>	<u>35 FEET</u>	<u>15 FEET</u>	<u>35 FEET</u>	<u>40 FEET</u>
C-1: Central Commercial	N/A	N/A	N/A	7.5 FEET	25 FEET	35 FEET
C-2: General Commercial	4,000 S.F.	60 FEET	25 FEET	7.5 FEET	25 FEET	35 FEET
<u>C-3: Regional Commercial***</u>	<u>43,560 S.F.</u>	<u>150 FEET**</u>	<u>80 FEET</u>	<u>20 FEET</u>	<u>35 FEET</u>	<u>35 FEET</u>
I-1: Industrial	20,000 S.F.	125 FEET	35 Feet	20 FEET	35 FEET	45 Feet
I-2: General Industrial	20,000 S.F.	125 Feet	35 Feet	20 Feet	25 Feet	45 Feet
Planned Unit Development	To Be Determined	To Be Determined	To Be Determined	To Be Determined	To Be Determined	To Be Determined

\* The Maximum Height shall be measured to the highest point of the roof structure excluding chimneys.

\*\* The C-3 Regional Commercial District shall also maintain a minimum lot depth of 200 feet,

\*\*\* Any development within the C-3 Regional Commercial District shall be required to maintain a fifteen (15) foot wide buffer area containing a fence, wall, or hedge that is erected, constructed, or planted to a height of six (6) feet.

\*\*\*\* The minimum lot width required for each district shall also be the minimum frontage required on an improved and dedicated street.

## **CHAPTER TWO: RESIDENTIAL DISTRICT REGULATIONS**

### **SECTION A: STATEMENTS OF INTENT**

1. **Single and Double-Family Residential Central District (R-1)**

The Single- and Double-Family Residential District (R-1) is intended to provide space in the Village for medium-density, single- and double-family residential development and to preserve the residential character of the existing central area of the Village. Land best suited for this Zoning District includes those sections of the Village that pose few natural barriers to development. The density in this Zoning District shall not exceed 8.0 housing units per acre except where higher densities are permitted by conditional use permit.

2. **Single Family Residential District (R-2)**

The Single Family Residential District (R-2) is intended to provide space in the Village for low density, single-family residential development and to preserve the residential character of the existing central area of the Village. Land best suited for this Zoning District includes those sections of the Village that pose few natural barriers to development. The density in this Zoning Density shall not exceed 5.0 housing units per acre. The minimum lot size for the R-2 District shall be 8,000 square feet.

### **SECTION B: LOT SIZE AND SETBACK REQUIREMENTS**

See Chapter 1, Section Q: Schedule of Minimum Requirements

### **SECTION C: USE LIMITATIONS AND STANDARDS**

1. **Double Frontage Lots:** Where lots have a double frontage, the required front yard shall be provided on both sides.
2. **Corner Lots:** Lots formed at the intersection of two (2) streets shall not be required to provide two (2) front yard setbacks. The side abutting the streets with the least amount of frontage shall be considered the front yard and shall be required to have a front yard setback of thirty-five (35) feet. The side abutting the street with the most amount of frontage shall be considered the side yard and shall be required to have a side yard setback of seventeen and a half (17.5) feet for the main living structure and a twenty-five (25) foot setback for an attached garage structure that faces the street side with the most amount of frontage. The required "sight-triangle" (Chapter 1, Section O, and Paragraph 3) shall be maintained and shall not be obstructed in cases where it conflicts with the reduced setbacks.
3. **Corner Lot Splits:** No sixty-eight (68) foot wide lots with a depth of two hundred nineteen and 58/100 (219.58) feet that are located on a corner may be split for the purpose of erecting a second dwelling on that lot.

Corner lots containing more than one hundred and thirty-seven and one half (137.5) feet of frontage and a depth of two hundred nineteen and 58/100 (218.58)

feet may be divided into two lots for the purpose of making land available for the erection of an additional dwelling fronting on the east-west street. The original lot shall be subject to a thirty-five yard setback on both streets and a seven and one half (7.5) rear and side yard setback. The second dwelling shall be subject to a thirty-five (35) foot front yard setback and a seven and one half (7.5) foot rear yard setback. Side yard setback requirements for the second dwelling are seven and one half (7.5) feet from the original lot and a twenty-five (25) setback on the opposite side.

4. Accessory Use: No accessory uses or buildings shall be located in the required front yard of any lot. On corner lots, no accessory use or buildings shall be located in the required side yard, which has street frontage.
5. Mobile Homes: No mobile home shall be located within the Single-Double Family Residential Central Districts (R-1) or the Single Family Residential District (R-2). Mobile homes will be permitted in Planned Mobile Home Districts only.

#### **SECTION D: REFERENCE TO ADDITIONAL REQUIREMENTS**

1. Off-street parking and loading and unloading spaces shall be subject to additional requirements set forth in Chapter Six.
2. Signs shall be subject to additional requirements set forth in Chapter Seven.
3. All uses shall be subject to additional requirements set forth in Chapter Nine, as appropriate.

## **CHAPTER THREE: COMMERCIAL DISTRICT REGULATIONS**

### **SECTION A: STATEMENT OF INTENT**

1. **Central Commercial District (C-1)**

The Central Commercial District (C-1) is intended to preserve the commercial character of the existing downtown area of the Village by allowing for the continuation and expansion of commercial establishments traditionally found in a Village downtown area.

2. **General Commercial District (C-2)**

The General Commercial District (C-2) is intended to accommodate commercial activities along state highways or other major street frontages where parcels of land may be restricted due to adjacent developed lands.

3. **Regional Commercial District (C-3)**

The Regional Commercial District (C-3) is intended to provide for a full range of commercial activities to and fronting on state highways or other major roadways and is intended to serve a population base larger than that of the Village.

### **SECTION B: LOT SIZE AND SETBACK REQUIREMENTS**

See Chapter 1, Section Q: Schedule of Minimum requirements

### **SECTION C: USE OF LIMITATIONS AND STANDARDS**

1. **Buffer yards:** All commercial uses adjacent residential uses or Districts, either along rear or side lot lines, shall provide a buffer yard, according to the Regulations specified in Chapter Nine, Section E.
2. **Accessory Uses:** No accessory uses or buildings shall be located in the required front yard of any lot. On corner lots, no accessory uses or buildings shall be located in the required side yard, which has street frontage.

### **SECTION D: REFERENCE TO ADDITIONAL REQUIREMENTS**

1. Off-street parking and loading and unloading spaces shall be subject to additional requirements set forth in Chapter Six.
2. Signs shall be subject to additional requirements set forth in Chapter Seven.
3. All uses shall be subject to additional requirements set forth in Chapter Eight, as appropriate.
4. All uses shall be subject to additional requirements set forth in Chapter Nine, as appropriate.



## **CHAPTER FOUR: INDUSTRIAL DISTRICT REGULATIONS**

### **SECTION A: STATEMENT OF INTENT**

#### **Industrial District (I-1) and I-2**

The Industrial District (I-1 and I-2) are intended to accommodate existing industrial development, allow land for its future expansion and to provide land for new industrial sites. The Industrial Districts are best suited for lands located where convenient access exists to major highways and/or rail systems.

Preferably, Industrial Districts should be separated physically and functionally from the Village's residential neighborhoods.

### **SECTION B: LOT SIZE AND SETBACK REQUIREMENTS**

See Chapter 1, Section Q: Schedule of Minimum requirements

### **SECTION C: USE LIMITATIONS AND STANDARDS**

1. Accessory Uses: No accessory uses or buildings shall be located in the required front yard of any lot. On corner lots, no accessory uses or buildings shall be located in the required side yard that has street frontage.
2. Buffer yards: All industrial uses adjacent residential uses or Districts, either along rear or side lot lines, shall provide a buffer yard according to regulations specified in Chapter Nine, Section E.

All storage and service areas shall be screened from view from the perimeter of the site with landscaping and /or fencing.

### **SECTION D: REFERENCE TO ADDITIONAL REQUIREMENTS**

1. Off-street parking and loading and unloading spaces shall be subject to additional requirements set forth in Chapter Six.
2. Signs shall be subject to additional requirements set forth in Chapter Seven.
3. All uses shall be subject to additional requirements set forth in Chapter Nine, as appropriate.

## **CHAPTER FIVE: PLANNED UNIT DEVELOPMENT (PUD) DISTRICT REGULATIONS**

### **SECTION A: STATEMENTS OF INTENT**

It is the intent of the Planned Unit Development (PUD) Districts Planned Residential District (PRD), Planned Mobile Home Park District (PMHP), Planned Commercial District (PCD) and Planned Industrial District (PID) to allow space in the Village for innovative developments that do not lend themselves to traditional development standards and to provide a flexible process to review these development proposals while ensuring that they are compatible with other uses in the Village.

The PRD will allow a wide range of housing opportunities to develop in the Village.

The PMHP will allow the option of mobile homes in the Village in a well organized way compatible with the character of the surrounding area.

The PCD will allow retail development in a cluster or shopping center type layouts and will encourage new types of retail centers in a place of “strip” developments.

The PID will allow industrial uses to develop in ways that promote efficiency and are compatible with surrounding uses.

### **SECTION B: GENERAL PUD DISTRICT REQUIREMENTS**

All PUD developments shall comply with the general requirements and with those requirements specifically applicable to their development type.

#### **1. Open Space**

There shall be reserved, within the tract to be developed on a planned unit basis, a minimum land area of twenty percent (20%) of the tract for use as common open space. No more than fifty percent (50%) of this open space shall be water surface and not more than forty percent (40%) of the open space shall have a slope of ten percent (10%) or greater. This common open space shall not consist of isolated or fragmented pieces of land that would serve no useful purpose.

Pedestrian walkways, bikeways, park land, open areas, swimming pools, tennis courts and other lands of essentially open character may be included in this common open space, exclusive of off-street parking areas.

If the Planning Commission determines that sufficient open space is available in the area, the Commission may determine that the developer can pay a fee in lieu of holding space open. This fee schedule will be determined and approved by the Planning Commission and Village Council.

#### **2. Preservation of Natural Resources**

Where significant natural features, such as large trees, wood lots, streams, ponds, wildlife habitat or other landscape features, are present on the site, these features

shall be preserved wherever possible. These areas may fulfill open space requirements where the specified open space criteria can be met.

3. Utilities

All electrical and telephone facilities, street light wiring and other wiring conduits and similar facilities shall be placed underground by the developer, unless waived by the Planning Commission for technical reasons.

4. Preservation of Historical Structures

Where significant historical structures, such as bridges, stonewalls and buildings, are present on the site, these structures shall be preserved wherever possible. These areas may fulfill the open space requirements where the specified open space criteria can be met. The historic structures shall not be calculated as part of the impervious surface.

**SECTION C: PLANNED RESIDENTIAL DISTRICT (PRD)**

1. Area Requirements

All Planned Residential Districts shall be a minimum of five (5) acres in size.

2. Permitted Use

- |                           |                            |
|---------------------------|----------------------------|
| ○ Single-Family Dwellings | ○ Golf Courses             |
| ○ Double-Family Dwellings | ○ Rest Homes/Nursing Homes |
| ○ Multi-Family Dwellings  | ○ Hospitals                |
| ○ Schools                 | ○ Community Centers        |
| ○ Churches                | ○ Home Occupations         |
| ○ Parks                   |                            |

3. Accessory Uses

- |                                |                  |
|--------------------------------|------------------|
| ○ Garages/Shed                 | ○ Swimming Pools |
| ○ Satellite Receiving Stations | ○ Game Courts    |

4. Site Requirements

There shall be a setback of fifty (50) feet maintained around the total perimeter of the development, which is landscaped to provide a buffer that is seventy-five percent (75%) opaque when adjacent residential uses and one hundred percent (100%) opaque when adjacent commercial and industrial uses from the ground to at least six (6) feet above ground. Earthen mounds may be used as part of the buffering system.

Detached principal structures shall be a minimum of fifteen (15) feet away from one another.

- Private accessory structures and uses shall not be located on common open space and shall be a minimum of fifteen (15) feet away from all structures other than the principal structure they are associated with.

All structures shall be located at least twenty-five (25) feet back from all public and private roads.

No residential structure or cluster of attached buildings shall have more than three hundred (300) linear feet of frontage.

5. Density Requirements

Residential structures shall be allowed in the Planned Residential District at up to eighteen (18) units per acre. This shall be calculated as the total number of dwelling units per the total acreage of the site. Clustering of units may be used; however, in no case shall a portion of the site be substantially higher in density than any other portion on the site.

6. Height Requirements

No residential structure shall be more than three (3) stories or thirty-five (35) feet in height whichever is less.

No accessory structure shall be more than one (1) story or eighteen (18) feet in height whichever is less.

No institutional or community service use shall be more than three (3) stories or forty-five (45) feet in height, whichever is less, and excluding any steeple, bell tower, clock tower, or similar appurtenance.

7. Parking

Parking requirements are those set forth in Chapter Six.

8. Signs

Sign requirements are those set forth in Chapter Seven.

**SECTION D: PLANNED COMMERCIAL DISTRICT (PCD)**

1. Area Requirements

All Planned Commercial Districts shall be a minimum of two (2) acres in size.

2. Permitted Uses

- Business or Professional Offices
- Retail and Service Establishments
- Indoor Entertainment Establishments
- Financial Institutions
- Eating and Drinking Establishments
- Printing and Publishing Establishments
- Wholesale and Warehousing Establishments
- Automotive Service Stations
- Building and Related Trade Establishments

3. Accessory Uses

- Home Occupations

- Garages/Shed
- Satellite Receiving Stations
- Swimming Pools
- Game Courts

4. Site Requirements

There shall be a setback of fifty- (50) feet maintained around the total perimeter of the development, which is landscaped to provide the appropriate buffer to the adjacent land uses.

Detached principal structures shall be a minimum of twenty (20) feet away from one another.

All structures shall be located at least twenty-five (25) feet back from all public roads.

There shall be one (1) entrance/exit drive per street frontage. On the major street frontage, there may be two (2) entrance/exit drives if the street frontage is more than three hundred (300) feet and the two (2) drives are at least two hundred (200) feet away.

4. Storage and Service Areas

All storage buildings and garbage collections areas shall be at the rear of the site. Loading bays and other service and utility apparatus shall be to the rear of the site and appropriately screened from view with landscaping and/or fencing.

5. Height Requirements

No principal or accessory structure shall be more than thirty-five (35) feet in height unless the Planning Commission determines that the taller structure will not be detrimental to the area. Structures taller than thirty-five (35) feet in height may be permitted as a Conditional Use.

6. Parking

Parking requirements are those set forth in Chapter Six.

7. Signs

Sign requirements are those set forth in Chapter Seven.

**SECTION E: PLANNED INDUSTRIAL DISTRICT (PID)**

1. Area Requirements

All Planned Industrial Districts shall be a minimum of ten (10) acres in size.

2. Permitted Uses

- |  |   |
|--|---|
| <ul style="list-style-type: none"> <li>○ Wholesale and Warehousing Establishments</li> </ul> | <ul style="list-style-type: none"> <li>○ Building and Related Trade Establishments</li> </ul> |
|--|---|

- Automobile Service and Repair Establishments
- Industrial and Manufacturing Establishments
- Research and Development Establishments

3. Site Requirements

There shall be a setback of one hundred (100) feet maintained around the perimeter of the site. This setback shall be landscaped in a dense planting at least seventy-five percent (75%) opaque from the ground to eight (8) feet above the ground to buffer where the adjacent uses are less intensive. Where the site is adjacent other industrial uses, the Planning Commission may determine that a less dense buffer is required.

Detached principal structures shall be a minimum of thirty- (30) feet away from one another.

All structures shall be located at least twenty-five (25) feet back from all public roads.

Vehicle access points to and from the site shall be at least two hundred fifty (250) feet apart from one another.

4. Storage and Service Areas

Outdoor storage of materials shall be allowed provided such materials are enclosed and secured and in no case shall such materials be stored higher than fifteen (15) feet in height.

All storage and service areas shall be screened from view from the perimeter of the site with landscaping and/or fencing.

5. Parking

Parking requirements are those set forth in Chapter Six.

6. Signs

Sign requirements are those set forth in Chapter Seven.

**SECTION F: PLANNED MOBILE HOME PARK DISTRICT (PMHP)**

1. Area Requirements

All Planned Mobile Home Park Districts shall be a minimum of ten (10) acres in size.

2. Permitted Uses

Mobile Home Dwellings

3. Accessory Uses



None Permitted

Site Requirements

There shall be a setback of one hundred (100) feet maintained around the entire perimeter of the site. This setback shall be landscaped to provide a moderate buffer of seventy-five percent (75%) opaque.

Each individual mobile home site shall have a minimum lot width of sixty- (60) feet.

All mobile home structures shall be a minimum of forty- (40) feet apart of each other.

Private accessory structures and uses shall not be located on common open spaces and shall be a minimum of thirty- (30) feet away from all structures other than the principal structure they are associated with.

Each mobile home must be placed on a permanent stand built to the specifications listed below. Each mobile home site shall be equipped with a concrete slab of adequate thickness and size to support the mobile home load during all seasons.

Each stand shall have two (2) columns of concrete footings placed at eight (8) foot intervals on center and is to be located under each I-beam of the mobile home. Four (4) columns of footings are required for stands designed for doublewide mobile homes. The depth of excavation for footings shall be at least twelve (12) inches into undisturbed soil. Each footing shall be at least thirty-six (36) wide and twelve (12) inches deep. A minimum of three (3), four (4) foot anchors shall be installed on each side of the stand at twenty-five (25) foot intervals beginning at the front of the stand. The remaining area of the stand shall have a base of at least six (6) inches of compacted stone.

Attached structures such as awnings, cabanas, storage buildings, carports, windbreaks or porches, which have a floor area larger than twenty (20) square feet and a roof, shall be considered to be part of the mobile home stand for purposes of all separation requirements.

5. Density

Mobile home structures shall be allowed in the Planned Mobile Park District at up to five (5) units per acre. This will be calculated as the total number of mobile home units per the total acreage of the site.

**SECTION G: GENERAL PUD REVIEW CRITERIA**

The Planning Commission shall not approve a request for a Planned Unit Development unless specific findings of fact directly based upon the particular evidence presented to the Planning Commission support the conclusions that:

1. The PUD can be substantially completed within the period of time specified in the schedule of development submitted by the developer.
2. The site shall be accessible from public roads adequate to carry the traffic that will be imposed on them by the proposed development.
3. The streets on the site of the proposed development shall be adequate to serve both the residents and businesses of the proposed development.
4. The development shall not impose any undue burden on public facilities and service, such as fire, police and education.
5. The development plan contains such proposed covenants, easements and other provisions relating to the proposed development as are reasonably required for the public health, safety and welfare.
6. The location and arrangement of structures, parking areas, walks, lighting and appurtenant facilities shall be compatible with the surrounding land uses.
7. Any part of a PUD not used for structures, parking and loading areas, or access ways shall be landscaped or otherwise improved.
8. Natural features such as watercourses, trees and rock-out crops shall be preserved, to the degree possible, so that they can be incorporated into the layout to enhance the overall design of the planned development.
9. The layout is designed to take advantage of the existing land contours in order to provide satisfactory road gradients and suitable buildings sites and to facilitate the provision of proposed services.
10. The development pattern, to the maximum extent possible, preserves and utilized natural topography and geological features, scenic vistas, trees and other vegetation, and does not cause disruption or natural drainage patterns.
11. The development provides adequately for storm water and sanitary waste disposal.
12. The developer has proposed to install all necessary infrastructure improvements, including streets, sidewalks, storm drainage systems and utilities.

## **SECTION H: PUD APPLICATION PROCESS**

1. **Pre-application Conference**  
Any owner of land for which a PRD, PCD, or PID Zoning District classification is sought shall, prior to filing a formal application for approval of a PUD, attend a pre-application conference with the Planning Commission. The purpose of such a conference is to allow the developer to present a general concept of the proposed

development prior to preparation of detailed plans. For this purpose, the presentation shall include, but not be limited to, the following:

- a. A letter of intent from the developer establishing intentions as to the development of the land;
- b. A statement of ownership or option on all land in the proposed project area;
- c. A topography survey and location map;
- d. Sketch plans and ideas regarding land use, dwelling type and /or other commercial or industrial structures, density, street and lot arrangement and tentative lot sizes; and
- e. Tentative proposals regarding water supply, sewage disposal, surface drainage and street improvements.

The Village officials shall advise the developer of the zoning requirements of any Village plans that might affect the proposed development as well as the procedural steps for approval.

2. Preliminary Plan

The preliminary plan of the PUD shall be filed with the Planning Commission for consideration. The required procedure for consideration and approval of the preliminary plan shall be:

- a. Submission of the following:

A written application for approval of a planned development, which shall be made in the manner prescribed and approved by the Village.

A preliminary development plan and report, with maps at a scale of one hundred (100) feet or less to the inch, including, as appropriate to the kind of planned development proposed, the following information presented in generalized form:

- (1) The proposed land uses and approximate height, bulk and location of principal structures sufficient to permit an understanding of the style of the development. Proposals containing residential units shall specify the number of housing units by size and type proposed within the overall development if the development is not be staged.
- (2) Proposed automobile and pedestrian circulation patterns, including streets by type (major, collector or minor), width and ownership

(public or private), pedestrian ways and existing or plotted streets proposed to be vacated.

- (3) Major off-street parking areas.
  - (4) Proposed parks, playground, pedestrian parkways and other major open spaces as well as the general form of organization proposed to own and maintain any common open space.
  - (5) The general location of utility installations and easements.
  - (6) If the development is to be in stages, an indication as to the order and timing of development and a demonstration that each stage, when completed, will complement any stage completed earlier and will form a reasonably independent unit even though succeeding stages are delayed.
  - (7) Proposals for expediting provision of public facilities, utilities or services where lacking or unlikely to be available when needed for the planned development or for providing suitable private facilities, utilities or services. A report shall be provided, if appropriate in a particular development, containing proposals for improvement and continuing maintenance and management of any private streets.
  - (8) The substance of covenants, grants and easements or other restrictions proposed to be imposed upon the use of the land, buildings and structures, including proposed easements or grants for public utilities.
- b. The Planning Commission shall distribute application materials to the appropriate Village staff. Within sixty- (60) days of receipt of such materials, Village staff shall submit written comments to the Planning Commission. Failure to submit comments shall indicate approval.
- c. The Planning Commission shall study materials received and confer with other agencies of government, as appropriate, to determine general acceptability of the proposal as submitted. In the course of such preliminary consideration, the Planning Commission may request and the applicant shall supply additional material needed to make specific determinations.

Following such study, the Planning Commission shall hold a conference or conferences with the applicant to discuss desirable changes in the preliminary development plan and report. Recommendations of the Planning Commission to the applicant shall be in writing. Following any such conference, agreements between the applicant and the Planning Commission as to changes in the preliminary plan and report or other matters to be recorded and acknowledged shall be in writing. On items where not agreement is reached,

or where there is specific disagreement, this fact shall be recorded, and the applicant may place in the record their reasons for disagreement.

- d. The Planning Commission shall schedule a public hearing (in accordance with the Ohio Revised Code) within thirty- (30) days of the Village staff's approved sign-off date, after which the Planning Commission shall make its recommendations to the Village Council. Such recommendations shall indicate approval, approval with specific reservations or disapproval with reasons. With such recommendations, the Planning Commission shall transmit to the Village Council, within thirty- (30) days, the latest draft of the preliminary plan and report submitted by the applicant, a record of agreements reached and matters on which there was no specific agreement, including any reason recorded by the applicant for such disagreement.
- e. The Village Council shall schedule a public hearing for the preliminary plan and the respective planned development zone designation after receiving the proposal from the Planning Commission. Within thirty- (30) days after receipt, the Village Council shall approve the proposal, approve it subject to conditions or deny it. If approved, only in accordance with the uses and densities shown on the planned unit development preliminary plan.

### 3. Final Plan

The final planned unit development plan shall conform substantially to the preliminary plan as approved and shall be filed within six (6) months after approval of the preliminary plan. If desired by the developer, the final plan may be submitted in stages, with each stage reflecting a portion of the approved preliminary plan, which is proposed to be recorded and developed, provided that such portion conforms to all the requirements of this chapter. The required procedure for approval of a final plan shall be as follows:

- a. The final plan and supporting data shall be filed with Village officials who, in turn, shall forward copies to the Planning Commission for certification that the final plan is in conformity with this chapter and in agreement with the approved preliminary plan.
- b. Similar modifications of standards contained in other regulations or policies applying generally may be reflected in such maps and reports if the Planning Commission finds and certifies, after consultations with other agencies of government as appropriate in the specific case, that the public purposes of such regulations or policies are as well or better served by specific proposals of the formal plan and reports.
- c. A general site and land use plan for the planned development as a whole, indicating sub-areas for phased development, if any; the location and use of structures and portions of structures in relation to building site lines; building sites reserved for future use and uses for which sites are reserved;

automotive and pedestrian circulatory networks; principal parking areas; open space not in building sites and the use for which this open space is intended; and such other matters as are required to establish a clear pattern of the relationships that exist between structures, uses, circulation and land shall be filed.

