

VILLAGE OF ELIDA

ZONING ORDINANCE

Passed: March 4, 2014

Ordinance No. 1045-2014
AMENDED ORDINANCE #: 1134-2018

PREAMBLE

AN ORDINANCE: TO PROVIDE FOR THE DIVISION OF THE VILLAGE OF ELIDA, OHIO INTO DISTRICTS FOR THE PURPOSE OF LIMITING AND THE REGULATION OF HEIGHT BULK AND LOCATION INCLUDING PERCENTAGE OF LOT LINES AND AREA AND DIMENSIONS OF YARDS, COURTS AND OTHER OPEN SPACES AND THE USES OF BUILDINGS, OTHER STRUCTURES AND TO PROVIDE PROCEDURE FOR THE CHANGE OF SUCH DISTRICTS AS MAY FROM TIME TOTIME BE REQUIRED.

The Planning Commission of the Village of Elida, County of Allen and the State of Ohio has certified to the Council thereof a zoning text as amended and map for the districting of the Village according to the use of buildings and other structures and of premises. The Council has determined that in the interest of promoting the public health, safety, convenience, comfort, prosperity and general welfare, it is necessary that it regulate and restrict the location of buildings and other structures and of premises to be used for trade, industry, residence or other specified uses. It is therefore necessary for Council to provide for the districting of the Village into such areas as are required to carry forth the intention heretofore expressed. It is therefore necessary to provide regulations for each of such districts, designating the kinds or classes of trades, industries, residences or other purposes for which buildings or other structures or premises may be permitted to be erected, altered or used.

A public hearing was scheduled on November 14, 2011, at 7:00 p.m. in the Council Chambers of the Village of Elida. The Clerk of the Village has caused to be published in a newspaper of general circulation in the Village of Elida, a Legal Notice of the time, place and subject of the said hearing at least thirty (30) days in advance .of the date thereof, as set forth hereinbefore. During the period of thirty (30) days next following the publication of the Legal Notice as hereinbefore set forth, a complete set as amended and zoning map or a copy thereof, of this Ordinance, as submitted by the Planning Commission was on file for public examination in the office of the Clerk of the Village.

The Council authorized a public hearing to be held in regard to the plan as amended and certified thereto by the said Planning Commission on the 26th day of August, 2014 at 7 o'clock p.m,Eastern Daylight Savings Time in the Council Chambers of said Village located at 200 East Main Street, Elida, Ohio, as the time and place for the said public hearing.

The Clerk of the Village has caused to be published in the Lima News, a newspaper of general circulation in the Village of the time, place and subject of the said hearing at least thirty (30) days in advance of the date thereof, as set forth hereinbefore. During the period of thirty (30) days next following the publication of the Legal Notice as hereinbefore set forth, a complete text as amended and zoning map or a copy thereof, of this Ordinance, as submitted by the Planning Commission was on file for public examination in the office of the Clerk of the Village.

Upon Public Hearing and after consideration of this matter, it is hereby determined by the Council that it would be conducive to the public interest to proceed with the plan as amended and proposed by the Planning Commission. The Planning Commission has approved this ordinance establishing a general and comprehensive zoning text and map as amended for the Village of Elida

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ARTICLE 1
TITLE

VILLAGE OF ELIDA, OHIO ZONING ORDINANCE: This ordinance shall be known and may be cited and referred to as the Village of Elida, Ohio, and Zoning Ordinance.

ARTICLE 2
PROVISIONS DECLARED MINIMUM STANDARDS

In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Wherever, this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions, the provisions of this ordinance shall govern.

ARTICLE 3
SEVERABILITY AND REPEAL

- 3.0 SEVERABILITY: This ordinance and the various parts, articles and paragraphs thereof are hereby declared to be severable. If any article, section, subsection, paragraph, sentence or phrase of this ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- 3.1 REPEAL: All other ordinances of the Village inconsistent herewith and to the extent of such inconsistency and no further are hereby repealed.

ARTICLE 4 DEFINITIONS

For the purpose of this ordinance, certain terms are herein defined. All words used in the present tense include the future tense. All words in the singular include plural and all words in the plural include the singular. The word "shall" is mandatory and not directory. The word "used", shall be deemed to include "designed, intended or arranged to be used".

ABUTTING: Abutting shall mean bordering.

ACCESSORY BUILDING: A subordinate building, located on the same lot as the main building, the use of which is naturally and normally incidental and subordinate to that of the dominant use of the main building or land. No accessory buildings shall be used for any purpose other than that allowed by existing or future village ordinances.

ACCESSORY USE: An accessory use is a subordinate use customarily incidental to and located on the same lot occupied by the principle use, and the term as herein defined shall include in its definition any improvement appurtenant to such lot.

AGRICULTURE: The use of land for agricultural purposes, including farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and animal and poultry husbandry and the necessary accessory uses for packaging, treating or storing the produce.

ALCOHOLIC BEVERAGE: Alcoholic beverage embraces any liquid designed or commonly used for human consumption, as a beverage, containing any percentage of grain or ethyl alcohol by volume and shall not be limited to "intoxicating liquor" and "liquor" as defined in section 4301.01(a)(1), Ohio Revised Code.

ALIGNMENT: Alignment shall mean location with reference to a line touching the foremost enclosed portions of buildings.

ALLEY: Alley shall mean a public way, contemplated for the use of vehicular traffic, which affords secondary means of access to property abutting thereon.

ALLEY LINE: Alley line shall mean a lot line bordering on any alley.

ALTERATION, STRUCTURAL: Any change or replacement which would tend to prolong the life of the supporting or structural members of any building or structure, such as bearing walls, columns, joists, beams, girders, etc.

APARTMENT: See Dwelling Unit.

APARTMENT HOTEL: A building designed for or containing both dwelling units and Individual guest rooms or suites of rooms, which building may include accessory uses.

AUTOMOTIVE REPAIR: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision services, painting and steam cleaning of vehicles.

AUTOMOBILE SERVICE STATION: A building, structure or land used for dispensing, sale or offering for sale at retail of any automobile fuels, oils or minor accessories and other customary incidental service.

AUTOMOBILE WRECKING: The dismantling or wrecking of motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

BASEMENT: That portion of a building the floor of which is four (4) feet, six (6) inches or more below grade and the ceiling is not more than four (4) feet, six (6) inches above grade. A basement shall be included for purposes of square footage and height measurement if used for dwelling or business purposes.

BASEMENT - SPLIT LEVEL: Interpreted as living space, with the exception that the floor is four (4) feet, six (6) inches or less below grade and the ceiling is more than three (3) feet, six (6) inches above grade.

BED AND BREAKFAST: A private residence which provides lodging and meals for guests, in which the host or hostess resides and in which no more than two guest families are lodged at the same time and which, while it may advertise and accept reservations, does not hold itself out to the public to be a restaurant, hotel or motel, does not require reservations, and serves food only to overnight guests.

BEGINNING OF CONSTRUCTION: The incorporation of labor and material within the walls of the building or buildings; the incorporation of labor and material at the site, lot or parcel where a building is to be constructed; the incorporation of labor and material where land is to be used for purposes other than construction of a building.

BOARD: The Board of Zoning Appeals in the Village of Elida as established by Article 28 of this Ordinance.

BOARDING HOUSE: A dwelling or part thereof where lodging and meals for three (3) or more persons are served for compensation by previous arrangement but not transients.

BUILDING: Any structure constructed or used for residential, business, industrial or other public or private purposes, or accessory therein, and including tents, lunch wagons, dining cars, trailers, billboards, signs or similar structures whether stationary or movable located either under or above the surface of the ground.

BUILDING LINE: The line beyond which no building or part thereof shall project, except as otherwise provided by this Ordinance.

BUILDING - FRONT LINE OF: The line of that face of the building nearest the front line of the lot including sunrooms and porches.

BUILDING - HEIGHT OF: The vertical distance from the grade in the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the mean height level between waves and ridge for gable, hip or gambrel roofs.

BUILDING, MAIN OR PRINCIPLE: A building in which is conducted the principle use of the lot on which it is situated.

