

## **PREAMBLE**

AN ORDINANCE OF THE VILLAGE OF CRIDERSVILLE, OHIO, ENACTED IN ACCORDANCE WITH A COMPREHENSIVE PLAN AND THE PROVISIONS OF THE OHIO REVISED CODE, DIVIDING THE VILLAGE INTO ZONES AND DISTRICTS, ENCOURAGING, REGULATING, AND RESTRICTING THEREIN THE LOCATION, CONSTRUCTION, RECONSTRUCTION, ALTERATION, AND USE OF STRUCTURES AND LAND; PROMOTING THE ORDERLY DEVELOPMENT OF RESIDENTIAL, BUSINESS, INDUSTRIAL, RECREATIONAL, AND PUBLIC AREAS; PROVIDING FOR ADEQUATE LIGHT, AIR, AND CONVENIENCE OF ACCESS TO PROPERTY BY REGULATING THE USE OF LAND AND BUILDINGS AND THE BULK OF STRUCTURES IN RELATIONSHIP TO SURROUNDING PROPERTIES; LIMITING CONGESTION IN THE PUBLIC RIGHT-OF-WAYS; PROVIDING THE COMPATIBILITY OF DIFFERENT LAND USES AND THE MOST APPROPRIATE USE OF LAND; PROVIDING FOR THE ADMINISTRATION OF THIS ORDINANCE; DEFINING THE POWERS AND DUTIES OF THE ADMINISTRATIVE OFFICERS AS PROVIDED HEREAFTER; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS IN THIS ORDINANCE OR ANY AMENDMENT THERETO, ALL FOR THE PURPOSE OF PROTECTING THE PUBLIC HEALTH, SAFETY, COMFORT, AND GENERAL WELFARE.

THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE, VILLAGE OF CRIDERSVILLE, AUGLAIZE COUNTY, STATE OF OHIO, TWO-THIRDS OF THE MEMBERS THERETO CONCURRING:

## **150.000 GENERAL PROVISIONS**

### **150.001 Title**

This Ordinance shall be known and may be cited to as the “Zoning Code of the Village of Cridersville”, except as referred to herein, where it shall be known as “this Zoning Code”.

### **150.002 Intent**

The intent of this Zoning Code is to promote and protect the public health, safety, and general welfare of the Village, in accordance with the Comprehensive Development Plan and planning process that is reflected in the contents of this Zoning Code and in the zoning map of the Village by:

- A. Dividing the Village into zones or districts within which specific regulations contained in this Zoning Code control the location, construction, reconstruction, alteration, and use of buildings, structures, and land for residence, commerce, industry, or other specific uses.
- B. Regulating the intensity of land use through the control of the amount of lot area on which construction is authorized and a determination of the area of open space surrounding any man-made improvements upon the land.
- C. Facilitating the orderly, efficient, and appropriate growth and development within the Village.
- D. Protecting residential, business, commercial, and industrial land uses from encroachment by incompatible land uses that would not be conducive to the public health, safety, and general welfare.
- E. Regulating certain nonconforming uses of land, buildings, and structures.
- F. Promoting a pattern of rational land use relationships among residential, business, commercial, and industrial uses for the purposes of promoting the public health, safety, and general welfare.
- G. Establishing development densities by zoning district that economize the provision of water, sewer, streets and highways, fire and police protection, schools, parks, recreation facilities, and other government services.

The intent is to implement in accordance with the Comprehensive Development Plan for the Village of Cridersville as manifested in this Zoning Code and its companion zoning map, Village of Cridersville Design Criteria, and Construction Standards and Drawings of and in various planning studies which have been or will be approved by Council from time to time.

### **150.003 Interpretation**

In their interpretation and application, the provisions of this Zoning Code shall be the minimum requirements adopted for the promotion of the public health, safety, morals, convenience, order, prosperity, and general welfare. Except as otherwise provided in Section 150.005, it is not intended by this Zoning Code to repeal, abrogate, annul, or in any way impair or interfere with any existing provisions of law or ordinance, or with any rules, regulations, or permits previously adopted or issued pursuant to law, relating to the use of buildings and land. However, where this Zoning Code imposes a greater restriction on the use of buildings or premises, or on the heights of buildings, or requires larger yards, courts, or other open spaces than are imposed or required by such existing provisions of law or ordinance, or by such rules, regulations, or permits, the provisions of this Zoning Code shall prevail and control.

### **150.004 Separability**

Should any section or provision of this Zoning Code be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

### **150.005 Repeal of Conflicting Ordinances**

All Ordinances in conflict with this Zoning Code or inconsistent with the provisions of this Zoning Code are hereby repealed to the extent necessary to give this Zoning Code full force and effect.

## **150.050 DEFINITIONS**

### **150.051 Construction of Language**

For the purposes of this Zoning Code, certain terms or words used herein shall be interpreted as follows:

- A. The word "PERSON" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- B. The present tense includes the future tense.
- C. The singular number includes the plural, and the plural number includes the singular.
- D. The word "SHALL" is mandatory, and the word "MAY" is permissive.
- E. The word "BUILDING" includes the word "STRUCTURE."
- F. The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied."
- G. The word "lot" includes the words "plot" or "parcel."
- H. In case of any difference of meaning or implication between the text of this Zoning Code and any caption or illustration, the text shall control.
- I. Regardless of capitalization, definitions are standard.

Terms not herein defined shall have the meaning customarily assigned to them.

### **150.052 Definitions**

#### **ACCESSORY USE (OR STRUCTURE)**

A use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in the area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure.

Among other things, "accessory use" includes anything of a subordinate nature attached to or not attached to a principal structure or use, such as fences, satellite dishes, antennas, walls, sheds, detached garages, parking places, decks, poles, poster panels, patios, driveways, carports if not attached, and billboards. Except as otherwise required in this Zoning Code an "accessory use" shall be a permitted use.

**AGRICULTURE**

The use of land for the purpose of raising and harvesting crops; or for raising, breeding, or management of livestock, poultry, or honeybees; or for dairy, truck farming, forestry, nurseries, or orchards; for the non-commercial, on-farm storage or processing of agricultural products or for any other similar agricultural or horticultural use. This is a nonconforming use.

**ALLEY**

(See Thoroughfare)

**ALTERATION**

Any change, addition, or modification in construction or type of occupancy; any change in the structural members of a building, such as walls or partitions, columns, beams, or girders.

**ANIMAL GROOMING**

An activity where the principal business is domestic pet hygiene including washing, brushing, shearing, and nail cutting.

**ANIMAL HOSPITAL**

Any building or structure used for treatment and care of injured or ailing animals administered by a Doctor of Veterinary Medicine licensed to practice in the state.

**AUTOMOBILE REPAIR, PAINTING, AND BODY SHOPS**

Places where the following services may be carried out: the sale of engine fuels, general repair, engine rebuilding, rebuilding or reconditioning of motor vehicles, collision service such as body, frame, or fender straightening and repair, and overall painting, undercoating, rust protection, paint protection, and fabric protection of automobiles.

**AUTOMOBILE SERVICE STATION**

A place where gasoline, or any other automobile engine fuel, stored only in underground tanks, kerosene or motor oil, and lubricants or grease, for operation of motor vehicles, are retailed directly to the public on the premises, including the sale of minor accessories and the servicing of and minor repair of automobiles, not including storage of inoperable vehicles.

**AUTOMOBILE WASHING FACILITIES**

Area of land and/or a structure with machine or hand-operated facilities used principally for cleaning, washing, polishing, or waxing of automobiles.

**BARS, TAVERNS, AND NIGHTCLUBS**

Establishments primarily engaged in the retail sale of drinks, such as beer, ale, wine, liquor, and other alcoholic beverages for consumption on the premises. The sale of food may also be a part of the operation.

**BASEMENT**

A story all or partly underground, but having at least one-half of its height below the average level of the adjoining ground. (See “Story”) (See illustration, Exhibit “D” following this Section.)

**BEGINNING OF CONSTRUCTION**

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

**BLOCK**

Property abutting one side of a street and lying between the two nearest intersecting streets, crossing or terminating, or between the nearest street and railroad right-of-way, un-subdivided acreage, waterway, or between any of the foregoing and any other barrier to the continuity of development or corporate lines of the Village.

**BOARD**

Village of Cridersville Board of Zoning Appeals.

**BOARDING OR LODGING HOUSES**

A building other than a hotel, not exceeding ten sleeping rooms, where, for compensation and by prearrangement for definite periods, meals or lodging and meals, are provided, including a Bed and Breakfast Inn.

**BUILDING**

A building is a structure, designed, intended, or used for shelter, enclosure, or protection of persons, animals, chattels, or property.

**BUILDING HEIGHT**

The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof surface.

**BUILDING LINE**

(See Setback Line)

**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.

**BUILDING SERVICES**

Building supplies and services facilities, including facilities for plumbing and heating equipment, sheet metal shops, and similar uses.

**BUSINESS, PROFESSIONAL, AND ADMINISTRATIVE OFFICES**

Uses that include, but are not limited to, corporate offices; insurance; real estate; law; engineering; architecture; management and consulting; accounting; bookkeeping and investment; data processing services; advertising, commercial art and public relations; news syndicates; travel agencies; personnel and employment services; and detective and protective services.

**CAR WASH**

(See Automobile Washing Facilities)

**CARRY-OUT**

A place of business where food and beverages are purchased for consumption on or off the premises. These can include photo kiosks and freestanding automatic teller machines, but do not include drive-in windows.

**CEMETERY**

Land used or intended to be used for the disposition of deceased persons and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery. Cemeteries may be allowed by a Conditional Use Permit.

**CHILD DAY CARE CENTER**

Any place in which child day care is provided, with or without compensation, for 13 or more children at any one time; or any place that is not the permanent residence of the licensee or administrator in which child day care is provided, with or without compensation, for at least 7 children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

**CLINIC**

(See Medical Offices and Clinics)

**COMMERCIAL ENTERTAINMENT FACILITIES**

Any profit-making activity which is generally related to the entertainment field. These facilities include motion picture theaters, drive-in theaters, amusement parks, carnivals, fairgrounds, golf driving ranges, golf courses, miniature golf courses, race tracks, skating rinks, sports arenas, and similar entertainment activities.

### **COMMERCIAL RECREATION FACILITIES**

Any activity involving the public in participatory activities for exercise and/or entertainment. These facilities including skating rinks; tennis, racquetball, and handball courts; and health clubs are operated for profit as distinguished from public recreation facilities.

### **COMPREHENSIVE DEVELOPMENT PLAN**

A plan, which may consist of several maps, data, policies, and other descriptive matter, for the physical development of the Village which has been adopted by the Village to indicate the general location for proposed physical facilities including housing, industrial, and business uses, major streets, parks, schools, public sites, and other similar information.

### **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.

### **CONSTRUCTION TRADES AND CONTRACTOR OFFICES AND SHOPS**

These activities include heavy construction, building, electrical, heating and air conditioning, masonry, plumbing, painting and wallpapering, roofing, glazing, but does not include salvage materials or debris.

### **CONVENIENCE STORE**

Retail stores that cater to the motoring public where the sale of food items such as hot or cold drinks, prepackaged foods and tobacco, roadmaps, magazines and other publications; automotive maintenance items such as brake fluid, oil, polishes, anti-freeze, and similar products; and other retail items that may be readily purchased. A convenience store may also sell gasoline. This does not include drive-in or drive-through windows.

### **CORNER LOT**

(See Lot)

### **DAY CARE CENTER**

(See Child Day Care Center)

### **DEVELOPMENT PLAN**

(See Comprehensive Development Plan)



**DISTRICT**

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

**DRIVE-IN**

A business establishment so developed that its retail or service character is dependent on providing a driveway approach or parking spaces for motor vehicles so as to serve patrons while in the motor vehicle, or within a building or structure on the same premises and devoted to the same purpose as the "drive-in" service.

**DWELLING**

Any building or structure which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

**DWELLING; MULTI-FAMILY**

A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls.

**DWELLING; SINGLE-FAMILY**

A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

**DWELLING; TWO-FAMILY**

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

**DWELLING UNIT**

A building, or a portion thereof, designed for occupancy of one family for residential purposes and having living, cooking, sleeping, and sanitation facilities.

**EASEMENT**

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

**EDUCATIONAL INSTITUTIONS, ELEMENTARY, JUNIOR HIGH, AND HIGH SCHOOLS**

Public, private, and/or religious schools including grades K through 12.

**ELDERLY HOUSING FACILITIES**

Residential developments specially designed to house retired and elderly persons and which may include a mixture of living options including apartments, group quarters, and nursing care facilities.

**ERECTED**

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

**FACTORY-BUILT HOUSING**

A factory-built structure designed for long-term residential use, the components of which are essentially constructed or assembled prior to its delivery to and installation upon a site. For the purposes of this Zoning Code, "factory-built housing" shall include the following:

- A. **Manufactured Home** - Any vehicle not self-propelled transportable in one or more sections which, in the traveling mode, is 8 feet or more in width or 40 feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and which bears a label certifying that it is built in compliance with Federal Manufactured Housing Construction and Safety Standards. Manufactured Home is sometimes referred to as a Mobile Home.
  
- B. **Modular Home** - Factory-built housing certified as meeting the State Building Code as applicable to modular housing. Once certified by the state, modular homes shall be subject to the same standards as site-built homes, including permanent foundations.

**FAMILY**

A person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a boarding or lodging house, or a hotel, provided, however, that "family" shall not include more than four persons unrelated to each other by blood, marriage, or legal adoption.

**FENCE**

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

**FINANCIAL ESTABLISHMENTS**

These facilities include banks, savings and loan associations, credit unions, finance companies, loan offices, and safe deposit companies.

**FLOOR AREA OF A RESIDENTIAL BUILDING**

The sum of the gross horizontal area of 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.

## **FRATERNAL AND SOCIAL ASSOCIATION FACILITY**

A meeting place for people formally organized for a common interest, usually public service, cultural, religious, or entertainment and where food and alcohol may be served.

## **FRONT LOT LINE**

(See Lot)

## **FRONT YARD**

(See Yard)

## **FUNERAL HOME**

A building or part thereof used for human funeral services. Such building may contain space and facilities for: a) embalming and the performance of other services used in preparation of the dead for burial; b) the performance of autopsies and other surgical procedures; c) the storage of caskets, funeral urns, and other related funeral supplies; and d) the storage of funeral vehicles, but shall not include facilities for cremation. Where a funeral home is permitted, a funeral chapel shall also be permitted.

## **GARAGE; PRIVATE**

An accessory building or portion of a main building designed or used solely for the storage of motor driven vehicles, boats, and similar vehicles owned or used by the occupants of the building to which it is an accessory.

## **GAS STATION**

(See Auto Service Station)

## **GENERAL MERCHANDISE STORES**

These facilities include department, variety, discount, home furnishing, grocery, retail sales, and drug stores.

## **HEAVY EQUIPMENT RENTAL, SALES, SERVICE, AND STORAGE**

These facilities include rental, sales, service, and storage of semi-tractor trailers, agricultural equipment, and construction equipment.

## **HOME OCCUPATIONS**

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. Activities such as teaching, tutoring, babysitting, tax consulting, and the like shall involve not more than three receivers of such services at any one time.

### **HOTEL**

A building occupied as the temporary abode of individuals who are lodged with or without meals in which there are ten or more sleeping rooms and which shall have no provision made for cooking in any individual room or apartment. A "hotel" may include a restaurant or cocktail lounge, public banquet halls, ballrooms, meeting rooms, or other commercial uses.

### **INDUSTRIAL; ENCLOSED**

Any industrial use conducted entirely within an enclosed building of any size for the manufacturing, fabricating, processing, heavy repair, servicing, or storing of motor vehicles, equipment, raw materials, or manufactured products provided that all such uses comply with the nuisance performance standards as set forth in Section 150.316 of this Zoning Code.

### **INDUSTRIAL; OPEN**

Any industrial use which requires both building and open area for the manufacturing, fabricating, processing, heavy repair, servicing or storing of motor vehicles, equipment, raw materials, or manufactured products provided that all such uses comply with the nuisance performance standards as set forth in Section 150.316 of this Zoning Code.

### **JUNK YARD OR SALVAGE YARD**

An open area where waste, used or second-hand materials are bought and sold, exchanged, stored, baled, packaged, disassembled, or handled including, but not limited to, scrap iron and other metals, paper, rags, rubber tires, and bottles. A "junk yard" includes automobile wrecking yards and includes any area of more than 200 square feet for storage, keeping, or abandonment of junk, but does not include uses established entirely within enclosed buildings. 2 or more inoperative or unlicensed vehicles shall be construed to be a "junk yard". (Not permitted in the Village)

### **KENNELS**

Any lot or premises used for the sale, boarding, or breeding of dogs, cats, or other household pets. "Kennel" shall also mean the keeping on or in any lot or building three or more dogs, cats, or other household pets, which are over the age of 6 months.

### **LIBRARIES**

A public or private repository for literary and artistic materials, such as books, periodicals, newspapers, pamphlets, and prints, kept for reading or reference.

### **LOADING SPACE**

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 and unloading merchandise or materials.

## **LOT**

For the purposes of this Zoning Code, a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:

- A. A single lot of record.
- B. A portion of lot of record.
- C. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots or 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 LINE**

(See illustration, Exhibit "B" following this Section.)

- A. Front - A street right-of-way line forming the boundary of a lot.
- B. Rear - The lot line that is most distant from, and is, or is most parallel with, the front lot line. If a rear lot line is less than 15-feet long, or if the lot comes to a point at the rear, the rear lot line shall be a line at least 15 feet, lying wholly within the lot, parallel to the front lot line.
- C. Side - A lot line which is neither a front lot line nor a rear lot line.

## **LOT MEASUREMENTS**

A lot shall be measured as follows:

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

## **LOT; MINIMUM AREA OF**

The total horizontal area within the lot lines of a lot which is computed exclusive of any portion of the right-of-way of any public or private street.

**LOT OF RECORD**

A lot which 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**

Terminology used in this Zoning Code with reference to corner lots, interior lots, and through lots is as follows:

- A. Corner Lot - A lot located at the intersection of two or more streets. (See illustration, Exhibit "A" following this Section).
- B. Interior Lot - A lot with only one front yard on a street. (See illustration, Exhibit "A" following this Section).
- 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. (See illustration, Exhibit "A" following this Section).

**LUMBER YARDS AND BUILDING MATERIALS SALE AND STORAGE**

Buildings or premises used for the storage and sale of lumber and building materials.

**MEDICAL OFFICES AND CLINICS**

Include the offices of physicians, dentists, and other health practitioners and medical and dental laboratories. Establishments primarily engaged in outpatient care with permanent facilities and with medical staff to provide diagnosis and/or treatment for patients who are ambulatory and do not require in-patient care.

**MEMBERSHIP SPORTS AND RECREATION USES**

Country clubs and neighborhood swim clubs, but not including health spas, fraternal associations, or commercial recreation facilities as specified elsewhere.

**MINI-WAREHOUSE**

(See Self-Service Storage Facility)

**MOBILE HOME**

(See Factory-Built Housing, Manufactured Home)

**MOBILE HOME COURT**

Any plot of ground upon which two or more trailer coaches or mobile homes occupied for dwelling or sleeping purposes may be located. (Not permitted in the Village)

**MOTEL**

(See Hotel)

## **MULTI-FAMILY DWELLING**

(See Dwelling)

## **NEIGHBORHOOD BUSINESSES**

These facilities include barber and beauty shops, pharmacies, grocery stores, bakeries, specialty food stores, laundry and dry cleaning pick-up service, self-service washing and dry-cleaning facilities, florists, and bait and tackle shops. Neighborhood Businesses maybe permitted only in the R-1, R-2, and R-3 Residential Districts upon issuance of a special use permit.

## **NIGHTCLUB**

(See Bars, Taverns, and Nightclubs)

## **NONCONFORMITIES**

Lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Zoning Code or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

## **NURSERIES AND GARDEN SUPPLIES STORES**

A space, including accessory building or structure, for the growing and storage of live trees, shrubs, or plant materials offered for retail sale on the premises, including products used for gardening or landscaping.

## **NURSING HOME**

An establishment which specializes in providing necessary health and related services to those unable to care for themselves.

## **OFF-STREET PARKING**

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

## **OPEN SPACE**

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

## **PARKING LOT**

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

## **PARKING SPACE; OFF-STREET**

For the purpose of this Zoning Code, an off-street parking space shall consist of an area adequate for parking a passenger vehicle with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.

**PERSONAL SERVICES**

Services of a personal nature including, beauty and barber shops; individual laundry and dry-cleaning establishments; laundromats; photo studios and photofinishing; shoe repair; tailoring; watch, clock, and jewelry repair; clothing rental; and other services performed for persons or their apparel.

**PET SHOPS**

Any building or structure used for the sale, other than casual sale, of domestic pets and pet supplies.

**PLACES OF WORSHIP**

Establishments of recognized religious organizations operated for worship or for promotion of religious activities.

**PLANNED UNIT DEVELOPMENT (PUD)**

Land under unified control, planned and developed as a whole according to comprehensive and detailed plans, including streets, utilities, lots, or building sites, site plans, and design principles for all buildings intended to be located, constructed, used, and related to each other, and for other uses and improvements on the land as related to buildings. Development may be a single operation or a definitely programmed series of development operations including all lands and buildings, with a program for provision, operation, and maintenance of the areas, improvements, and facilities necessary for common use by the occupants of the development. (See Section 150.500 - Planned Unit Developments.)

**PLANNING COMMISSION**

The Village of Cridersville Planning Commission.

**POOL; SWIMMING**

(See Swimming Pool)

**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.

**PRIVATE SCHOOLS**

Private schools, including but not limited to, business or commercial schools, dance or music academies, kindergarten, nursery, play, and special schools.

**PROFESSIONAL OFFICES**

(See Business, Professional, and Administrative Offices)



**PUBLIC OFFICES AND PUBLIC BUILDINGS**

Establishments housing activities of local, county, regional, state, or federal government agencies, but not including public service garages.