- d. After review of the final plan and supporting data, the Planning Commission shall approve or disapprove the plan within thirty- (30) days after submittal by the developer. Disapproval of the final plan shall include a clear statement of the reasons.
- e. The Planning Commission shall forward the final plan, together with its recommendations, to the Village Council. The Village Council shall review the recommendations of the Planning Commission at its next regular meeting and shall approve, approve subject to conditions or deny the final application.

#### 4. Recording of Final Plan

- a. After approval by the Village Council of the final plan, Village officials shall see that all the requirements of the Village are complied with before the final plan is sent to the Auglaize County Recorder for recording.
- b. The purpose of such recording is to designate with particularity the land subdivided into conventional lots, the dimensions of other lands so treated as common open areas and building areas, and to designate each building or structure, as well as the use of land in general.
- c. No final plan within the Village shall be so recorded unless it has the approval of the Village Council inscribed thereon.

#### 5. Zoning Compliance Certificate

- a. Village officials shall issue no zoning compliance certificate until the final plan has been approved and duly recorded, and the Planning Commission has approved the detailed plans.
- b. Before any zoning compliance certificate may be issued in the planned development, all agreements, contracts and deed restrictions shall be submitted in a form acceptable to the Village.
- c. No zoning compliance certificate shall be issued for construction in any PUD District until all required public improvements are installed or a performance bond in the amount of one hundred ten percent (110%) of the estimated cost of the public improvements is posted with the Village of Minster.



## **SECTION I: CHANGES IN THE PLANNED DEVELOPMENT**

A planned development shall be developed only according to the approved and recorded final plan and all supporting data. The recorded final plan and supporting data, together with all recorded amendments, shall be binding on the applicants, their successors, grantees and assignees and shall limit and control the use of the premises, including the internal use of buildings and structures and the location of structures in the planned development as set forth therein.

### **1. Major Changes**

Changes that alter the concept or intent of the planned development after preliminary approval, including increases in the number of units per acre, changes in the location or amount of non-residential land uses, more than fifteen percent (15%) modification in the proportion of housing types, reductions of proposed open space and significant redesign of roadways, utilities or drainage, may be approved only by submission of a new preliminary plan and supporting data and by following the preliminary approval steps and subsequent amendment of the final plan.

### **2. Minor Changes**

The Planning Commission may approve minor changes in the planned development that do not change the concept or intent of the development. A minor change is defined as any change that is not a major change.

## **SECTION J: REVOCATION OF PERMIT**

A planned unit development permit may be revoked in any case where the conditions of such permit have or are not being complied with and where the developer has not initiated the process outlined in Chapter Five, Section 1, to make approved major and minor changes. In these cases, the Planning Commission shall give the permittee notice of intention to revoke such permit at least ten (10) days prior to review of the permit by the Planning Commission. After conclusion of such review, the Planning Commission may revoke such permit if it finds that a violation in fact exists and has not been prior to such hearing.

In any case where a planned development has not yet been established (substantially under way) within one (1) year from the date of granting thereof, then without further action by the Planning Commission, the planned development authorization thereof shall be null and void. If the development falls more than one (1) year behind the schedule filed with the final plan, the permit may be subject to revocation.

## **SECTION K: APPLICATION LIMITATION**

No application for a planned development, which has been denied wholly or in part by the Planning Commission and Village Council, shall be resubmitted for a period of one (1) year from the date of such order of denial, except on the grounds of new evidence or proof of changes of conditions found to be valid by the Planning Commission and Village Council.

## CHAPTER SIX: OFF-STREET PARKING AND LOADING/UNLOADING REGULATIONS

### SECTION A: GENERAL REQUIREMENTS

#### 1. Required Compliance

No building or structure or use of land shall be erected, substantially altered, or its use changed unless permanently maintained off-street parking spaces are provided in accordance with the provisions of these Regulations.

- a. Not Retroactive: The requirements in this section shall not apply to any existing building or structure or use except where there is a change or alteration made.
- b. Minor Changes: Whenever a building or structure is changing or enlarged in floor area, number of dwelling units, seating capacity or otherwise to create a need for an increase of at least ten percent (10%) but less than fifty percent (50%) in the number of existing spaces, additional parking spaces shall be provided consistent with these Regulations on the basis of that enlargement or change only.
- c. Major Changes: Whenever a building or structure is enlarged to the extent of fifty percent (50%) or more in floor area, number of dwelling units, seating capacity or otherwise, said building or structure shall then and thereafter comply with the full parking requirements set forth herein.
- d. Change of Use: Whenever a building or structure undergoes a change of use requiring the addition of more than five (5) off-street parking spaces, the new use shall comply with these Regulations in full. However, a change in use that creates a need for an increase of five (5) or less off-street parking spaces will require no additional parking facilities.

#### 2. Location of Parking

- a. On-Site Parking: The off-street parking spaces required by this section shall be provided on the same lot as the principal use the spaces are provided to serve, except for those cases identified.
- b. Satellite Parking
  - (1) If the number of off-street parking spaces required by this section cannot reasonably be provided on the same lot where the principal use associated with these parking spaces is located in the C-1 Central Commercial District, then a satellite parking area may be used. However, the use and the parking must both be in the C-1 District.

Where parking is being provided collectively, then spaces may be provided on adjacent or nearby lots in accordance with the provisions of this section. These off-site spaces are referred to in this section as satellite parking spaces.

- (2) All such satellite parking spaces shall be located within five hundred (500) feet of a public entrance of a principal building housing the use associated with such parking or within five hundred (500) feet of the lot on which the use associated with such parking is located if the use is not housed within a principal building.
- (3) Any developer wishing to take advantage of the provisions of this section shall present satisfactory written evidence that he has the permission of the owner or other person in charge of the satellite parking spaces to use such spaces. The developer shall also sign an acknowledgement that the continuing validity of the permit depends upon his continuing ability to provide the requisite number of parking spaces.

3. Required Setbacks

- a. Parking shall be allowed in the required side yard in the Commercial and Industrial Districts provided the adjacent property is zoned as a Commercial or Industrial District.
- b. Parking shall be allowed in any side yard driveway for any single family home.
- c. Parking shall be allowed in any side yard setback for multi-family residential use provide the following conditions are met:
  - (1) A solid wood fence shall be constructed between the multi-family residential use and any adjacent residential use. The wood fence must be a minimum of four (4) feet in height and is intended to serve as a screen or buffer between the uses.
  - (2) In no instance shall parking areas or driveways of multi-family residential use activities be permitted to be constructed closer than five (5) feet from any property line.
- d. Parking shall be allowed in any front yard setback for multi-family residential use provided the following conditions are met:
  - (1). A continuous hedge is planted and maintained across the front property line and is maintained at a height of three (3) feet to three (3) feet and six (6) inches. The continuous hedge is intended to

serve as a screen or buffer between the use and the public right of way.

- (2) In no instance shall parking area or driveways of multi-family residential use activities be permitted to be constructed closer than ten (10) feet from the front property line adjacent to the public right of way.

#### 4. Computation of Required Off-Street Parking Spaces

- a. Units. When units of measurement determining the number of required parking spaces result in requirement of a fractional space, any fraction up to and including one-half ( $1/2$  or .500) shall be disregarded and any fraction over one-half ( $1/2$  or .500) shall require one (1) additional parking space.
- b. Joint Use. Two (2) or more non-residential uses may jointly provide and use off-street parking spaces when their respective hours of operation do not normally overlap, provided that a written agreement approved by the Zoning Administrator shall be filed with the application for a Zoning Certificate. Uses that do not have the same hours of operation may share in a joint use up to fifty percent (50%) of their respectively required number of off-street parking spaces. Buildings or uses not normally open, used or operated during the principal operating hours of theaters, churches, or school auditoriums include banks and financial institutions, business and professional offices, retail and personal service establishments.
- c. Mixed Occupancies and Uses Not Specified. In the case of mixed uses, the total requirement for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. In the case of a use not specifically mentioned, the requirements for off-street parking facilities shall apply for a use, which is so mentioned, and to which such use is similar. Off-street parking facilities for one (1) use shall not be considered as providing required parking facilities for any other use, except as specified for joint use.
- d. Collective Provision. Nothing in this section shall be constructed to prevent collective provision of off-street parking facilities for two (2) or more buildings or uses, provided the total of such off-street parking spaces supplied collectively is not less than the sum of the requirements for the various uses computed separately, and provided further that the requirements set forth for satellite parking spaces shall apply to each establishment participating in the collective provision of off-street parking spaces.

5. Required Documentation

All applicants for a Zoning Compliance Certificate, Conditional Use Permit or Planned Unit Development approval shall include with their application a plan drawn to scale showing the location and arrangement of any off-street parking areas required by these Regulations. Applications for developments in the R-1 Residential District are exempt from this documentation. In addition, said plan shall show:

- a. North Arrow
- b. Scale
- c. Location, dimensions and labeling of all existing driveways, buildings, paved areas, fences, roof overhangs, streets and alleys, and sidewalks and reference to the nearest street intersections.
- d. Location and labeling of all fire hydrants, trees and other objects on public property along the site boundaries.
- e. All necessary profiles and elevations to ensure that grades and drainage are adequately handled.

6. Off-Street Parking of Inoperable and Disabled Vehicles

- a. No motor vehicle shall be parked or stored for a period in excess of one (1) week when any such motor vehicle:
  - (1) Does not bear a current registration plate, or
  - (2) Is not in operating condition.
- b. Such motor vehicle may be parked or stored in these Districts if parked or stored entirely within an enclosed buildings.

**SECTION B: OFF-STREET PARKING REQUIREMENTS**

1. Residential Uses:

Single-Family	2.0 per dwelling unit
Double-Family	2.0 dwelling unit
Multi-Family	2.0 dwelling unit
Rooming/Boarding Houses	1.0 per rentable room not to exceed 5.0 off-street parking spaces

2. Institutional Uses:

	Churches/Places of Worship	1.0 per 8 seats in principal auditorium or 1.0 per 17 classroom seats, which ever is greater.
	Elementary Schools	1.0 per 850 sq. ft. of classroom space plus 1.0 per 100 sq. ft. of office space plus 1.0 per 50 sq. ft. of assembly space
	Jr./Sr. High Schools	1.0 per 60 sq. ft. of classroom space plus 1.0 per 100 sq. ft. of office space
	Universities, Colleges, Vocational/Technical Schools	1.0 per 100 sq. ft. of classroom space plus 1.0 per 50 sq. ft. of assembly space
	Hospitals	1.0 per 80 sq. ft. of sleeping space plus 1.0 per 100 sq. ft. of office space plus 1.0 per 150 sq. ft. of treatment space
	Nursing Home/Rest Homes	1.0 per 480 sq. ft. of sleeping space plus 1.0 per 100 sq. ft. of office space
	Group Homes	3.0 per facility
3.	<u>Recreational Uses:</u> Public Parks	Spaces are required cumulatively according to facilities included or fraction thereof
	Athletic Fields	8.0 per acre
	Community Center	10.0 per facility
	Tennis Court	5.0 per court
	Golf Course	8.0 per hole
4.	<u>Commercial Uses:</u> Business or Professional Office	1.0 per 400 sq. ft. of floor area
	Retail or Service Establishments	1.0 per 300 sq. ft. of floor area
	Bowling Lanes	2.5 per alley
	Theaters or Assembly Halls with fixed seating	1.0 per 4 seats



Financial Institutions	1.0 per 200 sq. ft. of floor area
Food Stores	1.0 per 300 sq. ft. of floor area
Eating and Drinking Places	1.0 per 200 sq. ft. of floor area
Printing and Publishing Establishment	1.0 per 300 sq. ft. of floor area
Wholesale and Warehousing	1.0 per 200 sq. ft. of office space plus 1.0 per 400 sq. ft. of manufacturing operations plus 1.0 per 750 sq. ft. of storage space
Drive-In Theaters	1.0 per speaker
Animal Hospitals	3.0 per every treatment room plus 1.0 per 100 sq. ft. of office space
Funeral Homes	1.0 per 100 sq. ft. of floor space in public areas

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Hotels and Motels	1.0 per sleeping room, plus 1.0 per 100 sq. ft. of office space and 1.0 per 50 sq. ft. of restaurant and lounge space
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Automobile Service and Repair	1.0 per 200 sq. ft. of floor space
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Gasoline Service Stations	1.0 per 200 sq. ft. of floor space
---------------------------	------------------------------------

Commercial Recreation Baseball Field	8.0 per acre
--------------------------------------	--------------

Golf Driving Ranges	1.0 per tee
---------------------	-------------

Carpenter Shops	1.0 per 300 sq. ft. of floor area
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Electrical, Plumbing and Heating Shops	1.0 per 300 sq. ft. of floor area
--	-----------------------------------

Furniture Upholstering	1.0 per 300 sq. ft. of floor area
------------------------	-----------------------------------

5. Industrial Uses:

Wholesale & Warehousing	1.0 per 200 sq. ft. of office space, plus 1.0 per 400 sq. ft. of manufacturing
-------------------------	--

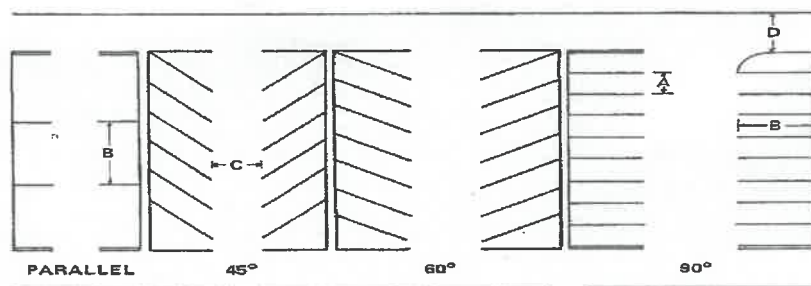
	operations space, plus 1.0 per 750 sq. ft. of storage space
Carpenter Shops	1.0 per 300 sq. ft. of floor area
Furniture Upholstering	1.0 per 300 sq. ft. of floor area
Automobile Service & Repair	1.0 per 200 sq. ft. of floor area
Industry & Manufacturing Facilities	1.0 per 200 sq. ft. of office space plus 1.0 per 400 sq. ft. of manufacturing operations space plus 1.0 per 750 sq. ft. of storage space.
Research & Development	1.0 per 200 sq. ft. of office space plus 1.0 per 400 sq. ft. of manufacturing operations space plus 1.0 per 750 sq. ft. storage space

## **SECTION C: DESIGN STANDARDS FOR OFF-STREET PARKING**

### **1. Parking Space Dimensions:**

- a. Off-street parking spaces for multi-family, commercial and industrial establishments shall conform with the appropriate stall and aisle dimensions as shown in Figure 1. An off-street parking space shall have minimum rectangular dimensions of not less than nine (9) feet in width, nineteen (19) feet in length for ninety (90) degree parking; nine (9) feet in width and twenty-three (23) feet in length for parallel parking; ten (10) feet in width and nineteen (19) feet in length for sixty (60) degree parking; and ten (10) feet in width and nineteen (19) feet in length for forty-five (45) degree parking.
- b. All dimensions shall be exclusive of driveway aisles, driveways and other circulation area.
- c. Head-in parking shall provide a minimum clear distance of three (3) feet when parking is adjacent a building.
- d. Parking spaces shall be provided for handicapped persons in accordance with the provisions of the Ohio Basic Building Code, as applicable and the American's with Disability Act.

**FIGURE I: OFF-STREET PARKING MINIMUM DIMENSIONAL TABLE**



**Off-Street Parking Minimum Dimensional Table**

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

2. **Paving.** All open parking spaces shall be graded and provided with, at a minimum, a gravel chip and seal or equivalent surface, and shall be dust free and nuisance free over the entire parking lot.
3. **Drainage.** All open, off-street parking spaces and areas shall be provided with adequate drainage facilities in order to ensure that storm water does not flow onto adjoining property or adjoining sidewalks in such a way or quantity that adjoining property owners or users of the sidewalks would be detrimentally affected or inconvenienced.
4. **Driveways.** There shall be adequate provisions for ingress and egress to all off-street parking spaces. Where a lot does not abut a public or private alley or easement of access, there shall be provided an access drive not less than eight (8) feet in width in the case dwelling and not less then eighteen (18) feet in width in all other cases leading to the parking or storage areas of loading or unloading spaces required hereunder in such manner as to secure the most appropriate development of the property in question but such easement of access or access drive shall not be located in any Residential District, except where provided in connection with a use permitted in a Residential District.

Access drives, which are intended to provide access for truck traffic, shall be provided with a radius of twenty-five (25) feet, plus widths of no less than thirty (30) feet so that entry and exit can be made without encroachment beyond the curb land of the abutting street.

5. **Lighting.** Any lighting used to illuminate off-street parking areas shall be equipped with suitable shielding to prevent glare and illumination of adjoining property in accordance with Chapter Eight.

6. Maintenance. The owner of property used for off-street parking shall maintain such area in good condition without holes and free of all dust, trash and other debris.

#### **SECTION D: OFF-STREET LOADING/UNLOADING REQUIREMENTS**

1. Required Spaces:

Retail, Service, Office Establishment	One space for the first 5,000 sq. ft. of floor area and one space thereafter for each additional 20,000 sq. ft.
Wholesale Establishments/Warehouses	One space for every 5,000 sq. ft. of floor area.
Industrial Establishments	One space for the first 5,000 sq. ft. of floor area and one space thereafter for each additional 20,000 sq. ft.

Off-street loading requirements for any use not specified in these Regulations shall be the same as that specified for a similar permitted use, as determined by the Board of Zoning Appeals.

#### **SECTION E: DESIGN STANDARDS FOR OFF-STREET LOADING/UNLOADING AREAS**

1. Single-Use Spaces: No area allocated to loading and unloading facilities may be used to satisfy the area requirements for off-street parking, nor shall any portion of any off-street parking area be used to satisfy the area requirements for loading and unloading facilities.
2. Adjacent Residential. No loading/unloading facility shall be located closer than fifty (50) feet from any lot in a Residential District or any residential use unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted board fence not less than six (6) feet in height. An evergreen hedge or planting no less than six (6) feet in height may be substituted for a fence if maintained in good condition.
3. Dimensions. Each loading space shall not be less than ten (10) feet in width, twenty-five (25) feet in length and fourteen (14) feet in height.
4. Paving. All open parking spaces shall be graded and provided with, at a minimum, a gravel chip and seal or equivalent surface, and shall be dust free and nuisance free over the entire parking lot.
5. Location. All required loading spaces shall be off-street and shall be located on the same lot as the specific use to be serviced. No loading space shall be located within a required front or side yard. No permitted or required loading space shall

be located within fifty (50) feet of the nearest point of intersection of any two (2) public thoroughfares.

6. Drainage. All loading spaces shall be provided with adequate drainage facilities.

**SECTION F: PARKING AND STORING REQUIREMENTS FOR RECREATIONAL AND COMMERCIAL VEHICLES**

1.

General Requirements. The off-street parking of recreational vehicles, defined as boats and/or boat trailers, other vehicles designed for traveling on water, pick-up campers or coaches, motorized dwellings, tent trailers, travel trailers, cargo trailers, utility trailers or any trailer drawn by another motor vehicle which is used to transport equipment or material is permitted in Residential Districts subject to the following conditions:

- a. None of the above-mentioned vehicles shall be parked in the required front or in front of the building setback line in the side yard for more than twenty-four (24) hours, which allows for temporary loading and unloading.
- b. No more than one (1) recreational vehicle shall be permitted to be stored outside on a parcel.
- c. All recreational vehicles must be registered and licensed (if applicable) exclusively to one of the permanent occupants of the residence where the recreational vehicle is located.
- d. All recreational vehicles less than thirty (30) feet may be parked in the rear yard or behind the front building setback line in the side yards, so long as such parking for the purpose of storage is not in the required seven and half foot (7.5) side yard setback. If the rear or side yard of one lot abuts another residential lot than any recreational vehicle shall be parked at least 7.5 feet from the rear property line of the first lot.
- e. No such recreational equipment shall have permanent connections to electricity, gas, water, or sanitary sewer facilities, nor shall such equipment be used as a dwelling in any case.
- f. All recreational vehicles shall be kept in good repair and where applicable carry a current year's license plate and registration.
- g. All recreational vehicles shall be parked on an improved parking surface which includes a minimum of gravel, concrete, chip and seal or asphalt.

*no change*

2. Commercial Vehicles, Used Commercially or Not. Commercial vehicles are defined as vehicles having a gross weight of more than 6,000 pounds or having more than two (2) axles, whether used commercially or not. Examples include semi-tractors, straight trucks, step vans, or other vehicles deemed of commercial use.
- a. Industrial Districts. Parking both long term and short term of commercial vehicles in an Industrial District or industrial area is permitted. This includes the parking of semi-trailers. If the industrial district or industrial area is adjacent to a residential area or residential use, the commercial vehicles must be screened according to Chapter Nine, Section E.
  - b. Commercial Districts. Parking of commercial vehicles on a short term basis is permitted in Commercial Districts or commercial areas in accordance with the following:
    - (1) In a commercial area for a maximum of 48 hours at one time for vehicles that are owned by the property owner or for vehicles where an arrangement has been made between the property owner and the owner of the vehicle.
    - (2) In a commercial area, the vehicle must be parked behind the front yard setback. If the commercial district or commercial area is adjacent to a residential district or residential use, the vehicle must be screened according to Chapter Nine, Section E, and located a minimum of 15 feet from the rear and side yard property lines.
    - (3) No long-term parking of commercial vehicles is permitted.
    - (4) No parking of semi-trailers is permitted in a Commercial District or commercial area.
  - c. Residential Districts. No parking of commercial vehicles are permitted in Residential Districts or residential areas, except for the following exceptions:
    - (1) When making pickups or deliveries, but only for a reasonable time and at a point reasonably near the property being so served.
    - (2) When providing construction services pursuant to a building permit, during the reasonable course of such service.
    - (3) When making repairs or improvements to property, during the reasonable course of their completion.
    - (4) When parked at a repair shop receiving service.



- (5) When providing emergency services.
- (6) When parked for less than one hour.
- (7) When the engine is not allowed to run idle for more than ten minutes.

## **CHAPTER SEVEN: SIGN REGULATIONS**

### **SECTION A: STATEMENT OF INTENT**

It is the intent of these sign regulations to promote and protect the public health, welfare, and safety by regulating existing and proposed outdoor advertising, outdoor advertising signs, and signs of all types. It is intended to protect property values, create a more attractive economic and business climate, enhance and protect the physical appearance of the community, and preserve the scenic and natural beauty of designated areas. It is further intended to reduce sign or advertising distractions and obstructions that may contribute to traffic accidents, reduce hazards that may be caused by signs overhanging or projecting over public right-of-ways, and enhance community development.

### **SECTION B: GENERAL REGULATIONS**

1. Signs erected and maintained pursuant to and as required by law, any governmental function, ordinance or governmental regulation shall be excluded from the regulations of this Chapter.
2. No sign of any type shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
3. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Administrator proceed at once to put such sign in a safe and secure condition or remove the sign.
4. No sign shall be placed in any public right-of-way except publicly owned signs, such as traffic control and directional signs. Signs directing and guiding traffic and parking on private property but bearing no advertising matter shall be permitted on any property. Such directional signs shall be no higher than three (3) feet from the ground and no larger than six (6) square feet per face and be limited to two per entrance and two per exit.
5. Regulation of signs along interstate and primary highways shall conform to the requirements of the Ohio Revised Code, Chapter 5516 and the regulations adopted pursuant thereto.
6. Measurement of Sign Area: The surface area of a sign shall be computed including the entire area within a regular, geometric form or combinations or regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Exposed frames and structural members, excluding support poles, not being advertising matter shall be included in computation of surface area.
7. Sign Illumination: Any illuminated sign or lighting device shall employ only light emitting constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating or moving light or lights. In no event shall an

illuminated sign or lighting device be placed or directed so as to permit the beams and illumination to be direct or beamed so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

Any sign using an external source of illumination or fixture that is not an integral part of the sign shall be installed to ensure that the illumination is directed upon the sign surface only. The light source shall be shielded so that it is not visible from the adjacent property line. Indirect light shall not exceed ½ foot-candles at the adjacent property line. These fixtures shall only be ground mounted and screened with landscaping material such as shrubs and bushes. The height of the fixture shall not exceed eighteen (18) inches from the ground surface.