BUSINESS: The engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, the maintenance or operation of offices, or recreational and amusement enterprises for profit.

CAMP, PUBLIC: Any area or tract of land used or designed to accommodate two (2) or more automobile house trailers, tents, cabins or other camping outfits.

CHILD DAY-CARE: Administering to the needs of infants, toddlers, pre-school children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four (24) hour day in a place or residence other than the child's own home. The following are child day-care facilities:

- a) Child Day-Care Center: Any place in which child day-care is provided, with or without compensation, for thirteen (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 seven (7) to twelve (12) children at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.
- b) Type A Family Day-Care Home: A permanent residence of the administrator in which child day-care is provided for four (4) to twelve (12) children at any one time if four (4) or more children are under two (2) years of age. In counting children for the purposes of this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the Type A home shall be counted. The term "Type A Family Day-Care Home" does not include a residence in which the needs of children are administered to if all such children are siblings of the same immediate family and the residence is their home.
- c) Type B Family Day-Care Home: A permanent residence of the provider in which child day-care or child day-care services are provided for one (1) to six (6) children at one time and in which no more than three (3) children may be under two (2) years of age at any one time. In counting children for the purposes of this definition, any children under six (6) years of age who are related to the provider and are on the premises of the Type B home shall be counted. The term "Type B Family Day-Care Home" does not include a residence in which the needs of children are administered to if all such children are siblings of the same immediate family and the residence is their home.

CLINIC: A place used for the care, diagnosis and treatment of sick, ailing, infirm or injured persons and those who are in need of medical surgical attention, but who are not provided with room or board or kept overnight on the premises.

CLUB: A building or portion thereof or premises owned, used or operated by a corporation, association, person or persons for social, educational or recreational purposes but not primarily for profit or to render a service which is customarily carried on as a business.

COMMISSION: Planning Commission of the Village of Elida, Ohio.

DECK: A structure with elevated supporting frame on front, side or rear wall of a building, the floor of which is not to exceed the floor level of the second story.

DISTRICT: All properties or lots of the same use, height and area classification which adjoin or are continuous without intervening property of another classification and regardless of any street, alley, easement or reserve that may intervene shall constitute a district.

The greatest dimensions of the area included in a district shall be the length of the projection of the district upon the centerline of a street which passes through the district upon which the property abuts, such projections being made at right angles to the street.

DRY CLEANING ESTABLISHMENT: Dry cleaning establishment is a use involving the cleaning or dyeing of fabrics by the use of mechanical appliances and the use of chemicals or products other than water.

DWELLING: Any permanent building or portion thereof which is designed for or exclusively for residential purposes (Parents and children, or unmarried couples/with children) containing one or more dwelling units.

DWELLING. SINGLE FAMILY: A detached building containing one (1) dwelling unit and designed for or occupied by only one (1) family.

DWELLING. TWO (2) FAMILY: A detached or semi-detached building containing two (2) dwelling units and designed for or occupied by two (2) families.

DWELLING. MULTIPLE: A building or portion thereof, containing three (3) or more dwelling units, designed for or occupied as the home of three (3) or more families living independently of each other.

DWELLING UNIT: A group of rooms located within a building and forming a single-habitable unit with facilities which are used or intended to be used for living, sleeping, cooking and eating purposes.

ERECT: Erect shall mean construct, build, raise or establish either under, upon or above the ground surface.

ESSENTIAL SERVICES The erection, construction, alteration or maintenance by public utilities or municipal or other governments of underground or overhead gas, electrical, steam or water transmission or distribution systems, collections, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants, and other similar equipment, and accessories in connection therewith; reasonable necessity for the furnishing of adequate service by such public utilities or municipal or other government or for the public health or safety or general welfare, but not including buildings. This is a permitted use in all districts.

EXISTING SETBACK: The existing setback is established by two (2) or more existing dwellings and/or structures on the same side of the road/street and being between two (2) street or road intersections. The setbacks of the existing dwellings/structures will be used to calculate an average, which will be considered the *existing* setback.

EXPLOSIVE: A chemical or material used to create an explosion.

EXTEND: Extend shall mean to enlarge or increase area used or occupied.

FAMILY: One (1) or more persons occupying a premises or living as a single housekeeping unit, provided that unless all members are related by blood, adoption or marriage, no such family shall contain over five (5) persons.

FENCE: A structure used for purposes of aesthetics, security or privacy. There shall be no setback requirement for rear yards. All fences and walls are to be considered structures for the purpose of constructing and siting.

FLOOR AREA: The sum of the gross horizontal areas of the several stories of a building measured from the exterior faces of the building, but excluding unfinished basements, garages, porches, and breezeways whether or not enclosed.

FRONTAGE: All of the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating) measured along the line of the street, or the entire street if not intersected, or if the street is dead ended, then all of the property abutting on one (1) side between an intersecting street and the dead end of the street.

FRONT OF A BUILDING; FRONT LINE OF A BUILDING; BUILDING LINE: Shall mean respectively, that portion, building line or yard line, adjacent to or fronting on a street or alley line in the sense of affording principle access to the building.

GARAGE-PRIVATE: An accessory building or portion of the main building designed or used for the parking or temporary storage of motor vehicle owned or used by the occupants of the building to which it is accessory; not more than one (1) of such vehicles may be a commercial vehicle not exceeding one and one-half (1 1/2) ton capacity. Within a private garage no occupation, trade, business or service connected in any way with motor vehicles may be carried on.

GARAGE-PUBLIC: A building or portion thereof, other than a private or storage garage, designed or used for equipping, servicing, repairing, hiring, selling or storing motor-driven or related vehicles.

GARAGE-STORAGE: A building or portion thereof designed or used exclusively for storage of motor driven or related vehicles and at which motor fuels and oils are not sold and such vehicles are not equipped, serviced, repaired, hired or sold.

GARDEN POND: In ground or above ground body of water, which includes aquatic vegetation and wildlife, used for landscaping purposes, and is not intended for human use.

GRADE: Finished grade shall be one (1) foot to three (3) feet above the level of the centerline of the street.

HOME OCCUPATIONS: An occupation conducted in a dwelling unit, provided that:

1. No more than one person other than members of the family residing on the premises shall be engaged in such occupation;
2. The use of the dwelling units for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent (25%) of floor area of the dwelling units shall be used in the conduct of the home occupation or office;
3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding four square feet in area, non-illuminated and mounted flat against the wall of the principal building;
4. No traffic shall be generated by such home occupation in greater volume than would normally be expected in a residential neighborhood and any need for parking generated by the conduct of such home occupation shall meet the off-street parking requirements as specified in this ordinance and shall not be located in a required front yard;
5. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence. In the case of the electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.

HOSPITAL: An institution for surgical or medical care equipped for the overnight stay of sick or injured persons.

HOTEL: A building in which lodging or boarding and lodging are provided and offered to the public for compensation and in which ingress and egress to and from all rooms is made through an inside lobby or office normally supervised by a person in charge at all

hours. As such, it is open to the public as distinguished from a boarding house, a lodging house or an apartment which are herein separately defined.

INDUSTRY: Industry embraces any operation involving the manufacture, production, processing or conversion of any material into a finished product, or product needing only a relatively small degree of further processing to result in its capability for sale as an article of use.

INSTITUTION: A building occupied by a non-profit corporation or a non-profit establishment for public use.

JUNK: Junk as used in this ordinance shall be deemed to be any personal property which is or may be salvaged for reuse, resale, reduction or similar disposition or which is possessed, transported, owned, collected, accumulated, dismantled or assorted for the aforesaid purposes.

JUNK YARD: Pursuant to Section 4737.05(B) of the Ohio Revised Code or in such statute as may hereafter be amended, any area where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including auto wrecking yards, house wrecking yards, used lumber yards and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, but not including areas where such uses are conducted entirely within a completely enclosed building, and not including establishments for the sale, purchase or storage of used furniture and household equipment, used cars in operable condition, salvaged machinery, and the processing of used, discarded or salvaged materials as part of manufacturing operations.