**PUBLIC RECREATION FACILITIES**

Parks, playgrounds, golf courses, sports arenas, gymnasiums, community centers, swimming pools, skating rinks, tennis, racquetball and handball courts, senior citizen and youth centers, arboretums, hiking and jogging trails, ice skating rinks, nature areas, picnic areas, tot lots, and arid wildlife sanctuaries, but not including commercial recreation and entertainment facilities listed elsewhere in this Zoning Code.

**PUBLIC SERVICE YARDS AND GARAGE**

Premises used for the storage, service, and repair of publicly-owned vehicle fleets.

**PUBLIC UTILITIES**

Publicly-owned or leased buildings, public utility buildings, telephone exchanges, and transformer stations.

**REAR LOT LINE**

(See Lot Line)

**REAR YARD**

(See Yard)

**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".

**RECREATION VEHICLE**

Includes travel trailers, campers, camp car, truck campers, boats, and boat trailers.

**RESTAURANT; STANDARD**

An establishment whose primary business is serving food and beverages to patrons for consumption inside the building.

**RESTAURANT; FAST FOOD**

An establishment whose principal business is the sale of food and/or beverages in a ready-to-consume state for consumption (1) within the restaurant building, (2) with a motor vehicle parked on the premises, or (3) off the premises, as a carry-out order; and whose principal method of operation includes the following characteristics: food and/or beverages which are usually served in edible containers or in paper, plastic, or other disposable containers.

**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 features (required by the topography or treatment) such as grade separation, landscaped areas, viaducts, and bridges.

**SATELLITE SIGNAL RECEIVER**

Dish-type Satellite Signal-Receiving Antennas, earth stations or ground stations, whether functioning as part of a basic service system, direct broadcast satellite system, or multi-point distribution service system, shall mean one, or a combination of two or more of the following:

- A. A signal-receiving device such as a dish antenna whose purpose is to receive communications or signals from earth-orbiting satellites or similar sources.
- B. A low-noise amplifier (LNA) whose purpose is to boost, magnify, store, transfer, or transmit signals.

**SCREENING**

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

**SEAT**

For the purpose of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each 24 lineal inches of benches, pews, or space for loose chairs.

**SELF-SERVICE STORAGE FACILITY**

A building or group of buildings in a controlled access and fenced compound that contains varying sizes of individual, compartmentalized, and controlled access stalls or lockers for the storage of customers’ goods or materials.

**SERVICE GARAGE**

Any premises used for the storage or care of motor-driven vehicles, or where vehicles are equipped for operation, repaired, or kept for remuneration, hire, or sale.

**SERVICE STATION**

(See Automobile Service Station)

**SETBACK LINE**

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

**SIDE LOT LINE**

(See Lot Line)

**SIDE YARD**

(See Yard)

**SIGN**

A name, identification, description, display, or illustration which is affixed, painted, or represented, directly or indirectly, upon a building structure, parcel, or lot and which directs attention to an object, product, place, activity, person, institution, organization, or business. (See Section 150.700 Signage.)

**SINGLE-FAMILY DWELLING**

(See Dwelling)

**STORY**

That part of a building between the surface of a floor and the ceiling immediately above. (See Basement). (See illustration, Exhibit "C" following this Section.)

**STREET**

(See Thoroughfare)

**STRUCTURE**

Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

**STRUCTURAL ALTERATION**

Any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

**SWIMMING POOL**

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

**TAVERN**

(See Bars, Taverns, and Nightclubs)

**TEMPORARY USE OF BUILDING**

The temporary use of land or a building permitted by the Building Inspector during periods of construction, or for special events. (See Section 150.312- Temporary Uses.)

## **THOROUGHFARE**

The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

- A. Alley - A right-of-way used primarily for vehicular service access to the back or side of properties abutting on another street.
- B. Arterial Street - A general term denoting a highway primarily for through traffic, carrying heavy loads and a large volume of traffic, usually on a continuous route.
- C. Collector Street - A thoroughfare, whether a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
- D. Cul-de-sac - A local street with one end open to traffic and the other end terminating in a vehicular turnaround.

## **THROUGH LOT**

(See Lot)

## **TRAILER PARK**

(See Mobile Home Court)

## **TRANSPORTATION TERMINALS**

Trucking and motor-freight terminals, express and hauling establishments, rail terminals, landing strips and heliports.

## **TWO-FAMILY DWELLING**

(See Dwelling)

## **USE**

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

## **VARIANCE**

A modification of the strict terms of this Zoning Code where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of this Zoning Code which would result in unnecessary and undue hardship.

## **VISION CLEARANCE ON CORNER LOTS**

A triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of 3 and 12 feet above the established street grade. The street grade is measured at the intersection of the centerlines of the intersecting street pavements, and the

triangular space is determined by a diagonal line connecting two points measured 15 feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended, at the corner of the lot. (Refer to the Village of Cridersville Construction Standards and Drawings)

### **WAREHOUSE**

A building used principally for the storage of goods and materials.

### **VEHICLE SALES, RENTAL, AND SERVICE**

The sales, service, and rental of new and used cars, trucks, trailers, motorcycles, mobile homes, recreational vehicles, snowmobiles, and boats. This does not include semi-tractor trailers, farm equipment, and construction equipment.

### **YARD**

An open space on the same lot with a main building, unoccupied, and unobstructed by structures from tile ground upward, except as otherwise provided in this Zoning Code. (See illustration - Exhibit "B" following this Section.)

- A. Front Yard - An open space extending in full width of the lot, the depth of which is the minimum permitted horizontal distance between the front lot line and the nearest point of the main building. For corner lots and through lots, all sides of a lot adjacent to streets shall be considered Front Yard. (See illustration Exhibit "B" following this Section)
- B. Rear Yard - An open space extending the full width of the lot, the depth of which is the minimum permitted horizontal distance between the rear lot line and the nearest point of the main building. (See illustration Exhibit "B" following this Section)
- C. Side Yard - An open space between a main building and the side lot line, extending from the front yard to the rear yard, the width of which is the horizontal distance from the nearest point of the side lot line to the nearest point of the main building. (See illustration Exhibit "B" following this Section)

### **ZONE**

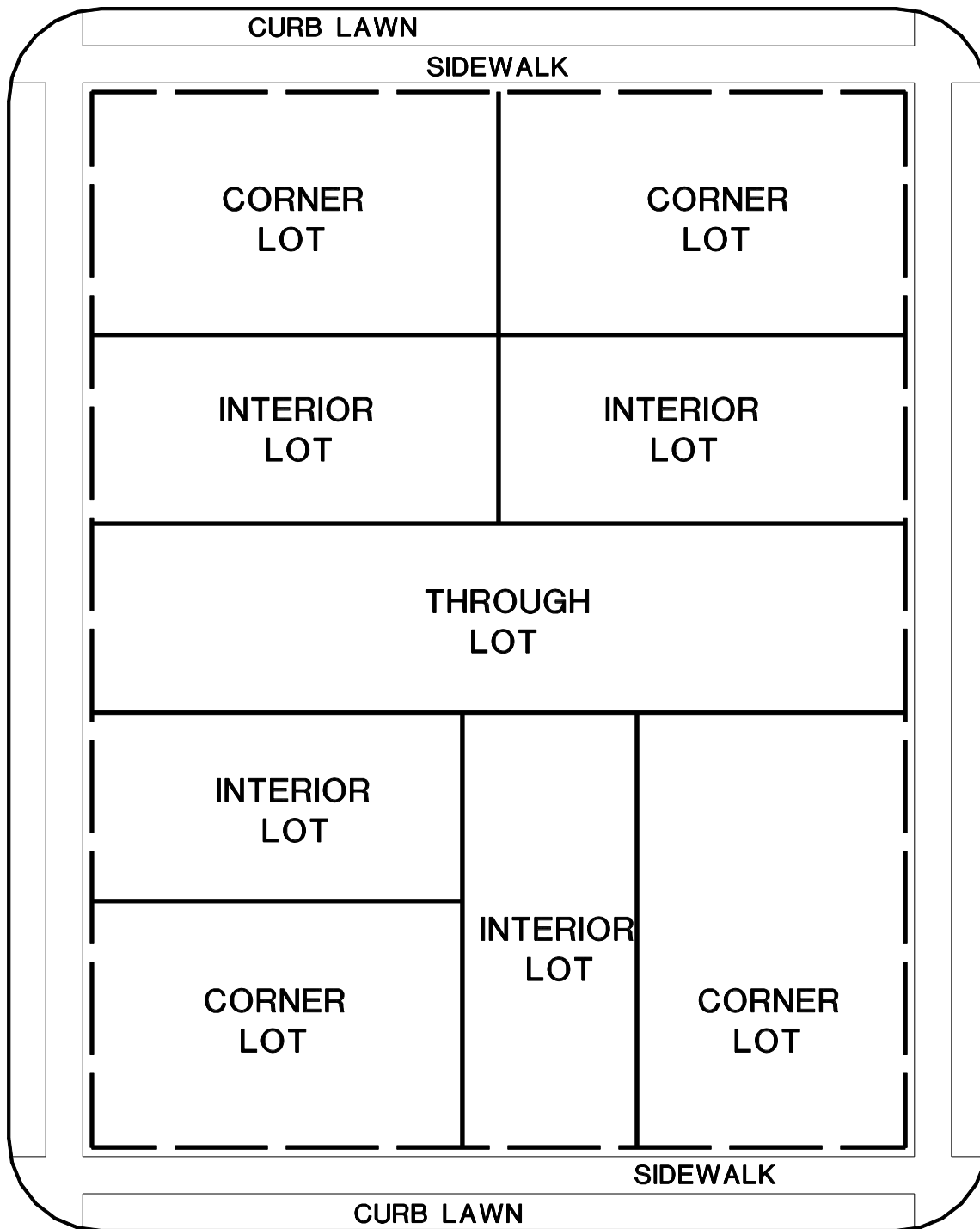
Zone means the same as district.

### **ZONING INSPECTOR**

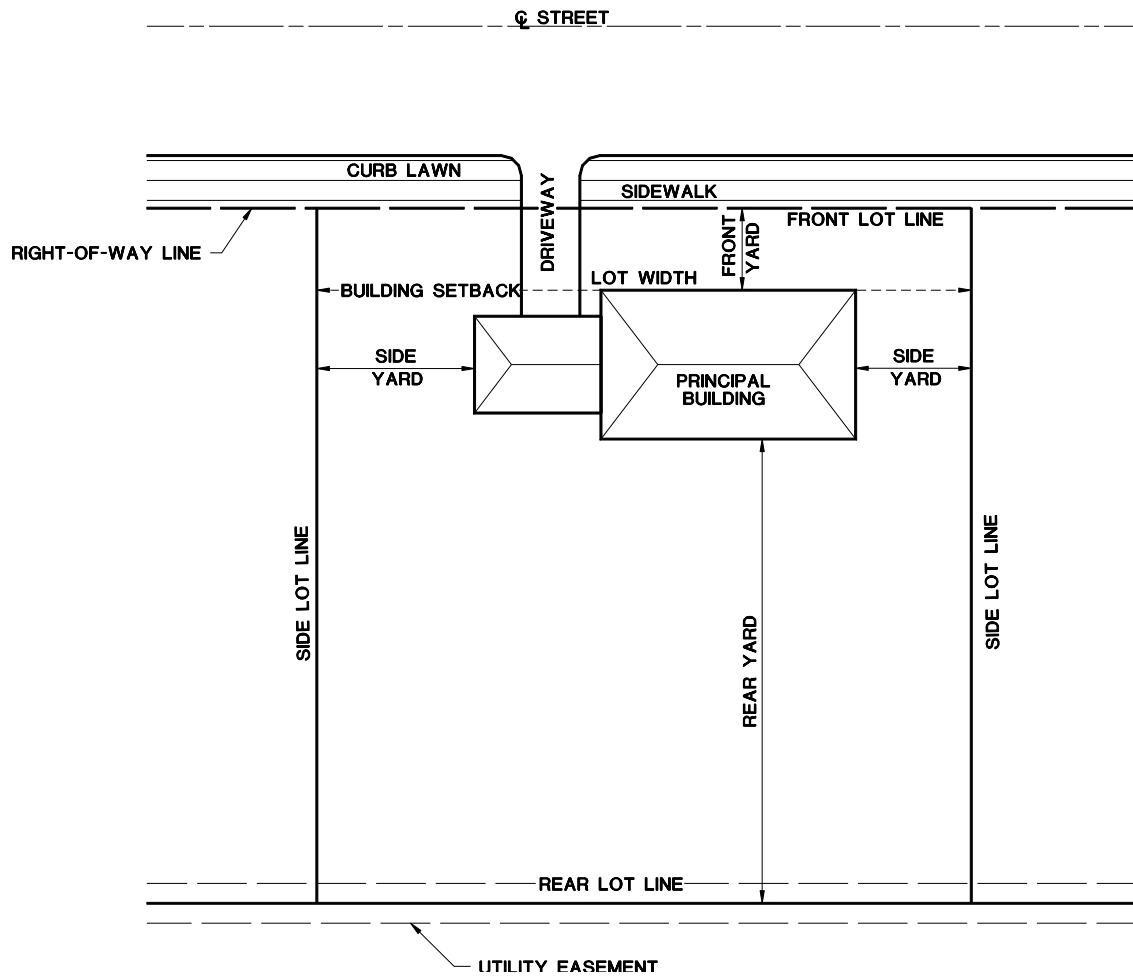
The person designated by the Village Council to administer and enforce zoning regulations and related ordinances.

### **ZONING PERMIT**

The document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

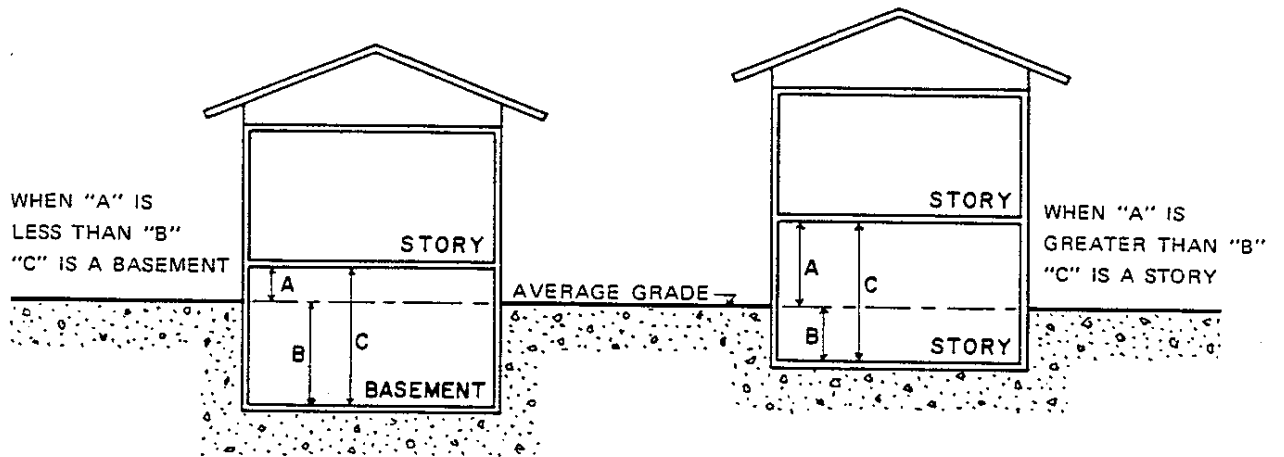


**Illustration - Exhibit "A"**  
**Types of Lots**



**LOT AREA - TOTAL HORIZONTAL AREA NOT INCLUDING ANY RIGHT-OF-WAY**  
**LOT WIDTH - MEASURED AT BUILDING SETBACK LINE**

**Illustration – Exhibit “B”**  
**Building - Principal and Lot Terms**



**Illustration - Exhibit "C"**  
**Basement and Story**



## **150.100 ESTABLISHING DISTRICTS AND ZONING MAP**

### **150.101 Intent**

The intent of this article is to establish zoning districts in order to realize the general purpose set forth in the Preamble of this Zoning Code, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

### **150.102 Establishment of Districts**

The following zoning districts are hereby established for the Village of Cridersville, Ohio:

- A. R-1AA            Single-Family Residential District
- B. R-1A            Single-Family Residential District
- C. R-1              Single-Family Residential District
- D. R-2              Two-Family Residential District
- E. R-3              Multi-Family Residential District
- F. C                 Commercial District
- G. I                 Industrial District

### **150.103 Zoning District Map**

- A. The districts established above, as shown on the official zoning map, which, together with all data, references, explanatory material, and notations thereon, are hereby officially adopted as part of this Zoning Code and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described in writing.
- B. The official zoning map shall be identified by the signature of the mayor and clerk of the Village Council. If, in accordance with the provisions of this Zoning Code, changes are made in district boundaries or other matter portrayed on the official zoning map, these changes shall be made on the official zoning map within thirty (30) normal working days after effective date of the amendment.
- C. The original and one copy of the official zoning map are to be maintained and kept up to date; one copy on public display in the Village Council chambers, accessible to the public, and shall be final authority as to the current zoning status of lands, buildings, and other structures in the Village.

### **150.104 Interpretation of District Boundaries**

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the official zoning map.

- A. Where district boundaries are so indicated as approximately following the centerlines of streets, or street right-of-way lines, such centerlines, street lines, or right-of-way lines shall be construed to be said boundaries.
- B. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- C. Where district boundaries are so indicated that they are approximately parallel to the centerlines or street lines of streets, or the centerlines or right-of-way lines, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the official zoning map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the official zoning map.
- D. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
- E. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the Village unless otherwise indicated.
- F. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits.
- G. Whenever any street, alley, or other public way is vacated by official Council action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth, be subject to all regulations appropriate to the respective extended districts.

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

#### **150.105 Zoning Upon Annexation**

Whenever any area is annexed to the Village, the petitioner shall cooperate and shall execute and deliver such documents as may be required by the Village Council to rezone such area to the zoning category designated by the Village Council.

## **150. 200 DISTRICT REGULATIONS**

### **150. 201 Compliance with Regulations**

The Regulations for each district set forth by this Zoning Code shall be the minimum Regulations and shall apply uniformly to each class or kind of structure or land, except as hereinafter provided.

- A. No building, structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations specified for the district in which it is located.
  
- B. Except as otherwise provided in this Zoning Code, no building or other structure shall be erected or altered:
  - 1. To provide for greater height or bulk;
  - 2. To accommodate or house a greater number of families;
  - 3. To occupy a greater percentage of lot area;
  - 4. To have narrower or smaller rear yards, front yards, side yards, or other open spaces; than required in its district, or in any other manner be contrary to the provisions of this Zoning Code.
  
- C. Except as otherwise provided in this Zoning Code, no yard of lot existing at the time of passage of this Zoning Code shall be reduced in dimension or area below the minimum requirements set forth in the district. Yards or lots created after the effective date of this Zoning Code shall meet at least the minimum requirements set forth in the district.

**VILLAGE OF CRIDERSVILLE ZONING CODE**  
**Summary of Zoning District Requirements**

| Zoning District   | Minimum Lot Area (1)     | Minimum Lot Width (2) | Minimum Front Yard Setback (3) | Minimum Side Yard Setback (4) | Minimum Rear Yard Setback (5) | Minimum Floor Area (6)        | Maximum Height (7) |
|---|--------------------------|-----------------------|--------------------------------|-------------------------------|-------------------------------|-------------------------------|--------------------|
| R-1AA<br>SINGLE- FAMILY<br>RESIDENTIAL  | 13000 sq. ft.            | 100 feet              | 40 feet                        | 10 feet                       | 40 feet                       | 1500 sq. ft.<br>1800 sq. ft.* | 35 feet            |
| R-1A<br>SINGLE- FAMILY<br>RESIDENTIAL   | 10400 sq. ft.            | 80 feet               | 35 feet                        | 10 feet                       | 35 feet                       | 1400 sq. ft.<br>1700 sq. ft.* | 35 feet            |
| R-1<br>SINGLE-FAMILY<br>RESIDENTIAL   | 8450 sq. ft.             | 65 feet               | 35 feet                        | 10 feet                       | 30 feet                       | 1200 sq. ft.<br>1500 sq. ft.* | 35 feet            |
| R-2<br>TWO-FAMILY<br>RESIDENTIAL<br>Single-Family<br>Dwellings and<br>other Permitted<br>Uses | 10400 sq. ft.            | 80 feet               | 35 feet                        | 10 feet                       | 30 feet                       | 1300 sq. ft.<br>1600 sq. ft.* | 35 feet            |
| Two-Family<br>Dwellings   | 5200 sq. ft.<br>per unit | 40 feet<br>per unit   | 35 feet                        | 10 feet                       | 30 feet                       | 950 sq. ft.<br>per unit       | 35 feet            |
| R-3<br>MULTI-FAMILY<br>RESIDENTIAL  |                          |                       |                                |                               |                               |                               |                    |
| Two-Family<br>Dwellings   | 5200 sq. ft.<br>per unit | 40 feet<br>per unit   | 35 feet                        | 10 feet                       | 30 feet                       | 950 sq. ft.<br>per unit       | 35 feet            |
| Multi-Family<br>Dwellings   | 2900 sq. ft.<br>per unit | 80 feet               | 35 feet                        | 10 feet                       | 30 feet                       | 850 sq. ft.<br>per unit       | 35 feet            |
| Other Permitted<br>Uses   | 7500 sq. ft.             | 80 feet               | 35 feet                        | 10 feet                       | 30 feet                       | N/A                           | 35 feet            |
| C<br>COMMERCIAL   | 10200 sq. ft.            | 85 feet               | 35 feet                        | 10 feet                       | 30 feet                       | N/A                           | 35 feet            |
| I<br>INDUSTRIAL   | 12000 sq. ft.            | 100 feet              | 40 feet                        | 20 feet**                     | 20 feet**                     | N/A                           | 40 feet            |

\*Other than one story.

\*\*Except when abutting an R-District, it must be 50 feet.