9. Non-Conforming Signs: The continuance of an existing sign that does not meet the regulations and requirements of this Chapter shall be deemed a non – conforming sign, which shall terminate by abandonment. A sign shall be considered abandoned when:
  - a. The sign is associated with an abandoned use.
  - b. The sign remains after a business has been closed to the public for at least ninety- (90) consecutive days. Seasonal businesses are exempt from this determination.
  - c. The sign is not maintained and together with all supports, braces, guys, and anchors in a state of disrepair.

Based upon these definitions, abandonment shall be determined by the Zoning Administrator. Upon finding that the signage is abandoned, the right to maintain and use such sign shall terminate immediate.

#### **SECTION C: PERMITTED SIGNS FOR WHICH NO PERMIT IS REQUIRED**

The following signs shall be permitted in the Village of Minster subject to the following regulations. No zoning permit shall be required for any sign constructed or erected under the terms of this section.

1. Signs advertising the sale, rental, or lease of the premises upon which the sign is located shall not exceed twelve (12) square feet in area, except in all Residential Districts where the area of the sign shall not exceed six (6) square feet in area, and on corner lots such signs shall not be located in the required sight triangle.
2. Professional nameplates not to exceed four (4) square feet in total area.
3. Signs denoting the name and address of the occupants of the premises, not to exceed two (2) square feet in area and which do not include designations as to employment or home occupations.
4. Political signs or posters concerning candidates or issues for election shall be posted no more than sixty (60) days before an election and shall be removed

within seven (7) days following election day. Such signs shall not exceed six (6) square feet in area, shall not be illuminated, shall not create a safety or visibility hazard, and shall not be located within a public right-of-way or upon public property.

5. Signs in the nature of cornerstones, commemorative tables, and historical sign are to be limited in size to nine (9) square feet and shall not be illuminated.
6. Signs designating home occupations not to exceed two (2) square feet and mounted on the principal structure.

#### **SECTION D: PERMITTED SIGN FOR WHICH A PERMIT IS REQUIRED**

All signs not already specifically excluded shall require a permit. Signs are classified into two (2) uses: on-premise and off-premise. There are eight (8) structural types: wall, projected, ground, roof, window, awning, canopy and reader boards.

1. Wall Signs: Wall signs are permitted in all Commercial and Industrial Zoning Districts. Wall signs may be erected on a building wall that faces a public street, and such sign may not extend into any required building setback line or above or below the wall surface. Wall signs shall be limited to one per each street for which the structure fronts for single occupant structures and one per Occupant/per Street face for any multiple tenant structure. Letters or numerals, except numerals used to identify the address of the structure, mounted on a building shall be considered as wall signs. Wall signs shall be attached parallel to the building face and extend outward perpendicular from the building face a maximum on one (1) foot. Wall signs shall not exceed a maximum area of thirty-six (36) square feet.

An additional one (1) square foot of wall sign area will be permitted for each additional foot that the structure is located beyond the required setback. However, in no case shall the wall sign be permitted to be larger than sixty-four (64) square feet.

2. Projected Signs: Projected signs are permitted only in the Central Commercial Districts (C-1). One (1) projected sign is permitted per building per street frontage. Projecting sign shall project not more than four (4) feet outward from the wall of the structure, shall not exceed twenty (20) square feet in size and shall be perpendicular to the wall to which they are attached. All projected signs shall be located not less than nine (9) feet above the sidewalk or ground level. Such sign shall be of sturdy construction and shall be erected in such a manner as to protect persons who pass underneath from possible injury. Sign users who place projected signs over the public right-of-way shall sign a statement, furnished by the Village, regarding their sole liability for such sign.
3. Ground Signs: Ground signs are permitted in all Zoning Districts provided the requirements below are met:

- a. Residential Districts: Ground signs customarily incidental to places of worship, libraries, museums, and schools are permitted in all Residential Districts. These signs shall not exceed fifteen (15) square feet in area and shall be located on the premises of such institution. One (1) ground sign per building per street frontage may be erected. Such signs shall meet the setback requirements of this Chapter.
- b. Commercial and Industrial Districts: Ground signs are permitted in Commercial and Industrial Districts. These ground signs shall not exceed:
  - (1) Twelve (12) feet in height in C-1 Districts.
  - (2) Fifteen (15) feet in height in C-2 Districts.
  - (3) Fifteen (15) feet in height in C-3 Districts.
  - (4) Fifteen (15) feet in height in I-1 Districts.
- c. The maximum sign area permitted shall be in accordance with the following standards:
  - (1) In C-1 Districts ground signs shall not exceed 32 square feet per face.
  - (2) In C-2 Districts ground signs shall not exceed 48 square feet per face.
  - (3) In C-3 Districts ground signs shall not exceed 64 square feet per face.
  - (4) In I-1 Districts ground signs shall not exceed 64 square feet per face.

One (1) ground sign per building per street frontage may be erected. Such signs shall be located on the premises of the establishment they serve. All ground signs of this type shall meet the setback requirements of the Chapter.

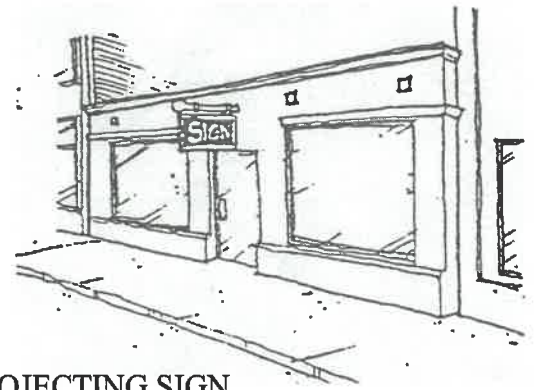
Off-premise ground signs, or billboards are permitted in the Regional Commercial (C-3) and Industrial Districts. A single location in these Districts may have up to two (2) off-premise ground signs. Each sign face intended for viewing from the street shall be considered a sign. No single off-premise ground sign shall exceed sixty-four (64) square feet in area and shall not exceed the height regulations for the Zoning District in which it is located. Off-premise ground signs shall meet the setback

requirements for structures of the appropriate district in which they are located.

- d. All ground signs shall be placed upon a ground level foundation of block, broken wood or soil. Pole supports for ground signs are expressly repealed.
4. Roof Signs: Roof signs are prohibited in all Zoning Districts.
5. Window Signs: Window signs are permitted in all Commercial and Industrial Districts. No window sign shall occupy more than twenty (20%) percent of the window surface. Window signs shall be limited to ground or first-floor windows except in the Central Commercial District where businesses that do not occupy any ground or first-floor space may have window signs above the ground or first-floor level.
6. Awning Signs: The only signs that will be permitted in any Commercial or Industrial District are those that are attached to an awning that is used to provide shelter from inclement weather for patrons entering or exiting a building. Such signs shall be permitted as long as the maximum height of the lettering or numerals affixed to the awning is no larger than eight (8) inches in height. Awning signs that are lit from the back will not be permitted. This standard for awning signs may also include awnings placed over windows and containing letters or numbers provided they do not exceed eight (8) inches in height.
7. Canopy Signs: Canopy signs are permitted in Commercial and Industrial Districts as long as they are attached to or are an integral part of the canopy. Canopy signs may be erected on a canopy that faces a public street, and such sign may not extend into any required building setback line or above or below the canopy surface. Letters or numerals mounted on a canopy shall be considered a canopy sign. Signs shall be attached parallel to the canopy face and extend outward perpendicular from the canopy face a maximum of eight (8) inches. Canopy signs shall not exceed a maximum area of thirty-six (36) square feet. Canopy signs shall not be illuminated.
8. Reader Boards: Reader boards are those signs that contain provisions or capabilities that allow or enable the text to be readily changed. Such signs are used to promote weekly sales, new product or services, or features. The use of



**FIGURE II. STRUCTURAL TYPES OF SIGNS**



PROJECTING SIGN



WALL SIGN



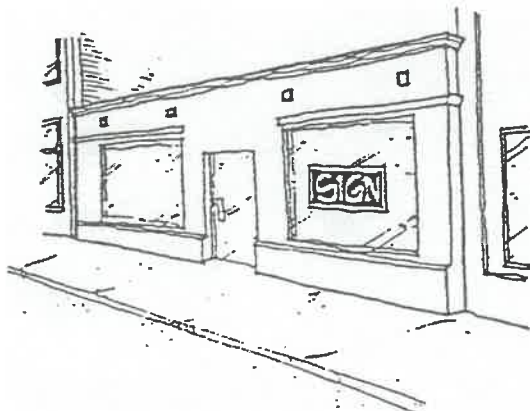
ROOF SIGN



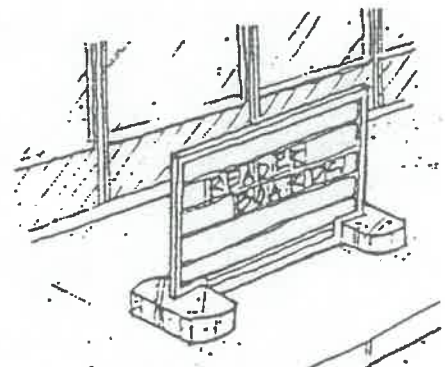
GROUND SIGN



AWNING SIGN



WINDOW SIGN



READER BOARD

such signs shall be permitted provided the reader boards are permanently affixed to the structure or the support system used for any freestanding or pylon sign. The sign area used for the reader board shall be included in the calculated sign area permitted under Section D; elements 1. Wall Signs; and 3. Ground Signs. Reader boards shall not be more than thirty (30%) percent of the allotted sign area.

## **SECTION E: TEMPORARY SIGNS**

1. The Zoning Inspector, in accordance with the provisions herein, is authorized to issue permits for the erection and maintenance of temporary commercial signs. Such permit shall be issued for a period not to exceed fourteen (14) consecutive days in each three month period for the same premises. Temporary commercial signs shall not be illuminated. No temporary signs containing commercial messages shall be permitted in residential districts. No permit shall be issued for aerial signs, or signs designed to be moved on trailer wheels, skids, or on other similar devices.
2. Banners, pennants and signs for community events are permitted for thirty (30) consecutive days a maximum of three (3) times per calendar year.
3. A-Frame Card Signs
  - a. A free standing sign usually hinged at the top. Such signs are considered portable and temporary.
  - b. Each business in a commercial zone may have one (1) A-Frame sign, or similar type portable sign, provided all of the following conditions are met:
    - (1) The sign shall not be displayed for a period longer than seven (7) consecutive days, nor more frequently than seven (7) days in each three month period.
    - (2) The sign shall only be on display during business hours.
    - (3) The sign shall not exceed 30 inches in width and 48 inches in height.
    - (4) The sign shall be placed at least two feet behind the sidewalk and only with the approval of the owner of the property.
    - (5) Signs should be of a design that resists being moved or blown over by the wind. However, they shall not be attached to publicly owned sign post, hydrants, trees, etc.

- (5). Signs denoting companies or home service providers who are engaged in a commercial activity are permitted but must be removed within one week of the completion of the project.
- (6). Signs denoting construction companies and or home improvement companies are permitted during construction or renovation of a property but must be removed within one week of the completion of the construction or home improvement project.

#### **SECTION F: PROHIBITED SIGNS**

1. Animated signs that employ flashing lights, blinking lights, or other elements that revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention are prohibited.
2. The above section does not apply to any sign that has at least ninety percent (90%) of the sign face devoted to performing a public service function of indicating time, temperature or some other similar service.

#### **SECTION G: SIGN SETBACK REQUIREMENTS**

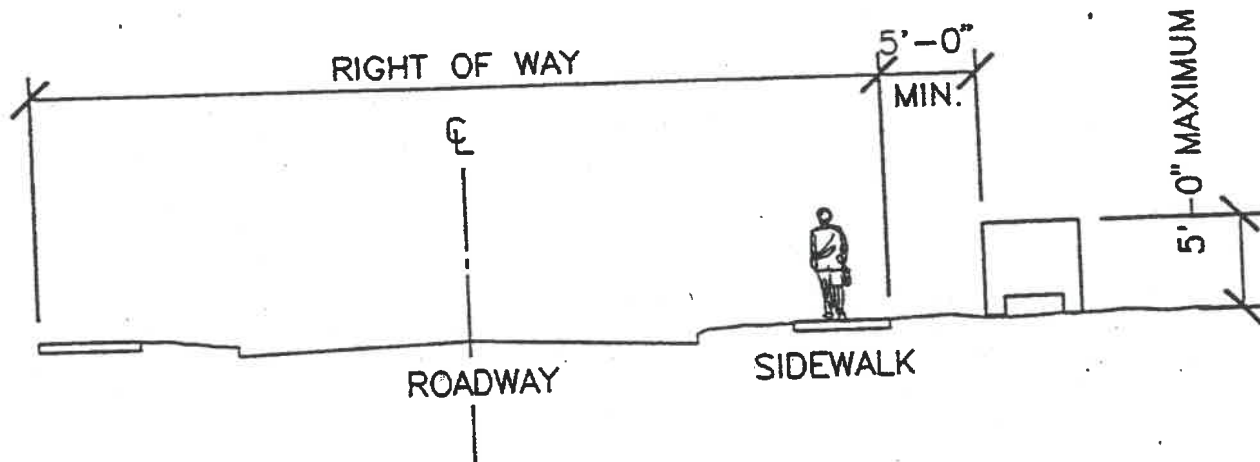
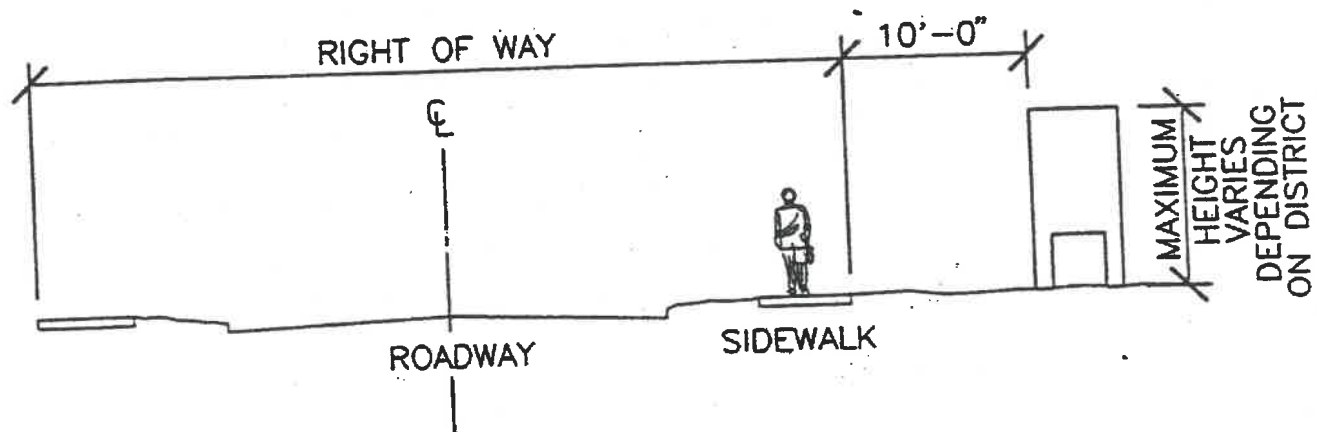
Except as modified below, on-premise signs where permitted shall be setback a minimum distance of ten (10) feet from the existing or ultimate right-of-way line, whichever is greater. No off-premises sign shall be erected in front of the required setback line for any structure within the appropriate Zoning District. Figure 3 is provided as a graphic representation of height and setback requirements including the following provisions.

1. An on-premise ground sign may be permitted to be placed closer than the ten (10) foot setback requirement provided the following conditions are met:

The maximum height of any ground sign moved closer than the required setback shall be no higher than five (5) feet.

- b. In no instance shall any ground sign be permitted closer than five (5) feet from the edge of the public right of way. Such sign, if moved to a distance of five (5) feet of the edge of the right of way, shall not exceed five feet in height from the ground surface. No mounding with any materials may be used to alter the base of the ground surface.
- c. The Village Zoning Board shall approve any sign proposed for placement within the required setback as permitted in this Section.
- d. The Village reserves the right to reject the placement of any sign closer to the right of way than the required setback if it is determined that the sign, due to its placement, size, style, lighting, or shape; or due to limited right of way widths, may result in unsafe vehicular movement or traffic conditions. The determination and recommendation shall be made by the Village Administrator.

**FIGURE III: HEIGHT AND SETBACK REQUIREMENTS**



2. An off-premise sign may be permitted to exceed the maximum square footage standard of sixty four (64) square feet provided the following conditions are met:
  - a. An additional one square foot of sign area may be added for each additional foot the sign is placed behind the required setback as prescribed by the Zoning District in which the sign is permitted or proposed to be located.
  - b. In no instance shall an off-premise sign be permitted to exceed one hundred twenty eight (128) square feet in area per face.
  - c. On corner parcels the increase based on additional setback placement shall be dependent on the placement being from the right-of-way line of both streets.
3. Setbacks for Public and Quasi-Public Signs: Signs for public and quasi-public uses such as schools, places of worship, libraries and public facilities, and institutions may be erected ten (10) feet from established right-of-way provided such sign is not within the required sight triangle.

## **CHAPTER EIGHT: OUTDOOR LIGHTING CONTROL REGULATIONS**

### **SECTION A: PURPOSE AND INTENT**

The purpose of this section is to regulate the placement, orientation, distribution and fixture type and size of outdoor lighting. The intent of this section is to encourage lighting that provides safety, utility and security, as well as preventing glare on public roadways, and to protect the privacy of adjoining properties.

### **SECTION B: CONFORMANCE WITH APPLICABLE CODES AND ORDINANCES**

All outdoor artificial illuminating devices shall be installed in conformance with the provisions of this chapter.

### **SECTION C: APPROVED MATERIALS AND METHODS OF INSTALLATION**

The provisions of this chapter are not intended to prevent the use of any equipment, material or method of installation not specifically prescribed by this chapter provided the alternative has been approved by the Zoning Administrator. The Zoning Administrator may approve any such alternative provided that the proposed design provides the approximate equivalence to the specific requirements of this chapter.

### **SECTION D: DEFINITIONS**

1. **Outdoor lighting fixtures:** Outdoor artificial illuminating devices, outdoor fixtures, lamps or other devices permanent or portable, used for illumination, direction or advertisement. Such devices shall include, but are not limited to search, spot, or flood lights for:
  - Buildings and structures, including canopies and overhangs
  - Recreational areas
  - Parking lot lighting
  - Landscape lighting
  - Signs, including billboards
  - Display and service areas
2. **Installed:** The initial installation of outdoor light fixtures defined herein, following the effective date of the Zoning Code, but shall not apply to those outdoor light fixtures installed prior to such date.
3. **Shielded Fully:** Fixtures that are shielded in such a manner that light emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected below a horizontal plane running through the lowest point on the fixture where light is emitted. This means that a fully shielded fixture is one used in such a way that it allows no direct or internally reflected light to shine above the light fixture.
4. **Footcandle:** A quantitative unit of measure referring to the measurement of illumination incident at a single point. One footcandle is equal to one lumen uniformly distributed over an area of one square foot.



5. Full Cutoff Angle: The angle formed by a line drawn from the light source and a line perpendicular to the ground from the light source, beyond which no light is emitted.
6. Initial Lumens: The lumens emitted from a lamp, as specified by the manufacturer of the lamp.
7. Lamp: The component of a luminaire that produces light. A lamp is also commonly referred to as a bulb.
8. Lumen: A standard unit of measurement referring to the amount of light energy emitted by a light source, without regard to the effectiveness of its distribution.
9. Luminaire: A complete lighting unit consisting of a lamp or lamps together with the components designed to distribute the light, position and protect the lamps, and to connect the lamps to the power supply. A luminaire is also commonly referred to as a fixture.
10. Outdoor Luminaire: A luminaire which is permanently installed outdoors including, but not limited to, devices used to illuminate a site, structure or sign.
11. Photometric Plan: A point by point plan depicting the intensity and location of lighting on the property.

#### **SECTION E: SHIELDING**

All outdoor light fixtures except those exempted by Section G of this Chapter and those regulated by Section F shall be fully shielded as identified in Section F. A fully shielded fixture must be a full cutoff luminaire or a decorative luminaire with full cutoff optics, and is defined as an outdoor lighting that is shielded or constructed so that all light emitted is projected below a horizontal plane running through the lowest part of the fixtures. The light source visibility shall be shielded from the adjoining property.

#### **SECTION F: GENERAL REQUIREMENTS FOR ALL ZONING DISTRICTS**

1. Public or Private Recreational Facilities:
  - a. Primary Playing Areas: Where playing fields or other recreational areas are to be illuminated, lighting fixtures shall be specified in the Lighting Plan, mounted and aimed so that the illumination falls within the primary playing area and immediate surroundings so that no direct light illumination is directed off site.
2. Outdoor Illumination of Building, Landscaping and Signs:
  - a. The unshielded outdoor illumination of any building or landscaping is prohibited. Lighting fixtures used to illuminate an outdoor advertising sign either shall be by directed ground lighting sign and shall comply with shielding requirements and with requirements found in Chapter 7.

- b. All outdoor lighting fixtures in Commercial or Industrial zoned districts, including display lighting, shall be turned off after the close of business, unless needed for safety or security, in which case the lighting shall be reduced to the minimum level necessary

3. Gasoline Station/Convenience Store Aprons and Canopies:

- a. The lighting fixture bulbs shall be recessed into a canopy ceiling so that the bottom of the fixture is flush with the ceiling so that light is restrained to not more than 85 degrees.
- b. As an alternative to recessed ceiling lights, indirect lighting may be used where the light is directed upward and then reflected down from the underside of the canopy. In this case, light fixtures shall be shielded so that direct illumination is focused exclusively on the underside of the canopy.
- c. Lights shall not be mounted on the top or sides (fascia) of the canopy, and the sides of the canopy shall not be illuminated.
- d. The lighting for new facilities (pump islands under canopies) shall have a minimum 1.0 footcandle at grade, and meet the requirements of Table 2 of this Chapter.

4. All Parking Lots, Loading and Display Areas:

- a. The lighting requirement applies to single and multi-family, educational, institutional, public, commercial, motor vehicle related, wholesaling, recreational and industrial use categories as identified within the Zoning Ordinance.
- b. Lighting for all parking, display and loading areas shall not exceed an average horizontal illumination level of 2.5 foot-candles. All lighting fixtures serving these areas shall be cut-off fixtures as defined by the Illuminating Engineering Society of North America (IESNA).

5. Spillover light:

Vertical or horizontal, from parking area luminaries onto public roads and property in residential and commercial districts shall not exceed one-half (1/2) foot-candle at the property line.

**SECTION G: EXEMPTIONS**

1. Nonconforming fixtures:

- a. Outdoor lighting fixtures installed prior to the effective date of this Chapter are exempt from the provisions of this Chapter, provided, however, that no change in use, replacement, and structural alteration of outdoor light fixtures shall be made unless it thereafter conforms to the provisions of this Chapter.
  - b. Lighting which is not subject to this Chapter by State or Federal law.
  - c. Temporary holiday lighting displays, circus, fair, carnival or civic uses.
2. Special Conditions:

The Zoning Administrator may grant an exemption to the requirements of this Section only upon a written finding that there is conditions warranting the exemption and that there are not conforming fixtures that would suffice.
3. Construction and Emergency Lighting:

Lighting necessary for construction or emergencies is exempt from the provisions of this Chapter provided said lighting is temporary and is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting
4. Public Street Lighting:

## **SECTION H: APPLICATIONS**

1. Any person submitting site plan or applying for a building or sign permit which involves the installation of outdoor lighting fixtures shall as a part of said application submit evidence that the proposed work will comply with this Chapter.
2. The lighting plan application shall include as least the following:
  - a. A site plan drawn to scale showing building(s), landscaping, parking areas and proposed exterior lighting fixtures.
  - b. Location of all post, canopy, supports and light fixtures, including the height of each fixture, for any building, structure, parking, display and loading areas.
  - c. Specifications of the illuminating devices, lamps, supports and other devices, including designation as Illuminating Engineering Society of North America (IESNA) "cut-off" fixtures. This description may include but is not limited to manufacturers catalog cuts, and drawings including sections where required.
  - d. Plans shall show locations of all pole mounted and building mounted fixtures and a numerical 25 foot by 25 foot grid of lighting levels, in foot-candles, that the fixtures will produce on the ground (photometric report). The photometric

report will indicate the minimum and maximum foot-candle levels within the lighted area of the site. The minimum (lowest number) is usually at the outer edges of the illuminated area or between two fixtures. Adding the foot-candle value of all the points in the grid and dividing by the total number of points determine the average light level. This information is available from the manufacturer of the specified fixture.