KENNEL-ANIMAL: Any lot or premises on which four or more domesticated animals, other than horses, more than six months of age are housed, groomed, bred, boarded, trained or sold which may or may not offer provisions for minor medical treatment.

LAUNDRY-AUTOMATIC: A business that provides home-type washing, drying and/or ironing machines for hire to be used by customers on the premises or operated for the benefit of retail customers who bring in and call for laundry.

LEAST DIMENSION: The least dimension of a lot is the least of the horizontal dimensions of such lot, and if two opposite sides of a lot are not parallel, such least dimension shall be deemed to be the mean distance between them, but shall be not less than sixty-percent (60%) of the longest of such distance.

LOADING SPACE: A space within the main building or on the same lot providing for the parking, loading or unloading of trucks.

LODGING OR ROOMING HOUSE: A dwelling or part thereof where lodging is provided for three (3) or more but not more than ten (10) persons.

LOT: For the purpose of this Ordinance, 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, and may consist of: (1) a single lot of record; (2) a portion of a lot of record; or (3) a combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.

LOT - AREA: The total area within the lot lines of a lot, not including any portion of a publicly dedicated street or road right-of-way.

LOT - CORNER: A lot abutting upon two (2) or more streets at their intersection.

LOT - DEPTH OF: The average horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.

LOT - INTERIOR: A lot other than a corner lot or through lot, with frontage on only one street.

LOT LINES: The property lines between two (2) established parcels of land or one (1) parcel and public property.

- a) The front lot line is the line separating the lot from a street. In the case of corner lots, the street lot line of least dimension shall be deemed to be the front lot line and the other street lot line, or lines, shall be deemed to be side lot lines, except in cases where deed restrictions or usage in effect specify another line as the front lot line. In the event such street lot lines are of equal dimensions, the front lot lines shall be as designated by the Board of Zoning and Building Appeals.
- b) The rear lot line is the lot line opposite and most distant from the front lot line.
- c) The side lot line is any lot line other than a front or rear lot line.
- d) A street lot line is the lot line separating the lot from a street, an alley lot line is the line separating the lot from an alley.

LOT OF RECORD: A lot which is part of a subdivision, the map of which has been recorded in the office of the County Recorder of Allen County, Ohio; or a parcel of land described by metes and bounds, the description of which has been recorded in the office of the County Recorder of Allen County, Ohio.

LOT - THROUGH: A lot having frontage on two (2) streets, as distinguished from a corner lot.

LOT - WIDTH OF: The distance measured between the side lot lines at the front building lines.

MANUFACTURED HOME: A building or unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal

construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the "Manufacturing Housing Construction and Safety Standards Act of 1974, 88 stat. 700, 42 U.S.C.A. 5401, 5403 and that has a permanent label or tag affixed to it, as specified in 42 5415, certifying compliance with all applicable federal construction and safety standards.

MANUFACTURED HOME-PERMANENTLY SITED: A manufactured home that meets all of the following criteria:

- a) The structure is affixed to a permanent foundation and is connected to appropriate utilities;
- b) The structure, excluding any addition, has a width of at least twenty-two (22) feet at one point, a length of at least twenty-two (22) feet at one point, and a total living area, excluding garages, porches or attachments of at least thirteen hundred (1300) square feet;
- c) The structure has a minimum 3:12 residential roof pitch, conventional residential siding, and six (6) inch minimum eave overhang, including appropriate guttering;
- d) The structure was manufactured after January 1, 1995; and,
- e) The structure is not located in a manufactured home park as defined by Section 3733.01 of the Ohio Revised Code.

MEDICAL CENTER: A principle building used by one (1) or more physicians, surgeons or dentists as offices, clinics, laboratories and operating rooms for the diagnosis and treatment of human ailments and the care of patients before and after operations.

MINERAL: Any chemical compound occurring naturally as a product of inorganic processes.

MIXED OCCUPANCY: A single piece of property on which two (2) or more different uses, as defined in this ordinance, is contemplated or in existence.

MOBILE HOME: A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length or, when erected on site is three hundred twenty (320) or more square feet, is built on a permanent chassis, is transportable in one or more sections, and does not qualify as a manufactured home as defined in Division (C)(4) of Section 3781.06 of the Ohio Revised Code or as an industrialized unit as defined in Division (C)(3) of Section 3781.06 of the Ohio Revised Code.

MOTEL: A series of attached, semi-attached or detached sleeping or living units, for the accommodation of automobile transient guests, said units having convenient access to off-street parking spaces, for the exclusive use of the guests or occupants.

NON-CONFORMING USES: A lawful use of land or of a building, or portion thereof, at the effective date of this ordinance or at the effective date of an amendment thereto or change of the District Map which use does not conform after the passage of this

Ordinance or amendment thereto or change in the District Map with the use requirements of the District in which it is situated.

NURSING HOME: A home for the aged, chronically ill or incurable persons in which three (3) or more persons not of immediate family are received, kept and provided with food or shelter and care, for compensation but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured.

PARK: An area of land set aside for public use with few or no buildings, maintained for recreational and ornamental purposes.

PARKING LOT: An area of land, the primary use of which is for the parking of motor vehicles.

PARKING SPACE: A surfaced area, either enclosed in the main building or in an accessory building or unenclosed, having an area of not less than two-hundred (200) square feet exclusive of driveways, for the parking of one (1) automobile and connected with a street or alley in a surfaced driveway which affords satisfactory ingress and egress.

PATIO: An uncovered surfaced area in direct contact with the ground.

PERSON: Person shall include an individual, partnership, corporation, club or association.

PLANNED UNIT DEVELOPMENT: An area of land in which a variety of housing types and subordinate commercial and industrial facilities are accommodated in a pre-planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such development contains requirements in addition to those of the standard subdivision, such as building design principles and landscaping plans.

POND: A natural or artificially formed structure with an enclosed body of water more than 600 gallons. The Village of Elida recognizes inherent differences in the character and use of ponds and regulates the following type of ponds; detention ponds, retention ponds, agricultural ponds and aesthetic ponds. Ponds shall be permitted as an accessory use in all districts subject to specific conditions and permit.

PORCH: A roofed, open structure projecting from the front, side or rear wall of the building without any enclosed features of glass, wood or other material, except screens and support structures.

PREMISES: Premises shall include lands and all things of a permanent nature which may be appurtenant thereto.

PRIVATE RESIDENCE: Private residence is a place of usual or customary abode.

PROFESSIONAL OFFICE: Office of members of recognized professions.

PUBLIC NOTICE: Public notice as used in conjunction with this Ordinance shall mean and conform to the provisions of Section 713.12, Ohio Revised Code.

PUBLIC SERVICE FACILITY: Buildings, power plants or substations, water treatment Plants or pumping stations, sewage disposal or pumping plants and other similar public service or structures owned by a public utility, a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communications, public water and sewage services.

PUBLIC UTILITY: Any person, firm, corporation, municipal department or board, duly authorized to furnish under state or municipal legislation, to the public electricity, sewers, gas, communication services, transportation or water.

QUASIPUBLIC USE: Churches, Sunday schools, parochial schools, colleges, hospitals and other facilities of an education, religious, charitable, philanthropic or non-profit nature.

REAR OF A BUILDING - REAR LINE OF A BUILDING - REAR YARD LINE: Rear of A building, rear line of a building, rear yard line shall mean respectively that portion, building line or yard line opposite to the front line of a building, whether or not affording service access to the building.

REGIONAL PLANNING COMMISSION: The Lima-Allen County Regional Planning Commission.

RESIDENCE: Residence shall be a general term implying a place of human habitation and embracing either single family house or multiple family house as defined in this ordinance.

ROADSIDE STAND: A temporary structure designed or used for the display or sale of agricultural products produced on the premises upon which a stand is located.

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 (1), or both 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.

SETBACK: The minimum horizontal distance between the street line and the building or any projection thereof, accepting such projection as may be allowed by this Ordinance and subsequent amendments thereto.

SHALL: The word "shall" as used in this Ordinance is always mandatory.