For definitions, see:

1. Lot, Minimum Area of; also Illustration Exhibit "B"
2. Lot Measurements, Width; also Illustration Exhibit "B"
3. Yard, Front Yard; also Illustration Exhibit "B"
4. Yard, Side Yard; also Illustration Exhibit "B"
5. Yard, Rear Yard; also Illustration Exhibit "B"
6. Floor Area of a Residential Building

**VILLAGE OF CRIDERSVILLE ZONING CODE**  
**Summary of Permitted and Conditional Uses**

| USE   | ZONING DISTRICT                       |                                      |                                     |                                  |                     |                 |                 |
|---|---------------------------------------|--------------------------------------|-------------------------------------|----------------------------------|---------------------|-----------------|-----------------|
| P = Principal Permitted Use<br>C = Conditional Use        | R-1AA<br>Single-Family<br>Residential | R-1A<br>Single-Family<br>Residential | R-1<br>Single-Family<br>Residential | R-2<br>Two-Family<br>Residential | R-3<br>Multi-Family | C<br>Commercial | I<br>Industrial |
| <b>AGRICULTURE</b>  |                                       |                                      |                                     |                                  |                     |                 |                 |
| <b>RESIDENTIAL</b>  |                                       |                                      |                                     |                                  |                     |                 |                 |
| Single-Family   | P                                     | P                                    | P                                   | P                                |                     |                 |                 |
| Two-Family  |                                       |                                      |                                     | P                                | P                   |                 |                 |
| Multi-Family  |                                       |                                      |                                     |                                  | P                   |                 |                 |
| Boarding or Lodging Houses                                |                                       |                                      |                                     | C                                | P                   |                 |                 |
| Residential Planned Unit Developments                     | C                                     | C                                    | C                                   | C                                | C                   |                 |                 |
| Elderly Housing Facilities                                |                                       |                                      |                                     | C                                | C                   | C               |                 |
| Mobile Home Courts  |                                       |                                      |                                     |                                  | C                   |                 |                 |
| Home Occupations  | C                                     | C                                    | C                                   | C                                |                     |                 |                 |
| <b>INSTITUTIONAL AND PUBLIC<br/>RECREATIONAL USES</b>     |                                       |                                      |                                     |                                  |                     |                 |                 |
| Elementary, Junior High, and High Schools                 | P                                     | P                                    | P                                   | P                                | P                   | C               |                 |
| Places of Worship   | P                                     | P                                    | P                                   | P                                | P                   | P               |                 |
| Libraries   | P                                     | P                                    | P                                   | P                                | P                   | P               |                 |
| Public Recreation Facilities                              | P                                     | P                                    | P                                   | P                                | P                   | P               |                 |
| Cemeteries  | C                                     | C                                    | C                                   | C                                | C                   | C               |                 |
| Public Offices, Public Buildings, and<br>Public Utilities | C                                     | C                                    | C                                   | C                                | C                   | C               |                 |
| Child Day Care Centers                                    |                                       | C                                    | C                                   | C                                | C                   | C               |                 |
| Nursing and Convalescent Homes                            |                                       |                                      |                                     | C                                | C                   |                 |                 |
| Hospitals   |                                       |                                      |                                     |                                  |                     | C               |                 |
| Private Clubs   |                                       |                                      |                                     |                                  | C                   | P               |                 |

**VILLAGE OF CRIDERSVILLE ZONING CODE**  
**Summary of Permitted and Conditional Uses**

| USE   | ZONING DISTRICT                       |                                      |                                     |                                  |                         |                 |                 |
|---|---------------------------------------|--------------------------------------|-------------------------------------|----------------------------------|-------------------------|-----------------|-----------------|
|   | R-1AA<br>Single-Family<br>Residential | R-1A<br>Single-Family<br>Residential | R-1<br>Single-Family<br>Residential | R-2<br>Two-Family<br>Residential | R-3<br>Multi-<br>Family | C<br>Commercial | I<br>Industrial |
| P = Principal Permitted Use<br>C = Conditional Use                              |                                       |                                      |                                     |                                  |                         |                 |                 |
| <b>BUSINESS AND PROFESSIONAL<br/>OFFICE USES</b>                                |                                       |                                      |                                     |                                  |                         |                 |                 |
| Business, Professional, and<br>Administrative Offices                           |                                       |                                      |                                     |                                  | C                       | P               | C               |
| Medical Offices and Clinics   |                                       |                                      |                                     |                                  |                         | P               |                 |
| <b>RETAIL COMMERCIAL AND<br/>SERVICE USES</b>                                   |                                       |                                      |                                     |                                  |                         |                 |                 |
| Neighborhood Businesses   |                                       |                                      | C                                   | C                                | C                       |                 |                 |
| General Merchandise Stores  |                                       |                                      |                                     |                                  |                         | P               |                 |
| Personal Services   |                                       |                                      |                                     |                                  |                         | P               |                 |
| Restaurant, Standard  |                                       |                                      |                                     |                                  |                         | P               |                 |
| Financial Establishments  |                                       |                                      |                                     |                                  |                         | P               |                 |
| Commercial Planned Unit Developments  |                                       |                                      |                                     |                                  |                         | C               |                 |
| Nurseries and Garden Supply Stores  |                                       |                                      |                                     |                                  |                         | C               | P               |
| Funeral Homes   |                                       |                                      |                                     |                                  |                         | C               |                 |
| Animal Hospitals, Veterinary Clinics<br>and Kennels, Animal Grooming, Pet Shops |                                       |                                      |                                     |                                  |                         | C               |                 |
| Private Schools   |                                       |                                      |                                     |                                  | C                       | P               |                 |
| Bowling Alley   |                                       |                                      |                                     |                                  |                         | P               |                 |
| Arcade, Pool Hall   |                                       |                                      |                                     |                                  |                         | C               |                 |

**VILLAGE OF CRIDERSVILLE ZONING CODE**  
**Summary of Permitted and Conditional Uses**

| USE   | ZONING DISTRICT                       |                                      |                                     |                                  |                         |                 |                 |
|---|---------------------------------------|--------------------------------------|-------------------------------------|----------------------------------|-------------------------|-----------------|-----------------|
|   | R-1AA<br>Single-Family<br>Residential | R-1A<br>Single-Family<br>Residential | R-1<br>Single-Family<br>Residential | R-2<br>Two-Family<br>Residential | R-3<br>Multi-<br>Family | C<br>Commercial | I<br>Industrial |
| P = Principal Permitted Use<br>C = Conditional Use              |                                       |                                      |                                     |                                  |                         |                 |                 |
| <b>ROAD SERVICE AND COMMERCIAL ENTERTAINMENT USES</b>           |                                       |                                      |                                     |                                  |                         |                 |                 |
| Automobile Service Stations                                     |                                       |                                      |                                     |                                  |                         | P               | P               |
| Fraternal and Social Association Facility                       |                                       |                                      |                                     |                                  |                         | P               |                 |
| Convenience Store   |                                       |                                      |                                     |                                  |                         | P               |                 |
| Motels and Hotels   |                                       |                                      |                                     |                                  |                         | P               |                 |
| Printing, Publishing, Lithographing, and Binding Establishments |                                       |                                      |                                     |                                  |                         | P               |                 |
| Self-Service Storage Facility                                   |                                       |                                      |                                     |                                  |                         | P               | P               |
| Automobile Repair, Painting, and Body Shops                     |                                       |                                      |                                     |                                  |                         | C               | P               |
| Service Garage  |                                       |                                      |                                     |                                  |                         | C               | P               |
| Automobile Washing Facilities                                   |                                       |                                      |                                     |                                  |                         | C               |                 |
| Bars, Taverns, and Nightclubs                                   |                                       |                                      |                                     |                                  |                         | C               |                 |
| Commercial Entertainment Facilities                             |                                       |                                      |                                     |                                  |                         | C               |                 |
| Vehicle Sales, Rental, and Service                              |                                       |                                      |                                     |                                  |                         | C               | C               |
| Carry-Outs, Mini-Market and Drive-Through, and Drive-In Stores  |                                       |                                      |                                     |                                  |                         | C               |                 |
| Restaurants, Fast Food  |                                       |                                      |                                     |                                  |                         | C               |                 |
| Commercial Recreation Facilities                                |                                       |                                      |                                     |                                  |                         | C               |                 |
| Farm Implement Sales  |                                       |                                      |                                     |                                  |                         | C               |                 |
| Grain Bins and Grain Elevator                                   |                                       |                                      |                                     |                                  |                         |                 | C               |
| Adult Entertainment Facilities                                  |                                       |                                      |                                     |                                  |                         |                 | C               |
| <b>LIGHT INDUSTRIAL USES</b>                                    |                                       |                                      |                                     |                                  |                         |                 |                 |
| Construction Trades and Contractor Offices                      |                                       |                                      |                                     |                                  |                         | C               | P               |

**VILLAGE OF CRIDERSVILLE ZONING CODE**  
**Summary of Permitted and Conditional Uses**

| USE   | ZONING DISTRICT                       |                                      |                                     |                                  |                         |                 |                 |
|---|---------------------------------------|--------------------------------------|-------------------------------------|----------------------------------|-------------------------|-----------------|-----------------|
|   | R-1AA<br>Single-Family<br>Residential | R-1A<br>Single-Family<br>Residential | R-1<br>Single-Family<br>Residential | R-2<br>Two-Family<br>Residential | R-3<br>Multi-<br>Family | C<br>Commercial | I<br>Industrial |
| P = Principal Permitted Use<br>C = Conditional Use      |                                       |                                      |                                     |                                  |                         |                 |                 |
| Building Services and Supplies                          |                                       |                                      |                                     |                                  |                         | C               | C               |
| Plumbing and Heating Shops                              |                                       |                                      |                                     |                                  |                         | C               | C               |
| Wholesale Distributors                                  |                                       |                                      |                                     |                                  |                         | C               | P               |
| Lumber Yards and Building Materials<br>Sale and Storage |                                       |                                      |                                     |                                  |                         | C               | P               |
| Warehouses  |                                       |                                      |                                     |                                  |                         |                 | P               |
| Heavy Equipment Rental, Sales, Service,<br>and Storage  |                                       |                                      |                                     |                                  |                         |                 | P               |
| Transportation Terminals                                |                                       |                                      |                                     |                                  |                         |                 | P               |
| Public Service Yards and Garages                        |                                       |                                      |                                     |                                  |                         |                 | P               |
| Public Utilities  |                                       |                                      |                                     |                                  |                         |                 | P               |
| <b>HEAVY INDUSTRIAL USES</b>                            |                                       |                                      |                                     |                                  |                         |                 |                 |
| Planned Industrial Development                          |                                       |                                      |                                     |                                  |                         |                 | C               |
| Enclosed Industrial                                     |                                       |                                      |                                     |                                  |                         |                 | P               |
| Open Industrial   |                                       |                                      |                                     |                                  |                         |                 | C               |



**150.210 R-1AA Single-Family Residential District**

**150.211 Intent**

The intent of this district is to provide low-density, single-family dwellings, plus those public and private facilities serving the residents of the area.

**150.212 Principal Permitted Uses**

- A. Residential Uses
  - 1. Single-family detached dwellings
- B. Institutional and Public Recreational Uses
  - 1. Elementary, Junior High, and High Schools
  - 2. Places of worship
  - 3. Libraries
  - 4. Public recreation facilities

**150.213 Conditional Uses**

A building or premises may be used for the following purposes in the R-1AA Single-Family Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permit.

- A. Residential Uses
  - 1. Residential Planned Unit Developments subject to the provisions of these Regulations - Planned Unit Developments.
  - 2. Home Occupations
- B. Institutional and Public Recreation Uses
  - 1. Cemeteries
  - 2. Public offices, public buildings, public utilities

### **150.214 Height and Area Regulations**

The maximum height and minimum lot requirements within the R-1AA Single-Family Residential District shall be as follows:

#### **General Requirements for dwellings:**

|                            |  |
|----------------------------|--|
| Minimum Lot Area           | 13,000 square feet   |
| Minimum Lot Width          | 100 feet   |
| Minimum Front Yard Setback | 40 feet  |
| Minimum Side Yard Setback  | 10 feet  |
| Minimum Rear Yard Setback  | 40 feet  |
| Maximum Height             | 35 feet  |
| Minimum Floor Area         | 1,500 square feet,<br>1,800 square feet (other than one story) |

### **150.215 Cross References**

Supplemental District Regulations, 150.300

- Accessory Uses, 150.302
- Satellite Dish Antenna Regulations, 150.303
- Radio and Television Antenna Regulations, 150.304
- Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties, 150.305
- Principal Building Per Lot, 150.306
- Parking and Storage of Vehicles and Trailers, 150.307
- Fences, 150.309
- Projections into Required Yard, 150.310
- Visibility at Intersections, 150.311
- Temporary Uses, 150.312
- Swimming Pools, 150.313
- Home Occupations, 150.314
- Residential Design and Appearance Standards, 150.315

Conditional Uses; Substantially Similar Uses, 150.400

Planned Unit Developments, 150.500

Off-Street Parking and Loading Facilities, 150.600

Signage, 150.700

Zoning Permit Requirements and Enforcement, 150.950

## **150.220 R-1A Single-Family Residential District**

### **150.221 Intent**

The intent of this district is to provide low to medium-density, single-family dwellings, plus those public and private facilities serving the residents of the area.

### **150.222 Principal Permitted Uses**

- A. Residential Uses
  - 1. Single-family detached dwellings
- B. Institutional and Public Recreational Uses
  - 1. Elementary, Junior High, and High Schools
  - 2. Places of worship
  - 3. Libraries
  - 4. Public recreation facilities

### **150.223 Conditional Uses**

A building or premises may be used for the following purposes in the R-1A Single-Family Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Residential Uses
  - 1. Residential Planned Unit Developments subject to the provisions of these Regulations - Planned Unit Developments.
  - 2. Home Occupations
- B. Institutional and Public Recreational Uses
  - 1. Child day care centers
  - 2. Cemeteries
  - 3. Public offices, public buildings, public utilities

**150.224 Height and Area Regulations**

The maximum height and minimum lot requirements within the R-1A Single-Family Residential District shall be as follows:

**General Requirements for Dwellings:**

|                            |   |
|----------------------------|---|
| Minimum Lot Area           | 10,400 square feet  |
| Minimum Lot Width          | 80 feet   |
| Minimum Front Yard Setback | 35 feet   |
| Minimum Side Yard Setback  | 10 feet   |
| Minimum Rear Yard Setback  | 35 feet   |
| Maximum Height             | 35 feet   |
| Minimum Floor Area         | 1,400 square feet<br>1,700 square feet (other than one story) |

**150.225 Cross References**

Supplemental District Regulations, 150.300

- Accessory Uses, 150.302
- Satellite Dish Antenna Regulations, 150.303
- Radio and Television Antenna Regulations, 150.304
- Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties, 150.305
- Principal Building Per Lot, 150.306
- Parking and Storage of Vehicles and Trailers, 150.307
- Fences, 150.309
- Projections into Required Yard, 150.310
- Visibility at Intersections, 150.311
- Temporary Uses, 150.312
- Swimming Pools, 150.313
- Home Occupations, 150.314
- Residential Design and Appearance Standards, 150.315

- Conditional Uses; Substantially Similar Uses, 150.400
- Planned Unit Developments, 150.500
- Off-Street Parking and Loading Facilities, 150.600
- Signage, 150.700
- Zoning Permit Requirements and Enforcement, 150.950

### **150.230 R-1 Single-Family Residential District**

#### **150.231 Intent**

The intent of this district is to provide medium-density, single-family dwellings, plus those public and private facilities serving the residents of the area.

#### **150.232 Principal Permitted Uses**

- A. Residential Uses
  - 1. Single-family detached dwellings
- B. Institutional and Public Recreational Uses
  - 1. Elementary, Junior High, and High Schools
  - 2. Places of worship
  - 3. Libraries
  - 4. Public recreation facilities

#### **150.233 Conditional Uses**

A building or premises may be used for the following purposes in the R-1 Single-Family Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Residential Uses
  - 1. Residential Planned Unit Developments subject to the provisions of these Regulations - Planned Unit Developments.
  - 2. Home Occupations
- B. Institutional and Public Recreational Uses
  - 1. Child day care centers
  - 2. Cemeteries
  - 3. Public offices, public buildings, public utilities

**150.234 Height and Area Regulations**

The maximum height and minimum lot requirements within the R-1 Single-Family Residential District shall be as follows:

**General Requirements for Dwellings:**

|                            |   |
|----------------------------|---|
| Minimum Lot Area           | 8,450 square feet   |
| Minimum Lot Width          | 65 feet   |
| Minimum Front Yard Setback | 35 feet   |
| Minimum Side Yard Setback  | 10 feet   |
| Minimum Rear Yard Setback  | 30 feet   |
| Maximum Height             | 35 feet   |
| Minimum Floor Area         | 1,200 square feet<br>1,500 square feet (other than one story) |

**150.235 Cross References**

Supplemental District Regulations, 150.300

- Accessory Uses, 150.302
- Satellite Dish Antenna Regulations, 150.303
- Radio and Television Antenna Regulations, 150.304
- Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties, 150.305
- Principal Building Per Lot, 150.306
- Parking and Storage of Vehicles and Trailers, 150.307
- Fences, 150.309
- Projections into Required Yard, 150.310
- Visibility at Intersections, 150.311
- Temporary Uses, 150.312
- Swimming Pools, 150.313
- Home Occupations, 150.314
- Residential Design and Appearance Standards, 150.315

- Conditional Uses; Substantially Similar Uses, 150.400
- Planned Unit Developments, 150.500
- Off-Street Parking and Loading Facilities, 150.600
- Signage, 150.700
- Zoning Permit Requirements and Enforcement, 150.950

**150.240 R-2 Two-Family Residential District**

**150.241 Intent**

The intent of this district is to provide a sound housing mix. This district provides for an approximate maximum density of 10 dwelling units per acre and recognizes the development of other than single-family dwelling units.

**150.242 Principal Permitted Uses**

- A. Residential Uses
  - 1. Single-family detached dwellings
  - 2. Two-family dwellings
- B. Institutional and Public Recreational Uses
  - 1. Elementary, Junior High, and High Schools
  - 2. Places of worship
  - 3. Libraries
  - 4. Public recreation facilities

**150.243 Conditional Uses**

A building or premises may be used for the following purposes in the R-2 Two-Family Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Residential Uses
  - 1. Residential Planned Unit Developments subject to the provisions of these Regulations - Planned Unit Developments.
  - 2. Home Occupations
  - 3. Elderly Housing Facilities
  - 4. Boarding or Lodging Houses

B. Institutional and Public Recreation Uses

1. Child day care centers
2. Nursing and convalescent homes
3. Cemeteries
4. Public offices, public buildings, public utilities

**150.244 Height and Area Regulations**

The maximum height and minimum lot requirements- within the R-2 Two-Family Residential District shall be as follows:

General Requirements for Single-Family Dwellings and Other Permitted Uses:

|                            |   |
|----------------------------|---|
| Minimum Lot Area           | 10,400 square feet  |
| Minimum Lot Width          | 80 feet   |
| Minimum Front Yard Setback | 35 feet   |
| Minimum Side Yard Setback  | 10 feet   |
| Minimum Rear Yard Setback  | 30 feet   |
| Maximum Height             | 35 feet   |
| Minimum Floor Area         | 1300 square feet<br>1600 square feet (other than one story) |

General Requirements for Two-Family Dwellings:

|                            |                            |
|----------------------------|----------------------------|
| Minimum Lot Area           | 5,200 square feet per unit |
| Minimum Lot Width          | 40 feet per unit           |
| Minimum Front Yard Setback | 35 feet                    |
| Minimum Side Yard Setback  | 10 feet                    |
| Minimum Rear Yard Setback  | 30 feet                    |
| Maximum Height             | 35 feet                    |
| Minimum Floor Area         | 950 square feet per unit   |



## **150.245 Cross References**

Supplemental District Regulations, 150.300

    Accessory Uses, 150.302

    Satellite Dish Antenna Regulations, 150.303

    Radio and Television Antenna Regulations, 150.304

    Buffer and Transition Between Residential/Commercial and  
        Residential/Industrial Zoned Properties, 150.305

    Principal Building Per Lot, 150.306

    Parking and Storage of Vehicles and Trailers, 150.307

    Fences, 150.309

    Projections into Required Yard, 150.310

    Visibility at Intersections, 150.311

    Temporary Uses, 150.312

    Swimming Pools, 150.313

    Home Occupations, 150.314

    Residential Design and Appearance Standards, 150.315

Conditional Uses; Substantially Similar Uses, 150.400

Planned Unit Developments, 150.500

Off-Street Parking and Loading Facilities, 150.600

Signage, 150.700

Zoning Permit Requirements and Enforcement, 150.950

**150.250 R-3 Multi-Family Residential District**

**150.251 Intent**

The intent of this district is to provide a full range of residential dwelling types. The maximum approximate gross density of this district is 15 dwelling units per acre. The requirements allow a more complete use of land in the district and provide more flexible guidelines for development and redevelopment efforts.