3. The above required plans and descriptions shall be sufficiently complete to enable the Zoning Administrator to readily determine whether compliance with the requirements of this Chapter will be secured. If such plans and descriptions cannot enable this ready determination, by reason of nature or configuration of the devices, fixtures or lamps proposed, the applicant shall submit evidence of compliance by certified test reports as performed by a recognized testing lab.

#### **SECTION I: ISSUANCE OF PERMIT FOR LIGHTING ON PRIVATE PROPERTY**

Prior to issuance of a building or sign permit, which involves the installation of outdoor lighting fixtures, the Zoning Administrator shall determine that the submitted plans and details for said permit are in conformance with this Chapter. The stamping of the plans and the signature of the Zoning Administrator and the date of the signature shall indicate that the plans are in conformance.

#### **SECTION J: AMENDMENT TO PERMIT FOR LIGHTING ON PRIVATE PROPERTY**

Should the applicant desire to substitute outdoor light fixtures or lamps to be installed on private property after a permit has been issued, the applicant shall submit all changes to the Zoning Administrator for approval, with adequate information to assure compliance with this Chapter.

#### **SECTION K: APPEALS**

Except for street lighting within the right-of-way and for temporary exceptions as provided in Section G, any applicant's appeal of the Zoning Administrator's decisions shall be made to the Board of Zoning Appeals, and the procedures of the Zoning Ordinance shall apply.

#### **SECTION L: REQUEST FOR TEMPORARY EXEMPTIONS**

- a. **Request:** Any person may submit a written request for a temporary exemption to the requirements of this Chapter. The Request for Temporary Exemption shall contain the following information:
  - Specific exemptions requested
  - Type and use of exterior light involved
  - Duration of time for requested exemption
  - Type of lamp and calculated lumens
  - Total wattage of lamp or lamps

- Proposed location of exterior light
  - Previous temporary exemptions, if any
  - Physical size of exterior light and type of shielding provided
  - In addition, the Zoning Administrator may request any additional information, which would enable a reasonable evaluation of the Request for Temporary Exemption.
- b. The fee for a temporary exemption shall be as required for variance to the Zoning Ordinance.
- c. Appeal: The Zoning Administrator, within five (5) days from the date of the properly completed Request for Temporary Exemption, shall approve or reject in writing the Request. If rejected, the individual making the Request shall have the right to appeal to the Board of Zoning Appeals.

**TABLE II**

Exterior lighting shall be designed at or below the following average maintained foot-candles for the various uses. Uniformity shall not exceed a ratio of 4:1, which is a measure of the maximum lighting achieved within the area to the minimum lighting within the area. The average foot-candles shall be measured at the property line.

<u>Application</u>	<u>Average FC</u>	<u>Application</u>	<u>Average FC</u>
<b>Industrial Building Exterior</b>	20	<b>Loading Docks</b>	20
<b>Commercial Buildings</b>	10	<b>Residential Security and Yard Lighting</b>	0.5
<b>All Parking Areas</b>	2.5	<b>Other Uses</b>	As determined by the Zoning Administrator based on like use, and compatibility with surrounding area.

## CHAPTER NINE: SUPPLEMENTARY REGULATIONS

### **SECTION A: PERFORMANCE STANDARDS TO REGULATE POTENTIAL HAZARDS AND NUISANCES**

The following minimum standards shall apply to all uses within their permitted Zoning Districts.

1. Fire and Explosive Hazards: All activities involving flammable or explosive materials, including storage, shall include the provision of adequate safety devices against the hazard of fire and explosion. All standards enforced by the Occupational Safety and Health Administration shall be adhered to. Burning of waste materials in an open fire is prohibited, as enforced by the Ohio Environmental Protection Agency.
2. Air Pollution: No emission of air pollutants that violate the Clean Air Act Amendments of 1977 shall be permitted, as enforced by the Ohio Environmental Protection Agency.
3. Glare, Heat and Exterior Light: Any operation producing intense light or heat, such as high-temperature processes like combustion, welding or otherwise, shall be performed within an enclosed building and not be visible beyond any lot line bounding the property whereon the use is conducted. No exterior lighting shall be positioned so as to extend light or glare onto adjacent properties or rights-of-way.
4. Dust and Erosion: Dust or silt shall be minimized through landscaping or paving in such a manner as to prevent their transfer by wind or water to points off the lot.
5. Liquid or Solid Wastes: No discharge at any point into any public sewer, private sewage disposal system or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in sewage treatment or otherwise cause the emission of dangerous or offensive elements shall be permitted. The standards of the Ohio Environmental Protection Agency shall apply.
6. Vibrations: No uses shall be located and no equipment shall be installed such a way as to produce intense, earth-shaking vibrations, which are discernible without instruments at the property lines of the subject premises.
7. Noises: No use shall be located and no equipment shall be installed in such a way as to produce intense noise above the noise standards established by the Environmental Protection Agency. Those said standards shall be adhered to.
8. Odors: No use shall be operated so as to produce the continuous, frequent or repetitive emission of odors or odor-causing substances in such concentrations as to be readily perceptible at any point at or beyond the lot line of the property on which the use is located. The applicable standards of the Environmental Protection Agency shall be adhered to.



9. Toxic Materials: No emission of toxic or noxious matter, which is injurious to human health, comfort or enjoyment of life and property or to animal or plant life, shall be permitted. Where such emissions could be produced as a result of accident or equipment malfunction, adequate safeguards considered suitable for safe operation in the industry involved shall be taken. The standards of the Ohio Environmental Protection Agency shall apply.
10. Chemicals: The storage, utilization and manufacture of solid, liquid and gaseous chemicals and other materials shall be permitted subject to the following conditions.
- a. No discharge shall be permitted at any point into any public sewer, private sewage disposal system or stream, or into the ground, of any materials of such nature or temperature as can contaminate any water supply, interfere with bacterial processes in wastewater treatment, or otherwise cause the emission of dangerous or offensive elements, except in accordance with standards approved by the Ohio Environmental Protection Agency, the Village of Minster, or such other governmental agency as shall have jurisdiction of such activities.
  - b. The storage, utilization or manufacturing of solid combustible materials or products ranging from free or active burning to intense burning may be permitted only if said materials or products are stored, utilized or manufactured within completely enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system. Burning of waste material in open fire is prohibited.
  - c. All activities involving the use and/or storage and/or disposal of flammable liquids or materials that produce flammable or explosive vapors or gases shall be provided with adequate safety and protective devices against hazards of fire and explosion as well as with adequate fire fighting and suppression equipment and devices standard to the industry involved. All aboveground storage shall be enclosed fireproof vaults.
  - d. The storage, utilization or manufacture of pyrophoric and explosive powders and dusts, and products that decompose by detonations, and the storage and utilization of flammable liquids or materials that produce flammable or explosive vapors or gases shall be in strict conformance with the applicable regulations set forth in the "Ohio Rules and Regulations of the Division of the State Fire Marshall for the Manufacture, Storage, Handling, Sale and Transportation of Flammable and Combustible Liquids."
11. Radioactivity: The handling of radioactive materials, the discharge of such materials into air and water, and the disposal of radioactive wastes shall be in

strict conformance with the applicable regulations of the United States Department of Energy and of any agency of the State of Ohio.

## **SECTION B: REGULATION OF ACCESSORY USES**

1. In each Zoning District, unless otherwise specifically prohibited, any use, building and/or structure customarily incidental and accessory to a permitted use, structure and /or building in such Zoning District shall be permitted.
2. Without limiting the provision of the above section, the following specific uses, structures and/or buildings shall be deemed accessory:
  - a. Customary incidental home occupations, subject to the requirements of Section C of this Chapter.
  - b. Keeping of not more than two (2) roomers and/or boarders by a resident family.
  - c. Temporary buildings for uses incidental to construction work while construction is in progress.
  - d. Private in ground swimming pools, tennis courts and other recreational facilities used for the enjoyment of the occupants of the principal use of the property on which it is located, outlined in this section:
    - (1) The facilities shall not be located in any yard except the rear yard.
    - (2) An in-ground pool facility is required to be at least fifteen (15) feet from all property lines.
    - (4) The swimming pool or other attractive nuisance, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties. Said fence or wall shall no be less than five (5) feet in height and shall be maintained in good condition with a self-closing gate and lock. Such five (5) foot fence or wall may be the extension of the sidewalls of the swimming pool.
    - (5) No above ground pool are permitted in any zoning district.
  - e. Satellite receiving stations and other structures used to transmit or receive radio or television signals to/from earth satellites, provided:
    - (1) The structures shall not be located in any yard except the rear yard and shall be no closer to the side lot line than the side yard requirement for the Zoning District in which it is located.

- (2) The structures shall not be roof-mounted in residential districts.
  - (3) The structures shall contain no graphic message or advertising other than the manufacturer's name.
  - (4) Adjacent uses shall be buffered from the structure by fencing or landscaping.
- f. Any other use or structure customarily found in conjunction with and required for full utilization and enjoyment of the principal use and which meets the definition of accessory use in Chapter Eleven.
- 3. An accessory building may be erected as an integral part of a principal building or it may be connected thereto by a breezeway or other similar structure, provided that all applicable yard requirements shall be complied with. In no case shall two separate dwellings which are connected by a breezeway be permitted.
  - 4. An accessory building may be erected detached from the principal building. No detached accessory building shall be erected in any required yard except a rear yard, with the exception that a private detached garage may be erected in a rear or side yard. No detached accessory building shall occupy more than thirty-five percent (35%) of the area of the required side or rear yard, and such building shall be located a minimum of seven and a half (7.5) feet from all lot lines. The exception is a private detached garage located in a side yard, which shall meet the minimum yard requirements for a principal building of the same height and other dimensions as such detached garage. For computing the percentage of occupancy of a side or rear yard, of the detached accessory building is connected to the principal building by a breezeway, the ground area of such breezeway shall be considered as a part of the accessory building and shall be included in computation.
  - 5. Any accessory building, if not located in a side or rear yard, shall be an integral part of, or connected with, the principal building to which it is accessory, and shall be placed as to meet all yard requirements for a principal building of the same height and other dimensions of said accessory building.
  - 6. If located in a rear yard, the height of an accessory building shall not exceed ~~15~~ 18 feet and the distance of such buildings from other separate buildings or structures on the same lot shall be at least six (6) feet, except that a breezeway or other similar structure, at least six (6) feet in length, may connect an accessory building with a principal building.
  - 7. Where a corner lot adjoins in the rear with a lot located in a residential district, either directly or across an alley, no part of an accessory building located in a rear yard within twenty-five (25) feet of common lot line or center line of the alley

shall be nearer the side street lot line than the least depth of the front yard existing or required along such side street for a building on such adjoining lot; nor, regardless of location on the lot, shall such accessory building project into the side yard required for the principal building to which it is an accessory.

8. Notwithstanding other provisions of these Regulations, a detached accessory building shall be located at least seven and a half (7.5) feet from a side or rear lot line.

### **SECTION C: REGULATION OF HOME OCCUPATIONS**

1. **Intent:** The intent of the home occupation regulations is to allow for home occupations that are compatible with the neighborhood in which they are located.
2. **Definitions:**
  - a. **Home Occupation:** A home occupation is defined as any business or commercial activity that is conducted or petitioned to be conducted from property that is zoned for residential use.
  - b. **Home Occupation Permit:** A home occupation permit is a permit issued for a home occupation that is authorized by this section without a hearing.
  - c. **Home Occupation Conditional Use Permit:** A home occupation conditional use permit is a permit authorized by the Board of Zoning Appeals only after a public hearing.
3. **Permit Procedures:**
  - a. Home occupations shall not be permitted without the prior issuance of a home occupation permit or home occupation conditional use permit.
  - b. **Home Occupation Permit:** A home occupation permit for the following home occupations shall be issued by the Zoning Administrator upon receiving an application and payment of the permit fee, without a hearing, provided that said home occupation is conducted solely and singly by the applicant; who shall reside on the premises; shall not provide for any employment regardless of compensation, outside of family members; and shall not alter the outside appearance of the building other than a sign permitted as in Chapter Seven and shall conform to all the rules and regulations of this section.
    - Dressmaking, sewing, and tailoring.
    - Painting, sculpturing, or writing.
    - Telephone answering.
    - Tutoring, limited to one student at a time
    - Home cooking and preserving.
    - Computer programming.
    - Secretarial service.
    - Day Care Service:
    - The operation of any wholesale or retail business which is conducted entirely by mail

- c. Home Occupation Conditional Use Permit: All home occupations not listed in Section 3.b. shall be considered conditional uses and subject to the following: Applications for home occupation conditional use permits shall be filed with the Zoning Administrator, together with a filing fee of twenty-five dollars (\$25.00) at least fourteen (14) days prior to the regularly scheduled Board of Zoning Appeals meeting. The application shall be forwarded to the Board of Zoning Appeals for a public hearing. Legal notice of such hearings will be published in a newspaper of local circulation at least five (5) days prior to the public hearing. At the conclusion of the hearing, the Board of Zoning Appeals will make its decision regarding the home occupation conditional use.
  - d. Home Occupation Conditional Use Permit: Babysitting Service: A home occupation conditional use permits for Type A Day Care Services shall be issued on a one-year basis only. Each permit application must be accompanied by a copy of operation license issued by the Department of Human Services.
4. Performance Standards: All home occupations, whether authorized by permit or conditional use permit, shall conform to the following performance standards:
- a. Permitted home occupations shall not be conducted in any building on the premises other than the building that is used by the occupant as the private dwelling, and not more than twenty-five percent (25%) of the floor area of the dwelling unit may be used for such purpose.
  - b. No person, other than members of the family residing on the premises, shall be engaged in such occupation.
  - c. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to the dwelling unit's use for residential purposes by its occupants.
  - d. There shall be no change in the outside appearance of the building other than a sign as permitted in Chapter Seven of these Regulations.
  - e. No more than two (2) additional vehicles shall be parked at any one time by clients or customers of the home occupation.
  - f. No equipment, process or storage associated with the home occupation shall create odors, noise, vibration, glare, electrical interference or other nuisances detectable to normal senses off the lot where the said home occupation is located.



- g. No equipment, or process shall create visual or audible interference in any radio or television receivers or other audio appliances used off the premises or cause fluctuation in line voltage off the premises.
  - h. No equipment, process or storage associated within home occupation shall create any fire or explosion hazard or involve the storage or use of hazardous materials in any concentration greater than that which would normally be found in a dwelling unit containing no home occupation.
  - i. There shall be no outside storage of business equipment, materials, merchandise, inventory or heavy equipment.
  - j. The use of mechanical equipment other than what is usual for purely domestic or hobby purposes shall be prohibited.
  - k. Conditional use permits shall not be granted when it appears to the Board of Zoning Appeals that the proposed home occupations will constitute a fire hazard to neighboring residences, will adversely affect neighboring property values or will constitute a nuisance or otherwise be detrimental to the neighbors because of excessive noise, odors or other circumstances.
  - l. In order to guarantee that a home occupation, once authorized, will not become a nuisance to the neighbors or otherwise violate these Regulations, the Board of Zoning Appeals may impose reasonable conditions necessary to protect the public health, safety and welfare.
  - m. An applicant for a home occupation permit or home occupation conditional use permit must reside at the location of the proposed home occupation.
  - n. Garage sales, yard sales and other activities of this type are permitted without special permits provided they meet the standards outlines in Section F of the Chapter.
5. Inspections: There may be one (1) annual inspection each year by the Zoning Administrator of dwelling units covered by a home occupation permit or home occupation conditional use permit. In addition, the Zoning Administrator shall have the right at any time, upon reasonable request, to enter and inspect the premises covered by said permit for safety and compliance purposes.
6. General Provisions:
- a. Conditional use permits granted by this section shall be temporary in nature and shall be granted to a designated person who resides at the residential address. The permits are not transferable from person to person or from address to address.



- b. Should a home occupation permit holder or home occupation conditional use permit holder die or move to a new location, the exiting permit shall be automatically terminated, except that in the case of death should a surviving spouse or child residing at the same address desire to continue the home occupation, written notice to that effect shall be given to the Zoning Administrator, and the Board of Zoning Appeals may authorize continuation of that permit without further hearing.
  - c. Home occupation permits and home occupation conditional permits, once granted, may be revoked by the Board of Zoning Appeals for violation of the above-mentioned performance standards after a hearing before the Board.
  - d. Home occupation permits expire at the deadline established by the Zoning Board. Renewals of this permit must be done sixty- (60) days prior to termination deadline.
7. **Penalty:** Any person, firm or corporation who violates, disobeys, omits, neglects, refuses to comply with or resists the enforcement of any of the provisions of this chapter shall, upon conviction, be fined according to Chapter Nine, Section C of these Regulations.

#### **SECTION D: REGULATION OF CONDITIONAL USES**

1. **Statement of Intent:**

The purpose of a conditional use is to allow proper integration into the Village of uses that may only be suitable in specific locations within certain Zoning District(s) or only if such uses are designated or laid out in a particular manner on the site.

2. **General Procedure:**

a. **Application:**

Application for conditional uses shall be presented to the Zoning Administrator, at least fourteen (14) days prior to the regularly schedule Board of Zoning Appeals meeting. The application will be forwarded to the Board of Zoning Appeals for a public hearing. Legal notice of such hearings will be published in a newspaper of local circulation at least five days prior to the public hearing.

Approval by the Board of Zoning Appeals shall be required for all uses listed as conditionally permitted prior to the issuance of a Zoning Certificate.

b. **Criteria:**

In considering an application for a conditional use, the Board of Zoning Appeals must make an affirmative finding that the proposed conditional use is to be located in a Zoning District wherein such use may be conditionally permitted and all conditions for approval of the conditional use have been met. In doing so, the Board of Zoning Appeals may request proof that the application requirements for the conditional use have been met.

The Board of Zoning Appeals shall give due regard to the nature and condition of all adjacent uses and structures and the consistency therewith of the proposed conditional use and any potential nuisances.

c. Procedure:

A conditional use permit shall be initiated and acted on pursuant to the regulations set forth in Chapter Nine.

3. Permit Revoked:

The Board of Zoning Appeals may revoke a conditional use permit for failure to comply with the conditions of that approval. By certified mail, the Board shall notify the holder of the Board's intention to revoke approval and of the holder's right to a hearing before the Board within thirty- (30) days of the receipt of said notice if he/she so requests. In lieu of said certified mail service, service may be made personally by the Zoning Administrator; in which case, the hearing shall be requested within thirty- (30) days after such service. If the holder requests a hearing, the Board shall set a time and place for the hearing and notify the holder. At the hearing, the holder may appear in person or be represented by his/her attorney or other representative, or he/she may present his/her position in writing. He/she may present evidence and may examine witnesses appearing for or against him/her. If no hearing is requested, the Board may revoke approval without a hearing. The authority to revoke approval is in addition to any other means of zoning enforcement provided by law.

4. Required Conditions for Approval:

The following are additional requirements to be met by an applicant for a conditional use. In addition to meeting the subsequent required conditions for conditional uses, all applicants for conditional uses shall be required to fully comply with any and all other applicable provisions of these Regulations.

a. Adult Entertainment Facilities

(1) Conditionally permitted in I-1

(2) Any adult entertainment facility must be located a minimum of one thousand feet from any protected use.

b. Automobile Service Stations:

- (1) Conditionally permitted in C-1.
- (2) There shall be a minimum of two (2) separate driveways providing entrance and exit to and from the property, located not closer than twenty (20) feet from one another, ten (10) feet from an adjacent property line and twenty-five (25) feet from an adjacent residential zoning district. On corner lots, such driveways shall not be located closer than thirty- (30) feet to the intersection of the right-of-way lines of the two (2) streets.
- (3) All hydraulic lifts, oil pits and all lubricants, greasing and repair equipment shall be enclosed and operated entirely within the service station or garage building.
- (4) The entire lot area, exclusive of the area covered by the building, shall either be paved or landscaped. A six (6) inch high curb shall separate all paved areas from all landscaped areas.
- (5) The light from exterior lighting shall be so shaded, shielded or directed that the light intensity or brightness shall not be objectionable to surrounding development. Refer to Chapter Eight for Lighting Standards.
- (6) A solid fence, wall or evergreen hedge four (4) to six (6) feet high shall be constructed or planted, maintained in good condition, where the site is located adjacent a Residential District or land use.
- (7) Inoperable vehicles shall be kept on the premises no longer than thirty- (30) days.

c. Group Homes:

- (1) Conditionally permitted in R-1 and C-2.
- (2) Every room occupied for sleeping purposes within the home shall contain a minimum of one hundred (100) square feet of habitable room area for one (1) occupant, and when occupied by more than one (1) individual, shall contain at least eighty (80) square feet habitable room area for each occupant. No such facility shall use living rooms, dining rooms, entryways, closets, and corridors, outside porches or cellars as sleeping rooms.

- (3) The group home shall provide not less than twenty-five (25) square feet per person of suitable indoor recreation area and not less than seventy-five (75) square feet of outdoor recreation open space per person exclusive of required front and side yards and parking areas, consolidated in a useful configuration and location provided on the site.
- (4) No exterior alteration of the structures shall be made that departs from the residential character of the building. All new structures shall be compatible in residential design with the surrounding neighborhood.
- (5) All exterior lighting fixtures shall be shaded to avoid casting direct light upon any adjoining property located in a Residential District. Refer to Chapter Eight for Lighting Standards.
- (6) No group home shall be located within one-quarter (1/4) mile radius of another such facility.

d. Hospitals:

- (1) Conditionally permitted in R-1.
- (2) Immediate access to a primary arterial street shall be required.
- (3) Setback required for off-street parking shall be fifty- (50) feet.
- (4) A six (6) foot solid wall or fence or compact hedge shall be required when located closer than one hundred fifty (150) feet to an existing or platted residential use.
- (5) An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic pattern and indicate that the adjacent major streets and adjacent properties will be able to accommodate traffic.
- (6) Exterior lighting shall be shaded wherever necessary to avoid casting direct light upon any adjacent property or upon any public street. Refer to Chapter Eight for Lighting Standards.

e. Multi-Family Dwelling Units:

- (1) Conditionally permitted in R-1, C-1, C-2, and I-1.
- (2) An assessment of the additional traffic impact will be made to determine whether the use will create negative effects on the

community and if the existing streets will be able to accommodate the additional traffic.

- (3) Parking areas shall be located in the rear of the structure and shall be screened from adjacent residential properties.
- (4) In the C-1, C-2, and I-1 Districts, the conditional use is permitted only to dwellings in existence as of December 15, 1970.

f. Nursing Homes/Rest Homes:

- (1) Conditionally permitted in R-1.
- (2) Immediate access to a primary or secondary thoroughfare shall be required.
- (3) An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent thoroughfares and if those thoroughfares will be able to accommodate the additional traffic.
- (4) Where there is an adjacent existing or platted residential use, a buffer yard shall be required and shall comply with the regulations of Section E of the Chapter.

h. Single-Family Dwelling Units:

- (1) Conditionally permitted in C-1, C-2, and I-1.
- (2) In the C-1, C-2 and I-1 Districts, conditional use is permitted only to dwellings in existence as of December 15, 1970.

i. Churches and Places of Worship:

- (1) Conditionally permitted in R-1.
- (2) All structures, including accessory buildings, shall be setback at least fifty (50) feet from the front lot line except signs which shall conform to the regulations set forth in Chapter Seven of these Regulations.
- (3) Access to a primary thoroughfare shall be provided. No access shall be provided to secondary residential streets unless it can be shown there will be no impact to the neighborhood.

(4) An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent public street and if the streets will be able to accommodate the additional traffic.

(5) Lots shall be a minimum of one (1) acre.

j. Elementary, Junior High and Senior High Schools:

(1) Conditionally permitted in R-1.

(2) Lots shall be a minimum of three (3) acres.

(3) There shall be a minimum yard requirement of one hundred fifty (150) feet in any yard from which unrestricted exits or entrees to the principal structure are made.

(4) All parking areas and/or areas where vehicles may pick up or deliver passengers shall be screened from view from any adjacent existing or platted residential area. No on-street pick up or delivery of passengers shall be permitted.

k. University, College, Vocational and Technical Schools:

(1) Conditionally permitted in R-1.

(2) Lots shall be a minimum of five (5) acres.

(3) Immediate access to a primary thoroughfare shall be required.

(4) An assessment shall be made of the probable impact of the proposed facility on the prevailing and expected future traffic on the adjacent primary thoroughfare and if the thoroughfare will be able to accommodate the additional traffic.