SIGN: Refer to Article 24 for all definitions related to signage.

SLAUGHTERHOUSE: A slaughterhouse is a use or building arranged, used or devoted to the killing and processing of animals for human consumption.

SMALL STORAGE BUILDING (Yard Barns): Not to exceed one hundred ninety-two (192) square feet and no more than twelve (12) feet in overall height (e.g. 12' x' 16' x12') in size are permitted as ancillary uses in R-1 residential districts for use by the property owners. Such storage shall be restricted to the housing of inanimate objects only including lawn and garden supplies and equipment, lawn furniture and recreational items. No commercial storage of saleable items is allowed, nor are any improperly stored hazardous materials as per Section (C)FM-2303.1 through F.2303.3 of the Ohio Fire Code. Zoning permits are required and all yard setbacks apply as specified in Appendix A, Summary of Zoning Districts.

SOLID WASTE: Any residual solid or semi-solid material which results from any industrial, commercial, agricultural, or municipal and community operations, including any materials from any construction, mining, or demolition operation, or other waste material normally included and associated with demolition debris, fly ash, spent foundry sand, slag, and any other substances that are or may be harmful or inimical to public health and well-being, including garbage, combustible and non-combustible material, dirt, debris, and other waste products.

SOLID WASTE DISPOSAL: The deposition, injection, discharge, dumping, spilling, leaking, admitting, or placing of any solid waste into or on any land or ground or surface water or into the air, including, but not limited to, land filling, incineration, composting, or treatment by any other means.

SOLID WASTE DISPOSAL FACILITY: Any site, location, tract of land, installation, or building, used for solid waste disposal including, but not limited to, incineration, composting, sanitary and filling, or other methods of disposal of solid waste or for the temporary or permanent storage, treatment, or disposal of solid or hazardous waste.

SPECIAL EXCEPTION: As related to Article 28.9, a special exception is a general allowance or exception that can be granted by the Board of Zoning Appeals related specifically to the various circumstances described in 1 through 5 of 28.9. It is separate from a conditional use and from an interpretation of the zoning map.

STANDARD EQUIPMENT: A criterion for the control of specific types of industrial equipment and the placement (or installation) of said industrial equipment relating to a specific manufacturing plant or process.

STANDARD PERFORMANCE: A set of standards (instructions) established by the manufacturer of industrial equipment concerning the proper operation of said manufacturing

equipment. These standards being developed by the manufacturer in the interest of protecting the public health and safety for the control of noise, odor, smoke, noxious gases and other objectionable or dangerous elements generated by and inherent in or incidental to land uses affected by the industrial equipment.

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

STORY - HALF: A partial story under a roof the wall plates of which on at least two (2) opposite exterior walls are more than two (2) feet, but not more than five (5) feet above the floor of such story, except that any partial story used for residence purposes, other than by a family occupying the floor immediately below it, shall be deemed a full story.

STREET: A public or private way dedicated to public travel thirty (30) feet or more in width. The word "street" shall include the words road, highway and thoroughfare, and shall also include avenue, drive, circle, parkway, boulevard and/or other similar term.

STREET ROAD LINE - ALLEY LINE: A dividing line between a lot, tract or parcel of land and continuous street, road or alley.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include (unless otherwise defined elsewhere in this Ordinance), but are not limited to: Buildings, mobile homes, walls, landscape walls over 24" in height, fences, signs, swimming pools, tennis courts, and ponds.

SUITABLE SCREENED OR FENCED: A neat, orderly and healthy screen of evergreen or other suitable plant material not less than three (3) feet in height and with an expected normal growth of at least five (5) feet in height, protected by a galvanized wire link fence of at least five (5) feet in height. A wooden or wire link fence when appropriate. Bumper guards or wheel stops to prevent damage to the screen or fence by automobiles shall be provided when the required screen or fence surrounds parking lots or spaces.

SUPPLY FACILITY (not Yard): A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain and similar goods.

TERRACE: A natural or artificial embankment between a building and its lot line. The "height of terrace" shall be the difference in elevation between the curb level and the top of the terrace at the center of the building wall.

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

- a) Alley: A minor street 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 large volume of traffic, usually on a continuous route.
- c) Collector Street: A thoroughfare, whether within a residential, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including principal entrance and circulation routes within residential subdivisions.
- d) Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- e) Dead-End Street: A street temporarily having only one (I) outlet for vehicular traffic and intended to be extended or continued in the future.
- f) Local Street: A street primarily for providing access to residential or other abutting property.
- g) Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred eighty (180) degree system of turns are not more than one thousand (1,000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
- h) Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial collector streets.

TRADE: Trade embraces such commercial activities as are entailed in the interchange of goods and materials but does not include operations dealing with the manufacture of goods and materials.

TRAILER and/or MOBILE/MOTOR HOMES: A transportable dwelling unit suitable for year round occupancy and containing the same water supply, waste disposal, and electrical conveniences as in immobile housing. The removal of wheels, frames, and/or other equipment used in transporting said mobile home and placement on a permanent foundation such as concrete blocks, poured concrete, or other materials used in permanent foundations shall not be cause for reclassification to that of a permanent or immobile home. In no event shall a mobile home, often referred to as a trailer, trailer coach, or trailer house, be considered as a permanent, immobile home.

TRAILER PARK OR MOBILE HOME PARK: A trailer park or mobile home park means any park, trailer park, trailer court, park, site, lot, parcel or tract of land designed, maintained or intended for the purposes of supplying a location or accommodations for any trailer coach and upon which any trailer coach is parked and shall include all buildings used or intended for use as part of the equipment thereof whether a charge is

made for use of the trailer park and its facilities or not. Trailer park or mobile home park shall not include automobile or trailer sales lots on which unoccupied trailers are parked for purposes of inspection and sale.

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

VARIANCE: A variance is a relaxation of the terms of this Zoning Ordinance. Where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of non-conformities in the zoning districts or uses in an adjoining zoning district, unless so authorized by this Ordinance.

VETERINARY ANIMAL HOSPITAL OR A place for the care, grooming, diagnosis and treatment of sick, ailing, infirm or injured animals and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

YARD: An open space at grade between a building and the adjoining lot lines unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of the rear yard, the minimum horizontal distance between the lot line and the main building shall be used.

YARD - FRONT: An open, unoccupied space on the same lot with the building extending across the entire width of the lot between the principle building and the right-of-way line or street line which the building faces.

YARD - REAR: The open, unoccupied space on the same lot with the building extending across the entire width of the lot between the rear lot line and the nearest part of the principle building.

YARD - SIDE: An open unoccupied space on the same lot with the building extending along the side lot line from the front yard to the rear yard and lying between the side lot line and nearest part of the principle building.

ZONING CERTIFICATE: A document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

ZONING INSPECTOR: The Zoning Inspector of the Village of Elida, Ohio, or his/her authorized representative.

ZONING MAP: The Zoning Map of the Village of Elida, Ohio together with all amendments subsequently adopted.

ZONING PERMIT: A document issued by the Zoning Inspector authorizing the construction of a new building or the alteration of an existing building or site. Said permit shall be issued within thirty (30) days after a written request for the same has been made to the Zoning Inspector or his/her agent, provided such construction or alteration is in conformity with the provisions of this ordinance.

ARTICLES
DISTRICTS AND BOUNDARIES THEREOF

5.0 DIVISION OF VILLAGE INTO DISTRICTS: For the purpose of this ordinance, the Village of Elida is hereby divided into eleven (11) zoning districts. Said districts are designated as follows:

FP	Flood Plain
R-1	Single Family Residence District
R-2	Low Density Residence District
R-3	High Density Residence District
B-1	Local Business District
B-2	General Business District
M-1	Light Manufacturing District
M-2	General Manufacturing District
MH	Mobile Home Park District
PBO	Professional and Business Office District
PUD	Planned Unit Development District

5.1 DISTRICTS AND BOUNDARIES ESTABLISHED: Said eleven (11) districts and boundaries thereof are hereby adopted and established as shown on the Zoning Map of the Village of Elida, which map, together with all notation, references, data, district boundaries and other information shown thereon, shall be and the same are hereby made a part of this ordinance. Said Zoning Map, properly attested, shall be and remain on file in the office of the Village of Elida. Said Zoning Map to be subject to change in accordance with this Ordinance.