**150.252 Principal Permitted Uses**

- A. Residential Uses
  - 1. Two-family dwellings
  - 2. Multi-family dwellings
  - 3. Boarding or Lodging Houses
- B. Institutional and Public Recreational Uses
  - 1. Elementary, Junior High, and High Schools
  - 2. Places of worship
  - 3. Libraries
  - 4. Public recreation facilities

**150.253 Conditional Uses**

A building or premises may be used for the following purposes in the R-3 Multi-Family Residential District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

- A. Residential Uses
  - 1. Residential Planned Unit Developments subject to the provisions of these Regulations - Planned Unit Developments.
  - 2. Elderly housing facilities
  - 3. Mobile Home Courts

B. Institutional and Public Recreation Uses

1. Child day care centers
2. Nursing and convalescent homes
3. Cemeteries
4. Public offices, public buildings, public utilities
5. Private Clubs

C. Business and Professional Office Uses

1. Business, professional, and administrative offices

D. Retail Commercial and Service Uses

1. Private Schools

**150.254 Height and Area Regulations**

The maximum height and minimum lot requirements within the R-3 Multi-Family Residential District shall be as follows:

General Requirements for Two-Family Dwellings:

|                            |                            |
|----------------------------|----------------------------|
| Minimum Lot Area           | 5,200 square feet per unit |
| Minimum Lot Width          | 40 feet per unit           |
| Minimum Front Yard Setback | 35 feet                    |
| Minimum Side Yard Setback  | 10 feet                    |
| Minimum Rear Yard Setback  | 30 feet                    |
| Maximum Height             | 35 feet                    |
| Minimum Floor Area         | 950 square feet per unit   |

General Requirements for Multi-Family Dwellings:

|                            |                            |
|----------------------------|----------------------------|
| Minimum Lot Area           | 2,900 square feet per unit |
| Minimum Lot Width          | 80 feet                    |
| Minimum Front Yard Setback | 35 feet                    |
| Minimum Side Yard Setback  | 10 feet                    |
| Minimum Rear Yard Setback  | 30 feet                    |
| Maximum Height             | 35 feet                    |
| Minimum Floor Area         | 850 square feet per unit   |

General Requirements for Other Permitted Uses:

|                            |                   |
|----------------------------|-------------------|
| Minimum Lot Area           | 7,500 square feet |
| Minimum Lot Width          | 80 feet           |
| Minimum Front Yard Setback | 35 feet           |
| Minimum Side Yard Setback  | 10 feet           |
| Minimum Rear Yard Setback  | 30 feet           |
| Maximum Height             | 35 feet           |

**150.255 Cross References**

Supplemental District Regulations, 150.300

- Accessory Uses, 150.302
- Satellite Dish Antenna Regulations, 150.303
- Radio and Television Antenna Regulations, 150.304
- Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties, 150.305
- Principal Building Per Lot, 150.306
- Parking and Storage of Vehicles and Trailers, 150.307
- Required Refuse Collection Areas, 150.308
- Fences, 150.309
- Projections into Required Yard, 150.310
- Visibility at Intersections, 150.311
- Temporary Uses, 150.312
- Swimming Pools, 150.313
- Home Occupations, 150.314
- Residential Design and Appearance Standards, 150.315

Conditional Uses; Substantially Similar Uses, 150.400

Planned Unit Developments, 150.500

Off-Street Parking and Loading Facilities, 150.600

Signage, 150.700

Zoning Permit Requirements and Enforcement, 150.950

## **150.260 C Commercial District**

### **150.261 Intent**

This district is intended to provide an integrated collection of structures and uses designed to supply a majority of the daily needs of Village residents.

### **150.262 Principal Permitted Uses**

#### A. Institutional and Public Recreation Uses

1. Places of worship
2. Public recreation facilities
3. Libraries
4. Private Clubs

#### B. Business and Professional Office Uses

1. Business, professional, and administrative offices
2. Medical offices and clinics

#### C. Retail Commercial and Service Uses

1. Neighborhood Businesses
2. General merchandise stores
3. Personal Services
4. Restaurants, standard
5. Financial establishments
6. Private Schools
7. Bowling Alley

D. Road Service and Commercial Entertainment Uses

1. Automobile service stations
2. Fraternal and social association facility
3. Convenience store
4. Motels and hotels
5. Printing, publishing, lithographing, and binding establishments, provided the gross floor area does not exceed 5,000 square feet.
6. Self-Service storage facility

**150.263 Conditional Uses**

A building or premises may be used for the following purposes in the C Commercial District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

A. Residential Uses

1. Elderly housing facilities

B. Institutional and Public Recreational Uses

1. Hospitals
2. Child day care centers
3. Public offices, public buildings, and public utilities
4. Cemeteries
5. Elementary, junior high, and high schools

C. Retail Commercial and Service Uses

1. Commercial planned unit developments
2. Nurseries and garden supply stores

3. Funeral homes
4. Animal hospitals, veterinary clinics and kennels, animal grooming, and pet shops
5. Arcade, Pool Hall

D. Road Service and Commercial Entertainment Uses

1. Automobile repair, painting, and body shops
2. Automobile washing facilities
3. Bars, taverns, and nightclubs
4. Commercial entertainment, outdoor
5. Vehicle sales, rental, and service
6. Carry-Outs, Mini-Markets, and Drive-Through and Drive-In Stores
7. Restaurants, fast food
8. Farm implement sales
9. Service garage
10. Commercial/Recreation Facilities, Indoor

E. Light Industrial Uses

1. Construction trades and contractor offices
2. Building services and supplies
3. Plumbing and heating shops
4. Wholesale distributors
5. Lumber Yards and Building Materials, sale and storage

**150.264 Height and Area Regulations**

The maximum height and minimum lot requirements within the C Commercial District shall be as follows:

General Requirements for All Permitted Uses:

|                            |                    |
|----------------------------|--------------------|
| Minimum Lot Area           | 10,200 square feet |
| Minimum Lot Width          | 85 feet            |
| Minimum Front Yard Setback | 35 feet            |
| Minimum Side Yard Setback  | 10 feet            |
| Minimum Rear Yard Setback  | 30 feet            |
| Maximum Height             | 35 feet            |

**150.265 Cross References**

Supplemental District Regulations, 150.300

- Accessory Uses, 150.302
- Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties, 150.305
- Principal Building Per Lot, 150.306
- Fences, 150.309
- Projections into Required Yard, 150.310
- Visibility at Intersections, 150.311
- Temporary Uses, 150.312
- Adult Entertainment Facilities, 150.317

Conditional Uses; Substantially Similar Uses, 150.400

Planned Unit Developments, 150.500

Off-Street Parking and Loading Facilities, 150.600

Signage, 150.700

Zoning Permit Requirements and Enforcement, 150.950



## **150.270 I Industrial District**

### **150.271 Intent**

The purpose of this district is to provide for industrial and other uses that by virtue of their characteristics should be isolated from residential uses. These uses perform essential functions for the Village including employment and should be provided for in areas that are best suited for industrial development by reasons of location, topography, soil conditions, and the availability of adequate utilities and transportation systems.

### **150.272 Principal Permitted Uses**

#### A. Light Industrial Uses

1. Construction trades and contractor offices
2. Lumber Yards and Building Materials, sale and storage
3. Warehouses
4. Wholesale Distributors
5. Heavy equipment rental, sales, service, and storage
6. Transportation terminals
7. Public service yards and garages
8. Public utilities

#### B. Retail Commercial and Service Uses

1. Nurseries and garden supply stores

#### C. Road Service and Commercial Entertainment Uses

1. Automobile Service Stations
2. Automobile Repair, Painting, and Body Shops
3. Self-service Storage Facility
4. Service Garage

D. Heavy Industrial Uses

1. Enclosed Industrial

**150.273 Conditional Uses**

A building or premises may be used for the following purposes in the I Industrial District if a Conditional Use Permit for the use has been obtained in conformance with the provisions of these Regulations - Conditional Use Permits.

A. Heavy Industrial Uses

1. Planned Industrial Development
2. Open Industrial

B. Light Industrial Uses

1. Building Service and Supplies
2. Plumbing and Heating Shops

C. Business and Professional Office Uses

1. Business, Professional, and Administrative offices

D. Road Service and Commercial Entertainment Uses

1. Vehicle Sales, Rental, and Service
2. Adult Entertainment Facilities
3. Grain Bins and Grain Elevators

**150.274 Height and Area Regulations**

The maximum height and minimum lot requirements within the I Industrial District shall be as follows:

A. General Requirements:

|                            |             |
|----------------------------|-------------|
| Minimum Lot Area           | 12,000 feet |
| Minimum Lot Width          | 100 feet    |
| Minimum Front Yard Setback | 40 feet     |
| Minimum Side Yard Setback  | 20 feet*    |
| Minimum Rear Yard Setback  | 20 feet*    |
| Maximum Height             | 35 feet     |

\* Except when abutting an R-District, it must be 50 feet.

**150.275 Cross References**

Supplemental District Regulations, 150.300

Accessory Uses, 150.302

Buffer and Transition Between Residential/Commercial and  
Residential/Industrial Zoned Properties, 150.305

Principal Building Per Lot, 150.306

Fences, 150.309

Projections into Required Yard, 150.310

Visibility at Intersections, 150.311

Temporary Uses, 150.312

Nuisance Performance Standards, 150.316

Conditional Uses; Substantially Similar Uses, 150.400

Planned Unit Developments, 150.500

Off-Street Parking and Loading Facilities, 150.600

Signage, 150.700

Zoning Permit Requirements and Enforcement, 150.950

## **150.300 SUPPLEMENTAL DISTRICT REGULATIONS**

### **150.301 Intent**

The purpose of Supplemental District Regulations is to set specific conditions for various uses, classifications of uses, or areas wherein problems may occur, in order to alleviate or proclude such problems, and to promote the harmonious exercise of property rights without conflict.

### **150.302 Accessory Uses**

- A. It is the purpose of this Zoning Code to regulate accessory uses in order to promote public health, safety, and welfare. It is the intent of these Sections to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with uses upon adjacent properties.
- B. Except as otherwise provided in this Zoning Code, an accessory use or structure shall be permitted in association with a principal use or structure provided that:
  - 1. It shall be 50% or less of the gross floor area of the principal use or structure.
  - 2. It shall not contain or be used as a dwelling unit.
  - 3. It shall not exceed 18 feet in height.
  - 4. It shall meet all yard requirements of the principal use, except rear yards shall be no closer than 5 feet and no closer than 5 feet from a recorded easement. However, driveways can be within 3 feet of any property line where there is no recorded easement.
  - 5. Decks and Detached Garages shall be located in the rear yard and not to occupy more than 30% of the rear yard area.
  - 6. Accessory structures motif (design and fit) shall blend with other construction on the property.
- C. Retail sales and services are permitted as accessory uses when clearly incidental to the principal use.
- D. This shall not apply to grain bins or grain elevators which are authorized as conditional uses in an I Industrial District.
- E. All accessory uses require a Zoning Permit.

### **150.303 Satellite Dish Antenna Regulations**

Satellite dish antennas shall be permitted as an accessory use in all zone districts, and are subject to requirements as follows:

- A. Ground-mounted satellite dishes installed in residential districts shall be limited to rear yard areas of the rearward portion of the lot or parcel.
- B. Setbacks for all satellite dish installations shall be a minimum of 10 feet from any property line, a minimum of 15 feet from public rights-of-way, and of a sufficient safe distance from all overhead and/or underground power lines as determined by the Zoning Inspector.
- C. Roof-mounted satellite dishes shall be limited to a maximum diameter of 6 feet or less and such installations shall be located on the rearward portion of the roof as viewed from the front yard. Roof installations shall be mounted in accordance with manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.
- D. All satellite dish antennas shall be properly grounded, resistant to lightning strikes, and meet all Electrical Code requirements.
- E. All satellite dish antenna systems shall be noncorrosive, designed, engineered, and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.
- F. Maximum diameter of any satellite dish shall not exceed 12 feet.
- G. Maximum overall height for ground-mounted satellite dish antenna systems shall not exceed 15 feet.
- H. Placement of satellite dish antenna systems within any easement shall be prohibited.
- I. A Zoning Permit shall be required prior to installation of any satellite dish antenna system. Installation instructions, sketches, site plans, or other documents shall be submitted in accordance with the Zoning Inspector's requirements, for the purpose of verification of each of the provisions of this Section. Small satellite dishes under 3 feet in diameter may be placed anywhere on the property with the minimum height clearance of 7 feet and do not require a Zoning Permit.

#### **150.304 Radio and Television Antenna Regulations**

Radio and television antennas shall be permitted as an accessory use in all zone districts, and are subject to requirements as follows:

- A. Ground-mounted antenna systems installed in residential districts shall be limited to side and rear yard areas except for guy wires and antenna elements.
- B. Setbacks for all antenna system installations shall be a minimum of 5 feet from any property line, a minimum of 15 feet from public rights-of-way, and of a sufficient safe distance from all overhead and/or underground power lines as determined by the Building Inspector. Placement of antenna systems within an easement shall be prohibited.
- C. Roof-mounted antenna systems shall be located on the rearward portion of the roof as viewed from the front yard and shall be limited to a maximum height of 15 feet above the highest roof peak. Roof installations shall be mounted in accordance with manufacturer's recommendations and be properly secured to prevent damage from wind and snow loads.
- D. Ground-mounted antenna systems in residential and commercial districts shall not exceed a maximum overall height of 60 feet. Maximum overall height for ground-mounted TV antenna systems shall not exceed 15 feet above the highest roof peak of the principal structure or 60 feet total, whichever is least.
- E. All antenna systems shall be properly grounded, resistant to lightning strikes, and meet all Electrical Code requirements.
- F. All antenna systems shall be noncorrosive, designed, engineered, and permanently installed to withstand wind and snow loads specified by the Ohio Basic Building Code.
- G. A Zoning Permit shall be required prior to installation of any antenna system. Installation instructions, sketches, site plans, or other documents shall be submitted in accordance with the Zoning Inspector requirements, for the purpose of verification of each of the provisions of this Section.

#### **150.305 Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties**

- A. Under those circumstances where the development of either a single-family residential project is proposed to occur adjacent to or abutting property zoned and/or used for industrial or commercial purposes, or in the case where an industrial or commercial project is proposed to occur adjacent to or abutting property zoned or used for single-family residential purposes, the owner or developer of the project must undertake

improvements to provide for the creation of a suitable transition and buffer between the noncompatible uses. The purpose of the buffer is to obscure noncompatible uses and diminish the impact that the industrial or commercial activity may have on the environment found in the single-family residential area. It is intended to protect the interest of the existing or future occupant of the residential area. This requirement would only be triggered when new development occurs; it does not apply to existing conditions.

B. The following provisions shall apply with respect to screening:

1. Screening shall be provided for one or more of the following purposes:
  - a. A visual barrier to partially or completely obstruct the view of structures or activities.
  - b. An acoustic screen to aid in absorbing or deflecting noise.
  - c. A physical barrier to contain debris and litter.
2. Screening may consist of one of the following, or a combination of two or more, as determined by the Zoning Inspector or Board of Zoning Appeals, in the event of an appeal, variance, or conditional use:
  - a. A solid masonry wall.
  - b. A solidly constructed decorative fence.
  - c. A louvered fence.
  - d. A dense vegetative planting.
  - e. A landscaped mounding.
3. Height of screening shall be in accordance with the following:
  - a. Visual screening walls, fences, plantings, or mounds shall be a minimum of 6-foot high in order to accomplish the desired screening effect, except in required front and side yards where the maximum height shall not be greater than 3-1/2 feet. Fences in front yards are not permitted to be solid fences. Plantings shall be minimum of 4 feet in height at the time of planting.
  - b. A dense vegetative planting with a minimum height of 4 feet at planting and a mature height of at least 6 feet or greater, or a solidly constructed decorative fence, shall be permanently maintained along the mutual boundary of an

accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.

4. Screening for purposes of absorbing or deflecting noise shall have a depth of at least 15 feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by the Zoning Inspector in relation to the nature of the use.
5. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles.
6. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for the efficient flow of vehicles.
7. The installation of the buffer and transition area must not interfere with existing storm water drainage flow patterns or utilities which may be located within easement areas, unless suitable measures are undertaken to alleviate problems that might be caused by the installation of the buffer.
8. The buffer must commence on the lot line between the subject properties, unless precluded by insurmountable problems posed by the location of utilities or easements, on the property which is subject to development. If insurmountable conditions prohibit the commencement of the buffer and transition area on the property line, the commencement shall occur in an area as close as possible to the common lot line. The Zoning Inspector may permit the installation of the obscuring wall on the opposite side of an alley, street, or right-of-way when mutually agreeable to the affected property owners.

#### **150.306 Principal Building Per Lot**

Only one principal building shall be permitted on each lot in any zoning district, subject to the provisions established in each district. However, in all districts permitting enclosed light or heavy industrial uses, it is permissible to erect more than one principal building devoted to such industrial use on the same lot. The development of Planned Unit Developments, as well as approved site plans, shall also be exempt from this provision.

#### **150.307 Parking and Storage of Vehicles and Trailers**

No commercial vehicles, including commercial tractors, trucks, buses, manufactured homes, and semi-trailers, shall be parked or stored on any property within a residential zoning district other than in a completely enclosed building, except those commercial vehicles conveying the necessary tools, materials, and equipment to a premises where labor using such tools, materials,



and equipment is to be performed during the actual time of parking. No automotive vehicles or trailers of any type without current license plates shall be parked or stored on any residential property other than in a completely enclosed building.

### **150.308 Required Refuse Collection Areas**

The refuse collection areas provided by all multi-family residential, commercial, and industrial uses for the collection of trash, garbage, and other refuse shall be enclosed on 3 sides by a solid wall or fence of at least 4 feet in height, unless within an enclosed building or structure. Provisions shall be made for regular and adequate vehicular access to such areas for collection purposes, as determined necessary by the Zoning Inspector. Storage areas in residential districts shall utilize such additional screening as required in this Zoning Code.

### **150.309 Fences**

- A. Fences constructed within a rear yard shall not be higher than 6 feet and side yard shall not be higher than 42 inches. All fences are considered an accessory structure.
- B. No fence, wall, or hedge shall rise over 42 inches in height on any required front yard. Front yard fences are not permitted to be solid fences (unable to be seen through). No fence, wall, or hedge planting shall interfere with visibility from a driveway or public right-of-way. The Zoning Inspector is hereby empowered to cause all obstructions to be removed in the interest of public safety.
- C. All support structures to face to the inside.
- D. Fence shall be located within the property at a location where the property owner can maintain both sides of the fence.
- E. All fence installation or modification requires a Zoning Permit.

### **150.310 Projections into Required Yards**

- A. Chimneys, flues, sills, pilasters, and other similar features may project into a required side yard a maximum of 12 inches. Roof overhangs may extend into a required side yard, a maximum of 12 inches.
- B. No structure may project into a required front yard. However, steps, not porches, may extend from the dwelling into the required front yard a maximum of 10 feet.

### **150.311 Visibility at Intersections**

Vision clearance as defined in these Regulations is required on all corner lots at the street corner. The Zoning Inspector is hereby empowered to cause all obstructions to be removed in the interest of public safety.

### **150.312 Temporary Uses**

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring a Temporary Use Permit, at least 7 days before the instigation of such use an application for a Temporary Use Permit shall be made to the Zoning Inspector, which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use.

The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

- A. Real estate sales offices, which shall contain no living accommodations, shall be permitted within any district for any new subdivision for a period of 1 year, except that two 6-month extensions may be granted if conditions warrant. Such offices shall be removed upon the completion of the sales of the lots therein, or upon the expiration of the Temporary Use Permit, whichever occurs first.
- B. Temporary buildings, offices, and equipment and storage facilities required in conjunction with construction activity may be permitted within any district for a period of 1 year, except that 6-month extensions may be granted if construction is substantially underway. Such uses shall be removed immediately upon completion of the construction, or upon expiration of the Temporary Use Permit, whichever occurs first.
- C. Temporary sales and services may be permitted within parking areas within any commercial district. A Zoning Permit valid for a period not to exceed 4 consecutive days shall only be issued three times within any 12-month period to any individual or organization. The application for the Temporary Use Permit shall be accompanied by written permission of the property owners, and shall be prominently displayed at the site. The Zoning Inspector shall not issue a permit for such temporary use if he determines that it encroaches upon more than 25% of the required parking area.
- D. Temporary retail sales and services, such as the sale of plants, flowers, arts and crafts, farm produce, or similar items on lots other than parking lots, including any lot on which an existing business is operating or on which a business is vacated, may be permitted for any for-profit individuals or organizations in any commercial district. A Temporary Use Permit valid for a period not to exceed 2 consecutive days shall only be

issued three separate times for any particular lot within any 12-month period, and not more than one permit may be issued at the same time for any lot. The applicant must submit a current vendor's license or transient vendor's license, and a written statement from the property owner giving permission for such use. This section shall not be interpreted to prohibit any such use in any case where a valid covenant or deed restriction specifically authorizes such use. In any case, the Temporary Use Permit shall be prominently displayed at the site.

- E. Garage sales, which for the purposes of this section shall include yard sales, barn sales, and similar activities, may be permitted within any district in which dwellings are permitted. Any individual or family may conduct two such sales within any 12-month period upon the property at which he or they reside for a period not to exceed 3 consecutive days without obtaining a Temporary Use Permit, so long as the provisions of this Zoning Code pertaining to signs and parking are observed. Garage sale permits shall only be issued to groups of families, neighborhood organizations, and community organizations two times within any 12-month period and shall not exceed a period of 3 consecutive days, so long as the provisions of this Zoning Code pertaining to signs and parking are observed.

### **150.313 Swimming Pools/Ponds**

Swimming pools or ponds in excess of 18 inches in depth shall comply with the following requirements:

- A. The swimming pool/pond is intended to be used and is used solely for the enjoyment of the occupants of the property on which it is located and their guests.
- B. The swimming pool/pond may be located anywhere on the premises except in required front yards, provided that it shall not be located closer than 5 feet to any property line or easement.
- C. The swimming pool/pond, or the entire property upon which it is located, shall be walled or fenced in such a manner as to prevent uncontrolled access by children from the street and from adjacent properties. Fence shall be 4 feet in height, and it shall be maintained in good condition with a self-closing, latching gate and lock. Above-ground pools that have integral fences or railings and have a swing up securing/locking ladder is acceptable in lieu of fence.
- D. The Owner must obtain a Zoning Permit.

### **150.314 Home Occupations**

- A. Home occupations are conditionally permitted in the R-1AA, R-1A, R-1, and R-2 Districts.
- B. Only members of the immediate family occupying such dwelling shall be employed in such occupation.
- C. The use of the dwelling unit for the home occupation shall be clearly subordinate to its use for residential purposes by its occupants, and not more than 25% of the floor area if on the first floor and 100% of the basement of the dwelling unit or building shall be used in conducting the home occupation.
- D. There shall be no change in the outside appearance of the building or premises, or other visible evidence of conducting the home occupation other than one sign, not exceeding 2 square feet in area, non-illuminated, and mounted flat against the wall of the building.
- E. No electrical or mechanical equipment shall be used except such as may be used for domestic or household purposes or as deemed by the Board to be of similar power and type, unless authorized by the Board. The Board may authorize machinery or equipment which is customarily found in the home associated with a hobby or avocation not conducted for gain or profit and may limit the hours or operation of such equipment or machinery. In addition, electrical or mechanical equipment which creates visible or audible interference in radio or television receivers or causes fluctuation in line voltage outside the dwelling unit or which creates noise not normally associated with residential uses shall be prohibited.
- F. No offensive noise, vibration, smoke, or other particulate matter, odorous matter, heat, humidity, glare, or other objectionable effect shall be produced therein or therefrom.
- G. The following uses shall be prohibited as home occupations:
  - 1. Appliance repair;
  - 2. Light assembly, manufacturing, or fabricating;
  - 3. Motor vehicle repair, painting or body work, including reupholstery, detailing, or washing;
  - 4. Small engine repair, lawn and garden equipment repair;
  - 5. Veterinary offices, kennels;
  - 6. Warehousing of any type; and welding or machine shop.