(5) All parking areas and/or areas where vehicles may pick up or deliver passengers shall be screened from view from any adjacent existing residential development.

(6) Parking and landscaping plans shall be submitted to ensure compatibility with surrounding uses.

l. Commercial Telecommunication Towers:

(1) Conditionally permitted in C-1 and C-2.



- (2) Non-climbable fences or comparable safety devices shall be installed and maintained in order to make the structure inaccessible to the public.
- (3) Portions of properties not used for buildings, parking or related services must be maintained with natural ground cover.
- (4) In no instance shall a transmission and/or receiving tower extend higher than the distance between such structure and any lot line of the parcel or tract upon which such structure is located.

m. Upper Story Apartments:

- (1) Conditionally permitted in C-1.
- (2) Must be located above a permitted C-1 use.
- (3) Parking for such dwelling units must be provided off-street at 2.0 parking spaces per dwelling unit.

n. Drive-In Restaurants, Carry-Out Restaurants, and/or Drive-Through Retail Establishments:

- (1) Conditionally permitted in C-1 and C-2.
- (2) There shall be two separate driveways located along the frontage providing both ingress and egress to and from the property. No such driveway shall be located closer than ten (10) feet to an adjacent property line. On corner lots, such driveways shall not be located closer than twenty-five (25) feet to the intersection of the right-of-way lines of the two (2) streets.
- (3) The design of the drive-in or drive-through approach lane shall be such that at least seven (7) vehicles may be in line on the premises and none of these vehicles encroach on a public thoroughfare. A solid wood fence or masonry wall six (6) feet high shall be constructed where the delivery window or drive-through is located adjacent a Residential District or residential use.
- (1) The light from the exterior lighting shall be so shaded, shielded, or directed that the light intensity or brightness shall not be objectionable to surrounding areas.

o. Day Care Center:

- (1) Conditionally permitted in R-1.

- (2) All structures and play lots associated with this use shall be located in a minimum of twenty-five (25) feet from any other lot in any R-1 District.
  - (3) All exterior activity areas and play lots shall be fenced and screened with appropriate landscape materials.
  - (4) One (1) sign no more than five (5) square feet shall be allowed.
5. Height Requirements: No principal structure shall be more than the maximum height in the respective zoning districts unless the Board of Zoning Appeals determines that a taller structure will not be detrimental to the area. Structures taller than the maximum height for each District may be permitted as a Conditional Use.

#### **SECTION E: REQUIRED FENCING, SCREENING, BUFFERING AND LANDSCAPING**

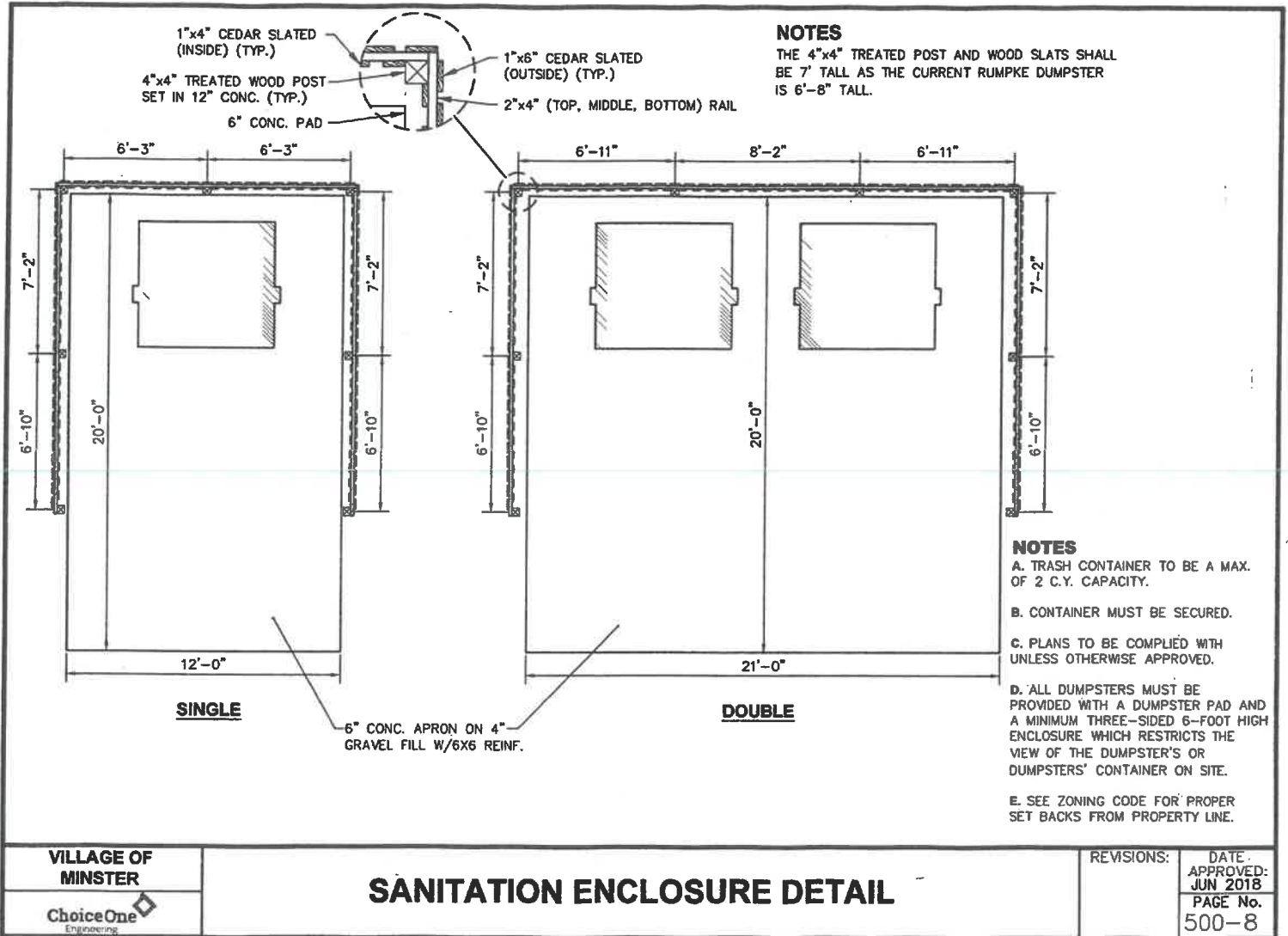
1. Statement of Intent:  
The intent of this section is to provide for orderly transition between land uses, to protect and screen private property, to inhibit access to industrial and commercial sites, to provide security and privacy to residents, to provide a physical and visual barrier, to reduce wind and modify climate, to define property lines, to identify and emphasize entrances, to create and define outdoor living space, and to generally improve the aesthetic appearance of a site.
2. Design Standards:
  - a. No fence, wall or screen may be located in any front yard except as provided below:
    - (1) Hedges not exceeding six (6) feet in height may be located in any front yard, but they shall be subject to any traffic visibility requirements imposed by the Zoning Inspector.
    - (2) A fence or wall may be located in any front yard as follows:
      - a. The height does not exceed four (4) feet above the ground at any point. Front yard fences are not permitted to be solid fences (unable to see through).
      - b. Shall not be located closer than three (3) feet to the front lot lines, including both lot lines on a corner lot.

- c. If located on corner lot shall be subject to any traffic visibility requirements imposed by the Zoning Inspector.
  - d. All support structures to face to the inside.
  - e. Shall be located within the property line at a location where the property owner can maintain both sides.
  - f. All fence or wall installation or modification requires a Zoning Permit.
- b. A fence, wall or screen may be located in any rear or side yard, provided that:
  - (1) The height shall not exceed six (6) feet above the horizontal plane of the primary lot.
  - (2) Shall not exceed ten (10) feet in height surrounding tennis courts in any rear yard.
  - (3) In the I-1 Industrial District, may be constructed higher than the six (6) foot limit with Board of Zoning Appeals approval.
  - (5) All support structures to face to the inside.
  - (6) Shall be located within the property at a location where the property owner can maintain both sides.
  - (7) All fence or wall installation or modification requires a Zoning Permit.
- c. A fence, wall or screen shall be located between land uses according to the following:
  - (1) Whenever a business or industrial use is located on a lot that adjoins a residential use, an effective buffer or screen consisting of a solid wall or fence, landscaped earth mound, or view-obscuring dense planting or various combinations thereof shall be provided at the lot lines adjoining residential uses. Such masonry wall, wooden fence or earth mound shall not be less than five (5) nor more than six (6) feet in height, or may be higher if necessary to be maintained in good condition by the owner. The proposed fencing, screening and/or landscaping shall be subject to the approval of the Zoning Administrator.

- (2) Any premise used or intended to be used as permitted by these Regulations, for auto wrecking or dismantling or for the open storage of auto bodies, or other metal, glass, bottles, rags, cans, sacks, rubber, paper or other articles commonly known as junk, or for any articles known as secondhand goods, wares or merchandise, must be enclosed with a masonry wall or tight board or similar fence not less than six (6) feet high, painted a neutral color, and continuously maintained in good sitely condition. The fence is to be constructed of an opaque material.
- (3) When any open off-street parking or loading area used for any non-residential purpose containing more than two (2) spaces is not separated from a residential use by a public street, an effective buffer or screen, consisting of a solid wall, fence, landscaped earth mound or view-obscuring dense planting of evergreen shrubs, hedge tree line, mass tree planting or various combinations thereof, shall be provided at the lot lines adjoining said residential district. Such wall, fence, or earth mound shall be not less than four (4) feet nor more than six (6) feet in height, or may be higher if necessary to provide visual privacy for the adjacent residential property owner, and shall be maintained in good condition by the owner. Exception to this height requirement occurs at the "sight triangle" from the parking or loading/unloading area.
- (4) All open off-street parking or loading/unloading areas that are unusable, either for parking or for traffic, shall be landscaped with plantings of grass, flowers, shrubs and/or trees, which shall be maintained in good condition by the owner.
- (5) All commercial, industrial, multiple-family residential and office uses that provide trash and/or garbage collection areas shall enclose such areas on at least three (3) sides by a solid wall or fence at least six (6) feet in height if such area is not within an enclosed building or structure. Provisions for adequate vehicular access to and from such area or areas for collection of trash and/or garbage, as determined by the Zoning Administrator, shall be required. (Figure 4)
- (6) Retaining walls shall not project more than one (1) foot above the surface of the ground supported by such walls, unless such projection exceeding one (1) foot complies with the applicable requirements in this section.
- (7) Electrified fences shall be prohibited in all districts.

- (8) Any and all plants required by these Regulations, which become diseased or dead shall be removed and replaced with healthy specimens by and at the expense of the property owner.
- (9) All fences, screens and landscaping required by the provisions of this section shall meet with approval of the Zoning Administrator.

**FIGURE IV**





## **SECTION F: REGULATIONS OF TEMPORARY USES**

### **1. Statement of Intent:**

The use of a structure on premises for a temporary purpose that does not require the erection of a substantial structure shall be permitted subject to conditions that will safeguard the public health, safety, and general welfare and are based on the following requirements.

### **2. Permitted Temporary Use:**

#### **a. Retail Outdoor Display:**

Orderly display at an automotive service station building of canned fluids, lubricants and/or tires not required for immediate servicing of automobiles and display of other products normally sold at service stations. Such display shall be set back not less than ten (10) feet from the front lot line and not less than five (5) feet from any side or rear lot line, and in any case shall not be placed in the required yard.

Promotional activities of retail merchants, located in any business district, involving the display of goods and merchandise may be conducted outside of enclosed buildings for a time period of not more than fourteen (14) days in any three (3) month period. Goods and merchandise that will be used in the promotional activity, which are also for sale within the building, may be displayed subject to the following conditions:

- (1) No portion of the display shall be on or over publicly owned property, except for sidewalk sales. Public access shall be maintained throughout such sales.
- (2) No food or drink shall be dispensed outside the building except in accordance with standards and prior written approval of the Auglaize County Health Department.

#### **b. Garage Sales:**

Garage sales, yard sales and rummage sales shall be permitted at individual dwellings in the residential districts, not to exceed two (2) times in seventy-two (72) hours each per calendar year. No more than four (4) signs, not to exceed four (4) square feet each, per sale shall be permitted. Such signs shall be removed within twenty-four (24) hours after the end of the garage sale. No signs shall be mounted on light poles or power poles.

#### **c. Real Estate Offices:**

Real estate offices (containing no sleeping or cooking accommodations unless located in a model dwelling unit) incidental to a new residential development, and to continue only until the sale or lease of all dwelling units within the development has taken place.

- d. Christmas Tree Sales:  
Christmas tree sales in the commercial and industrial districts for a time period not to exceed forty-five (45) days. Display of Christmas trees need not to comply with the yard and setback requirements of these Regulations provided that no tree shall be displayed within thirty- (30) feet of the intersection of the curb line of any two (2) streets.
  - e. Carnivals and Circuses:  
Open-air carnivals or tent circuses, only in the commercial and industrial districts and then only for a time period that does not exceed seven (7) days. Structures or equipment that might block the view of operators of motor vehicles or adjacent public streets shall not be located within thirty (30) feet of the intersection of the curb line of any two (2) streets.
3. Temporary Zoning Certificates:  
All of the above described retail, office and entertainment functions and operations shall be conducted and all merchandise displayed in an orderly and safe manner, free from injurious or offensive effects to the occupants of adjacent premises and to the public in general, and shall be effectively screened from adjoining residential properties where required by the Zoning Administrator.

All of the uses specified in this section shall require a temporary zoning certificate.

Each application for a temporary zoning certificate shall contain the following information:

- a. Name, address and telephone number of the applicant;
- b. A description of the property where the temporary use is to occur, including the location of the property and existing and/or proposed uses;
- c. A statement explaining the need for the temporary use;
- d. The date on which the temporary use will commence and the anticipated duration of such use; and
- e. Such other information as may be required by the Zoning Administrator.

The Zoning Administrator shall either approve or disapprove such application within fourteen (14) days of receipt and shall notify the applicant of the decision. If the application is disapproved, the Zoning Administrator shall explain in writing the reasons for disapproval.

Failure to obtain a temporary zoning certificate prior to the location, erection, construction, reconstruction, alteration, use or conduct of any function or

operation herein permitted as a temporary use shall be deemed a violation of these Regulations and punishable according to the provisions contained in Chapter Nine.

4. Exceptions:

All the uses specified in this section shall not require a temporary zoning certificate.

a. Contractor's Office:

Contractor's office, trailer and equipment shed (containing no sleeping or cooking accommodations) accessory to a construction project, and to continue only during the duration of such project and will be removed within thirty (30) days after the completion of the construction project.

**SECTION G: YARD MODIFICATIONS**

1. Supplementary Yard Requirements:

a. Irregular - Side Yards:

Side yard width may be varied where the sidewall of an existing building is not parallel with one (1) side lot line or is broken or otherwise irregular. In such case, the average width of the side yard shall be not less than the otherwise required least width. Such side yard, however, shall not be narrower at any point than one-half (1/2) the otherwise required least width, or narrower than three (3) feet in any case. This requirement notwithstanding, no new addition to any building shall encroach upon the minimum required side yard.

b. Corner Lots:

Lots formed at the intersection of two (2) streets shall not be required to provide two (2) front yard setbacks. The side abutting the street with the least amount of frontage shall be considered the front yard and the side abutting the street with the most amount of frontage shall be considered the side yard and, as such, shall meet the minimum front and side yard requirements specified for the Zoning District in which such lot is located.

c. Average Front Yard Setbacks:

No front yard setback depth shall be required to exceed the average minimum depths of the existing front yards on the lots adjacent each side if each of such lots are within the same block and within one hundred (100) feet.

2. Projections Into Yards:

There may be projections into required yard areas as follows:

- a. Architectural features: Such as awnings, cornices, eaves and other similar features may project a distance of not more than two (2) feet, six (6) inches.
- b. Outside stairs and landings: Without cover may project a distance not more than six (6) feet in front or rear yards, but in no case shall any such outside stair or landing extend above the entrance.
- c. Fire escapes: May project not more than four (4) feet, six (6) inches.
- d. Patios and open porches with no Roof: May be located in side and rear yards provided they are not closer than six (6) feet to any adjacent property line. If located closer than eight (8) feet, they shall be screened by an evergreen hedge or fence not less than four (4) feet in height and maintained in good condition. Open porches with no roof are permitted to project into the front yard a distance not to exceed six (6) feet, provided it is open on three (3) sides, except for railings or banisters. In case of a corner lot, no patios or porches shall be closer to the side street lot line than the least depth required for such side yard.
- e. Bay windows, balconies, Oriel windows and chimneys: May project into a yard for distance not to exceed three (3) feet, provided, however, that the aggregate width of such projection does not exceed one-third (1/3) of the length of the wall upon which it is located.

## **SECTION H: PERMITTED PRINCIPAL, ACCESSORY, AND CONDITIONAL USES**

The following Table 3 provides a listing as to the permitted uses within each zoning district. The use permeability for Planned Unit Developments shall be decided on a case-by-case basis. In the following table the letter designates the type of permitted use. No letter designates that the use is not permitted.

- a. The letter "P" means it is a Principally permitted use.
- b. The letter "C" means it is a Conditionally permitted use.
- c. The letter "A" means it is an Accessory permitted use.

**TABLE III**

USES	ZONING DISTRICTS						
	R-1	R-2	C-1	C-2	C-3	I-1	1-2
Single family dwellings	P	P		C			
Two-family dwellings	P		C	C			
Three-family dwellings	P		C	C			
Multi-family dwellings	P		C	C			
Row Houses							

	R-1	R-2	C-1	C-2	C-3	I-1	1-2
Zero lot line dwellings							
Day Care Centers (Type A)	C		C	C			
Nursing Homes	C		C	C			
Elementary schools	C	C	C	C			
Churches	C	C	C	C			
Community centers			C	C			
Golf courses	C						
Parks	P	P	P	P	P	P	P
Home occupations	C	C	C	C			
Garages and sheds	A	A					
Swimming pool	A	A					
Consumer retail	C		P	P	P		
Personal services	C		P	P	P		
Commercial entertainment			P	P	P		
Gasoline Filling Station with or without repair services			C	C	C	C	
Banks and Lending Institutions			P	P	P		
Banks with drive-through service			C	C	C		
Theaters and Assembly Halls			C	C	P		
Convenience Food stores without gasoline dispensing			P	P	P		
Convenience Food stores with gasoline dispensing			C	C	C		
Veterinary offices			C	P	P		
Funeral Homes			C	P	P		
Hotels and Motels							
Bed and Breakfast facilities	C						
Medical clinics				P	P		
Medical and Dental offices			P	P	P		
Professional and Business offices			P	P	P		
Business retail			P	P	P		
Bars and Taverns			P	P	P		
Restaurants with table service or carry out only			P	P	P		
Restaurants with drive-in or drive-through service			C	C	C	C	
Light Industry			C	C		P	P
Heavy Industry						C	P
Research and Development Laboratories						C	P
Lock and Store Facilities (Mini-Warehouses)					C	C	
Wholesale business				C	C	P	P
General Industry						P	P
Professional and Business offices associated with an industrial activity						P	P
Commercial telecommunication towers						C	
Agri-business related uses				C	C	P	
Auto sales and service, new and used				C	C	P	
Truck sales and service, new and used				C	C	P	



							1-2
Farm implement sales and service				C	C	P	
Adult Entertainment Facilities						C	
Car Wash					C		

2. Where a specific use is proposed that is not listed or provided for in this Zoning Code, the Board may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this Zoning Code. If the Board finds that a use is substantially similar to a specific use listed in this Zoning Code, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use.

In formulating a determination that a proposed use is substantially similar use, the Board shall follow the procedures relating to appeals and variances as specified in this Zoning Code. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Council of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within 30 days of its receipt by the Council, such substantially similar use determination by the Board shall become effective.

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

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

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

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



The Zoning Administrator shall maintain as a public record a listing of all uses that have been determined to be substantially similar. For each such use the record shall include the use as listed in the Zoning Code, the use listed in the Zoning Code about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals. This record shall also contain the same information for all uses that have been determined not to be substantially similar. The Zoning Administrator shall consult this record in the process of issuing future permits.

## **SECTION I: REGULATIONS ON BEE KEEPING**

The following minimum standards shall apply to the keeping of bees and associated beehives:

- 1) Anyone keeping bees or associated beehives must obtain a permit from the Zoning Administrator before placing beehives in any Zoning District within the Village.
- 2) No more than two beehives shall be kept on any size lot.
- 3) No beehive shall be located within a required front yard setback area or side yard facing a street. All hives shall be setback a minimum of ten (10) feet from any side property line and a minimum of ten (10) feet from any rear property line. The front of any beehive shall face inward to the lot, and away from the property line of the next property closest to the beehive.
- 4) On lots less than five (5) acres, a solid fence or dense hedge known as a flyway barrier, at least six (6) feet in height shall be placed along the side of the beehive that contains the entrance to the hive; and shall be located within five (5) feet of the hive and shall extend ten (10) feet on either side of the hive. No flyway barrier shall be required if all beehives are located at least twenty-five (25) feet from all property lines.
- 5) A supply of fresh water shall be maintained in a location readily accessible to bee colonies on the site throughout the day to prevent bees from congregating at neighboring swimming pools or other sources of water on nearby properties.
- 6) No Africanized bees may be kept on property under the regulations of this section.
- 7) Such uses shall be subject to a conditional use permit by the Village Zoning Board of Appeals. Applicants shall provide a scale site plan showing location of any and all buildings, storage, and fencing.

- 8) Beekeeping privileges may be revoked from any property by written notification to the property owner by the Village of Minster. Revocation must be done with cause; however, the cause need not be the fault of the beekeeper, nor be a factor that is under the control of the beekeeper. The Village may revoke beekeeping privileges for any condition or combination of circumstances that jeopardizes, endangers or otherwise constitutes an actual, potential or perceived menace to public health or safety. Once beekeeping privileges have been revoked on a particular property, such privilege may be reestablished only upon written request. Additionally, a permit or certificate may be revoked by the Village due to a failure to satisfy any of the requirements.
- 9) A perceived menace to public health may also include, but is not limited to:
  - a) Written documentation over a medical doctor's signature certifying that the medical condition caused by bee stings to a resident of an abutting property would constitute a higher than normal health hazard will constitute sufficient cause to withdraw beekeeping privileges from any specific property.
  - b) Abnormally aggressive behavior by bees defending their hive beyond the property lines may constitute sufficient cause to withdraw beekeeping privileges from any specific property.

#### **SECTION J: REGULATIONS ON THE POSSESSION OR SALE OF WILD OR POTENTIALLY DANGEROUS ANIMALS**

The following minimum standards shall apply to the possession or sale of wild or potentially dangerous animals:

- 1) No person shall keep, own, harbor, have charge of, maintain or have control of within the village a wild or potentially dangerous animal.
- 2) No person shall possess with intent to sell, sell or offer for sale, or buy or attempt to buy within the village a wild or potentially dangerous animal.
- 3) For the purposes of this section, a wild or potentially dangerous animal is defined as an animal which is wild by nature and not customarily domesticated in the Village of Minster and which because of its size, disposition, or other characteristics inherently constitutes a danger to human life or property. A wild or potentially dangerous animal shall include but not be limited to:
  - (a) Alligator (alligatoridae).
  - (b) Apes: chimpanzees (pan); gibbons (hylobates); gorillas (gorilla); orangutans (pongo); and siamangs (symphalangus).
  - (c) Baboons (papai, mandrillus).