5.2 DISTRICT BOUNDARIES: Except where references on said map to a street or alley line or other designated line by dimensions shown on said map, the district boundary lines follow lot lines or the center lines of streets or alleys as they existed at the time of the adoption of this Ordinance.

5.3 UNCERTAINTY AS TO DISTRICT BOUNDARIES: If the Village Planning Commission, in its consideration of determining the location such line or lines, is unable to agree as to such location as hereinbefore provided, then the question of location shall be certified to Council, and such body shall determine the location of such separating line, by a simple majority of a quorum, and by resolution, which need not be published.

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

5.5 PROPERTY NOT INCLUDED - ANNEXATIONS: In every case where property has not been specifically included within a district, the same is hereby declared to be in the R-1 District. Territory annexed to or consolidated with the Village subsequent to the effective date of this ordinance shall, upon the effective date of such annexation or consolidation become a part of the R-1 District (provided such territory is not subject to county or township zoning regulations at the time of annexation). Such districting shall be temporary and the Commission shall recommend to the Council within a period of not to exceed one (1) year from such date of annexation or consolidation a final zoning district for the annexed territory; provided, however, that nothing shall prevent the Commission

from recommending such final zoning map at the time of annexation or consolidation. (Upon annexation of territory which is subject to county and township zoning regulations at the time annexation, the zoning regulations then in effect shall remain in full force and shall be enforced by the respective county and township zoning officials until the Village Council, upon recommendation of the Commission, shall officially adopt new regulations for such territory in accordance with Article 29.

ARTICLE 6
EFFECTS OF DISTRICTING AND GENERAL REGULATIONS

6.0 CONFORMANCE REQUIRED: Except as hereinafter specified, no land, building, structure or premises shall hereafter be used, and no building reconstructed, extended, enlarged or altered except in conformity with the regulations herein specified for the district in which it is located; such buildings, structures or land, including performance standards for the control of any "dangerous or objectionable elements," as defined herein, in connection with such use; the height, size, dimensions of buildings or structures; the size or dimensions of lots, yards and other open spaces surrounding buildings; the provision, location, size, improvement and operation of off-street parking, loading and unloading spaces.

6.1 ADDITIONAL USES - BOARD OF ZONING APPEALS DETERMINATION: Uses other than those specifically mentioned in this ordinance as permitted uses in each of the districts may also be allowed therein, provided that, in the judgment of the Board of Zoning Appeals, as evidenced by resolution of record, such other uses are of similar character to those mentioned and will have no adverse influence or no more adverse influence on adjacent properties or the neighborhood or the community than the permitted uses specifically mentioned for the District.

6.2 PROHIBITED USES: Within the limits of the Village, no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for any of the following specified purposes;

- 6.2.1 Petroleum refining, blending or mixing of gasoline, benzol, kerosene or any volatile petroleum derivative.
- 6.2.2 Cement, lime, gypsum or plaster of paris manufacturer.
- 6.2.3 Chlorine or hydrochloric, nitric, picric or sulfuric acid manufacture or the smelting of any metallic ore.
- 6.2.4 The manufacture or storage of explosives, or any toxic material.
- 6.2.5 Distillation of bones, fat rendering, fertilizer manufacture or glue manufacture.
- 6.2.6 Hair manufacture, reduction or dumping of offal or dead animals.
- 6.2.7 Trailer or mobile home unless located in a Mobile Home Park District as provided for by Village Council.
- 6.2.8 Extraction of Minerals.

6.3 ADDITIONAL PROHIBITED USES - BOARD OF ZONING APPEALS

DETERMINATION: Uses other than those specifically prohibited in this Ordinance in any district shall also be prohibited therefrom, provided that in the judgment of the Board of Zoning Appeals, as evidenced by resolution of record, such other uses are similar in character to those specifically prohibited in that they would have similar or more serious adverse influence on adjacent properties or the neighborhood or the community than the uses specifically mentioned as prohibited in the District.

6.4 CONVERSION OF DWELLINGS: The conversion of any building into a dwelling or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this ordinance and only when the resulting occupancy will comply with the requirements governing new construction in such district, with respect to minimum lot size, lot area per dwelling unit, percentage of lot coverage, dimensions of yard and other open spaces and off-street parking. Each conversion shall be subject also, to such further requirements as may be specified hereinafter within the Article applying to such district. The aforesaid requirements with respect to lot coverage, yards and other open spaces, shall not apply in case the conversion will not involve major exterior structural changes and:

6.4.1 There is either a shortage of not more than ten percent (10%) in the required dimensions or area of each of not more than two (2) said requirements as to coverage, yards and other open spaces or;

6.4.2 In case the conversion will result in lot area per dwelling unit for family, at least twenty percent (20%) greater than required for new buildings in the district.

6.5 YARD REQUIREMENTS ALONG ZONING BOUNDARY LINE IN THE LESS

RESTRICTED DISTRICT: Along any zoning boundary line, on a lot adjoining such boundary line in the less restricted district, any abutting side yard, rear yard or court, unless subject to greater restrictions or requirements stipulated by other provisions of this ordinance, shall have a minimum width and depth equal to the average of the required minimum width or depth for such side yards, rear yards or courts in the two (2) districts on either side of such zoning boundary line. In cases where the height of a proposed structure on such lot in the less restricted district is greater than the maximum height permitted in the adjoining more restricted district, the minimum depth or width of the side yard, rear yard or court for such structure shall be determined by increasing the minimum width or depth for the highest structure permitted in such more restricted district by one (1) foot for each two (2) feet by which the proposed structure exceeds the maximum height permitted in said more restricted district.

- 6.6 ACCESSORY BUILDINGS IN R-RESIDENTIAL DISTRICTS - WITHOUT MAIN BUILDING:** In any R-Residential District, no accessory building or structure shall be erected or constructed prior to the erection or construction of the principle or main building (exception - contractors' temporary building).
- 6.7 PERFORMANCE STANDARDS - COMPLIANCE:** Even though compliance with performance standards procedure, Article 19 may not be expressly required for particular use, initial and continued compliance with performance standards is required of every use.
- 6.8 STREET FRONTAGE REQUIRED:** Refer to Appendix "A" - Summary of District Zoning Regulations for dimensions.
- 6.9 TRAFFIC VISIBILITY ACROSS CORNER LOTS:** In any R-Residential district on any corner lot, no fence, structure or planting shall be erected or maintained within twenty-five (25) feet of the corner (the point of intersection of the right-of-way lines), which interferes with traffic visibility across the corner.
- 6.10 REQUIRED AREA OR SPACE CANNOT BE REDUCED:** No lot, yard, court, parking area or other space shall be reduced in area or dimension so as to make said area or dimension less than the minimum required by this ordinance. No part of a yard, parking area or other space provided about or for, any building or structure for the purpose of complying with the provisions of this ordinance, shall be included as part of a yard, parking area or other space required under this ordinance for another building or structure.
- 6.11 OFF-STREET PARKING AND LOADING:** In every district, spaces for off-street parking and for off-street loading and unloading shall be provided in accordance with the provisions of Article 20.
- 6.12 ACCESSORY USES IN "R" - RESIDENTIAL DISTRICTS and PBO - PROFESSIONAL AND BUSINESS OFFICE DISTRICTS:** The following shall apply:
- 6.12.1 General: An accessory building/structure may be erected detached from the principle building/structure or may be erected as an integral part of the principle building/structure, or it may be connected therewith by a breeze-way or similar structures. No accessory building/structure shall be erected in any required yard except a rear yard. Accessory buildings/structures shall be distant at least six (6) feet from any building/structure situated on the same lot unless an integrated part thereof; at least six (6) feet from any other accessory building/structure and at least five (5) feet from any lot lines of adjoining lots which are within a Residential or PBO District.