H. All home occupation owners and employees shall be registered for Village Income Tax.

**150.315 Nuisance Performance Standards**

No land or structure, in any district, shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard, including potential hazards; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other substance, condition, or element; in such a manner or in such amount as to adversely affect the adjoining lots or surrounding areas.

The following minimum standards shall apply to all uses:

- A. Fire and Explosion Hazards: All activities, including storage, involving flammable or explosive materials shall include the provision of adequate safety devices against the hazard of fire and explosion, such safety devices being standard in the industry. Burning of waste materials in open fire is prohibited at any point.
- B. Fly Ash, Dust, Fumes, Vapors, Gases, and Other Forms of Air Pollution: No emission of air pollutants shall be permitted which violate the minimum requirements of the Auglaize County Department of Health. Dust and other airborne pollutants shall be minimized through the paving or landscaping of the lot area around any building.
- C. 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.
- D. 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, except in accord with standards approved by the Ohio Department of Health or such other governmental agency as shall have jurisdiction of such activities.
- E. Noxious Gases: Processes and operations of permitted uses capable of dispersing gases or toxic particulates into the atmosphere shall be hooded or otherwise suitably enclosed. The emission of such toxic gases or particulate matter shall be from a stack.

- F. Vibrations and Noise: No uses shall be located and no equipment shall be installed in such a way to produce intense, earth-shaking vibrations which are discernable without instruments at the property lines of the subject premises. Noise standards of the Environmental Protection Agency shall be adhered to.
- G. Odor: Any use, activity, or operation which releases odors to the atmosphere shall be so controlled as to ensure that it will produce no public nuisance or hazard at or beyond the nearest lot line.

**150.316 Adult Entertainment Facilities**

- A. An adult entertainment facility is a building, structure, or use having a significant portion of its function as adult entertainment, including the following categories:
  - 1. Adult book store - an establishment having as a substantial or significant portion of its stock-in-trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to specified sexual activities or specified anatomical areas or an establishment with a segment or section devoted to the sale or display of such material.
  - 2. Adult mini-motion picture theater - a facility, with a capacity for less than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specific sexual activities or specified anatomical areas, for observation by patrons therein.
  - 3. Adult motion picture theater - a facility, with a capacity of 50 or more persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas, for observation by patrons therein.
  - 4. Adult entertainment business - any establishment involved in selling services or products characterized by the exposure or presentation of specified anatomical areas or physical contact of live males or females and characterized by salacious conduct appealing to prurient interest for observation or participation by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions which utilize activities as specified in this subsection.
  - 5. Specified sexual activities are:
    - a.) Human genitals in a state of sexual stimulation or arousal;
    - b.) Acts, real or simulated, of human masturbation, sexual intercourse, sodomy, cunnilingus, or fellatio; and

- c.) Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
  - 6. Specific anatomical areas are:
    - a.) Less than completely and opaquely covered human genitals, pubic regions, buttocks, and female breasts below a point immediately above the top of the areola; and
    - b.) Human male genitals in a discernibly turgid state even if completely and opaquely covered.
- B. Adult entertainment facilities shall be allowed as a conditional use in the I Industrial District, subject to the following additional conditions:
  - 1. No adult entertainment facility shall be established within 1,000 feet of an area where residences are zoned as a permitted use.
  - 2. No adult entertainment facility shall be established within a radius of 1,000 feet of any school, church, library, or teaching facility, whether public or private, governmental or commercial, which school, library, or teaching facility is attended by persons under 18 years of age.
  - 3. No adult entertainment facility shall be established within a radius of 1,000 feet of any park or recreational facility attended by persons under 18 years of age.
  - 4. No adult entertainment facility shall be established within a radius of 1,000 feet of any other adult entertainment facility or within a radius of 2,000 feet of any two of the following establishments:
    - a.) Establishments for the sale of beer or intoxicating liquor for consumption on the premises;
    - b.) Pinball palaces, halls, or arcades;
    - c.) Dance halls or discotheques;
    - d.) Pool or billiard halls; or
    - e.) Pawn shops.
  - 5. No adult entertainment facility shall be established within a radius of 1,000 feet of any church, synagogue, or permanently established place of religious services attended by persons under 18 years of age.
  - 6. No advertisements, displays, or other promotional material shall be shown or exhibited to be visible to the public from pedestrian sidewalks or walkways, or from other areas, public or semipublic.

7. All building openings, entries, windows, etc., for adult uses shall be located, covered, or serviced to prevent a view into the interior from any public or semipublic area, sidewalk, or street. For new construction, the building shall be oriented so as to minimize any possibility of viewing the interior from public or semipublic areas.
8. No screens, loudspeakers, or sound equipment shall be used for adult motion picture theaters (enclosed or drive-in) that can be seen or discerned by the public from public or semipublic areas.
9. Subsection 1 to 8 herein may be waived by the Board of Zoning Appeals, provided that the applicant provides affidavits from 51% of the property owners and resident freeholders within the above described radii, giving their consent to the establishment of an adult entertainment facility, and provided, further, that the Board determines that:
  - a.) The proposed use will not be contrary to the public interest or injurious to nearby properties and that the spirit and intent of this Section will be observed;
  - b.) The proposed use will not enlarge or encourage the development of a slum or blighted area;
  - c.) The establishment of an additional regulated use in the area will not be contrary to any program of neighborhood conservation, nor will it interfere with any program of urban renewal, residential or commercial reinvestment, or renovation of an historical area; and
  - d.) All applicable regulations of this Section will be observed.

**150.317 Mobile Homes on Individual Parcels (Lots)**

It is the intent of this ordinance that no mobile home shall be permitted in any zoning district other than in R-3 as a conditional use in a mobile home park, except those which exist in other districts prior to the enactment of this ordinance. Mobile homes which are in place on individual parcels (lots) at the enactment of this ordinance may continue, provided the following conditions are met:

- A. An existing mobile home is a vehicle or mobile structure more than 40-feet long, on wheels, skids, rollers, or blocks, designed to be pulled, pushed, or carried by motor vehicle on a highway, and designed for living as a one-family dwelling, complete and ready for occupancy as such except for minor and incidental packing and assembly operations, location on permanent foundations, connections to utilities, and the like.
- B. An existing mobile home may be replaced by a newer mobile home of the same or larger size as long as the minimum zoning lot requirements of the district in which it is located are met.

If in so replacing the existing mobile home, it is not physically possible to meet the minimum zoning lot requirements of this ordinance, the replacement will be permitted



as long as the yard setbacks of the existing mobile home being replaced are maintained. In no way shall the nonconforming yard setbacks be decreased.

- C. If an existing mobile home is removed from said individual parcel (lot) for a period of 3 months or longer, the use of the parcel (lot) reverts to that for which that district is zoned, and no mobile home will be permitted thereafter.

**150.318 Recreational Vehicles, Water Craft, Dirt Bikes, Motorized Sport Vehicles, and Utility Trailers**

- A. In any residential district, the above items may not be stored in any front yard area and must be at least 3 feet from any lot line.
- B. Stored, is not intended to prevent temporary parking for:
  - 1. Pre-season preparations.
  - 2. Required, in season repair/maintenance.
  - 3. After season storage preparations
- C. Time limit for temporary parking situations is 10 days.
- D. Time limit also applies to guests or visitors.

## **150.400 CONDITIONAL USES; SUBSTANTIALLY SIMILAR USES**

### **150.401 Intent**

In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Toward these ends, it is recognized that this Zoning Code should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such consideration as location, design, size, method(s) of operation, intensity of use, public facilities requirements, and traffic generation.

### **150.402 Contents of Conditional Use Permit Application**

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a Conditional Use Permit by filing it with the Zoning Inspector, who shall within 20 days transmit it to the Board. Such application at a minimum shall contain the following information:

- A. Name, address, and phone number of the applicant.
- B. Legal description of the property.
- C. Zoning district.
- D. Description of existing use.
- E. Description of proposed conditional use.
- F. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board may require.
- G. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration.
- H. A list containing the names and mailing addresses of all owners of property within 200 feet of the property in question.
- I. A fee as established by the Zoning Code.

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

**150.403 General Standards For All Conditional Uses**

In addition to the specific requirements for conditionally permitted uses as specified in this Section, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- A. Is in fact a conditional use as established under the provisions of these Regulations and appears on the Schedule of District Regulations adopted for the zoning district involved;
- B. Will be in accordance with the general objectives, or with any specific objective, of the Village's Comprehensive Plan and/or the Zoning Code;
- C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- D. Will not be hazardous or disturbing to existing or future neighboring uses;
- E. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- F. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- G. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- H. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets;
- I. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

**150.404 Action by the Board of Zoning Appeals**

Within 30 days after either the receipt of application or the date of the public hearing, if held, the Board shall take one of the following actions:

- A. Approve issuance of the Conditional Use Permit by making an affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplemental conditions and safeguards. Upon making an affirmative finding, the Board shall direct the Zoning Inspector to issue a Conditional Use Permit for such use which shall list all conditions and safeguards specified by the Board for approval.
- B. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary.
- C. Make a written finding that the application is denied and specify the reason(s) for disapproval.

**150.405 Additional Criteria**

A. Additional Conditions

The Board may impose other conditions for a conditional use in addition to those prescribed in this Section if, in the Board's judgment, additional conditions are necessary for the protection of the public health and for reasons of safety, comfort, and convenience.

B. Public Hearing

No public hearing needs to be held by the Board in considering an application for a Conditional Use Permit. A public hearing may be ordered and held by the Board when it deems such public hearing to be necessary in the public interest.

If the Board holds a public hearing it shall be within 30 days after it receives an application for a Conditional Use Permit submitted by an applicant through the Zoning Inspector.

C. Notice of Public Hearing

Before conducting a public hearing, notice of such hearing shall be given in one newspaper of general circulation in the Village of Cridersville at least 10 days before the

date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

D. Notice to Parties of Interest

Prior to conducting a public hearing, written notice of such hearing shall be mailed by the Chairman of the Board, by first-class mail, at least 10 days before the date of the hearing to all parties of interest, to include all property owners listed in the application. The notice shall contain the same information as published in the newspaper.

E. Supplemental Conditions and Safeguards

In granting approval for any conditional use, the Board may prescribe appropriate conditions and safeguards in conformance with this Zoning Code. Any violation of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a punishable violation of this Zoning Code.

F. Expiration of Conditional Use Permit

A Conditional Use Permit shall be deemed to authorize only one particular conditional use, and said permit shall automatically expire if such conditionally permitted use has not been instituted or utilized within 1 year of the date on which the permit was issued, or if for any reason such use shall cease for more than 2 years.

**150.406 Procedure and Requirements to Determine That a Use is Substantially Similar**

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, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

In formulating a determination that a proposed use is a 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.

The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional 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, or in the case of a conditional use, conditionally permitted, in that district.
- C. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Zoning Code.

Should a use be determined to be substantially similar to a specific permitted or conditionally 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 Inspector shall maintain as a public record a listing of all uses which 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 which have been determined not to be substantially similar. The Zoning Inspector shall consult this record in the process of issuing future permits.

## **150.450 NONCONFORMITIES**

### **150.451 Intent**

Within the districts established by this Zoning Code, or by amendments thereto which may later be adopted, lots, uses of land, structures, and uses of structures and land in combination exist which were lawful before this Zoning Code was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Zoning Code. The legitimate interest of those who lawfully established these nonconformities are herein recognized by providing for their continuance, subject to regulations limiting their completion, restoration, reconstruction, extension, and substitution. Furthermore, nothing contained in this Zoning Code shall be construed to require any change in the layout, plans, construction, size, or use of any lot, structure, or structure and land in combination, for which a Zoning Permit became effective prior to the effective date of this Zoning Code, or any amendment thereto. Nevertheless, while it is the intent of this Zoning Code that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Zoning Code.

### **150.452 Uses Under Conditional Use Provisions, Not Nonconforming Uses**

Any use which is permitted as a conditional use in a district under the terms of this Zoning Code shall not be deemed a nonconforming use in such district, but shall without further action be considered a conforming use.

### **150.453 Incompatibility of Nonconformities**

Nonconformities are declared by this Zoning Code to be incompatible with permitted uses in the districts in which such uses are located. A nonconforming use of a structure, a nonconforming use of land, or a nonconforming use of a structure and land in combination shall not be extended or enlarged after passage of this Zoning Code by attachment on a building or premises of additional signs intended to be seen from off the premises, or by the addition of other uses of a nature which would be generally prohibited in the district in which such use is located.

### **150.454 Avoidance of Undue Hardship**

To avoid undue hardship, nothing in this Zoning Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Zoning Code and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in a permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been

substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, provided that the work shall be carried out diligently.

#### **150.455 Substitution of Nonconforming Uses**

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards be met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Zoning Code. Whenever a nonconforming use has been changed to a less intensive use or becomes a conforming use, such use shall not thereafter be changed to a more intensive use.

#### **150.456 Single Nonconforming Lots of Record**

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Zoning Code, notwithstanding limitations imposed by other provisions of this Zoning Code. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in this Zoning Code, other than lot area or lot width, shall be obtained only through action of the Board as described in Section 150.850 Appeals and Variances.

#### **150.457 Nonconforming Lots of Record in Combination**

If 2 or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Zoning Code, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Code, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Zoning Code, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Zoning Code.

#### **150.458 Nonconforming Uses of Land**



Where, at the time of adoption of this Zoning Code, lawful uses of land exist which would not be permitted by the regulations imposed by this Zoning Code, the uses may be continued so long as they remain otherwise lawful, provided:

- A. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code.
- B. No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Zoning Code.
- C. No additional structure not conforming to the requirements of this Zoning Code shall be erected in connection with such nonconforming use of land.

#### **150.459 Nonconforming Structures**

Where a lawful structure exists at the effective date of adoption or amendment of this Zoning Code that could not be built under the terms of this Zoning Code by reason of restrictions on area, lot coverage, height, setbacks, yards, its location on the lot, bulk, or other requirements concerning the structure, such structure may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity.
- B. Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

#### **150.460 Nonconforming Uses of Structures or of Structures and Land in Combination**

If a lawful use involving individual structures, or if a structure and land in combination, exists at the effective date of adoption or amendment of this Zoning Code that would not be allowed in the district under the terms of this Zoning Code, the lawful use may be continued so long as it remains otherwise lawful, subject to the following provisions:

- A. No existing structure devoted to a use not permitted by this Zoning Code in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located.

- B. Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Code, but no such use shall be extended to occupy any land outside such building.
- C. If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the Board, be changed to another nonconforming use provided that the Board shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require appropriate conditions and safeguards in accord with other provisions of this Zoning Code.
- D. Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed.

**150.461 Termination of Nonconformities**

A. Termination of Use Through Discontinuance

When any nonconforming use is discontinued or abandoned for more than 1 year, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

B. Use by Damage or Destruction

Any non-conforming use of a building or structure which has been damaged or destroyed may be reconstructed as it previously existed prior to the damage or destruction. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction. A Zoning Certificate pertaining to such restoration shall be applied for and issued within 1 year of such damage or destruction, and rebuilding shall be diligently pursued to completion. When such a nonconforming structure is so damaged or destroyed, and not going to be reconstructed as it previously existed, no rebuilding, restoration, or reoccupation shall be permitted except in conformity with all applicable regulations of this Zoning Code.

## **150.500 - PLANNED UNIT DEVELOPMENTS (PUD)**

### **150.501 Intent**

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

### **150.502 Requirements**

The owner or owners of any parcel of land in the districts designated may submit an application to the Village Council for the type of PUD permitted in that district. Residential Planned Unit Developments, hereafter referred to as R-PUD's may be permitted in the R-1AA, R-1A, R-1, R-2, and R-3 Residential zoning districts. Commercial Planned Unit Developments, hereafter referred to as C-PUD's may be permitted in the C Commercial zoning districts. Industrial Planned Unit Developments, hereafter referred to as I-PUD's may be permitted in the I Industrial zoning districts.

### **150.503 Permitted Uses**

The uses permitted in the PUD shall be those uses permitted by the zoning district containing such development.

### **150.504 Procedure**

#### **A. Preapplication Meeting**

The developer shall meet the Zoning Inspector and Planning Commission prior to the submission of the preliminary development plan. The purpose of this meeting is to discuss early and informally the purpose and effect of this Zoning Code and the criteria and standards contained herein, and to familiarize the developer with zoning and other applicable regulations.

#### **B. Preliminary Development Plan**

The submittal for a commercial, residential, or industrial PUD shall be filed with the Zoning Inspector. In consideration of the submittal, the Planning Commission shall hold at least one public hearing to be held no later than 30 days after receipt of the submittal. The Planning Commission shall file a written report on the submittal to the Village Council within 30 days after the public hearing. The report shall address the impact of the proposed development on adjacent and nearby areas of the Village, the effect of the proposed development on the provision of services to the community, and other matters

relating to the public health, safety, and general welfare. The report shall include a recommendation of approval, approval with amendments, or denial.

Upon receipt of the report of the Planning Commission, the Village Council shall hold at least one public hearing in consideration of the submittal prior to reaching a decision. The decision of the Village Council shall be made no later than 60 days after the receipt of the report of the Planning Commission. The Village Council may approve, approve with amendments, or deny the submittal. If the submittal is denied, there shall be no resubmittal for a period of 12 consecutive months.

#### C. Final Development Plan

Within 12 months of approval or approval with amendments of the PUD submittal and the preliminary development plan, the applicant shall submit a final development plan to the Planning Commission. The Planning Commission shall evaluate the plan for conformance with the preliminary development plan for the PUD as approved by the Village Council. If the Planning Commission finds the final development plan is in conformance with the preliminary development plan, then such plan shall be filed as a final plat and shall be recorded in the office of the County Recorder. Upon recording of the final plat, the Zoning Inspector shall issue the necessary permits.

### **150.505 Preliminary Development Plan Application Requirements**

Any submittal for a PUD shall contain the following information in the submittal package including the information constituting a preliminary development plan. The applicant shall submit an original plus 7 copies of the preliminary development plan, and written documents as determined by the Zoning Inspector.

- A. Names, address, and phone number of owners, developers, and designers of the plan, and proposed name of the development.
- B. Name, address, and phone number of registered surveyor, registered engineer, and/or urban planner assisting in the preparation of the preliminary development plan.
- C. A legal description of the land to be developed under the submittal.
- D. Present use(s).
- E. Present and proposed zoning district.
- F. Proposed schedule for the development of the site.
- G. Evidence that the applicant has sufficient control over the land in question to initiate the proposed development plan within 2 years.

- H. A fee as established by this Zoning Code.
- I. A list containing the names and mailing addresses of all owners of the property within 200 feet of the property in question.
- J. Verification by at least one owner of property that all information in the submittal is true and correct to the best of their knowledge.
- K. A statement of the objectives to be achieved by the PUD through the particular approach proposed by the applicant and the rationale behind the assumptions and choices made by the applicant.
- L. A development schedule indicating the approximate date when construction of the PUD can be expected to begin and be completed.
- M. Quantitative data for the following items:
  - 1. Total number of dwelling units, commercial facilities, industrial buildings, and parcel size.
  - 2. Proposed lot coverage of buildings and structures.
  - 3. Approximate gross and net residential, commercial, or industrial densities.
  - 4. Total amount of open space including separate figure for usable open space.
  - 5. Economic feasibility study or market analysis where deemed necessary by the Planning Commission.
- N. Site plan and supporting maps. Maps shall be drawn at an appropriate scale to show the following information:
  - 1. Date, north arrow, and scale.
  - 2. Existing zoning district.
  - 3. Existing site conditions including contours at 1-foot intervals, water course, floodplains, unique natural features, and natural cover.
  - 4. Proposed lot lines and plot designs.

5. The location and floor area size of all existing and proposed buildings, structures, and other improvements including maximum heights, types of dwelling units, density per acre, and nonresidential structures, including commercial facilities.
6. The location and size in acres or square feet of all areas to be conveyed, dedicated, or reserved as common open spaces, public parks, recreational areas, school sites, and public and semi-public uses.
7. The existing and proposed circulation system of arterial, collector, and local streets including off-street parking areas, service areas, loading areas, and major points of access to public rights-of-way.
8. Existing and proposed pedestrian circulation system, including its interrelationships with the vehicular circulation system indicating proposed treatment of points of conflict.
9. The existing and proposed utility systems including proposed and existing easements for the sanitary sewers; storm sewers; and water, electric, gas, and telephone lines.
10. A general schematic landscape plan indicating the treatment of materials used for private and common open spaces.
11. Information on land areas adjacent to the proposed PUD to indicate the relationships between the proposed development and existing and proposed adjacent areas, including land uses, zoning classifications, densities, circulation systems, public facilities, unique natural features, and land uses within ½ mile of the boundaries of the proposed development.
12. A landscaping and screening plan for all perimeters of the PUD.
13. Phases of development and approximate starting dates.

**150.506 Notice of Public Hearing in Newspaper**

Notice of the public hearing shall be given by the Planning Commission and Village Council by at least one publication in one or more newspaper of general circulation in the Village. Said notice shall be published at least 10 days before the date of the hearing. The published notice shall set forth the time and place of the public hearing and a summary of the nature of the proposed PUD.

### **150.507 Notice to Parties in Interest**

Before conducting the public hearing required, written notice of such hearing shall be mailed by the Chairman of the Board, by first-class mail, at least 10 days before the day of the hearing to all parties within 200 feet. The notice shall contain the same information as required in Section 150.506 Notice of Public Hearing in Newspaper.