- (d) Bears (*ursidae*).
  - (e) Cheetahs (*acinonyx jubatus*).
  - (f) Coyotes (*canis latrans*) and coyote-dog hybrids.
  - (g) Crocodiles (*Crocodylidae*).
  - (h) Elephants (*elephas* and *loxodonta*).
  - (i) Hyenas (*hyaenidae*).
  - (j) Jaguars (*panthera onca*).
  - (k) Leopards (*panthera pardus*).
  - (l) Lions (*panther leo*).
  - (m) Lynxes (*lynx*).
  - (n) Pumas (*felis concolor*); also known as cougars, mountain lions and panthers.
  - (o) Snakes (*sepentes*) which are constricting or poisonous.
  - (p) Tigers (*panther tigris*).
  - (q) Wolves (*canis lupus*) and wolf-dog hybrids.
  - (r) Wild cats (jungle cat, ocelot, margay, serval, caracal, leopard cat) and wildcat-domestic cat hybrids.
- 4) As used in this section, "Wild or Potentially Dangerous Animal" does not include an animal that is in the possession or control of any of the following agencies, organization, its employees or agents:
- (a) The Division of Wildlife in the Department of Natural Resources.
  - (b) The Ohio Department of Agriculture.
  - (c) An incorporated humane society.
  - (d) A veterinarian holding a valid license under Chapter 4741 of the Ohio Revised Code, who has custody of the animal for the purpose of providing medical treatment of the animal.
  - (e) Any organization that is an accredited member of the American Association of Zoological Parks and Aquariums.
  - (f) An agency or official of the United States government acting in its official capacity.
  - (g) Any research facility within the meaning of the Animal Welfare Act, 80 STAT 359 (1996) 7 USCA 2131, as amended.
  - (h) A common carrier with possession of the animal for the purpose of transportation.
  - (i) Any person who is not currently dwelling in the village, who is travelling through the village with any "wild or potentially dangerous animal," and which is in the Village of Minster for no more than twenty-four hours and the "wild or potentially dangerous animal" is maintained in quarters so constructed which are humane and will prevent escape.
  - (j) The International Society for the Preservation of Wild Animals.
  - (k) Research facilities for the International Society for Endangered Cats.
  - (l) Any circus, exhibitor or professional entertainer, holding a valid license issued by the Secretary of Agriculture of the United States in accordance with the "Animal Welfare Act" 7 U.S.C. § 2134 and the Code of Federal Regulations, 9 C.F.R. § 2.1, present within the Village of Minster for the purpose of

entertainment to the general public provided the wild or potentially dangerous animal is maintained in quarters so constructed which are humane and will prevent escape.

## **SECTION K: REGULATIONS ON SOLAR PHOTOVOLTAIC SYSTEMS**

### **1) Purpose:**

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

### **2) Applicability:**

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

### **3) Permitted Zoning Districts:**

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

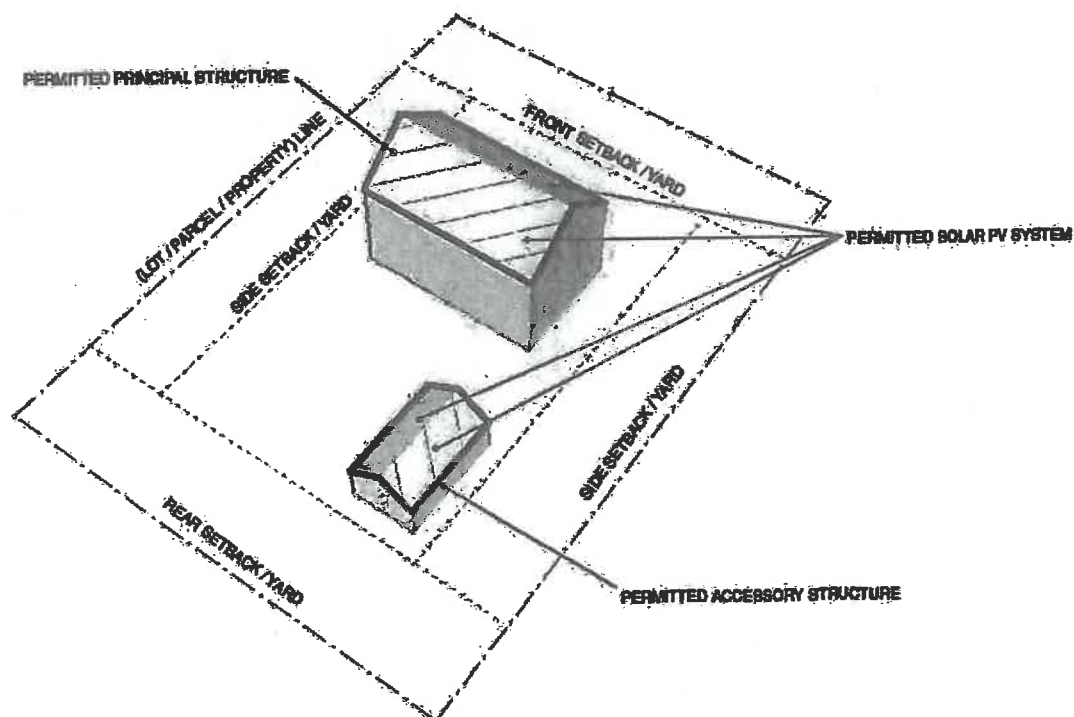
- c) Ground Mounted systems are conditionally permitted in all zoning districts.
- 4) Location within a Lot:
- a) Building-mounted systems are permitted to face any rear or side yard. Building-mounted systems may only be mounted on lawfully permitted principal or accessory structures. If a building mounted system comprises an integral part of the roof and doesn't impact the aesthetic nature of the area than it is permitted to face the front yard.
- 5) Design and Installation Standards:
- a) All wiring must comply with the National Electrical Safety Code, most recent edition, as amended and adopted by the State of Ohio.
  - b) For ground-mounted systems, all exterior electrical lines must be buried below the surface of the ground where possible or be placed in conduit.
  - c) The solar PV system must be constructed to comply with the most recent fire code as amended and adopted by the State of Ohio.
- 
- 6) Setback Requirements:
- a) Ground-mounted systems are subject to the accessory use or structure setback requirements in the zoning district in which the system is to be constructed. The required setbacks are measured from the property line to the nearest part of the system. No part of the ground mounted system shall extend into the required setbacks due to a tracking system or other adjustment of solar PV related equipment or parts.
- 7) Height Restrictions:
- a) Notwithstanding the height limitations of the zoning district:
  - b) For a building-mounted system installed on a sloped roof that faces the rear or side yard of a lot, the system must be installed at the same angle as the roof on which it is installed with a maximum distance, measured perpendicular to the roof, or eighteen (18) inches between the roof and highest edge or surface of the system.
  - c) For a building-mounted system installed on a sloped roof, the highest point of the system shall not exceed six inches from the highest point of the roof to which it is attached.
  - d) Notwithstanding the height limitations of the zoning district:

- e) For a building-mounted system installed on a flat roof, the highest point of the system shall be permitted to extend up to six (6) inches above the roof to which it is attached.
- f) Ground-mounted systems may not exceed the permitted height of accessory structures in the zoning district where the solar PV system is to be installed.

8) Screening and Visibility:

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

**FIGURE V: PERMITTED LOCATION: BUILDING-MOUNTED SOLAR PV SYSTEM**





9) Impervious Lot Coverage Restrictions:

- a) The surface area of any ground-mounted system, regardless of the mounted angle of any portion of the system, is considered impervious surface and shall be calculated as part of the lot coverage limitations for the zoning district. If the ground-mounted system is mounted above existing impervious surfaces, it shall not be calculated as part of the lot coverage limitation for the zoning district.

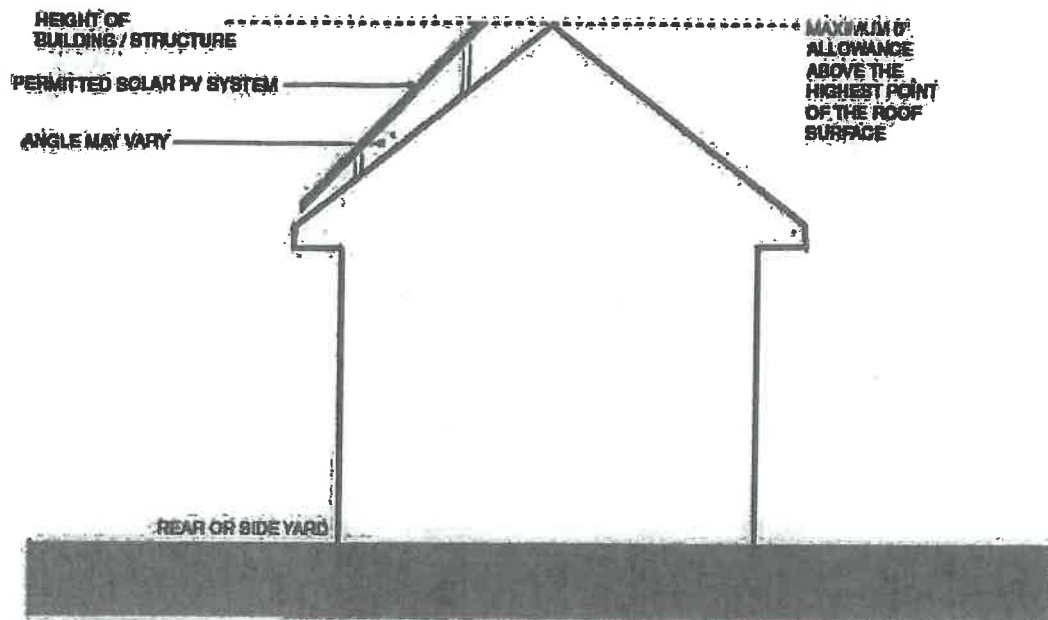
10) Non-Conformance:

- a) If a building mounted system is to be installed on any building or structure that is non-conforming because its height violates the height restrictions of the zoning district in which it is located, the building-mounted system shall be permitted so long as the building-mounted system does not extend six inches above the peak or highest point of the roof to which it is mounted and so long as it complied with the other provisions of this Ordinance.
- b) If a building-mounted system is to be installed on a building or structure on a non-conforming lot that does not meet the minimum setback requirements and/or exceeds the lot coverage limits for the zoning district in which it is located, a building-mounted system shall be permitted so long as there is no expansion of any setback or lot coverage non-conformity and so long as it complies with the other provisions of this Ordinance.
- c) If a ground mounted system is to be installed on a lot containing a structure that is non-conforming because the required minimum setbacks are exceeded, the proposed system shall be permitted so long as the system does not encroach into the established setback for the lot. If a ground-mounted system is to be installed on a lot that is non-conforming because it violates zoning district requirements other than setbacks, then a variance must be obtained for the proposed installation.

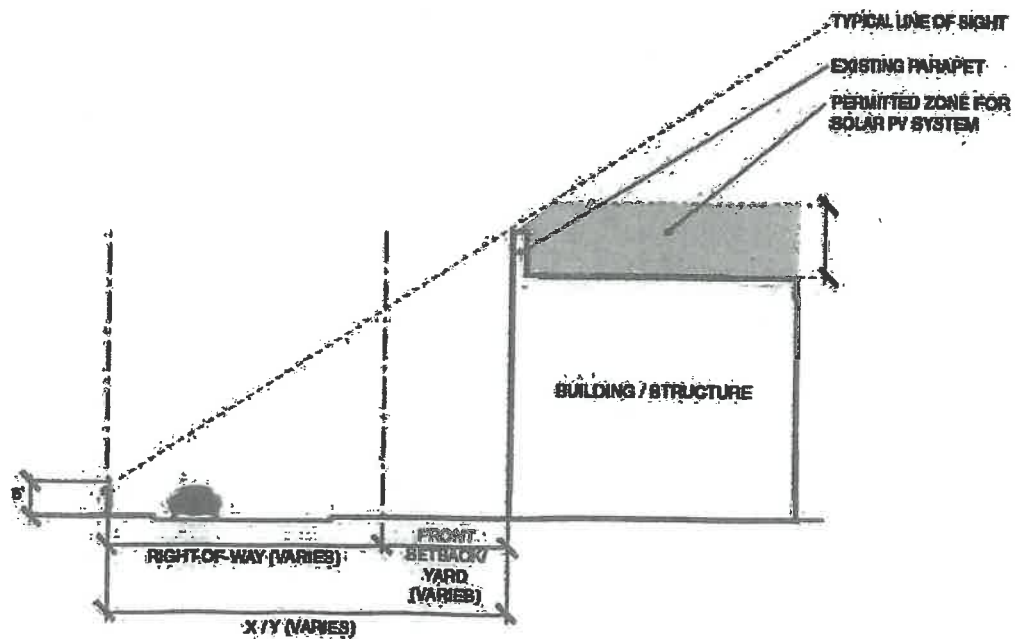
11) Signage and/or Graphic Content:

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

**FIGURE VI: HEIGHT RESTRICTION, SLOPED ROOF FACING REAR OR SIDE YARD: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION**



**FIGURE VII: SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION (with building parapet)**



12) Performance Requirements:

- a) All solar PV systems are subject to compliance with applicable performance standards detailed elsewhere in the Zoning Ordinance.

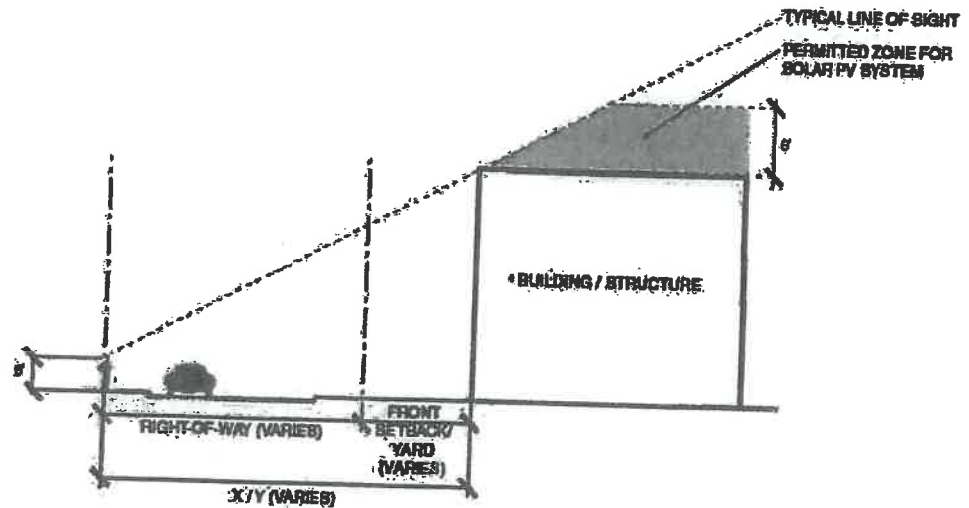
13) Inspection, Safety and Removal:

- a) The Village of Minster reserves the right to inspect a solar PV system for building or fire code compliance and safety.
- b) All ground mounted systems must be contained in a fence which meets the requirements of the Village of Minster Zoning Code.
- c) If upon inspection the Village determines that a fire code or building code violation exists, or that the system otherwise poses a safety hazard to persons or property, the Village may order the owner to repair or remove the system within a reasonable time. Such an order shall be in writing, shall offer the option to repair, shall specify the code violation or safety hazard found and shall notify the owner of his or her right to appeal such determination.
- d) If a property owner fails to repair or remove a solar PV system as ordered, and any appeal rights have been exhausted, the Village may enter the lot, remove the system and charge the owner for all costs and expenses of removal, including reasonable attorney's fees or pursue other legal action not have the system removed at the owner's expense.
- e) In addition to any other available remedies, any unpaid costs resulting from the Village's removal of a vacated or abandoned or de-commissioned solar PV system shall constitute a lien upon the property against which the costs were charged. Legal counsel of the Village shall institute appropriate action for the recovery of such cost, plus attorney's fees, including, but not limited to filing of municipal claims for the cost of such work, in connection with the removal work and the filing of the Village's claim.

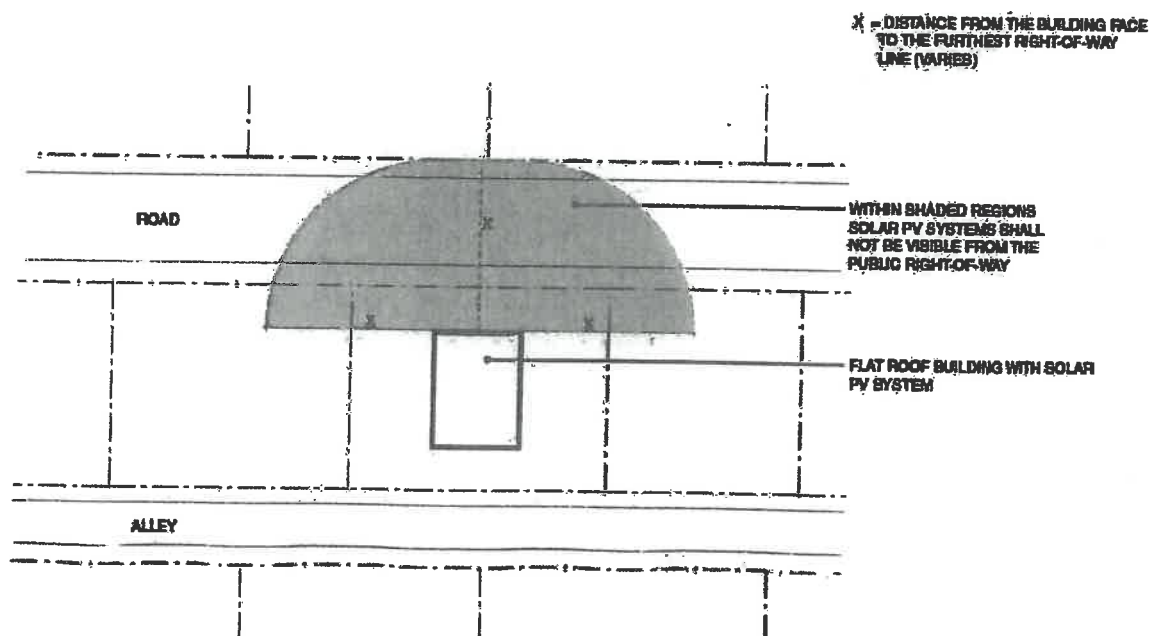
14) Permit Requirements:

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

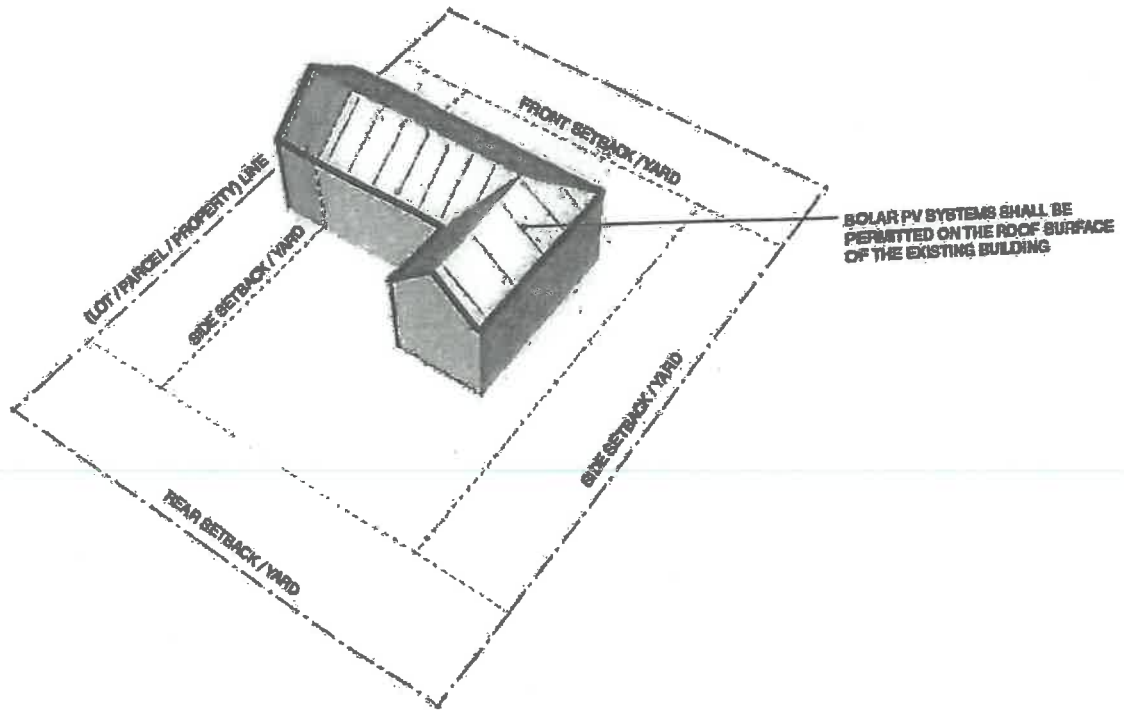
**FIGURE VIII: SCREENING & VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM ELEVATION (without building parapet)**



**FIGURE IX: SCREENING AND VISIBILITY, FLAT ROOF: BUILDING-MOUNTED SOLAR PV SYSTEM PLAN**



**FIGURE X: NON-CONFORMING LOT, SETBACKS, AND/OR LOT  
COVERAGE LIMITS: BUILDING-MOUNTED SOLAR PV SYSTEM  
ISOMETRIC**



## CHAPTER TEN: ADMINISTRATION AND ENFORCEMENT

### SECTION A: ADMINISTRATIVE ENTITIES

1. General Provisions:

The formulation, administration and enforcement of these Regulations is hereby vested in the following offices in the Village of Minster:

- The Zoning Administrator
- The Board of Zoning Appeals
- The Planning Commission
- The Village Council

All departments, officials and public employees of the Village of Minster vested with the duty or authority to issue permits, certificated or licenses shall conform to the provisions of these Regulations and shall issue no permit, certificate or license for any use, building, structure or purpose which is in conflict with the provisions of these Regulations. Any permit, certificate or license issued in conflict with the provisions of these Regulations shall be deemed null and void.

2. Zoning Administrator:

a. Authority:

The Mayor, with the approval of the Village Council, shall appoint an administrative officer named the Zoning Administrator, as prescribed in the Ohio Revised Code, Section 713.11, and this office and/or person(s) designated by this section shall administer and enforce these Regulations.

b. Duties and Responsibilities:

It shall be the duty of the Zoning Administrator to:

- (1) Enforce the provisions of these Regulations.
- (2) Interpret the Zoning Regulations text and Official Zoning District Map.
- (3) Issue Zoning Compliance Certificates in accordance with these Regulations and maintain a complete record of all Zoning Compliance Certificates issued.
- (4) Act upon all applications within ten (10) days of their date of filing. A Zoning Compliance Certificate or written notification and explanation of refusal shall be issued to the applicant within said ten (10) days. Failure to notify the applicant of such refusal within this period shall entitle the applicant to submit his/her request to the Board of Zoning Appeals.
- (5) Advise the Planning Commission, the Board of Zoning Appeals and the Village Council of all matters pertaining to issues that they



need to act on and to provide all documents, maps and any other related information that the Zoning Administrator deems necessary or that the Planning Commission, Board of Zoning Appeals or Village Council Requests.

- (6) Determine whether various uses of land within the area of the Village are in compliance with these Regulations. Where violations exist, the Zoning Administrator shall notify in writing the person(s) responsible, specify the exact nature of the violation and maintain a complete record of such notices.
- (7) Maintain and keep permanent records required by these Regulations, including but not limited to the Official Zoning District Map, Zoning Certificates, inspections and all official zoning actions of the Village Council, Planning Commission and the Board of Zoning Appeals. Such records shall be made available for use by the Village Council, Planning Commission, Board of Zoning Appeals and the public.

3. Planning Commission:

a. Authority:

The Planning Commission shall be constituted and carry out duties and responsibilities as prescribed in the Ohio Revised Code, Chapter 713.

b. Duties and Responsibilities:

It shall be the duty of the Planning Commission to:

- (1) Prepare the Zoning Regulations recommended for the Village of Minster at the request of the Village Council.
- (2) Review and make recommendations of the proposed Zoning Regulations, including text, official Zoning District Map and all proposed zone changes, and then forward the zoning or rezoning changes along with the Planning Commission's recommendation to the Village Council.
- (3) Review development plans within the Planned Unit Development Districts (PRD, PMHP, PCD, and PID) and make recommendations regarding such plans to the Village Council.
- (4) Employ or contract with such planning consultants and other assistants as the Planning commission deems necessary, within the limits of the funds appropriated by the Village Council for that purpose.

4. Board of Zoning Appeals (BZA):

- a. Authority: The Board of Zoning Appeals shall be constituted and carry out its duties and responsibilities as prescribed in the Ohio Revised Code, Section 713.11.

The BZA shall consist of five (5) members, appointed by the Mayor and approved by the Village Council, for terms of five (5) years. Vacancies shall be filled in the same manner for the unexpired term.

- b. Duties and Responsibilities: It shall be the duty of the Board of Zoning Appeals to:
- (1) Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Zoning Administrator in the administration and enforcement of the provisions of these Regulations.
  - (2) Authorize upon appeal by reason of exceptional narrowness, shallowness, shape, topographic conditions, or other extraordinary situation or condition of a lot, a variance from strict application of the provisions of these Regulations for both zoning lots and sign regulations to relieve exceptional difficulties or undue hardship, provided said relief can be granted without substantial detriment to the public good and does not substantially impair the intent of these Regulations.
  - (3) Authorize the issuance of conditional use permits to petitioners who specifically meet the requirements for such permit listed in these Regulations.
  - (4) Upon appeal from a decision by the Zoning Administrator, the Board of Zoning Appeals shall have the power to decide any questions involving the interpretation of the Zoning Test or Map.
  - (5) The Board of Zoning Appeals may, in conformity with this section, 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 all powers of the officer from whom the appeal is taken. Appeals from here go to a court of law.
  - (6) Adopt rules and regulations consistent with this Ordinance. Regular meetings of the BZA shall be held at such times as the BZA may determine, and shall be specified in the rules and

regulations of the BZA. The BZA shall appoint a chairperson, vice-chair person, and a secretary. Special meetings may be called by the chairperson or, in his absence, by the vice-chairperson. There shall be a fixed place of meeting and all meetings shall be open to the public.