6.12.2 Corner Lots: Where a corner lot adjoins the rear of a lot fronting on a side street, no part of any accessory building/structure on such corner lot shall be nearer a side street lot line than twenty-five (25) feet and in no case shall any part of such accessory building/structure be nearer to the side street lot line than the least width of the side yard required for a principle building/structure.

6.12.3 Front Setback: No accessory use or structure except an off-street parking area subject to the provisions of Article 20, shall be permitted nearer to any front lot line than sixty (60) feet, unless such uses or structure is contained within or constitutes an integral part of the main building/structure. Provided that in case of a corner lot where the owner has chosen the longer street lot line and all side and rear lot line requirements are met in accordance with this Ordinance.

6.12.4 Yard Requirements: An accessory building/structure if not located in the rear yard shall be an integral part of, or connected with the principle building to which it is accessory and shall be so placed as to meet all yard requirements for the principle building of the same height and other dimensions as said accessory building/structure.

6.13 ESSENTIAL SERVICES: Essential services shall be permitted as authorized and Regulated by law and other Ordinances of the Village subject to review of the Board of Zoning Appeals.

6.14 UNSAFE BUILDINGS: Nothing in this Ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority (Building Permit is required).

6.15 PENDING APPLICATIONS FOR BUILDING PERMITS: Nothing herein contained shall require any change in the overall layout plans, construction, size or designated use of any development, building, structure or part thereof, for which official approvals and required building permits have been granted before the enactment of this Ordinance, the construction of which shall have been started prior to the effective date of this Ordinance.

6.16 PARKING AND OCCUPANCY OF HOUSE TRAILERS AND CAMPERS: No person shall occupy any house trailer, mobile home or motor home or camper for more than one (1) week. The storage of a mobile home, house trailer, motor home, camper, boat, trailer, snowmobile trailer or utility trailer shall not be permitted in any front yard or the street side yard of a corner lot for more than one (1) week.

6.17.1 COMPLIANCE WITH THE OFFICIAL SUMMARY OF DISTRICT ZONING REGULATIONS: The regulations for each district set forth by this Ordinance shall be minimum regulations and shall apply uniformly to each class

or kind of structure or land except as hereafter provided:

6.17.1 No building, structure or land shall be used or occupied and no building or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.

6.17.2 No building or other structure shall be erected or altered to:

- a. Provide for greater height or bulk;
- b. Accommodate or house a greater number of families than which the structure was originally designed and/or constructed;
- c. Occupy a greater percentage of lot area; or,
- d. Have narrower or smaller rear yards, front yards, side yards, or other open spaces or in any other manner contrary to the provisions of this Ordinance than herein required.

6.17.3 No yard or lot existing at the time of the passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements set forth herein.

6.17.4 District regulations shall be as set forth in the Official Summary of Zoning District Regulations hereby adopted and declared to be part of this Ordinance.

6.18 REGULATION OF PONDS, LAKES OR OTHER WATER DETENTION/RETENTION STRUCTURES:

Section 6.18.1 through 6.18.5 inclusive shall apply to the development of all structures which intentionally or unintentionally store, pool, retain and/or detain water as defined herein.

6.18.1 The purpose of these regulations is to guide the development, design, maintenance and structural integrity of ponds, lakes or other water detention/retention structures in the Village. It is the purpose of these regulations to promote the public's health, safety and welfare by minimizing local nuisances, as well as potentially dangerous health and safety concerns, and to further the general harmony between and amongst neighbors.

6.18.2 Ponds are considered permanent structures for the purposes of zoning administration and require a zoning permit. No pond shall hereafter be located, constructed, repaired, extended, enlarged, converted, or altered without full compliance with the terms of this Ordinance. All maintenance, construction, and/or related improvements to pond structures must be designed by the Allen Soil and Water Conservation Service, a licensed landscape architect and/or a certified professional engineer (PE) and be presented to the Planning Commission for review and approval prior to the issuance of a zoning permit.

6.18.3 "Pond" shall mean a natural or artificially formed structure with an enclosed body of water more than six hundred (600) gallons.

6.18.3.1 "Detention Pond" shall mean an artificially formed structure designed to hold storm water runoff, detaining it for a period of time before ultimately slowly discharging the water downstream. Detention ponds are to be designed to compliment large-scale residential, commercial and industrial development's Detention ponds must be designed and constructed to the specifications of a licensed landscape architect and/or a professional engineer.

6.18.3.2 "Retention Pond" shall mean an artificially formed structure designed to hold water year round with the capacity to accommodate a limited amount of storm water runoff. Retention ponds are reservoirs of natural water designed to enhance aesthetic elements of large-scale residential, commercial and industrial developments. Retention ponds must be designed and constructed to the specifications of a licensed landscape architect and/or a professional engineer.

6.18.3.3 "Agricultural Ponds" shall mean a natural or artificially formed structure which serves as a reservoir of water for year round agricultural use. Agricultural ponds are to be used for agricultural based activities including aquaculture, hatcheries, hydroponics or irrigation and animal-related maintenance/production activities Agricultural ponds may also support fire suppression due to the lack of access to municipal water services. The use of such ponds are limited and restricted to those activities supported by the owners. Agricultural ponds shall not engage in off farm commercial uses nor in any commercial recreational activities such as, but not limited to, fishing or swimming. Agricultural ponds shall not be located outside of an existing Agricultural District as identified by the Allen County Auditor. Agricultural ponds must be designed and constructed to the specifications of the Allen Soil and Water Conservation

6.18.3.4 "Aesthetic, Garden or Recreational Ponds" shall mean a natural or artificially formed structure which is intended to serve as a permanent reservoir of water serving aesthetic desires and/or as an activity center for year round use. Such ponds are to be designed for year round enjoyment and to further such activities such as wildlife habitats, swimming, fishing, ice skating, etc. Such ponds shall not engage in commercial uses nor in any commercial recreational activities without the appropriate zoning permit and requisite Health Department approval. Such ponds open to the public shall be subject to the safety conditions of Article 22. Such ponds must be designed by the Allen Soil and Water Conservation Service, a licensed landscape architect or a professional engineer.

6.18.4 Ponds not located in platted subdivisions shall not be located closer than thirty-five (35) feet from any non-road right-of-way lot line and fifty (50) feet from the road right-of-way located on any parcel.

6.18.4.1 Ponds shall be measured from the lot line and/or road right-of-way to the perpendicular edge of the high water line.

6.18.4.2 Where mounding is present, ponds shall be measured from the base of the mound to the lot line and/or road right-of-way.

6.18.5 Ponds shall be permitted as an accessory use in all districts, provided the plans, specifications and construction meet the demands of the respective authorized and approving bodies.

6.18.5.1 Retention and Detention ponds shall be mandated in platted developments as approved by the Village of Elida Planning Commission and Village Council under the major subdivision process and engineered to further local concerns related to drainage, storm water runoff and sediment control standards; such pond locations/designs shall be approved by the Allen County Engineer and considered exempt from minimum yard requirements as identified in Appendix A, Summary of District Zoning Regulations.

Retention and Detention ponds shall be mandated in commercial developments approved by the Allen County Engineer under the Allen County Storm water & Sediment Control Regulations and engineered to further local concerns related to drainage, storm water runoff and sediment control standards; such pond locations/designs shall comply with the minimum yard requirements as identified in Appendix A, Summary of District Zoning Regulations.