### **150.508 Final Development Plan Application Requirements**

After approval of a preliminary development plan by the Village Council, the applicant shall submit the following information as a final development plan to the Zoning Inspector. The submittal shall consist of an original plus 7 copies of all required documents.

Each submittal shall be signed by the owner, attesting to the truth and exactness of all information supplied on the submittal for the final development plan. Each submittal shall clearly state that the approval shall expire and be revoked if construction on the project has not begun within 1 year from the date of issuance of the approval. At a minimum, the submittal shall contain the following information:

- A. A survey of the proposed development site, showing the dimensions and bearings of the property lines, area in acres, topography, and existing features of the development site, including major wooded areas, structures, streets, easements, utility lines, and land uses.
- B. All the information required on the preliminary development plan, the location and sizes of lots, location and proposed density of dwelling units, non-residential building intensity, and land uses considered suitable for adjacent properties.
- C. A schedule for the development of units to be constructed in progression, and a description of the design principles for buildings and streetscapes, a tabulation of the number of acres in the proposed project for various uses, the number of housing units proposed by type, estimated residential population by type of housing, estimated non-residential population by type of housing, estimated non-residential population, anticipated construction timing for each unit, and standards for height, open space, building density, parking areas, population density, and public improvements, whenever the applicant proposes any exception from standard zoning districts requirements or other Ordinances governing development.
- D. A fee as established by this Zoning Code.
- E. Preliminary building plans.

- F. Any legal agreements stipulating conveyance of public open space to homeowners' or merchants' association and indicating responsibility for maintenance of the open space.
- G. Any restrictive covenants or other conditions which shall apply to any parcel of land in the PUD.
- H. All necessary legal documentation relating to the incorporation of a homeowners' or merchants' association for the purpose of maintaining any common open space included within the PUD.
- I. Site plan and supporting maps indicating the following:
  - a) Survey of land area to be developed showing topography at 1-foot intervals, drainage, vegetation, and natural cover.
  - b) Detailed site plans in conformance with the Village of Cridersville Design Criteria and Construction Standards and Drawings indicating the location and engineering specifications of the following items:
    - (1) The location of lot lines, building outlines, and setbacks.
    - (2) Pedestrian and vehicular circulation system.
    - (3) Street plans including plan and profile and cross-sections.
    - (4) All utility systems, including sanitary sewers; storm sewers; water, electric, gas, and telephone lines including plan and profiles.
    - (5) Landscaping indicating the specific types of vegetation to be used and their location in the development.
    - (6) Location of fire hydrants and fire lanes.
    - (7) Any additional information in the form of written documents, plans, and supporting maps required by the Planning Commission and Village Council in consideration of the application.
    - (8) Storm water plan.
    - (9) Grading plan.



### **150.509 Special Provisions**

- A. In a PUD, the Village Council may approve greater densities and smaller lot sizes than those permitted in the zoning district in which the PUD is located. In no case shall the overall density exceed the density permitted in the zone by more than 25%, and no lot size shall be more than 50% smaller than that permitted in the zone.
  
- B. If the Planning Commission determines it is consistent with the public health, safety, and general welfare and necessary for the overall development and usefulness of the residential PUD, commercial uses may be permitted by the Planning Commission in the development provided they are designed and intended primarily for the use of the residents of that development. All such uses shall:
  - 1. Be located within a multiple dwelling, an administration building for the development, or a building providing community facilities primarily serving the occupants of the development and their guests.
  - 2. Have no business signs, advertising, or displays visible from the outside of the building in which they are located; and
  - 3. Have a total area that does not exceed 5% of the gross floor area of all dwellings within the development.
  
- C. The Planning Commission shall make a recommendation to the Village Council as to overall density of development and lot sizes. In making its recommendation, the Planning Commission shall consider the following:
  - 1. The proposed development can be initiated within 1 year of the date of approval.
  - 2. The proposed streets are suitable and adequate to carry anticipated traffic, and increased densities will not generate traffic in such amounts as to overload the street network outside the planned unit development.
  - 3. Any proposed commercial or industrial development can be justified at the proposed location.
  - 4. Any exception from standard district requirements is warranted by design and other amenities incorporated in the final development plan, in accordance with these planned unit development requirements and the need to provide a variety of housing opportunities with regard to type and price.
  - 5. The area surrounding said development can be planned and zoned in coordination and substantial compatibility with the proposed development.

6. The existing and proposed utility services are adequate for the population densities and non-residential uses proposed.
  7. Amount, design, and uses of open space in the development.
  8. Overall design quality of the development.
  9. Impact of the proposed development on utilities.
  10. Amenities to be provided by the developer, including, but not limited to, recreational facilities, infrastructure improvements, environmental improvements, and land set aside for public purposes.
  11. Relationship of the development to surrounding land uses.
  12. Impact of the development in providing housing and other community needs.
- D. The Planning Commission may take into account any other factors it deems appropriate to the development under consideration.
- E. Ownership of Common Open Space.
1. In a R-PUD, the common open space shall be owned by the homeowners as tenants-in-common. A homeowners' association shall be formed prior to the conveyance of the first property, and the legal documents establishing the association shall stipulate that the association will control and have responsibility for maintenance of the common open space upon conveyance of more than 50% of the lots or units in the development.
  2. The common open space shall be protected against building development and environmental damage by conveying to the Village an open space easement restricting building development and prohibiting removal of soil, trees, and other natural features, except as is consistent with conservation, recreation, or agricultural uses or uses accessory to permitted uses. This easement shall be conveyed before recording of the final plat.
  3. A written agreement or contract shall be executed between the developer and the Village stating the following:
    - a) That in the event of failure of the owners, successors, or assignors to maintain any common open space or the landscaping or improvements thereon, the Village may enter into the development and perform any necessary maintenance, and charge the cost, including, but not limited to engineering and attorney fees, to the owner, successors, or assignors.

- b) That the developer will construct the development and install landscaping and improvements in accordance with the approved plan.
  - c) That this contract shall be binding upon the owner, successors, assignors, or receivers of the development and shall constitute a lien on the property.
4. Copies of any management policies, deed restrictions, or covenants with the land shall be provided to the Planning Commission prior to the final hearing on the plan.

**150.510 Residential and Commercial Planned Unit Development Design Standards**

- A. Applicants are encouraged to use innovative design, including varying of lot sizes and building orientation. Proposals which do not reflect these innovations may be rejected by the Planning Commission.
- B. PUDs shall be designed in a manner which promotes harmonious relationships between the development and surrounding land uses.
- C. Open space within a PUD may be required by the Planning Commission and if required shall meet the following criteria:
  - 1. No less than 20% of the total land area, exclusive of streets and street rights-of-way, shall be devoted to common open space. In R-PUDs, this land shall be used for recreation or conservation purposes, and in C-PUDs, this land shall be appropriately landscaped and may contain walkways, benches, and the like.
  - 2. In R-PUDs, at least half of the common open space shall be usable for active recreation.
  - 3. The size, location, shape, and character of the open space must be suitable for the designated uses.
  - 4. No more than 20% of the common open space may be devoted to paved areas (such as parking lots, walks, and hard-surfaced play areas) and structures used for or accessory to open space uses.
  - 4. Landscape plans for the common open space must be approved by the Planning Commission.
- D. Single-Family, Two-Family, and Multi-Family residential dwellings, whether of modular or site-built construction, shall comply with the following design and appearance standards:

1. The structure shall be installed upon and properly attached to a foundation system that provides adequate support of the structure's vertical and horizontal loads and transfers these and other imposed forces, without failure, from the structure to the undisturbed ground below the frost line.
2. The site shall be suitably landscaped, with adequate screening devices as elsewhere required.
3. The siting of the structure shall comply with all parking requirements in effect for the district for which it is proposed.
4. The site shall be serviced by utilities in such a manner as required by the Zoning Code.
5. Minimum roof pitch requirements entailing a 4-inch vertical rise for each 12 inches of horizontal run.
6. Roof overhang shall have a minimum overhang of 12 inches, except where approved decks or certain accessory structures are attached or semi-attached.
7. Roof material shall be either wood shingle, wood shake, synthetic or composite shingle, ceramic tile, concrete tile, or asphalt or fiberglass shingle (no corrugated metal or corrugated fiberglass).
8. Exterior siding shall be one or a combination of materials such as brick, stone, stucco, clapboard or clapboard-simulated vinyl or metal, wood shingles, shakes or similar material (no smooth, ribbed, or corrugated metal, fiberglass, or plastic); siding must extend to the ground level, or to the top of the foundation when a solid concrete or masonry perimeter foundation is used.
9. Structure size shall be a minimum width of 25 feet.
10. Attached enclosed garages with overhead doors for single-family and two-family residences for each dwelling are required on all new structures. Enclosed garages with overhead doors are required for each dwelling unit for multi-family residences on all new structures.

E. Townhouses constructed in PUDs must meet the following criteria:

1. No more than 4 contiguous townhouses shall be built in a row with the same or approximately the same front line, and no more than eight townhouses shall be contiguous.
2. Each townhouse shall have its own yard containing no less than 400 square feet, reasonably secluded from view from streets or from neighboring property. These

yards shall not be used for off-street parking, garages, storage facilities, driveways, or accessory buildings.

3. The minimum distance between any 2 rows of townhouse buildings substantially parallel to each other shall be 60 feet.
  4. The minimum distance between any 2 abutting ends of townhouse buildings in the same general plan or row shall be 25 feet.
- F. Parking within the PUD shall be regulated in conformance with Section 150.600 Off-Street Parking and Loading Regulations. Parking areas containing more than 40,000 square feet shall be landscaped in accordance with a plan approved by the Planning Commission.
- G. Signs in a PUD shall conform to the requirements of this Zoning Code, except that in addition to the other permitted signs, there may be one sign at each entrance to the development indicating the name of the development. In residential PUDs, the signs shall not exceed 40 square feet in size, and in commercial PUDs, the signs shall not exceed 80 square feet in size. The Planning Commission may reduce the maximum size of the signs in accordance with the size, design, and location of the PUD.
- H. Street layouts to PUDs shall be designed in a manner to minimize pavement lengths. To the extent possible, streets shall conform to the natural contours of the land. In commercial PUDs, fire lanes shall be provided and approved as to location and width by the fire department.

#### **150.511 Industrial Planned Unit Development Design Standards**

- A. All land in contiguous ownership shall be shown on the plans. The entire parcel is to be included, even if the development is to take place in phases.
- B. The development shall be designed in a manner as to provide safe access, harmonious arrangements of land uses, separation of differing modes of transportation, areas for storm water runoff and possible retention, adequate solid waste and sewage disposal, buffers, parking, and other utilities.
- C. All development which abuts land zoned residential or used for residential purposes shall be adequately buffered from residential boundaries. The buffer shall consist of one or more of the following items: fences, berms, or plantings that are more than 6-feet tall and form a solid barrier. Where the proposed development may produce excessive noise, traffic, dust, glare, or odor, a planted green belt up to 100 feet in depth shall be required, and shall be considered part of the open space.

- D. All areas for outdoor storage of materials, waste, or finished products shall be indicated on the plans. The plans shall state the chemical composition or form of the materials, type of storage, length of storage, and height of materials. All outdoor storage areas shall be enclosed by a wall or fence of solid appearance or a tightly-spaced evergreen hedge to conceal the areas or facilities from view from adjacent land uses and primary access roads.
- E. No raw galvanized or other raw metal sheeting or untreated concrete block may be used for the exterior construction of any building in the I-PUD.
- F. All buildings shall be of designs and materials which will promote a visually harmonious environment.
- G. Outdoor lighting shall not disrupt neighboring land uses by excessive glare.
- H. Not more than 80% of the total land area of an industrial development shall be devoted to structures, accessory uses, parking areas, and streets.
- I. All parking areas in an I-PUD shall contain landscaping in accordance with an approved landscaping plan. The landscaping shall be completed as soon as practicable according to weather conditions. Where permanent planting must be delayed due to weather conditions, erosion control measures shall be employed until the landscaping is completed.
- J. Erosion and runoff control measures shall be employed during construction of buildings and improvements in an I-PUD.
- K. Access requirements.
  - 1. A paved road shall be provided with adequate frontage for each structure. The road shall be constructed in conformance with standards established by the Village. Roads serving primarily nonresidential traffic, especially truck traffic, shall not normally be extended to the boundary of adjacent land zoned for residential use or in residential use; nor shall primarily residential roads be used for access to industrial developments. No portion of any lot shall be paved unless in accordance with the approved site plan.
  - 2. Loading docks, truck parking, or truck turn-around areas shall be designated through the use of signs and pavement markings. These areas shall be separated from parking and access areas used by automobiles or pedestrians. Roadway shall not be used for truck parking, standing, or backing areas. Parking and loading facilities shall not be located between structures and local access streets.

3. Fire lanes shall be provided at all entrances to and exits from structures and storage areas and at all locations of hydrants. Fire lanes shall be designated by signs and pavement markings.
  4. All rail lines, sidings, or switching facilities shall be indicated on the site plan. The Village may require additional vehicular or pedestrian crossings.
- L. Industrial Performance Standards - Any applicant for approval of a I-PUD under the provisions of this Section shall comply with all applicable local, state, and federal standards relating to air and water quality, heat, noise, glare, and odor. The applicant also shall comply with any applicable environmental standards which have been approved by the Village Council.
- M. Signs - Signs within an I-PUD shall be regulated in conformance with Section 150.700 Signage except that in addition to the other permitted signs, there may be one sign no more than 100 square feet in area at each entrance to the development. Such signs shall be for the purpose of identifying the overall development.
- N. Parking and Loading Regulations - Parking within an I-PUD shall be regulated in conformance with Section 150.600 Off-Street Parking and Loading Facilities.
- O. Height Regulations - The maximum height of buildings in the I-PUD shall be 40 feet. All other structures shall comply with this Zoning Code.

**150.512 Expiration and Extension of Approval Period**

The approval of a final development plan for a PUD district shall be for a period not to exceed 3 years to allow for preparation and recording of the required subdivision plat and development of the project. If no construction has begun within 1 year after approval is granted, the approved final development plan shall be void, and the land shall revert to the district regulations of the district in which it is located. An extension of the time limit or modification of the approved final development plan may be approved if the Planning Commission finds that such extension is not in conflict with the public interest. No zoning amendment passed during the time period granted for the final approved final development plan shall in any way affect the terms under which approval of the PUD was granted.

## **150.600 OFF-STREET PARKING AND LOADING FACILITIES**

### **150.601 Intent**

The intent of the off-street parking and loading regulations is to protect the public health, safety, and welfare by insuring that all land uses have adequate amounts of off-street parking and loading areas in order to not create traffic hazards on public streets.

### **150.602 General Parking Requirements**

In all districts, at any time any building, structure, or use of land is erected, enlarged, increased in capacity, or used, there shall be provided for every use off-street parking spaces for automobiles in accordance with Section 150.600 Off-Street Parking and Loading Facilities. A parking plan shall be required for all uses except for single- or two-family residential uses. The parking plan shall be submitted to the Zoning Inspector as part of the application for a Zoning Permit. The plan shall show the boundaries of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, and boundary walls, fences and a screening plan, as appropriate.

### **150.603 Off-Street Parking Design Standards**

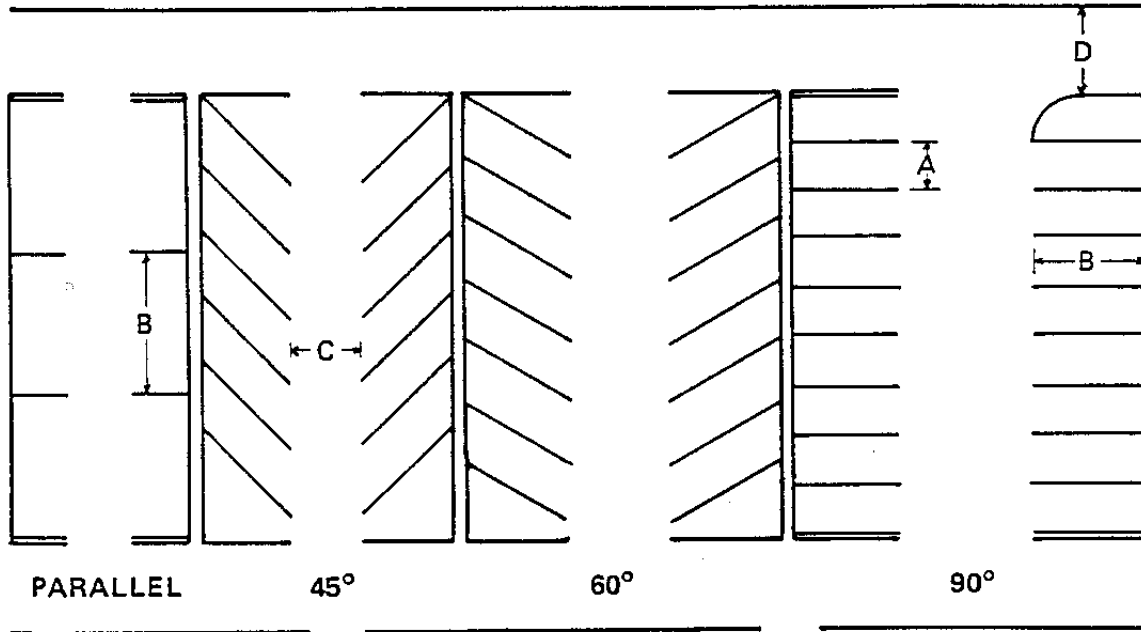
All off-street parking facilities including entrances, exits, maneuvering areas, and parking spaces shall be in accordance with the following standards and specifications:

- A. Parking Space Dimensions: Each off-street parking space shall have an area of not less than 162 square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
- B. Access: There shall be adequate provisions for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street, an access drive shall be provided, with a dedicated easement of access, as follows:
  - 1. For a single-, two-, or three-family residential dwelling, the access drive shall be a minimum of 10 feet in width.
  - 2. For all other residential uses and all other uses, the access drive shall be a minimum of 18 feet in width.
  - 3. All parking spaces, except those required for single-, two-, or three-family dwellings, shall have access to a public street in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.



- C. Setbacks: In C and I districts, off-street parking spaces may be located in the required front yard on lots where business or industry is located, provided that a 10-foot grass area is located between the parking area and the street right-of-way, and that 1 tree for every 30 feet of frontage is planted in this grass area.
- D. Screening: In addition to the setback requirements specified in this Zoning Code for off-street parking facilities for more than 5 vehicles, screening shall be provided on each side of a parking area that abuts any Residential District. Screening shall comply with Section 150.305 Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties.
- E. Paving: All required parking spaces together with driveways, and other circulation areas, shall be dust-free and of a hard-surface with a pavement having an asphalt or concrete binder, such as concrete, asphalt, double chip and seal, or paver bricks provided; however, that variances for parking related to school auditoriums, assembly areas, sports fields, and other community meeting or recreation areas may be granted, provided that paved areas shall be provided for daily-use parking areas. Where paving is not required, proper dust control measures shall be undertaken and maintained.
- F. Drainage: All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained so as to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system. Drainage shall also meet the requirements of the Village of Cridersville Design Criteria and Construction Standards and Drawings.
- G. Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
- H. Visibility: Access of driveways for parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
- I. Marking: All parking areas for 10 or more spaces shall be marked with paint lines, curb stones, or in some other manner approved by the Zoning Inspector, and shall be maintained in a clearly visible condition.
- J. Maintenance: Any owner of property used for parking areas shall maintain such areas in good condition without potholes and free of all dust, trash, or other debris.

- K. Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of the parking area shall be clearly marked.
- L. Lighting: Any lights used to illuminate a parking lot shall be so arranged as to direct the light away from the adjoining property in any R Residential District.
- M. Parking Space Dimensions: The minimum dimensions of parking spaces shall be as illustrated below:



**Off-Street Parking Minimum Dimensional Table**

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

#### **150.604 Determination of Required Spaces**

In computing the number of parking spaces required by this Zoning Code, the following shall apply:

- A. Where floor area is designated as the standard for determining parking space requirements, floor area shall be the sum of the gross horizontal area of all the floors of a non-residential building measured from the faces of the exterior walls.
- B. Where seating capacity is the standard for determining parking space requirements, the capacity shall mean the number of seating units installed or indicated on each 24 lineal inches of benches or pews, except where occupancy standards are set by the fire marshal.
- C. Fractional numbers shall be increased to the next whole number.

#### **150.605 Joint or Collective Parking Facilities**

The joint or collective provision of required off-street parking areas shall comply with the following standards and requirements:

- A. All required parking spaces shall be located on the same lot with the building or use served, except that where an increase in the number of spaces is required by a change or enlargement of use, or where such spaces are provided collectively or used jointly by 2 or more buildings or establishments, the required spaces may be located not farther than 500 feet from the building served.
- B. Not more than 50% of the parking spaces required for theaters, bowling alleys, dance halls, night clubs, taverns, and similar uses, and up to 100% of the parking spaces required for churches, schools, auditoriums, and similar uses may be provided and jointly used by banks, offices, retail stores, repair shops, service establishments, and similar uses that are not normally open, used, or operated during the same hours as the uses with which such spaces are jointly or collectively used.
- C. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement thereby assuring their retention for such purposes shall be properly drawn and executed by the parties concerned, approved as to form by legal counsel, and filed with the application for a Zoning Permit.

### **150.606 Off-Street Storage Areas for Drive-In Services**

Establishments which by their nature create lines of customers waiting to be served within automobiles shall provide off-street storage areas in accordance with the following requirements:

- A. Photo pickups, restaurants, drive-through beverage docks, and other similar commercial establishments that can normally serve customers in 3 minutes or less shall provide no less than 5 storage spaces per window. Drive-in restaurants and other similar uses which require an additional stopping point for ordering shall provide a minimum of 3 additional storage spaces for each such stopping point.
- B. Other commercial establishments such as banks, savings and loan offices, or other similar facilities with service or money windows shall provide no less than 4 storage spaces per window.
- C. Self-service automobile washing facilities shall provide no less than 3 storage spaces per stall. All other automobile washing facilities shall provide a minimum of 6 storage spaces per entrance.
- D. Motor vehicle service stations shall provide no less than 2 storage spaces for each accessible side of a gasoline pump island. Gasoline pumps shall not be located closer than 15 feet to any street right-of-way line.