The BZA shall keep minutes of its proceedings, showing action of the BZA and vote of each member upon each questions, or, if absent or failing to vote, indicating such fact, and shall keep records of all its official actions, all of which shall be filed promptly in the office of the Clerk and may be called by the chairman or, in his absence, by the vice-chairperson. There shall be a fixed place of meetings and all meetings shall be open to the public. The presence of three (3) members of said BZA shall be necessary to reserve an order, requirement, decision, or determination of the Zoning Administrator or the Planning Commission. The BZA shall act by Resolution, and a copy of each Resolution duly adopted shall be filed in the office of the Mayor.

5. Village Council:

- a. Authority: The Village Council shall carry out its duties and responsibilities relative to these Regulations as prescribed by the Ohio Revised Code, Section 713.12.
- b. Duties and Responsibilities: It shall be the duty of the Village Council to:
  - (1) Approve a Zoning Administrator to administer and enforce the provisions of these Regulations.
  - (2) Approve the five (5) members of the Planning Commission.
  - (3) Act upon suggested amendments to the Zoning Regulations' text or Official Zoning District Map following receipt of recommendations of the Planning Commission.
  - (4) Act upon suggested development plans for Planned Unit Development (PUD) Districts following receipt of recommendations of the Planning Commission.

**SECTION B: ADMINISTRATIVE PROCEDURES**

1. Zoning Compliance Certificate:

- a. No person shall locate, erect, construct, reconstruct, enlarge, or structurally alter any building or structure within the Village of Minster without obtaining a Zoning Compliance Certificate. No Zoning

Compliance Certificate shall be issued unless the plans for the proposed building or structure fully comply with all the provisions of these Regulations.

- b. Zoning Compliance Certificate (Change of Use): No change of use shall be made in any building or part thereof now or hereafter located, constructed, reconstructed, enlarged, or structurally altered without a Zoning Compliance Certificate being issued by the Village Zoning Administrator. No Zoning Compliance Certificate shall be issued to make a change in use unless the changes are made in conformity with the provisions of these Zoning Regulations, or unless a variance or conditional use certificate has been granted by the Board of Zoning Appeals.
- c. Application: Application for a Zoning Compliance Certificate shall be made in writing fourteen (14) days prior to approval to the Village Zoning Administrator. Each written application shall include the following:
  - (1) ~~Two (2) copies~~ One (1) copy of a scale drawing on a maximum sheet size of 11" x 14" showing the actual shape and dimensions of the lot to be built upon or to be changed in its use, in whole or in part.
  - (2) The location of the lot, existing zoning and land use, including the immediately surrounding area.
  - (3) A site plan, which clearly depicts the location, size, and height of any building or structure to be erected or altered. The site plan should clearly designate the required setback lines for all structures.
  - (4) The existing or intended use of each building, structure, or use of land where no buildings are included.
  - (5) The number of families or dwelling units each building is designed to accommodate, if applicable.
  - (6) The location and size of off-street parking areas and loading/unloading facilities, if applicable.
  - (7) Each site plan should provide the names of adjacent property owners and identify structures and setbacks on adjacent properties.
- d. Non-Conforming Uses: Nothing in these Regulations shall prevent the continuance of non-conforming uses as heretofore authorized unless discontinuance is necessary for the safety of life or property.

- e. Records: A record of all Zoning Compliance Certificates shall be kept on file in the office of the Village Clerk, and copies shall be furnished upon request in accordance with the Public Records Policy of the Village of Minster..
- f. Time Limit: If a Zoning Compliance Certificate is issued for the purpose of constructing a new building or structure and such construction is not begun within a six (6) month time period, or such construction does not appear to have been substantially completed within twelve (12) month time period, then said Zoning Compliance Certificate shall be null and void.
- g. The Zoning Compliance Certificate may consist of one or several of the following:
  - (1) A stamp being places upon the applicant's drawings or correspondence, which depicts or describes the purposes or need for the certificate. The use of a stamp shall provide for indicating approval or the approval with conditions; a line for posting the date of approval; a line for the signature of the Village Administrator with the date of signature.
  - (3) A letter, dated and signed, issued by the Village Administrator on the Village's letterhead indicating the Village's approval or approval with conditions. The letter shall set out the nature of the applicant's request, the date of approval and any conditions put forth by the Village.
- h. Failure to Obtain a Zoning Compliance Certificate: Failure to obtain a Zoning Compliance Certificate shall be a punishable violation of this Zoning Code.
- i. Construction and Use to be as Provided in Applications, Plans, and Permit: Zoning Compliance Certificates issues on the basis of plans and applications approved by the Zoning Administrator 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 contrary to that authorized shall be deemed a punishable violation of this Zoning Code.
- j. Complaints Regarding Violations: Whenever a violation of this Zoning Code occurs, or is alleged to have occurred, any person may file a written complaint (Exhibit "G"). Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Administrator. The Zoning Administrator shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Zoning Code.

k. Entry and Inspection of Property: The Zoning Administrator is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purposes of enforcing the provisions of the Zoning Code. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Administrator shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Administrator shall request the assistance of the Village Solicitor in securing a valid search warrant prior to entry.

l. Stop Work Order: Subsequent to his determination that work is being done contrary to this Zoning Code, the Zoning Administrator shall write a stop work order (Exhibit "E") and post it on the premises involved. Removal of a stop work order, except by the order of the Zoning Administrator, shall constitute a punishable violation of this Zoning Code.

m. Zoning Compliance Certificate Revocation: The Zoning Administrator may issue a revocation notice (Exhibit "F") to revoke a permit or administrative approval, which was issued contrary to this Zoning Code or based upon false information or misrepresentation in this application.

n. Notice of Violation: Whenever the Zoning Administrator or the Office's agent determines that there is a violation of any provision of this Zoning Code, a warning shall be issued and shall serve as a notice of violation (Exhibit "H"). Such order shall:

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

Service of notice of violation shall be as follows:

- A) By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
- B) By certified mail deposited in the United State Post Office addressed to the person or persons responsible at a last know address. If a certified mail envelope is returned with endorsements



showing that the envelope is unclaimed, then service shall be sent by ordinary mail, and the mailing shall be evidenced by a certificate of mailing that shall be filed by the Zoning Administrator. Service shall be deemed complete when the fact of mailing is entered on record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or

- C) By posting a copy of the notice form in a conspicuous place on the premises found to be in violation.

2. Text Amendments and Changes of Zoning Districts:

- a. Amendments or supplements to the Zoning Regulations may be initiated by motion of the Village Planning Commission, by the passage of a resolution by the Village Council or by the filing of an application by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Planning Commission. The Village Council shall favorably consider an application for a text amendment, whether to the Zoning Regulations Text or the Official Zoning District Map, only if the request for a change meets the following conditions:

- (1) Manifest error in the original Zoning Regulations Text and/or designations on the Official Zoning District Map.
- (2) Accordance with, or more appropriate conformance to, any existing Land Use Plans for the area under consideration.
- (3) Substantial change in area conditions.
- (4) Legitimate requirement for additional land area for the particular Zoning District.

- b. Applications: All applications (Exhibit "I" and Exhibit "J") filed by the owner(s) or lessees of the property within the area proposed to be changed or affected by the proposed amendment or supplement shall include the following:

- (1) A description or statement of the present and proposed provisions of this Zoning Resolution or the proposed change of the district boundaries of the Official Zoning Map.
- (2) A description by map of the property to be affected by the proposed change or amendment and a description in text of the property by legal metes and bounds.

- (3) A statement of the proposed change or amendment to the general health, safety, aesthetics, and welfare of the public in terms of need or appropriateness of the change within the area by reason of changed or changing conditions and the relation to appropriate plans for the area.
- (4) A list of the names, addresses, and telephone numbers of owners of property within, contiguous to and directly across the street from such area proposed to be rezoned. Such list is to be in accordance with the Auglaize County Auditor's current tax list.

c. Planning Commission Action:

- (1) Public Hearing: Upon the certification of such resolution by the Village Council, the adoption of such motion by the Planning Commission or the filing of such application for a proposed change or amendment of the text of this Zoning Resolution or the Official Zoning District Map, the Planning Commission and the Zoning Administrator may set a date for a public hearing within fourteen (14) days from the date of the resolution, motion, or application.
- (2) Notice of Hearing: Notice setting forth the time and the place of such hearing and the nature of the proposed change or amendment shall be given by the Village Clerk for one (1) publication in one (1) or more newspapers of general circulation in Auglaize County at least fifteen (15) days before the date of such public hearing.
- (3) If the proposed change or amendment intends to affect (rezone or redistrict) ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the public hearing shall be mailed by the Planning Commission, by the 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 affected by the proposed change or amendment. Such notice is to be mailed to the address of such owners appearing on the County Auditor's current tax list or the County Treasurers' mailing list.
- (4) Notice to Village Planning Commission: One (1) copy of the proposed change or amendment, together with text and map pertaining thereto, shall be forwarded to the Village Planning Commission within five (5) days from the date of the resolution, motion, or application by the Zoning Administrator.

- (5) Staff Review: The Zoning Administrator, together with the Village's designated engineer, the County Board of Health, and other appropriate agencies or bodies, may present to the Village Planning Commission a written report and map(s), where appropriate, including all apparent facts, implication, and conclusions concerning the proposed change or amendment.
- (6) Action by the Village Planning Commission: The Village Planning Commission shall consider the proposed change or amendment at the scheduled public hearing, and at such other meetings deemed necessary, and make formal recommendations concerning the approval, denial, or some modification thereof to be considered by the Village Council.
- (7) Recommendations: Within ten (10) days after the public hearing, the Planning Commission shall submit to the Village Council a recommendation of approval, denial, or some modification of the proposed change or amendment, including a statement of reasons for such recommendation, together with such resolution or application, the text, and map pertaining thereto.

d. Village Council Action:

- (1) Action by the Village Council: Upon receipt of such recommendation concerning a change or amendment of the Official Zoning District Map or Regulations, the Village Council shall, by resolution, set a time for public hearing of the proposed change or amendment.
- (2) Hearing Date: The date for public hearing shall be set not more than thirty (30) days from the date of resolution of Council fixing the time for such hearing and after the receipt of the recommendation of the Village of Minster Planning Commission.
- (3) Notice of Hearing: Upon the adoption of a resolution setting a date for public hearing, the Clerk of the Village of Minster shall issue a public notice of the time and place of such hearing, together with a summary of the proposed change or amendment in either the Zoning Regulations or the Official Zoning District Map to be published in a newspaper of general circulation in Auglaize County two (2) times, the date of publication to be at least thirty (30) days before the date of such hearing.
- (4) Notification: In addition thereto, if the proposed amendment or change in the Zoning Regulations or the Official Zoning District Map shall intend to rezone or redistrict ten (10) or less parcels of

land as shown and listed upon the tax duplicate, the Village Clerk shall cause a written notice of such hearing to be mailed to the owners of such property within, contiguous to and directly across the street from the parcel or parcels intended to rezoned or redistricted, to the owners of such parcels and to the addresses of such owners then appearing on the Auglaize County Auditor's or Auglaize County Treasurer's current tax list, unless the legislative authority shall, as part of the resolution to fix the time and place, designate another public record from which to secure such addresses. The failure of delivery of such notice shall not invalidate any subsequent ordinance, measure, or regulation enacted as a result thereof.

In addition to such notice, the Village Clerk shall cause to be prepared and placed on file in the Village offices at least fifteen (15) days prior to such public hearing a copy of any ordinance proposed to be enacted in the event the recommendation of the Planning Commission was followed, together with a copy of any map or plans referred to in such ordinance or included as a part of the application for such redistricting or rezoning, as submitted by any applicant and recommended by the Planning Commission. These documents shall be open for public inspection, and copies thereof may be obtained upon payment to the Village of a fee of five cents (\$0.05) per page or the actual costs incurred by the Village for reproducing larger sheets, maps, drawing, or plans.

- (5) Public Hearing: The public hearing mentioned in the foregoing section shall be held at such a place within the Village of Minster as shall be designated by the Village Council in its resolution setting the hearing date.

Council may set a common hour for all hearings when more than one such hearing is scheduled on the same date, and in such event, applications shall be heard in their numerical sequence as set forth in the notice of hearing.

Within thirty (30) days after the public hearing, the Village Council shall either adopt or deny the recommendation of the Planning Commission in accordance with the provisions of the Ohio Revised Code, Section 713.12.

If the Planning Commission's recommendation was to disapprove the proposed change or amendment, redistricting or rezoning, the Village Council shall have at least three-fourths (3/4) approval of the proposed change or amendment, redistricting or rezoning to overrule such disapproval.

- e. Date of Effect: Any ordinance changing or amending the Zoning Regulations or the Official Zoning District Map of the Village of Minster, or redistricting or rezoning any portion of land within the Village of Minster, shall become effective fifteen (15) days from the date of its adoption by the Village Council during which time the same shall be posted or published as required by law with respect to posting and publishing ordinances; unless within such fifteen (15) day period a petition is presented to the Village Council requesting that such change or amendment, redistrict, or rezoning be submitted to a referendum and such petition complies with the Ohio Revised Code respecting referendum petitions.

3. Variance:

- a. On a particular property extraordinary circumstances may exist making a strict enforcement of the applicable lot size, bulk, and parking requirements of the Zoning Regulations unreasonable, and; therefore, the procedure for variance from these requirement is to provide the flexibility necessary to adapt to changed or unusual conditions, both foreseen and unforeseen, under circumstances which do not ordinarily involve a change of the primary use of the land or structure permitted. No variance shall be granted unless the Board of Zoning Appeals finds that all of the following conditions exist:
  - (1) The special circumstances applying to the building or land in question are peculiar to such lot or property and do not result from the actions of the applicant and do not apply generally to other land or buildings in the vicinity.
  - (2) That granting the variance requested will not confer on the applicant any special privilege that is denied by these Zoning Regulations to other lands or structures in the same Zoning District.
  - (3) That granting the variance will not adversely affect the health or safety of persons residing or working in the vicinity of the proposed development is materially detrimental to the public welfare or injurious to private property or public improvements in the vicinity.
- b. Application: One (1) copy of a provided application (Exhibit "D") accompanied by a copy of the denied Zoning Compliance Certificate and a statement of the reason for denial shall be filed with the Zoning Administrator not more than twenty (20) days from the date such denial of

the Zoning Compliance Certificate is issued. The application shall include the following:

- (1) The nature of the variance, including the specific provisions of the Zoning Regulations upon which the variance is requested.
  - (2) A .survey may be required if the property line is indeterminable.
  - (3) A statement of the special circumstances or conditions applying to the land or structure and not applying generally throughout the Zoning District.
  - (4) A statement showing that the special conditions and circumstances do not result from the actions of the applicant.
  - (5) A statement showing that the granting of the application is necessary to the preservation and enjoyment of substantial property rights.
  - (6) One (1) copy of a plot plan drawn to an appropriate scale showing the following:
    - a. The boundaries and dimensions of the lot.
    - b. The nature of the special conditions or circumstances giving rise to the application for approval.
    - c. The proposed use of all parts of the lot and structures, including access ways, walks, off-street parking and loading spaces, and landscaping.
    - d. The relationship of the requested variance to the lot size, bulk, and parking requirements.
    - e. The use of land and location of structures on adjacent property.
  - (7) Such other information regarding the application for appeal as may be pertinent or required for appropriate action by the Board of Zoning Appeals.
- c. Board of Zoning Appeals' Action: The Board of Zoning Appeals shall hold a public hearing and either approve or deny the application for a variance based on the criteria stated in these Regulations. The Board of Zoning Appeals shall submit a written record of the reasons for its action to the applicant upon request.



- d. Time Limit: The Zoning Administrator shall issue a Zoning Compliance Certificate to applicants who have approval from the Board of Zoning Appeals for their applications within one (1) year of the date of the final approval.
  - e. Zoning Compliance Certificate: A Zoning Certificate may be obtained only for the development in accordance with approved plot plan.
4. Conditional Use Permit:
- a. A conditional use permit shall be issued when a use specifically mentioned in these Regulations, in Districts that specifically allow that use and only when such use is in compliance with these Regulations required of it in Chapter Nine, Section D of these Regulations, as determined by the Board of Zoning Appeals.
  - b. All uses not specifically mentioned as permitted or conditional uses in these Regulations shall be determined conditional uses in these Regulations. Uses shall be allowed in Zoning Districts that are determined appropriate by the Board of Zoning Appeals, with those conditions placed on the use that are necessary to protect the general health, safety, welfare, and aesthetics of the Village of Minster, as determined by the Board of Zoning Appeals.
  - c. Application: One (1) copy of a provided application (Exhibit “B”) form shall be filed with the Zoning Administrator. The application shall include the following:
    - 1. A survey may be required if the property line is indeterminable.
    - 2. The proposed used of the property.
    - 3. A statement of the necessity or desirability of the proposed use to the neighborhood or community.
    - 4. A statement of the relationship of the proposed use to adjacent property and land use.
    - 5. One (1) copy of a plot plan, drawn to an appropriate scale, clearly showing the following:
      - a. The boundaries and dimensions of the lot.
      - b. The size and location of existing and proposed structures.

- c. The proposed use of all parts of the lot and structures, including access walks, off-street parking and loading spaces, and landscaping.
    - d. Such other information regarding the property, proposed use, or surrounding area as may be pertinent to the application as required for appropriate action by the Board of Zoning Appeals.
  - d. Board of Zoning Appeals Action: The Board of Zoning Appeals may hold a public hearing and either approve, modify, or deny the application for a conditional use based on the criteria stated in these Regulations. The Board of Zoning Appeals shall submit a written record of the reasons for its actions to the applicant upon request.
  - e. Time Limit: The Zoning Administrator shall issue a Zoning Compliance Certificate to applicants who have approval from the Board of Zoning Appeals for their application only within one (1) year of the date of final approval.
  - f. Zoning Compliance Certificate: A Zoning Compliance Certificate may be obtained only for development in accordance with the approved plot plan.
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5. Planned Unit Development District Approval:  
A Planned Unit Development District shall be approved only through the process specifically stated in Chapter Five of these Regulations and only when it is keeping with the intent of these Regulations and when such approval will not endanger the general health, welfare and aesthetics of the Village of Minster, as determine by the Planning Commission and the Village Council.
6. Interpretation of Text and Map:  
Upon appeal from a decision by the Zoning Administrator, the Board of Zoning Appeals shall have the power to decide any questions involving the interpretation of the Zoning Text or Official Zoning District Map as set forth in these Regulations.
- Decision of the Board: In exercising the above-mentioned powers, the Board of Zoning Appeals may in conformity with these Regulations, reverse or affirm, wholly or partly, or modify the order, requirement, decision or determination as ought to be made, and to that end shall have all powers of the officer from whom the appeal is taken.
- Public Information: All communications to members of the Board of Zoning Appeals, written or oral, shall be reduced to writing pertaining to any matter before the Board of Zoning Appeals and shall be made part of the record. The

record of the Board of Zoning Appeals' proceeding in any matter shall be kept on file in the office of the Village Clerk and available for inspection by the public.

Record: For any hearing at which the applicant desires a record to be made, the applicant shall provide a court reporter to make such record at the applicant's expense. In all hearings wherein no request has been made for a record, the minutes shall serve as the transcript of such hearing.

7. Appeal of Administrative Decisions:

a. Administrative Appeals:

Appeals to the Board of Zoning Appeals may be taken by any person aggrieved or by any officer of the Village affected by any decision of the Zoning Administrator.

b. Notice of Appeal:

Such appeal shall be taken within twenty (20) days after the decision by filing with the officer from whom the appeal is taken and with the Board of Zoning Appeals a notice of appeal, specifying the grounds. The officer from whom the appeal is taken shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action was taken.

8. Temporary Zoning Certificates:

All of the uses requiring a temporary zoning certificate as directed in Chapter Nine, Section F, shall be conducted and all merchandise displayed in an orderly and safe manner, free from injurious or offensive effects to the occupants of adjacent premises and to the public in general, and shall be effectively screened from adjoining residential property where required by the Zoning Administrator.

Each application for a Temporary Zoning Certificate (Exhibit "K") shall contain the following information:

- a. Name, address and telephone number of the applicant
- b. A description of the property where the temporary use is to occur, including the location of the property and existing and/or proposed uses.
- c. A statement explaining the need for the temporary use.
- d. The date on which the temporary use will commence and the anticipated duration of such use.
- e. Such other information as may be required by the Zoning Administrator.

The Zoning Administrator shall either approve or disapprove such application within fourteen (14) days of receipt and shall notify the applicant of the decision. In the event that the application is disapproved, the Zoning Administrator shall explain in writing the reasons for disapproval.

Failure to obtain a Temporary Zoning Certificate prior to the location, erection, construction, reconstruction, alteration, use or conduct of any function or operation herein permitted as a temporary use shall be deemed a violation of these Regulations and punishable according to these Regulations.

9. Sign Permits:

All signs erected within the corporate limits, except those specifically excluded in Chapter Seven, shall require a permit before being erected.

- a. Applications for sign permits (Exhibit "C") shall contain the following information:
  1. The name, address and telephone number of the applicant and owner of the premises.
  2. The location of the building, structure or lot to which or upon which the sign or other advertising structure is to be attached or erected.
  3. The position of the sign or other advertising structure in relation to nearby buildings or structures and a site plan for ground signs.
  4. One scale drawing including: graphics, colors, plans and specifications, the method of construction and attachment to the building or the method of installation in the ground and the height of in-ground signs, using a scale of one (1) inch equaling one (1) foot or some other standard architectural scale; scale drawings should be prepared on paper no greater than eleven by fourteen (11 x 14) inches and no less than eight-and-a-half by eleven (8 ½ x 11) inches in dimensions.
  5. The name of the person erecting the structure.
  6. Written consent of the owner of the building, structure or land to which or on which the structure is to be erected.
  7. The product, use or service to be advertised.
  8. Such other information as the Zoning Administrator shall require to show full compliance with this and all other ordinances of the Village.

- b. Applications for sign permits shall be submitted to the Zoning Administrator or a designee.
- c. The Zoning Administrator or his designee shall have a minimum of fourteen (14) days and a maximum of thirty (30) days upon receipt of the completed application to approve or disapprove requests for permanent signs.

### **SECTION C: ENFORCEMENT**

No person shall erect, construct, alter, repair or maintain any building or structure or use any land in violation of these Regulations pursuant to Sections 713.06 to 713.12, inclusive, of the Ohio Revised Code or Section 3 or Article XVII, Ohio Constitution. In the event of any such violation, or imminent threat thereof, the Village of Minster, or the owner of an contiguous or neighboring property who would be especially damaged by such violation, in addition to any other remedies provided by law, may institute a suit for injunction to prevent or terminate such violations (Ohio Revised Code, Section 713.13).

#### **1. Assessment of Fees:**

The Zoning Administrator shall collect fees, according to the following schedule of fees, from all applicants requesting the following:

a.	Zoning Compliance Certificates	\$25.00
b.	Text Amendments or Changes of Zoning Districts	\$50.00
c.	Variances	\$25.00
d.	Conditional Use Permits	\$25.00
e.	Planned Unit Development Review	\$100.00
f.	Appeal Decisions	\$50.00
g.	Temporary Certificates	\$25.00
h.	Permanent Sign Permits	\$25.00
i.	Temporary Sign Permits	\$25.00

Except where the applicant is requesting action on property that has been annexed to the Village not more than sixty (60) days previous to the date of the applicant's request, the Zoning Administrator may waive the above-mentioned fee.

#### **2. Enforcement:**

These Regulations shall be enforced by the Zoning Administrator, or his designee as designated by the Village Council.

#### **3. Violation:**

In case any building is, or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used, or any land is proposed to be used in violation of these Regulations or any amendment or supplement thereto, the Village Council, the Village Solicitor, the Zoning Administrator or any adjacent or neighboring property owner who would be specifically damaged

by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement or any other appropriate action, actions or proceedings by notice in writing to be delivered upon said premises to the owner of the premises, and by any other required notice, to prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance, or use.