ARTICLE 7
NON-CONFORMING USES

- 7.0** **ABANDONMENT:** A non-conforming use existing on the effective date of this ordinance may be continued provided, however, that should such use be discontinued for a period of two (2) years or more, then such use shall be deemed abandoned and any further use of such premises or structure located on such premises shall be in conformity with the use permitted in the District or location
- 7.1** **RE-CONSTRUCTION:** Any building or structure, existing and in use as a non-conforming use on the effective date of this ordinance which shall be destroyed by casualty or an act of God, may be reconstructed and restored, provided, however, that such is commenced within one (1) year from the date of such destruction.
- 7.2** **ALTERATION AND ENLARGEMENT:** Any building or structure, existing and in use, or land devoted to a non-conforming use on the effective date of this Ordinance may not be altered or enlarged in a manner and form resulting in the extension of such non-conforming use, provided, however, that the Village Board of Zoning Appeals shall have the power to grant a variance under the provisions of Article 28 hereof, allowing such extension under conditions as follows:
- 7.2.1 The total alteration, one time enlargement or extension of any existing structure or structures or the erection of additional structure shall not increase the non-conforming area of such original structure or structures by a total of more than twenty-five percent (25%).
- 7.2.2 Such enlargement and/or extension shall not be detrimental in consideration of the surrounding neighborhood, but that the granting thereof shall remove an unnecessary hardship as to the owner thereof.
- 7.2.3 The extension of such non-conforming use shall not reduce the area of a contiguous or adjacent conforming use.
- 7.2.4 When authorized by the Board of Zoning Appeals, in accordance with the provision of Article 28, the substitution for a non-conforming use of another not more objectionable non-conforming use may be considered.
- 7.3** **STRUCTURES UNDER CONSTRUCTION:** Any structure commenced as of the effective date of this ordinance may be completed, although non-conforming if completed within one (1) year of the effective date of this Ordinance

ARTICLES
R-1 RESIDENTIAL DISTRICT

8.0 **PURPOSE:** The purpose of the R-1 RESIDENTIAL DISTRICT is to provide an area for low density residential and associated land uses. In an R-1 RESIDENTIAL DISTRICT, no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one (1) or more of the following specified uses.

8.1 **USES PERMITTED IN THE R-1 RESIDENTIAL DISTRICT:**

8.1.1 Single family dwelling structure.

8.1.2 Accessory buildings and uses.

8.1.3 Unlighted real estate signs.

8.2 **CONDITIONAL USES - WITH APPROVAL BY THE VILLAGE BOARD OF ZONING AND BUILDING APPEALS - AFTER A PUBLIC HEARING:**

8.2.1 Church, school, library, public park, funeral home, playground and/or buildings pertaining to the use thereof. Buildings and permanent structures shall be located not less than twenty-five (25) feet from any other lot in any R-1 Residential District.

8.2.2 Farming, truck gardening or nursery, provided, however, that any such use permitted shall not be construed to permit the sale, trading or dealing in the commodities or products thereof, other than as to those transactions which are completely of a casual or incidental nature. Such use shall not be offensive to neighboring properties.

8.2.3 Country Clubs, private clubs or lodges, golf courses and similar uses and facilities buildings and structures shall be located not less than seventy five (75) feet from any other lot.

8.2.4 Utility sub-stations and pump houses providing that such structures will not detract from the general appearance of the area nor adversely affect the comfort, safety or welfare of the residents of the area.

8.2.5 Home Occupation's customary home occupation, such as handicrafts, dressmaking, millinery, laundry, preserving and home cooking; provided, that such occupations shall be conducted exclusively by resident occupant's that not more than one-quarter (1/4) of the area of one (1) floor of said residence shall be used for such purpose, that no structural

alterations involving features not customarily found in dwellings are required, and that the entrance to the space devoted to such use shall be from within the dwelling. An unlighted sign of not over one (1) square foot in area and attached flat against the building shall be permitted.

8.2.6 Essential services.

8.2.7 Any building or structure over thirty-five (35) feet in height.

8.2.8 A Bed & Breakfast House, provided the building is located at least 25 ft. from the side lot lines.

8.3 **REQUIRED LOT AREA- FRONTAGE AND YARD IN THE R-1 RESIDENTIAL DISTRICT:** See Appendix A, Summary of District Zoning Regulations.

8.4 **CORNER LOTS:** Corner shall have the same minimum front yard requirements on each street side of the lot.

8.5 **HEIGHT REGULATION WITHIN THE R-1 RESIDENTIAL DISTRICT:** See Appendix A, Summary of District Zoning Regulations.

8.6 **REQUIRED FLOOR AREA IN THE R-1 RESIDENTIAL DISTRICT:** See Appendix A, Summary of District Zoning Regulations.

ARTICLE 9
R-2 RESIDENTIAL DISTRICT

9.0 **PURPOSE:** The purpose of the R-2 RESIDENTIAL DISTRICT is to provide an area for low density single and multiple family residential and associated land uses normally considered an integral part of the neighborhood they serve. In an R-2 RESIDENTIAL DISTRICT, no building or premises shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one (I) or more of the following specified uses.

9.1 **USES PERMITTED IN THE R-2 RESIDENTIAL DISTRICT:**

9.1.1 Any uses permitted in the R-1 Residential District.

9.1.2 Multiple family dwelling structures for occupancy by not more than two (2) families living independently of each other.

9.1.3 Church, school, library, college building, public park playground and/or buildings pertaining to the use thereof. Buildings and permanent structures shall be located not less than twenty-five (25) feet from any other lot in any R-2 Residential District.

9.1.4 Accessory buildings and uses.

9.1.5 Bed and Breakfast.

9.2 **CONDITIONAL USES - WITH APPROVAL BY THE VILLAGE BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING:**

9.2.1 Offices of doctors engaged in the practice of medicine, surgery, optometry and dentistry, offices of attorneys at law, accountants, architects, engineers, insurance brokers or salesmen or other service related activities or occupations shall be permitted. This paragraph shall not include any such activities or occupations the primary characteristic of which is the sale, at retail or wholesale of products, goods or commodities. Occupations including the repair or maintenance of equipment or facilities used in residential, commercial or industrial connections shall not be permitted.

9.2.2 Country clubs, private clubs or lodges, golf courses and similar uses and facilities. Buildings and structures shall be located not less than seventy-five (75) feet from any other lot.

- 9.2.3 Home Occupations: Customary home occupations such as, but not limited to, handicrafts, dressmaking, millinery, laundry, preserving and home cooking; provided, that such occupations shall be conducted exclusively by resident occupants, that not more than one-quarter (1/4) of the area of one (1) floor of said residence shall be used for such purpose, that no structural alterations involving features not customarily found in dwellings are required, and that the entrance to the space devoted to such use shall be from within the dwelling. An unlighted sign of not over one (1) square foot in area and attached flat against the building shall be permitted.
- 9.2.4 Funeral home.
- 9.2.5 Cemeteries.
- 9.2.6 Essential services.
- 9.3 **REQUIRED LOT AREA - FRONTAGE AND YARD IN THE R-2 RESIDENTIAL DISTRICT:** See Appendix A, Summary of District Zoning Regulations.
- 9.4 **CORNER LOTS:** Corner lots should have the same minimum front yard requirement on each street side of the lot.
- 9.5 **HEIGHT REGULATION WITHIN THE R-2 RESIDENTIAL DISTRICT:** See Appendix A, Summary of District Zoning Regulations.
- 9.6 **REQUIRED FLOOR AREA IN A R-2 RESIDENTIAL DISTRICT:** See Appendix A, Summary of District Zoning Regulations.

ARTICLE 10
R-3 RESIDENTIAL DISTRICT

10.0 PURPOSE: The purpose of the R-3 RESIDENTIAL DISTRICT is to provide an area for high density multiple-family residential and associated land uses normally considered an integral part of the neighborhood they serve. In a R-3 RESIDENTIAL DISTRICT, no building or premise shall be used and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following specified uses.

10.1 USES PERMITTED IN THE R-3 RESIDENTIAL DISTRICT:

10.1.1 Any uses permitted in the R-2 Residential District.

10.1.2 Multiple family dwelling structures and apartment hotels for any number of families or housekeeping units, but not primarily for transients.

10.1.3 Rooming or boarding houses, provided they are not primarily operated for transients and provided also that any building in which such uses are housed be located at least twenty-five (25) feet from any other lot in any Residential District.

10.1.4 Private clubs, fraternities, sororities, lodges and meeting places for other organizations not including any use that is conducted as a gainful business, provided that the buildings in which such uses are housed shall be located at least twenty-five (25) feet from any other lot in any Residential-District.

10.1.5 Building to be used exclusively to house the offices of civic, religious or charitable organizations provided that the buildings in which such uses are housed shall be located at least twenty-five (25) feet from any other lot in any Residential-District.