### **150.607 Parking of Disabled Vehicles**

The parking of a disabled vehicle within a residential district for a period of more than 1 week shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored.

### **150.608 Parking Space Requirements**

The amount of required off-street parking spaces for new uses or buildings, additions thereto, and additions to existing buildings shall be determined in accordance with the following minimum requirements. However, no parking area shall project into a required front yard in any residential district or be permitted between the curb line and property lines (within the right-of-way) in any district, except as otherwise provided. The number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals. The determination shall be based upon the expected number of parking spaces the particular type of use would require to satisfy estimated peak parking load requirements.

#### A. Residential Uses

1. Single-family detached dwellings: 2 spaces per dwelling unit.
2. Two-family dwellings: 2 spaces per dwelling unit.
3. Multi-family dwellings: 2 spaces per dwelling unit.
4. Mobile Home Courts: 2 spaces per mobile home site, plus 1 space per each 5 mobile home sites for guest parking.

#### B. Institutional and Public Uses

1. Elementary and Junior High Schools: 1 space per employee, plus 1 space per 2 classrooms.
2. High Schools: 1 space per employee, plus 1 space per 6 students at capacity.
3. Places of Worship: 1 space per 4 seats at maximum capacity of the main sanctuary.
4. Public Offices and Public Buildings: 1 space for every 250 square feet of gross floor area.
5. Nursing and Convalescent Homes, including Extended Care Facilities and Rest Homes: 1 space per 6 beds, plus 1 space for each staff and employee on the largest work shift.
6. Community centers, libraries, museums, and other establishments of historical, educational, and cultural interest: 1 space per 250 square feet of gross interior floor area, plus 1 space per employee on the largest work shift.
7. Child daycare centers: 1 space per employee, plus 1 space per 5 children at capacity, plus a drop-off area as determined by the Public Works Director.
8. Hospitals: 1 space for every 2 beds, plus 1 space for each staff and employee on the largest work shift.

#### C. Business and Professional Offices

1. Business, Professional, and Administrative Offices and Offices for Professional Associations: 1 space per 300 square feet of gross floor area, but not less than 2 spaces per office.

2. Medical Offices and Clinics: 3 spaces per treatment or examination room or chair, plus 1 space per staff and employee, but not fewer than 5 spaces per practitioner.

#### D. Commercial Uses

1. Financial establishments, Banks, and Savings and Loan Associations: 1 space per 200 square feet of gross floor area, plus 1 space per employee on the largest work shift, plus 5 off-street waiting spaces per drive-in window or drive-through teller machine.
2. General Merchandise Stores: 1 space for each 150 square feet of gross floor area used for sales and display and 1 space for every 250 square feet of storage, warehouse, and office area.
3. Restaurants: 1 space per 100 square feet of gross floor area, plus 1 space per employee on the largest work shift.
4. Automobile Service Stations and Automobile Repair, Painting, and Body Shops: 2 spaces for each service bay, plus 1 space for each employee and service vehicle, with a minimum of 6 spaces.
5. Automobile Washing Facilities: 1 space for each employee with a minimum of 4 spaces, plus 5 off-street waiting spaces for each car washing device or stall, or 15 off-street waiting spaces for an assembly line type washing establishment, and 2 parking spaces at the end of each washing bay for drying and hand-finishing vehicles.
6. Convenience Food Stores, Carry-Outs, Mini-Markets: 1½ spaces for every 200 square feet of floor area, plus 1 space for each employee.
7. Drive-Through and Drive-In Stores, and Stand-Alone Automatic Teller Machines: 1 space for each employee, plus off-street waiting space for 5 vehicles per transaction location, plus 1 space for each 200 square feet of sales area open to the public.
8. Fraternal and Social Associations, Dance Halls, Bingo Halls and Private Clubs: 1 space for every 50 square feet of floor area in assembly or meeting rooms, plus 1 space for every 200 square feet of other floor area.
9. Restaurants, Fast Food: 1 space per 50 gross square feet of floor area, plus 1 space per employee on the largest work shift with a minimum of 15 total spaces and with off-street automobile waiting space for 8 vehicles for each drive-in window, with such automobile waiting space to be located behind the point where a drive-in order is placed.

10. Bars, Taverns, and Nightclubs: 1 space for each 3 persons of capacity, plus 1 space for each employee on the largest work shift.
11. Vehicle Sales, Rental, and Service: 1 parking space for each 800 square feet of floor area, plus 1 space for each 3,000 square feet of open lot area devoted to the sale, rental, and display of motor vehicles.
12. Animal Hospitals and Veterinary Clinics: 3 spaces for each treatment area, plus 1 space for each staff and employee.
13. Commercial Schools and Studios: 1 space for every 3 students at capacity and 1 space for each employee.
14. Funeral Homes and Mortuaries: 1 space for every 50 square feet of public floor area, plus 1 space for each employee, plus 1 space for each business vehicle.
15. Home Furnishings and Home Improvement Stores: 1 space for each 400 square feet of indoor and outdoor sales and display area and 1 space for each 800 square feet of office, storage, and warehouse area.
16. Nurseries and Garden Supply Stores: 1 space for each employee on the largest shift, 1 space for each 200 square feet of gross floor area of inside sales or display, and 1 space for each 1,000 square feet of exterior sales and display area.
17. Business and Cleaning Services: 1 space for every 300 square feet of sales and office area, plus 1 space for every employee on the largest work shift, plus 1 space for every company or service vehicle regularly stored on the premises.
18. Bowling Alleys: 5 spaces for each alley, plus any additional spaces required for a bar, restaurant, or accessory use.
19. Dance, Bingo, Assembly, and Exhibition Halls: 1 space for every 50 square feet of floor area.
20. Game Rooms and Pool Halls: 1 space for every 2 patrons at a maximum capacity, plus 1 space for every 2 employees on the largest work shift.
21. Miniature Golf: 1½ spaces per hole, plus 1 space per employee on the largest work shift.
22. Theaters and Concert, Meeting, and Banquet Halls: 1 space for every 2½ seats at capacity.

23. Hotels and Motels: 1 space per room or suite, plus 1 space for every 3 employees on the largest work shift, plus 1 space per 3 persons to the maximum capacity of each public meeting and/or banquet room, plus 50% of the spaces otherwise required for accessory uses (e.g. restaurants and bars).

E. Industrial Uses

1. Manufacturing Industry and Warehouse: 1 space for each employee on the largest work shift, plus 1 visitor parking space for every 10,000 square feet of floor area, plus 1 space for every company vehicle regularly stored on the premises. Land must be available for possible future parking lot requirements at a minimum of 1 space for each 1,000 square feet of floor area.
2. Self-Service Storage Facilities: 1 space for every 4,000 square feet of gross floor area, plus 1 space per employee on the largest work shift.
3. Wholesaling and Storage Facilities: 1 space for every 300 square feet of office and sales area, plus 1 space for every 4,000 square feet of warehouse and storage area, plus 1 space per employee on the largest work shift.
4. Construction Trades, Contractor Offices, and Industrial Craft Shops: 1 space for every 300 square feet of floor area, plus 1 space for every motor vehicle used by the business in its normal business affairs.
5. Lumberyards and Building Materials; Sales and Storage: 1 space for each 800 square feet of floor area, plus 1 space for every 3,000 square feet of lot area devoted to the storage and display of building materials.
6. Heavy Equipment Rental, Sales, Service, and Storage: 1 space for every 800 square feet of floor area, plus 1 space for every 3,000 square feet of lot area devoted to the sale and display of vehicles.

**150.609 Handicapped Parking**

Parking facilities serving buildings and facilities required to be accessible to the physically handicapped shall have conveniently located designated spaces provided as follows or by current ADA standards:



| <u>Total Spaces in<br/>Lot/Structure</u> | <u>Number of Designated<br/>Accessible Spaces</u> |
|--|---|
| Up to 100                                | 1 space per 25 parking spaces                     |
| 101 to 200                               | 4 spaces, plus 1 per 50 spaces over 100           |
| 201 to 500                               | 6 spaces, plus 1 per 75 spaces over 200           |
| Over 500                                 | 10 spaces, plus 1 per 100 spaces over 500         |

**150.610 Off-Street Loading Space Requirements**

In any district in connection with every building or part thereof hereafter erected and having a gross floor area of 3,000 square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, hotel, hospital, mortuary, laundry, dry cleaning, or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with the building, at least 1 off-street loading space, and 1 additional loading space for each 10,000 square feet or fraction thereof of gross floor area so used in excess of 3,000 square feet.

**150.611 Off-Street Loading Design Standards**

All off-street loading spaces shall comply with the following standards and specifications:

- A. Loading Space Dimensions: Each loading space shall have minimum dimensions not less than 12 feet in width, 65 feet in length, and a vertical clearance of not less than 14 feet.
- B. Screening: In addition to the setback requirements specified above, screening shall be provided on each side of an off-street loading space that abuts any Residential District. Screening shall comply with Section 150.305 Buffer and Transition Between Residential/Commercial and Residential/Industrial Zoned Properties.
- C. Access: All required off-street loading spaces shall have access from a public street in such a manner that any vehicle leaving the premises shall be traveling in a forward motion.
- D. Paving: All required off-street loading spaces together with driveways, aisles, and other circulation areas, shall be surfaced with an asphaltic or portland cement binder pavement in order to provide a durable or dust-free surface.
- E. Drainage: All loading spaces, together with driveways, aisles, and other circulation areas, shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Arrangements shall be made to ensure

acceptable diversion to an adequate storm water drainage system. Drainage shall also meet the requirements of the Village of Cridersville Design Criteria and Construction Standards and Drawings.

- F. Lighting: Any lights used to illuminate a loading area shall be so arranged as to reflect the light away from adjoining property.

## **150.700 SIGNAGE**

### **150.701 Intent**

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

### **150.702 Governmental Signs Excluded**

For the purpose of this Zoning Code, "sign" does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulation.

### **150.703 General Requirements for All Signs and Districts**

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

- A. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.
- B. No sign shall employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention. This Section and Section "A" shall not apply to any sign performing a public service function indicating time, temperature, or similar services.
- C. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the building and electrical codes.
- D. No projecting sign shall be erected or maintained from the front or face of a building a distance of more than 2 feet.

- E. No sign shall be placed on the roof of any building, except those signs whose supporting structure is screened so the sign appears to be a continuation of the face of the building.
- F. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided in Section 150.706 Temporary Signs.
- G. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices if the use of such materials are determined to create a traffic hazard.
- H. No sign erected or maintained in the window of a building, visible from any public or private street or highway, shall occupy more than 20% of the window surface.
- I. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- J. All signs hung and erected shall indicate the person responsible for maintaining the sign.
- K. 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 Inspector, proceed at once to put such sign in a safe and secure condition or remove the sign.
- L. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs. Signs directing and guiding traffic and parking on private property, but bearing no advertising matter, shall be permitted on any property.
- M. All signs shall be so designed and supported as to carry the weight of the sign, and shall comply with any applicable building code.
- N. All signs shall be so constructed and supported that they will withstand a wind pressure of at least 30 pounds per square foot of surface, and will be otherwise structurally safe.
- O. No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, or public shelter.
- P. No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature.
- Q. No sign shall be attached in such manner that it may interfere with any required ventilation openings.

- R. No sign shall be located on a vacant lot, except for the purpose of advertising the lot for sale or lease, or for such purpose as the notification of present danger or the prohibition of trespassing.
- S. No sign shall be located nearer than 8 feet vertically or 4 feet horizontally from any overhead electrical wires, conductors, or guy wires or as established in the National Electric Code, whichever standard is greater.
- T. No vehicle or trailer may be parked on a business premises or a lot for the purpose of advertising a business, product, service, event, object, location, organization, or the like.
- U. All signs must be on-premises signs. Outdoor advertising and off-premises signs are not permitted within the Village unless approved by the Board of Zoning Appeals.

**150.704 Permit Required**

- A. No person shall locate or maintain any sign, or cause a sign to be located or maintained, unless all provisions of this Section have been met. To assure compliance with these regulations, a Zoning Permit issued pursuant to this Zoning Code shall be required for each sign unless specifically exempted in this Section.
- B. A sign initially approved for which a permit has been issued shall not be modified, altered, or replaced, nor shall design elements of any building or lot upon which such sign is maintained be modified, altered, or replaced if any such design element constituted a basis for approval of such sign unless a new or amended permit is obtained consistent with these regulations.
- C. The repainting, changing of parts, and preventive maintenance of signs shall not be deemed alterations requiring a Zoning Permit.

**150.705 Signs Permitted in All Districts Not Requiring a Permit**

The following signs shall be permitted in all districts without the required permit:

- A. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed 12 square feet in area, except in all residential zoning districts where the area of the sign shall not be more than 6 square feet.
- B. Professional nameplates shall not exceed 4 square feet in area.
- C. Signs denoting the name and address of the occupants of the premises, not to exceed 2 square feet in area.

- D. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, schools, social clubs, or societies, which signs or bulletin boards shall not exceed 15 square feet in area and which shall be located on the premises of such institution.
- E. Any sign advertising a commercial enterprise, including real estate developers or subdividers, in a district zoned residential shall not exceed 12 square feet in area and shall advertise only the names of the owners, trade names, products sold and/or the business or activity conducted on the premises where such sign is located.

**150.706 Temporary Signs**

Temporary signs not exceeding 50 square feet in area, announcing special public or institutional events, the erection of a building, the architect, the engineer, the builders, or contractors may be erected for a period of 60 days plus the construction period. Such signs shall comply with all requirements of this Zoning Code.

**150.707 Business Signs**

No exterior business sign shall be erected unless it is an accessory to a permitted use in the district in which the lot or parcel is located. All business signs shall be classified as one of the following: an attached sign, a detached sign, an architectural canopy sign, or an enter/exit sign.

- A. Attached Signs are signs which are physically attached to a building or fixed awning.
  - 1. The total area of all attached signs shall not exceed in the aggregate 1 square feet of area for each linear foot of lot width.
  - 2. An attached sign shall project not more the 2 feet horizontally from a building facade.
  - 3. An attached sign shall project not more than 3 feet above the average height of the roof of the structure involved. However, no sign shall be erected on a roof.
  - 4. An attached sign may project downward from a fixed awning only so far as shall allow 9 feet of vertical clearance from the ground to the bottom of the sign.
- B. Detached Signs are signs which are not attached to a building, advertise an on-premises business or activity, and are 25 feet or less in height. There shall not be more than one detached business sign per business activity along each street frontage the use abuts. Where commercial uses are located on the same property with common features, such as shopping centers or commercial complexes, all such business signs shall be supported by only one structure per lot with street frontage.
  - 1. Shall not be located on or project over any right-of-way or required setbacks;

2. Shall not be larger than 100 square feet in area based on one side;
  3. Shall not be higher than 25 feet in height;
  4. Shall not obstruct or adversely affect vision clearance or traffic visibility;
  5. Shall not be closer than 25 feet to the adjacent lot; and
  6. Of a portable or temporary nature may be permitted in addition to permanently mounted detached signs, subject to the following provisions:
    - a.) All portable and/or temporary signs shall comply with Section 150.706 Temporary Signs and no such sign shall be permitted in the right-of-way of any street or alley.
    - b.) The area of portable or temporary signs shall not exceed 50 square feet in area.
    - c.) Not more than one portable or temporary sign shall be permitted for an individually-owned lot.
    - d.) It shall be the applicant's or owner's responsibility to maintain portable or temporary signs in good condition and to remove such signs when the time limit for the sign has expired.
    - e.) The maximum height for a temporary or portable sign shall be 6 feet and such signs shall not obstruct or adversely affect traffic visibility.
    - f.) Portable and/or temporary business signs shall be permitted for a period not to exceed 3 weeks, a maximum of 4 times per year.
- C. Interstate Signs are signs not connected to a building, are less than 1200 feet from the centerline of an interstate highway right-of-way, are at least 25 feet in height, and are intended to be read from the interstate highway. A business may have 1 interstate sign in addition to any other permitted signs. An interstate sign shall:
1. Not be closer than 25 feet to any right-of-way line;
  2. Not be closer than 15 feet to any adjoining property line;
  3. Not be larger than 400 square feet in area; and
  4. Not be higher than 90 feet, measured from the ground elevation on which it is located.
- D. Architectural Canopy Signs are signs which are attached to a building with the message integrated into the canopy surface.

1. The total area of all architectural canopy signs shall not exceed in the aggregate 2 square feet of area for each linear foot of building frontage and, if combined with attached signs, the total area of all signage shall not exceed in the aggregate 3 square feet of area for each linear foot of building frontage.
2. In applying sign area limits, only the area occupied by the sign message will be used. The sign area shall be the rectangular space occupied by lettering or insignia and the space immediately surrounding such lettering or insignia.
3. An architectural canopy sign shall project not more than 3 feet horizontally from a building facade over a public right-of-way, and not more than 6 feet horizontally from a building facade over private property.
4. An architectural canopy sign shall have a minimum clearance of 9 feet above the sidewalk grade or edge of roadway grade nearest the sign and shall not be located closer than 2 feet from the curb of any roadway.
5. Architectural canopy signs shall be limited to single-story buildings or to the first level only of multi-story buildings, unless otherwise authorized by the Zoning Board of Appeals.
6. Overall height should not exceed 3 feet above the average height of the roofline or the parapet wall of the building to which it is attached, and should not exceed the allowable building height for that zoning district.
7. Principal graphics, copy, logos, etc. shall be limited to the face or street side of the structure.
8. When an electric awning sign covers multiple store fronts, each store or tenant shall be allowed copy space no more than 80% of their store width in order to maintain adequate separation of tenant spaces.

E. Enter/Exit Signs may be permitted in addition to detached business signs, subject to the following provisions:

1. All enter/exit signs shall comply with Section 150.703 General Regulations for All Districts Not Requiring a Permit and no such sign shall be permitted in the right-of-way of any street or alley.
2. The area of enter/exit signs shall not exceed 2 square feet in area.
3. Not more than one enter sign and one exit sign shall be permitted for each lot. Corner lots may be permitted one additional enter and one additional exit sign provided there is an access to the public street on both street frontages.



4. No lettering or sign message other than “enter” or “exit” shall be permitted. The use of logos may be permitted if approved by the Board.
5. The maximum height for an enter/exit sign shall be 3 feet and such signs shall not obstruct or adversely impact traffic visibility.

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

On-premises wall signs pertaining to a nonconforming use shall be permitted on the same premises of such use, provided the area of such sign does not exceed 12 square feet.

#### **150.709 Sign Setback Requirements**

Except as otherwise provided in this Section, on-premises signs, where permitted, shall be set back from the established right-of-way line of any street at least 10 feet. No off-premises signs shall be permitted.

- A. Real estate signs and bulletin boards for a church, school, or any other public, religious, or educational institution may be erected not less than 10 feet from the established right-of-way line of any street or highway provided such sign or bulletin board does not obstruct traffic visibility at street or highway intersections.
- B. On-premises signs, where permitted, shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except that in any residential district, on-premises signs shall not be erected or placed within 10 feet of a side or rear lot line. If the requirement for a single side yard in the appropriate zoning district is more than 10 feet, the latter shall apply.

#### **150.710 Maintenance**

All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. The Zoning Inspector shall remove any off-premises advertising signs or structure found to be unsafe or structurally unsound within 30 days of issuing a notification. The Zoning Inspector shall remove any on-premises sign which is determined to be unsafe or structurally unsound within 10 days of issuance of notification.

#### **150.711 Nonconforming Signs and Structures**

Advertising signs and structures in existence prior to the effective date of this Zoning Code which violate or are otherwise not in conformance with the provisions of this Zoning Code shall be deemed nonconforming. All such legal nonconforming signs and structures shall be maintained in accordance with this Code. The burden of establishing the legal nonconforming status of any advertising sign or structure shall be upon the owner of the sign or structure.

### **150.712 Loss of Legal Nonconforming Status**

A legal nonconforming sign shall immediately lose its legal nonconforming status, and therefore must be brought into conformance with this Zoning Code or be removed, if the sign structure is altered; or if it is enlarged, relocated, or replaced; or if it is part of an establishment which discontinues operation for 90 consecutive days; or if it is structurally damaged to an extent greater than one-half of its estimated replacement value. This Section does not apply to changes in sign copy or sign panel replacements. Similarly, any legal nonconforming advertising structure so damaged must be brought into compliance or be removed.

### **150.713 Violations**

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Zoning Code, the Zoning Inspector shall notify in writing the property owner thereof to alter such sign so as to comply with this Zoning Code. Failure to comply with such notification shall be deemed a violation of this Zoning Code.

### **150.714 Abandoned Signs**

A sign shall be considered abandoned:

- A. When the sign is associated with an abandoned use.
- B. When the sign remains after the termination of a business. A business is considered to have ceased operations if it is closed to the public for at least 90 consecutive days.
- C. When the sign on its immediate premises is not adequately maintained and the repairs or maintenance ordered are not effected within the specified time.
- D. Abandonment shall be determined by the Zoning Inspector after a public hearing. Upon determination that the sign is abandoned, the right to maintain and use such sign shall terminate immediately and the Zoning Inspector shall issue an order for the sign to be removed within 30 days. Any abandoned sign still standing after 30 days following an order for removal may be removed by the Village and the cost of the removal billed to the owner of the property.

## **150.800 AMENDMENTS**

### **150.801 Intent**

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

### **150.802 Initiation of Zoning Amendments**

Amendments to this Zoning Code may be initiated in one of the following ways:

- A. By the adoption of a motion by the Planning Commission.
- B. By the adoption of a any amendment by Village Council.
- C. By the filing of an application by at least 1 owner or lessee of property within the area proposed to be changed or affected by said amendment.

### **150.803 Contents of Application for Zoning Map Amendment**

Applications for amendments to the Official Zoning Map adopted as part of this Zoning Code shall contain at least the following information:

- A. The name, address, and phone number of the applicant.
- B. The proposed amendment, approved as to form by the Village Solicitor.
- C. A statement of the reason(s) for the proposed amendment.
- D. Present use.
- E. Present zoning district.
- F. Proposed use.
- G. Proposed zoning district.
- H. A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Zoning Inspector may require.