4. Penalty for Violation:

Any person or corporation who shall violate any of the provisions of this Ordinance or fail to comply therewith or with any of the requirements thereof, or who shall build or alter any building in violation of any detailed statement or plan submitted and approved there under, shall for each and every violation or non-compliance be guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars (\$500) or imprisoned for not to exceed thirty (30) days, or both, and each day such violation shall be permitted to exist shall constitute a separate offense. The owner or owners of any building or premises or part thereof where anything in violation of this Ordinance shall be placed or shall exist, and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have assisted in the commission of any violation, shall be guilty of a separate offense and upon conviction thereof shall be imprisoned as herein provided.

5. Revocation of Zoning Certificate:

Any Zoning Certificate issued upon a false statement shall be void, and such false statement shall be deemed a violation of these Regulations. Zoning certificates issued on the basis of plans and applications approved by the Zoning Administrator authorize only the use and arrangement set forth in such approved plans and applications, and construction at variance with that use authorized shall be deemed a violation of these Regulations. In such a case, the Zoning Certificate shall be revoked by notice in writing to be delivered to the holder of the void certificate upon the premises concerned. Any person who shall proceed thereafter with such work or use without having obtained a new Zoning Certificate, in accordance with these Regulations, shall be deemed guilty of a separate violation thereof. Violations shall be punishable as provided in these Regulations.



## CHAPTER ELEVEN: DEFINITIONS:

Adult Entertainment Facility: A facility with a business defined as follows:

- a. Adult Book Store, Adult Novelty Store, Adult Video Store means a commercial establishment which devotes a significant portion of its interior business or advertising (25% or more of its retail floor space) to the sale or rental, for any form of consideration, or any one or more of the following:
  - (1) Books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides or other visual representations which are characterized by the depiction or description of “specified sexual activities” or “specified anatomical areas” as defined herein.
  - (2) Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse.
- b. Adult Cabaret means a nightclub, bar, restaurant, or similar commercial establishment, whether or not alcoholic beverages are served, which regularly features persons who appear nude or semi-nude; live performance which are characterized by the exposure of “specified anatomical area” or by “specific sexual activities”, or films, motion pictures, video cassettes, slides or other pornographic reproductions which are characterized by the exposure of “specified anatomical area” or by “specified sexual activities”.
- c. Adult Motel means a motel, hotel or similar commercial establishment which offers public accommodation, for any form or consideration, which provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides or other pornographic reproductions which are characterized by the exposure of “specified anatomical area” or by “specified sexual activities”.
- d. Adult Motion Picture Theater means a commercial establishment where films, motion pictures, video cassettes, slides or other similar photographic reproductions which are characterized by the exposure of “specified anatomical area” or by “specified sexual activities” are shown for any form of consideration.
- e. Adult Theater means a theater, concert hall, auditorium, or similar commercial establishment which for any form of consideration, regularly features persons who appear in a state of nudity or live performances

which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.

- f. Escort Agency means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes for any form of consideration.
- g. Massage Parlor means any place where, for any form of consideration, massage, alcohol rub, administration of fomentations, electric or magnetic treatments, or any other treatment manipulation of the human body which occurs as part of or in connection with “specified sexual activities”, or where any person providing such treatment, manipulations, or service related thereto, exposes his or her “specified anatomical areas”. This definition shall not include the practice of massage in any licensed hospital, not by any licensed hospital, licensed physician, chiropractor, or physician, osteopath; nor by any trainers for amateur, semiprofessional or professional athlete or athletic team or school athletic program not by any License Massage Therapist licensed in the State of Ohio pursuant to ORC 4731.15.
- h. Nude Model Studio means any place where a person, who regularly appears in a state of nudity or displays “specified anatomical areas” is provided for any form of consideration to be observed, sketched, drawn, painted, sculptured, photographed or similarly depicted.
- i. Sexual Encounter Establishment means a commercial establishment that, as one of its primary business purposes, offers for any form of consideration, a place where people may congregate, associate, or consort for the purpose of “sexually specified activities” or the exposure of “specified anatomical areas” or activities where one or more of the persons is in a state of nudity. This definition shall not include an establishment where a medical practitioner, psychiatrist, or similar professional persons licensed by the state engages in medically approved and recognized sexual therapy.

Accessory Use: A use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in the area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things, “accessory use” includes anything of a subordinate nature attached to or not attached to a principal structure or use, such as fences, antennas, walls, sheds, detached garages, decks, poles, patios, carports if not attached. Except as otherwise required in this Zoning Code an “accessory use” shall be a permitted use.

Aesthetics: The outward visual appearance that is pleasing and sensitive to the senses.

Alterations, Structurally: Any change in the supporting members of the building, such as walls, floors, columns, beams, or girders.

Apartment: Two (2) or more rooms, designed for, arranged for, intended for or occupied as a residence by one family.

Apartment House: Any building housing three (3) or more apartment units providing said units are the principal use of the building.

Array: Any number of electrically connected photovoltaic (PV) modules providing a single electrical output.

Automobile Service and Repair: Any building used for the supply of gasoline, oil or other fuel for motor vehicle propulsion, which can include space and facilities for washing, polishing, greasing, repairing and servicing motor vehicles.

Basement: A story all or partly underground, but having at least one-half or its height below the average level of the adjoining ground. (Exhibit "L").

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

Billboard: Any structure or portion thereof on which lettered, figured or pictorial matter is displayed for advertising purposes of goods or services not offered on the premises, and other than those signs specifically mentioned.

Board: The Board of Zoning Appeals of the Village of Minster, Ohio.

Boarding House, Rooming House, Lodging House or Dormitory: A building or part thereof, other than a hotel or restaurant, where meals and or lodging are provided for compensation for three or more persons and where no cooking or dining facilities are provided in individual rooms.

Buffer yards: A landscaped area adjoining or surrounding a land use and unoccupied in its entirety by any building or structure.

Building: Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

Building, Height of: The vertical distance from the average contact with ground level at the front wall of the building to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the ridge for gable, hip or gambrel roofs.

Building-Integrated System: A solar photovoltaic system that is constructed as an integral part of a principal or accessory building or structure and where the building-integrated

system features maintain a uniform profile or surface of vertical walls, window openings, and roofing. Such system is used in lieu of a separate mechanical device, replacing or substitution for an architectural or structural component of the building or structure that appends or interrupts the uniform surface of walls, window openings and roofing. A building-integrated system may occur within verticals facades, replacing view glass, spandrel glass or other façade material; into semitransparent skylight systems; into roofing systems, replacing traditional roofing material; or other building or structure envelope systems.

**Building-Mounted Systems:** A solar photovoltaic system attached to any part or type of roof on a building or structure and that is either the principal structure or an accessory structure on a recorded lot. This system also includes any solar based architectural elements.

**Building; Principal:** A building in which conducted is the main or principal use of the lot on which such building is situated. Where a substantial part of the wall of an accessory building is a part of the wall of the principal building, or where an accessory building is attached to the main building in a substantial manner, as by a roof, such accessory building shall be counted as a part of the principal building. (Exhibit “M”).

**Cell:** The smallest basic solar electric device which generates electricity when exposed to light.

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

**Condominium:** A building or group of buildings in which units are individually owned, but the structure, common areas, and facilities are owned on a proportional, undivided basis by all of the owners.

**Coverage:** The percentage of the lot area covered by any building or part thereof.

**Day Care Service – Type A:** Seven to twelve children (or four to twelve children, if four children are under two years of age) cared for in the provider’s personal residence. The provider’s own children under six years of age must be included in the total count. Type A homes must be licensed by the Ohio Department of Job and Family Services.

**Disabled Vehicle:** A motor vehicle that, due to mechanical failure or other reason, is temporarily not in operable condition.

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

Drip Line: The outermost edge of a roof including eaves, overhangs and gutters.

Dwelling: Any building or portion thereof designed or used as the residence of one or more persons, but not including a tent, cabin, trailer or trailer coach, mobile home, tree house or a room in a hotel or motel.

Dwelling, Multi-Family: A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls.

Dwelling, Single-Family: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

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

Dwelling, Accessory: A second dwelling on a lot, located to the rear of the principal building.

Dwelling Unit: One room or a suite of two or more rooms designed for or used by one family for living and sleeping purposes and having only one kitchen or kitchenette.

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

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

Family: A person living alone, or two or more persons living together as a single housekeeping unit, in a dwelling unit, as distinguished from a group occupying in a boarding house, lodging house, dormitory, motel and hotel.

Fence: Any structure, other than part of a building, of sufficient strength and dimension to prevent straying from within or intrusion from without.

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



Floor Area of a Non-Residential Building: (to be used in calculating parking requirements). The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, fitting rooms, and similar areas.

Garage, Private: A detached accessory building or a portion of the principal building used only for the storage of vehicles and incidental personal property.

Garage, Public: A building or portion thereof, other than a private garage or filling station, used for equipping, servicing, repairing, hiring, selling or storing vehicles, or similar equipment.

Gasoline Service Station: See Automobile Service Repair.

Ground-Mounted System: A solar photovoltaic system mounted on a structure, pole or series of poles constructed specifically to support the photovoltaic system and not attached to any other structure.

Group Home: A residential facility that provides residential services to individuals who are mentally retarded, developmentally disabled, physically handicapped, who cannot otherwise care for themselves or who are convalescing or undergoing rehabilitation and/or treatment. These individuals are provided services to meet their individual needs. They must not have been previously convicted of a felony or required institutional care or treatment. This category is licensed by and/or has accountability to a governmental agency for the clientele served. This category does not include hospitals, as defined herein, or facilities that administer treatment as their primary function to inpatients, outpatients or on a day-care basis.

Home Occupation: An accessory use which is an activity, profession, occupation, service, craft, or revenue-enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises by a Conditional Use Permit, without any significant adverse effect upon the surrounding neighborhood and which conforms to all the regulations of Chapter Nine, Section C.

Hospital: An establishment for the medical, surgical or psychiatric care of bed patients for a continuous period longer than twenty-four (24) hours each day for emergency care, has a minimum of ten (10) patient beds and an average of two thousand (2,000) patient days per annum and has on duty a registered nurse twenty-four (24) hours each day.

Hotel: A building occupied primarily as the temporary abiding place of individuals who lodged with or without meals, and in which there are more than twelve (12) sleeping rooms or apartments.

HVAC: Equipment used to heat, cool or ventilate a structure.



**Impervious Surface:** A surface area that prevents or retards the infiltration of water into the soil and/or a hard surface area that causes water to run off the surface of the ground in greater quantities or at an increase rate of flow from the conditions prior to development, construction, building or installation.

**Industry, Light:** An industrial establishment that provides as its primary activity space for the processing, assembling, or manufacturing of goods and materials which have a minimum impact upon the surrounding environment in areas that are suitable; activities that can be operated in a clean and quiet manner. Further, it is anticipated that development, which will occur in a light industrial district, will be in an industrial park-like atmosphere.

**Industry, Heavy:** Industrial and other high intensity uses that by virtue of their external effects such as noise, glare, fumes, smoke, dust, odor, truck and/or rail traffic should be isolated from residential uses.

**Inoperable Vehicle:** A motor vehicle that, due to mechanical failure, structural deterioration or other reason, is not in operable condition.

**Interconnection:** The technical and practical link between the solar generator and the grid providing electricity to the greater community.

**Junk Yard:** A place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled 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 in operable condition, or salvaged material incidental to manufacturing operations.

**Kilowatt (kW):** A unit of electrical power equal to 1,000 Watts, which constitutes the basic unit of electrical demand. A watt is a metric measurement of power (not energy) and is the rate (not the duration) at which electricity is used. 1,000 kW is equal to 1 megawatt (MW).

**Loading Space:** A loading space is an off-street space on the same lot with a building or group of buildings, used for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

**Lot:** A piece, parcel or tract of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this Ordinance, and having frontage on a public street and may consist of a single lot of record.

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

Lot Corner: A lot at the juncture of and fronting on two or more intersecting streets.

Lot Area: The computed area contained within the lot lines.

Lot Depth: The mean horizontal distance between the front and rear lot lines.

Lot Lines (Exhibit "M"):

- A) Front: A street right-of-way forming the boundary of a lot.
- B) Rear: The lot line that is most distant from, and is, or is most parallel with, the front lot line.
- C) Lot Line, Side: Any lot other than a front or rear lot line. A side lot line separating a lot from a street is called a side street lot line. A side lot line separating a lot from another lot or lots is called an interior side lot line.

Lot Measurements: A lot shall measure as follows:

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

Lot, Minimum Area of: The total horizontal area within the lot lines of a lot that is computed exclusive of any portion of the right-of-way any public or private street.

Lot of Record: A lot that is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

Lot Types (Exhibit "N"): Terminology used in this Zoning Code with reference to corner lots, interior lots, and through lots as follows:

- A) Corner Lot: A lot located at the intersection of two or more streets.
- B) Interior Lot: A lot with only one front yard on a street.

- C) **Through Lot:** A lot other than a corner lot with a front yard on more than one street. Through lots abutting two streets may be referred to as double frontage lots.

**Mobile Home:** Any non-self-propelled vehicle so designed for transportation after fabrication on streets, highways, land, air or water, and arriving at the site where it is to be occupied as a dwelling unit complete and ready for occupancy after location on the site whether by wheels, jacks, or permanent foundations, and connection to utilities and the like. Not including camp or travel trailers.

**Module:** A module is the smallest protected assembly of interconnected PV cells.

**Modular Housing:** An assembly of materials or products comprising all or part of a total residential structure that, when constructed, is self-sufficient, or substantially self-sufficient, containing plumbing, wiring and heating at the point of manufacture, and which when installed, constitutes a dwelling unit, except for necessary on-site preparations for its placement.

**Motel or Tourist Court:** A building, or group of buildings, comprising individual sleeping or living units for the accommodation of transient guests, not containing individual cooking or kitchen facilities.

**Net Metering Agreement:** An agreement with a local electric utility that allows customers to receive a credit for surplus electricity generate by certain renewable energy systems.

**Non-Conforming Use:** A building, structure or premises legally existing or used at the time of adoption of this Ordinance, and which does not conform with the use regulations prescribed by this Ordinance for the district in which located.

**Nudity or State of Nudity:** The showing, representation, or depiction of human male or female genitals, pubic areas, or buttocks with less than a full, opaque covering; or of a female breast with less than a full, opaque covering of any portion thereof below the top of the nipple, or of covered male genitals in a discernible turgid state.

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

**Open Space:** That part of a lot, including courts or yards, which is open and unobstructed by structures from its lowest level to the sky, accessible to all tenants upon the lot.

**Opaque:** Not allowing visibility through (e.g., a dense, compact row of vegetation).

Parking Lot: An area providing vehicular parking spaces along with adequate drives and aisles, for maneuvering, so as to provide access for entrances and exit for the parking of more than five vehicles.

Parking Space: The area required for parking one automobile, which in this Ordinance is held to be an area not less than nine (9) feet wide and nineteen (19) feet long, either within a structure or in the open. For commercial and industrial uses, space shall be computed exclusive of driveways or access drives.

Photovoltaic (PV): A semiconductor-based device that converts light directly into electricity.

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

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

Protected Use: Uses listed and defined as the following : 1) Religious Institution is any church or synagogue, mosque, temple or building which is used primarily for religious worship and related religious activities; 2) School is any public or private education facility, including but not limited to child day care facilities, nursery schools, preschools, kindergartens, elementary schools, primary schools, vocational schools, secondary schools, continuation schools, special education schools, junior colleges, and universities; 3) Recreational areas is any park, golf course, swimming pool, walking trail, bike path, or commercial establishment where its primary business is recreation.

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

Recreational Vehicles: As used in these Regulations, these are defined as and shall include the following: 1) a "travel trailer" is a vehicular portable structure built on chassis, designed to be used as temporary dwelling for travel, recreational and vacation uses, permanently identified "travel trailer" by the manufacturer; 2) a "pick-up camper" is a structure designed primarily to be mounted on a pick-up chassis and with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational and vacation use; 3) a "motorized home" is a portable dwelling designed and constructed as an integral part of a self-propelled vehicle; 4) a "fold-tent trailer" is a canvas-folding structure, mounted on wheels and designed for travel and vacation use; and 5) "boats" and "boat trailers" shall include boats, floats and rafts, plus the normal equipment to transport the same on the highway.

Right-of-Way: A strip of land taken or dedicated for use as a public way. In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting and drainage facilities and may include special separation, landscaped areas, viaducts and

bridges, unless otherwise noted. East/West street right-of-ways- 50 feet; North/South street right-of-ways- 66 feet.

Solar-Based Architectural Element: Structural/architectural element that provides protection from weather that includes awnings, canopies, porches or sunshades and that is constructed with the primary covering consisting of solar PV modules, and may or may not include additional solar PV related equipment.

Solar Photovoltaic (PV) Related Equipment: Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

Solar Photovoltaic (PV) System: A solar collection system consisting of one or more building-mounted and/or ground-mounted systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation.

Solar Photovoltaic (PV) Related Equipment: Items including a solar photovoltaic cell, panel or array, lines, mounting brackets, framing and foundations used for or intended to be used for collection of solar energy.

Solar Photovoltaic (PV) System: A solar collection system consisting of one or more building-mounted and/or ground-mounted systems, solar photovoltaic cells, panels or arrays and solar related equipment that rely upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation.

Ultimate Right-of-Way: The maximum right-of-way planned or anticipated to be needed for highway and roadway improvements. The ultimate right-of-way width shall be published in a locally adopted Thoroughfare Plan; Local, County, or State Transportation Improvement Program (T.I.P.); or the Local or County Engineer's published Engineering Standards for the Functional Classification of Roadways.

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

Setback Line: A line established by the Zoning Code, generally parallel with and measured from the lot line, defining the limits of a yard in which no portion of any principal structure, other than accessory building, may be located except as may be provided in said Zoning Code.

Sign: A name, identification, description, display, or illustration that is affixed, painted, or represented, directly or indirectly, upon a building structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business.



**Site Triangle:** The triangular area of a corner lot bound by the property lines and a line connecting the two points on the property lines twenty (20) feet from the intersection of the property lines.

**Specified Anatomical Areas:** Less than completely and opaquely covered human genitals, pubic region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or human male genitals in a discernable turgid state, even if completely and opaquely covered.

**Specified Sexual Activities:** 1) The fondling or other intentional touching of human genitals, pubic region, buttocks, anus, or female breasts; or 2) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; or 3) Masturbation, actual or simulated; or 4) Human genitals in a state of sexual stimulation or arousal.

**Story:** The portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above it, then the space between the floor and the ceiling next above it. (Exhibit "L")

**Structure:** Anything constructed or a moveable structure not on wheels, the use of which is located within a Zoning District and is which is located on the ground or attached to something having permanent location on the ground.

**Swimming Pool:** A structure constructed or placed below ground or above ground, which contains water in excess of 18 inches in depth and is suitable or utilized for swimming or wading.

**Temporary Use of Building:** The temporary use of land or a building permitted by the Zoning Inspector during periods of construction, or for special events.

**Tracking System:** A number of photovoltaic modules mounted such that they track the movement of the sun across the sky to maximize energy production, wither with a single-axis or dual-axis mechanism.

**Tourist Home:** A building or part thereof, other than a hotel, boarding house, lodging house or motel, where lodging is provided by a resident family in its home for compensation, mainly for transients.

**Tourist Court:** See Motel.

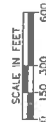
**Use:** The purpose for which land or a building is arranged, designed, or intended, or for which land or building is or may be occupied or maintained.

**Variance:** A modification of the strict terms of this Zoning Code where such modification will not be contrary to the public interest and where owing to conditions



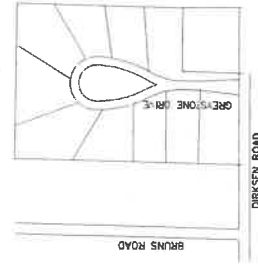
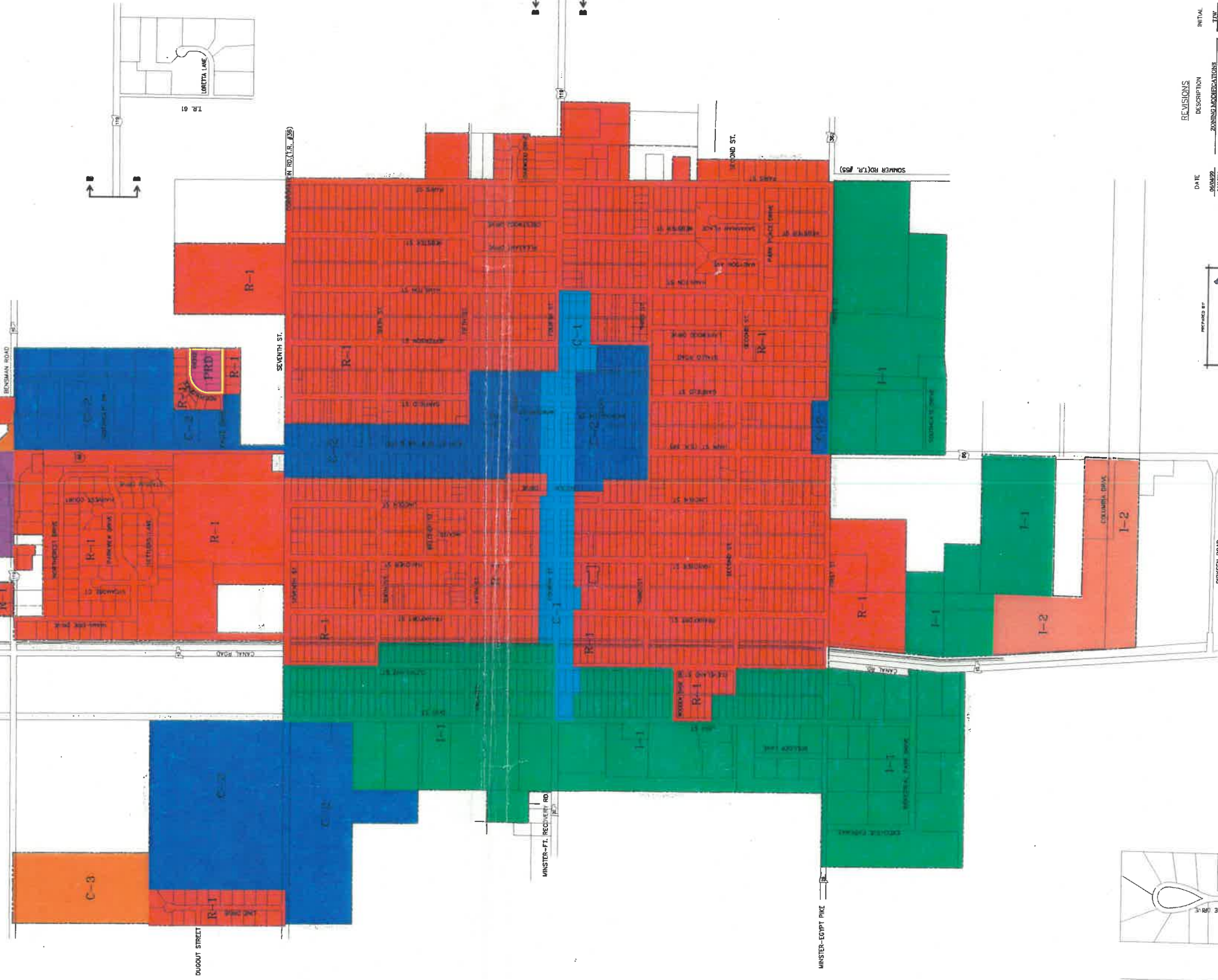
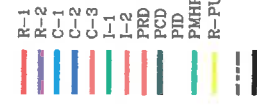
## WUEBKER R.

JACKSON TOWNSHIP  
AUGLAIZE COUNTY, OHIO

WATER ATLAS  
ROCKHIZE COUNTY, OHIO

## LEGEND

- SINGLE AND DOUBLE FAMILY CENTRAL RESIDENTIAL  
SINGLE FAMILY RESIDENTIAL DISTRICT  
CENTRAL COMMERCIAL  
GENERAL COMMERCIAL  
REGIONAL COMMERCIAL  
INDUSTRIAL  
GENERAL INDUSTRIAL  
PLANNED RESIDENTIAL DISTRICT  
PLANNED COMMERCIAL DISTRICT  
PLANNED INDUSTRIAL DISTRICT  
PLANNED MOBILE HOME PARK  
RESIDENTIAL — PLANNED UNIT DEVELOPMENT  
CORPORATION BOUNDARIES  
ZONING DISTRICT BOUNDARIES



ChoiceOne  
Engineering

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