- I. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case, except that addresses need not be included where more than ten parcels are to be rezoned.
- J. A statement on the ways in which the proposed amendment relates to the comprehensive plan.
- K. A fee as established by the Village Council.

**150.804 Contents of Application for Zoning Text Amendment**

Applications for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Zoning Code, other than the Official Zoning Map, shall contain at least the following information:

- A. The name, address, and phone number of the applicant.
- B. The proposed amendment, approved as to form by the Village Solicitor.
- C. A statement of the reason(s) for the proposed amendment.
- D. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan.
- E. A fee as established by the Village Council.

**150.805 Recommendation by Planning Commission**

Within 60 days from the receipt of the proposed amendment, the Planning Commission shall transmit its recommendation to the Village Council. The Planning Commission may recommend that the amendment be granted as requested, or it may recommend a modification of the amendment as requested, or it may recommend that the amendment be denied. The written decision of the Planning Commission shall indicate the specific reason(s) upon which the recommendation is based, including the basis for their determination that the proposed amendment is or is not consistent with the Comprehensive Development Plan.

**150.806 Public Hearing by Village Council**

Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than 40 days from the receipt of the recommendation from the Planning Commission.

**150.807 Notice of Public Hearing in Newspaper**

Notice of the public hearing shall be given by Village Council by at least 1 publication in 1 or more newspaper of general circulation in the Village. Said notice shall be published at least 30 days before the date of the hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

**150.808 Notice to Property Owners by Village Council**

If the proposed amendment intends to rezone or redistrict 10 or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first-class mail, at least 20 days before the day of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other list or lists that may be specified by Village Council. The failure to deliver the notification as provided in this Section shall not invalidate any such amendment. The notice shall contain the same information as required in Section 150.807 Notice of Public Hearing in Newspaper.

**150.809 Action by Village Council**

Within 30 days after the public hearing required, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than 3/4 of the full membership of Village Council. No such Zoning Code shall be passed unless it has been fully and distinctly read on 3 different days except that such Zoning Code may become emergency legislation if 3/4 of the members of the Village Council vote to dispense with this rule.

## **150.850 APPEALS AND VARIANCES**

### **150.851 Intent**

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

### **150.852 Administrative Appeals**

- A. Appeals to the Board concerning interpretation or administration of this Zoning Code may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within 20 days after the decision by filing, with the Zoning Inspector and with the Board, a Notice of Appeal specifying the grounds upon which the appeal is being taken. The Zoning Inspector shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- B. A record capable of transcription and containing all documents presented as evidence or utilized by the Board shall be made of any hearing held under this section.
- C. The Appellant shall be given notice in advance of the hearing that he has the following rights at any hearing held under this section.
  - 1) The right to be represented by an attorney or any other person of his choosing;
  - 2) The right to present his position, arguments, and contentions;
  - 3) The right to offer and examine witnesses and present evidence in support of his appeal;
  - 4) The right to cross examine witnesses purporting to refute his position, arguments, and contentions;
  - 5) The right to offer evidence to refute evidence and testimony offered in opposition to the Appellant's position, arguments, and contentions.
  - 6) Proffer such evidence into the record, if the admission of it is denied by the Board.
- D. All testimony given at a hearing under this section shall be given under oath.
- E. Per the request of the Appellant, the Board shall upon reasonable notice and with reasonable discretion assist the Appellant in compelling the attendance of a witness at a hearing under this section utilizing any powers it may have to compel the attendance of a witness.

### **150.853 Variances**

The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this Zoning Code as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Zoning Code would result in unnecessary hardship. No nonconforming use of neighboring lands, structures, or buildings in the same district and no permitted or nonconforming use of lands, structures, or buildings in other districts shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this Zoning Code would result in unnecessary hardship.

### **150.854 Application and Standards for Variances**

Except as otherwise permitted in this Zoning Code, no variance in the strict application of the provisions of this Zoning Code shall be granted by the Board of Zoning Appeals unless the Board shall find that the written application for the requested variance contains all of the following requirements:

- A. Name, address, and phone number of applicant(s).
- B. Legal description of property.
- C. Description or nature of variance requested.
- D. A fee as established by Zoning Code.
- E. Narrative statements establishing and substantiating that the variance conforms to the following standards:
  - 1. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Zoning Code on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
  - 2. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
  - 3. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Zoning Code would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.

4. There must be proof of hardship created by the strict application of this Zoning Code. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created; nor can it be established on this basis by one who purchases with or without knowledge of the restrictions; it must result from the application of this Zoning Code; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
5. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
6. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.
7. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this regulation to other lands, structures, or buildings in the same district.

**150.855 Additional Conditions and Safeguards**

The Board may further prescribe any conditions and safeguards that it deems necessary to ensure that the objectives of the regulations or provisions to which the variance applies will be met. Any violation of such conditions and safeguards, when they have been made a part of the terms under which the variance has been granted, shall be deemed a punishable violation under this Zoning Code.

**150.856 Public Hearing by the Board of Zoning Appeals**

The Board shall hold a public hearing within 30 days after the receipt of an application for an appeal or variance from the Zoning Inspector or an applicant.

**150.857 Notice of Public Hearing in Newspaper**

Before conducting the public hearing required, notice of such hearing shall be given in 1 or more newspapers of general circulation in the Village at least 10 days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.



### **150.858 Notice to Parties in Interest**

Before conducting the public hearing required, written notice of such hearing shall be mailed by the Chairman of the Board, by first-class mail, at least 10 days before the day of the hearing to all parties within 200 feet. The notice shall contain the same information as required in Section 150.857 Notice of Public Hearing in Newspaper.

### **150.859 Action by Board of Zoning Appeals**

Within 30 days after the public hearing requires, the Board shall either approve, approve with supplemental conditions as specified in Section 150.855 Additional Conditions and Safeguards, or disapprove the request for appeal or variance. The Board shall further make a finding in writing that the reasons set forth in the application justify the granting of the variance that will make possible a reasonable use of the land, building, or structure.

### **150.860 Term of Variance**

No order of the Board granting a variance shall be valid for a period longer than 12 months from the date of such order unless the Zoning Permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.

### **150.861 Authorized Variances**

Variances from the requirements of this Zoning Code shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by this Zoning Code, have been met by the applicant. Variances may be granted as guided by the following:

- A. To permit any yard or setback less than the yard or setback required by the applicable regulations.
- B. To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than 80% of the required area and width.
- C. To permit the same off-street parking facility to qualify as required facilities for 2 or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
- D. To reduce the applicable off-street parking or loading facilities required, but generally by not more than 30% of the required facilities.

- E. To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
- F. To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than 40%.
- G. To increase the maximum allowable size or area of signs on a lot, but generally by not more than 25%.
- H. To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than 25%.

## **150.900 ADMINISTRATION**

### **150.901 Intent**

The intent is to set forth the powers and duties of the Planning Commission, the Board of Zoning Appeals, the Village Council, and the Zoning Inspector with respect to the administration of the provisions of this Zoning Code.

### **150.902 General Provisions**

The formulation, administration, and enforcement of the Zoning Code is hereby vested in the following offices and bodies within the Village of Cridersville government:

- A. Zoning Inspector
- B. Planning Commission
- C. Board of Zoning Appeals
- D. Village Council
- E. Village Solicitor

### **150.903 Zoning Inspector**

A Zoning Inspector designated by the Mayor shall administer and enforce this Zoning Code. The Officer may be provided with the assistance of such other persons as the Mayor may direct.

### **150.904 Responsibilities of Zoning Inspector**

For the purpose of this Zoning Code, the Zoning Inspector shall have the following duties:

- A. Enforce the provisions of this Zoning Code and interpret the meaning and application of its provisions.
- B. Respond to questions concerning applications for amendments to the Zoning Code text and the Official Zoning District Map.
- C. Issue Zoning Permits and certificates of occupancy as provided by this Zoning Code, and keep a record of same with a notation of any special conditions involved.
- D. Act on all applications upon which the Officer is authorized to act by the provisions of this Zoning Code within the specified time or notify the applicant in writing of the

Officer's refusal or disapproval of such application and the reasons therefor. Failure to notify the applicant in case of such refusal or disapproval within the specified time shall entitle the applicant to submit the Officer's request to the Board.

- E. Conduct inspections of buildings and uses of land to determine compliance with this Zoning Code, and, in the case of any violation, to notify in writing the person(s) responsible, specifying the nature of the violation and ordering corrective action.
- F. Maintain in current status the Official Zoning District Map which shall be kept on permanent display in the Village offices.
- G. Maintain permanent and current records required by this Zoning Code, including but not limited to, Zoning Permits, zoning certificates, inspection documents, and records of all variances, amendments, and special uses.
- H. Make such records available for the use of the Village Council, the Planning Commission, the Board of Zoning Appeals, and the public.
- I. Review and approve site plans pursuant to this Zoning Code.
- J. Determine the existence of any violations of this Zoning Code, and cause such notifications, or initiate such other administrative or legal action as needed, to address such violations.

#### **150.905 Duties of the Planning Commission**

For the purpose of this Zoning Code the Planning Commission shall have the following duties:

- A. Recommend the proposed Zoning Code, including text and Official Zoning District Map to the Village Council for formal adoption.
- B. Initiate advisable Official Zoning District Map changes, or changes in the text of the Zoning Code where same will promote the best interest of the public in general through recommendation to the Village Council.
- C. Review all proposed amendments to the text of this Zoning Code and the Official Zoning District Map and make recommendations to the Village Council as specified in Section 150.800 Amendments.
- D. Review all Planned Unit Development applications and make recommendations to the Village Council as provided in this Zoning Code.
- E. Review all special uses as identified in the respective zoning districts according to provisions and criteria stated in this Zoning Code.

- F. Carry on a continuous review of the effectiveness and appropriateness of this Zoning Code and recommend such changes or amendments as it feels would be appropriate.

**150.906 Duties of the Board of Zoning Appeals**

For the purpose of this Zoning Code the Board has the following specific responsibilities:

- A. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, interpretation, or determination made by the Zoning Inspector.
- B. Authorize such variances from the terms of this Zoning Code as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this Zoning Code will result in unnecessary hardship, and so that the spirit of this Zoning Code shall be observed and substantial justice done.

**150.907 Village Council**

The powers and duties of the Village Council pertaining to the Zoning Code are as follows:

- A. Approve the appointments of members to the Planning Commission.
- B. Approve the appointments of members to the Board.
- C. Initiate or act upon suggested amendments to the Zoning Code text or Official Zoning District Map. Final action upon a suggested zoning amendment shall be undertaken at a public hearing.
- D. Override a written recommendation of the Planning Commission on a text or map amendment provided that such legislative action is passed by a vote of not less than 3/4 of the Village Council.

**150.908 Schedule of Fees**

Until all such appropriate fees, charges, and expenses have been paid in full, no action shall be taken on any application, appeal, or administrative procedure.

|   |          |
|---|----------|
| Application for a Conditional Use Permit              | \$50.00  |
| Substantially Similar Use Determination               | \$50.00  |
| Application for Zoning Permit                         |          |
| Residential   | \$30.00  |
| Commercial  | \$50.00  |
| Industrial  | \$100.00 |
| Variance  | \$150.00 |
| Administrative Appeal                                 | \$50.00  |
| Application for Amendment to Zoning Code              | \$50.00  |
| Application for Amendment to Zoning Map<br>(Rezoning) | \$50.00  |
| Application for Planned Unit Development District     | \$250.00 |
| Application for Temporary Use Permit                  | \$50.00  |

Such fees shall be waived under the following circumstances:

- A. When an appeal is made by a political subdivision or instrumentality thereof.
- B. When an appeal is the result of property acquisition by a political subdivision.

Such fees may be reduced or waived only by the Village Council.

All fees shall be paid by check and shall not be refundable.

## **150.950 ZONING PERMIT REQUIREMENTS AND ENFORCEMENT**

### **150.951 Intent**

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

### **150.952 Zoning Permits Required**

No building or other structure shall be erected, moved, added to, or structurally altered; nor shall any building, structure, or land be established or changed in use; nor shall any accessory use or structure, sign, or swimming pool be installed without a permit issued by the Zoning Inspector. Zoning Permits shall be issued only in conformity with the provisions of this Zoning Code unless the Zoning Inspector receives a written order from the Board deciding an appeal, conditional use, or variance, or from Village Council, approving a Planned Unit Development District, as provided by this Zoning Code.

### **150.953 Contents of Application for Zoning Permit**

The Application for Zoning Permit shall be made in writing and be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within 1 year or substantially completed within 2 years. At a minimum, the application shall contain the following information and be accompanied by all required fees:

- A. Name, address, and phone number of owner.
- B. Legal description of property or lot number.
- C. Existing use.
- D. Proposed use.
- E. Zoning District.
- F. Plans in triplicate drawn to scale, showing the actual dimensions and the shape of the lot to be built upon; the exact size and location of existing buildings on the lot, if any; and the location and dimensions of the proposed building(s) or alteration.
- G. Building heights.
- H. Number of off-street parking spaces or loading berths, and their layout.

- I. Location and design of access drives.
- J. Number of dwelling units.
- K. Signage information, if applying for a Zoning Permit for a sign.
- L. If applicable, application for a Conditional Use Permit, or a Temporary Use Permit, unless previously submitted.
- M. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of this Zoning Code.
- N. Site plan in triplicate to the required contents stated in Section 150.934 Site Plan Required Contents for any new construction, of any principally or conditionally permitted use, except single-family and two-family dwellings.
- O. Plans in triplicate showing that the residential unit meets the residential design and appearance standards in Section 150.315 Residential Design and Appearance Standards.
- P. Detention basin information.
- Q. Flood Zone information.
- R. Type of dust-free, hard surface.

**150.954 Site Plan Required Contents**

A site plan submission shall contain the following:

- A. The accurate dimensions and size of the site area as well as the topography of the site and immediately adjoining lands within 50 feet of the property line at 1-foot intervals.
- B. The locations and dimensions of all existing and proposed streets, courts and pedestrian walkways within and abutting the site, as well as the location, size, and means of ingress and egress of all off-street loading and parking areas. The location and arrangements of the parking areas and access shall also be shown, and the means of defining parking areas and access lanes, via curbs, bumper blocks, railroad ties, or physical obstructions or other methods approved by the Village Engineer, shall be illustrated. All proposed signs shall be shown, detailing location, dimensions, height and, where applicable, verbiage.
- C. The location and size of all existing and proposed buildings and structures within the site and on adjoining lands, within 50 feet of the property line, as well as the existing or



proposed use of such building or structure, including the number, type, and floor area of commercial uses to be accommodated in each.

- D. A complete utilities plan, providing electric, gas, telephone, cable television, storm sewer, water, and sanitary sewer services, including connections to existing service lines and existing and proposed easements. Such plans shall comply with the Village of Cridersville Design Criteria and Construction Standards and Drawings.
- E. The location, size, and type of fire hydrants; building plans; fire suppression system plans; fire department access areas; and fire lane signage. Such plans shall comply with state and local Building and Fire Codes and shall be approved by the Fire Chief (or authorized representative),
- F. A grading and drainage plan to illustrate proposed grading of the site and methods used to comply with Village storm water runoff, erosion, and sediment control specifications found in the Village of Cridersville Design Criteria and Construction Standards and Drawings.
- G. A landscaping plan showing the location and types of screen planting, buffer areas, manmade screening, and other features, which shall enhance the site.
- H. An exterior lighting plan showing the location of lighting fixtures, their type and output as well as the proposed radius of lighted area for each fixture.
- I. The proposed internal vehicular circulation of access roads shall be delineated and related to connections with public streets. Existing and proposed traffic patterns and volumes and the anticipated effect on existing public streets serving the site shall be provided for the Village Engineer's review. Complexes shall provide curb or other types of internal access lane separations for parking spaces to assist in internal circulation and parking area delineation.
- J. The division of the development into sections shall be delineated if staged construction is contemplated, as well as which parking areas and other improvements shall be provided for each stage of development.
- K. Proposed complexes designed for condominium, cooperative, or other multiple ownership arrangements shall indicate proposed individual, joint, or common ownership areas to assure maintenance and operation of common features such as lighting and parking facilities. Any arrangements requiring subdivision approval shall also be subject to the Subdivision Regulations.

### **150.955 Approval of Zoning Permit**

Within 30 days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in accordance with the provisions of this Zoning Code. All Zoning Permits shall, however, be conditional upon the commencement of work within 1 year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by the Officer's signature on such copy. One copy of plans, similarly marked, shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Zoning Code.

### **150.956 Failure to Obtain a Zoning Permit**

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

### **150.957 Construction and Use to be as Provided in Applications, Plans, and Permit**

Zoning Permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or construction. Use, arrangement, or construction contrary to that authorized shall be deemed a punishable violation of this Zoning Code.

### **150.958 Complaints Regarding Violations**

Whenever a violation of this Zoning Code occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Zoning Code.

### **150.959 Entry and Inspection of Property**

The Zoning Inspector is authorized to make inspections of properties and structures in order to examine and survey the same, at any reasonable hour, for the purpose of enforcing the provisions of this Zoning Code. Prior to seeking entry to any property or structure for such examination or survey, the Zoning Inspector shall attempt to obtain the permission of the owner or occupant to inspect. If such permission is denied or cannot be obtained, the Zoning Inspector shall request the assistance of the Law Director in securing a valid search warrant prior to entry.

### **150.960 Stop Work Order**

Subsequent to his determination that work is being done contrary to this Zoning Code, the Zoning Inspector shall write a stop work order and post it on the premises involved. Removal

of a stop work order, except by the order of the Zoning Inspector, shall constitute a punishable violation of this Zoning Code.

### **150.961 Zoning Permit Revocation**

The Zoning Inspector may issue a revocation notice to revoke a permit or administrative approval which was issued contrary to this Zoning Code or based upon false information or misrepresentation in the application.

### **150.962 Complaints Regarding Violations**

Whenever a violation of this Zoning Code occurs or is alleged to have occurred, any person may file a written complaint. Such complaint stating fully the causes and basis thereof shall be filed with the Zoning Inspector. The Zoning Inspector shall record properly such complaint, immediately investigate it, and take action thereon as provided by this Zoning Code.

### **150.963 Notice of Violation**

Whenever the Zoning Inspector or the Officer's agent determines that there is a violation of any provision of this Zoning Code, a warning tag shall be issued and shall serve as a notice of violation. Such order shall:

- A. Be in writing.
- B. Identify the violation.
- C. Include a statement of the reason or reasons why it is being issued and refer to the sections of this Zoning Code being violated.
- D. State the time by which the violation 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 States Post Office addressed to the person or persons responsible at a last known address. If a certified mail envelope is returned with endorsement 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 which shall be filed by the Zoning Inspector. Service shall be deemed complete when the fact of mailing is entered of record, provided that the ordinary mail envelope is not returned by the postal authorities with an endorsement showing failure of delivery; or

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

#### **150.964 Penalties and Fines**

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, move, repair, maintain, or structurally alter any building, structure, or land in violation of any provision of this Zoning Code or any amendment thereto. Any person, firm, or corporation who violates this Zoning Code or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100.00 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties provided in this Section.

Village utilities shall not be provided to any building, structure, or use which is in operation, or which is under construction, or has been constructed, in violation of these regulations.

#### **150.965 Additional Remedies**

Nothing in this Zoning Code shall be deemed to abolish, impair, or prevent other additional remedies as provided by law. In the event of a violation of any provision or requirement of this Zoning Code, or in the case of an imminent threat of such a violation, the Zoning Inspector, the Village Solicitor, or the owner of any neighboring property who would be especially damaged by such violation, may, in addition to other recourses provided by law, institute mandamus, injunction, abatement, or other appropriate actions to prevent, remove, abate, enjoin, or terminate such violation.

# Chapter 150 - Zoning Code

## Preamble

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 Application for Zoning Map Amendment  
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 Notice of Public Hearing to Newspaper  
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|---|---|

|                                      |                                    |
|--------------------------------------|------------------------------------|
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| Loading Space                        | Rear Lot Line                      |
| Lot                                  | Rear Yard                          |
| Lot Coverage                         | Reconstructed                      |
| Lot Line                             | Recreation Vehicle                 |
| Lot Measurements                     | Restaurant; Standard               |
| Lot; Minimum Area of                 | Restaurant; Fast Food              |
| Lot of Record                        | Right-of-Way                       |
| Lot Types                            | Satellite Signal Receiver          |
| Lumber Yards and Building Materials  | Screening                          |
| Sale and Storage                     | Seat                               |
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| Mini-Warehouse                       | Service Station                    |
| Mobile Home                          | Setback Line                       |
| Mobile Home Court                    | Side Lot Line                      |
| Motel                                | Side Yard                          |
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| Nonconformities                      | Street                             |
| Nurseries and Garden Supplies Stores | Structure                          |
| Nursing Home                         | Structural Alteration              |
| Off-Street Parking                   | Swimming Pool                      |
| Open Space                           | Tavern                             |
| Parking Lot                          | Temporary Use of Building          |
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| Personal Services                    | Through Lot                        |
| Pet Shops                            | Trailer Park                       |
| Places of Worship                    | Transportation Terminals           |
| Planned Unit Development (PUD)       | Two-Family Dwelling                |
| Planning Commission                  | Use                                |
| Pool; Swimming                       | Variance                           |
| Preexisting Use                      | Vision Clearance on Corner Lots    |
| Principal Use                        | Warehouse                          |
| Private Schools                      | Vehicle Sales, Rental, and Service |
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Zoning Permit  
Revocation of Zoning Permit  
Statement of Zoning Violation  
Notice of Zoning Violation  
Stop Zoning Application  
Application for Temporary Use Permit  
Temporary Use Permit  
Application for Administrative Appeal  
Application for Variance  
Application for Conditional Use Permit  
Application for Zoning Map Amendment  
Application for Zoning Text Amendment  
Notice of Public Hearing to Newspaper  
Notice of Public Hearing to Property Owner