10.2 CONDITIONAL USES - WITH APPROVAL BY THE VILLAGE BOARD OF ZONING APPEALS - AFTER A PUBLIC HEARING:

10.2.1 Clinics, nursing homes and Assisted Living Facilities (See Article 21).

10.3 REQUIRED LOT AREA- FRONTAGE AND YARD IN THE R-3 RESIDENTIAL DISTRICTS: See Appendix A, Summary of District Zoning Regulations.

10.4 CORNER LOTS: Comer lots shall have the same minimum front yard requirements on each street side of the lot.

10.5 HEIGHT REGULATION WITHIN THE R-3 RESIDENTIAL DISTRICT: See
Appendix A, Summary of District Zoning Regulations.

10.6 REQUIRED FLOOR AREA IN THE R-3 RESIDENTIAL DISTRICT: See
Appendix A, Summary of District Zoning Regulations.

ARTICLE 11
PBO, PROFESSIONAL AND BUSINESS OFFICE DISTRICTS

11.0 PURPOSE: The purpose of the PBO - PROFESSIONAL AND BUSINESS OFFICE DISTRICTS, is designed to accommodate uses such as offices and personal services. The districts may serve as a transition between residential and non-residential districts.

The PBO-PROFESSIONAL AND BUSINESS OFFICE DISTRICTS, shall be clean and shall be free from and shall not create a hazardous or objectionable element such as: smoke, noise, odor or glare.

11.1 USES PERMITTED IN A PBO - PROFESSIONAL AND BUSINESS OFFICE DISTRICT: In a Professional and Business Office District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses unless otherwise provided in the Zoning Ordinance: subject to the review and approval of the site plan by the Zoning Inspector:

11.1.1 Any permitted use in an R-2 District

11.1.2 Medical office or dental office.

11.1.3 Banks, credit unions, savings and loan associations.

11.1.4 Personal service establishments including barbershops and beauty shops, tanning, tattooing, body piercing, licensed massage and nail salon.

11.1.5 Offices for churches, civic or charitable organizations, children nurseries.

11.1.6 Offices devoted to business management, trade organizations, insurance companies, real estate, tax consultants, Notary Public.

11.1.7 Funeral Homes, Day Care Centers, Music/Art studios, Pharmacies, Health Stores

11.1.8 Essential government services/buildings.

11.2 CONDITIONAL USES - WITH APPROVAL BY THE VILLAGE BOARD OF ZONING APPEALS AFTER A PUBLIC HEARING:

11.2.1 Assisted Living Facility (See Article 21).

11.2.2 Single-family dwelling units.

11.2.3 Multiple Dwelling structures.

11.3 REQUIRED LOT AREA-FRONTAGE AND YARD IN THE PBO DISTRICT:

11.3.1 See Appendix A, Summary of District Zoning Regulations.

11.3.2 Parking may be permitted in the required front yard set-back provided that an area within the front yard remains as lawn or landscaped area which is equal to fifty percent (50%) of the area of the required front yard.

11.4 PARKING: Off street parking and loading spaces shall conform to the requirements in Article 20.

ARTICLE 12
B-1 LOCAL BUSINESS DISTRICT

12.0 PURPOSE: The purpose of the B-1 LOCAL BUSINESS DISTRICT is to provide an area for a wide range of retail facilities and services of such a nature as to be fully compatible in the close proximity they must enjoy in a centralized business district. The B-1 Local Business District shall be clean, quiet and free of hazardous or objectionable elements such as noise, odor, smoke or glare. In the B-1 Local Business District, no building or premises shall be used or no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following specified uses:

12.1 USES PERMITTED IN THE B-1 LOCAL BUSINESS DISTRICT:

12.1.1 Any use permitted in a PBO District:

12.1.2 **RETAIL OUTLETS:** Electronics, furniture, hardware, department, appliance, clothing, jewelry, shoe, paint, wallpaper stores dealing entirely in the retail sale of any product not restricted by the provisions of this section.

12.1.3 **FOOD, DRUG AND BEVERAGES:** Grocery stores, supermarkets, meat markets, fish markets, bakery (in conjunction with retail sales), frozen food locker facilities, delicatessens, restaurant and ice cream parlor.

12.1.4 **SPECIALTY SHOPS:** Gift shops, book, magazine and stationery outlets, florist shops, camera shops, photography studios, sporting goods and drive-in stores dealing entirely in the retail sale of any product and/or the servicing in conjunction with the sale of any product or service not restricted by the provisions of this Section.

12.1.5 **SERVICE AND RECREATION:** Child day care, barber shops, licensed therapeutic massage establishments, beauty shops or any school engaged in the teaching of or instruction in any trade, animal kennel, shoe repair and tailor shop, appliance repair shop, self-serve coin laundry facilities using self-operating automatic washers, dryers and appliances and non-dry cleaning agents, print shops with not more than ten (10) full-time regular employees, a funeral home or mortuary, hospital, radio or television studio, bowling alley, assembly hall, enclosed theater or any recreation facility.

12.1.6 **BUSINESS AND PROFESSIONAL OFFICES:** Banks, savings and loan institutions, public utilities offices, insurance and real-estate offices, office buildings, medical and dental office clinics, law and other professional offices.

12.1.7 ACCESSORY USES OR BUILDINGS: Accessory buildings and uses customarily incidental to the above listed uses.

12.2 CONDITIONAL USES WITH APPROVAL BY THE VILLAGE BOARD OF ZONING APPEALS, AFTER A PUBLIC HEARING:

12.2.1 Commercial storage facilities.

12.2.2 Commercial parking lots.

12.2.3. Any wholesale distributing business.

12.2.4 Any retail or wholesale industrial product distributing business.

12.2.5 Building trades or equipment including building concrete, electrical, masonry, sheet metal, plumbing and heating and cooling shops, building material establishments and lumber yards.

12.2.6 Accessory uses or buildings.

12.2.7 Signs and outdoor advertising (as regulated in Article 24) for listed conditional uses.

12.3 BUILDING HEIGHT REGULATION IN THE B-1 LOCAL BUSINESS DISTRICT: See Appendix A, Summary of District Zoning Regulations.

12.4 REQUIRED YARDS IN THE B-1 LOCAL BUSINESS DISTRICT: See Appendix A, Summary of District Zoning Regulations.

12.5 LANDSCAPING AND SCREENING PROVISIONS: For non-residential uses abutting a Residential District, the minimum yards may be reduced to fifty (50) percent of the minimum side or rear yard requirements, if acceptable landscaping or screening, approved by the Board is provided and is installed within six months of completion of the development. Such screening shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. All vegetation shall continuously be properly maintained for appearance.

ARTICLE 13
8-2 GENERAL BUSINESS DISTRICT

13.0 PURPOSE: The purpose of the B-2 GENERAL BUSINESS DISTRICT is to provide for those retail businesses and services which require a location other than in the central business district, being either highway oriented, requiring larger tracts of land not normally available in the central business district or to provide local neighborhood retail shopping facilities to those residential areas immediately adjacent.

13.1 USES PERMITTED IN THE B-2 GENERAL BUSINESS DISTRICT:

13.1.1 Any uses permitted in the B-1 Local Business District.

13.1.2 Upholstering shops, laundry or dry cleaning plants, new and pre-owned automobile sales room, truck, trailer, farm implements sales and related repair garage, automobile repair garage; customer parking lots associated with a business establishment, motorcycle and bicycle sales or repair shops, motor bus and cab terminals, gasoline service stations, provided all volatile products are stored underground; provided that the premises shall be enclosed by a wall or fence at least six (6) feet high when it adjoins in the rear or on the side of any Residential District, public park, school or church.

13.1.3 Hotel, motel and/or motor lodge. (Restrictions per Article 23)

13.1.4 Nursing homes.

13.1.5 Event centers.

13.1.6 Bottling works, plumbing heating and cooling, electrical, concrete masonry, building material establishments (providing no assembly, construction, millwork or concrete block manufacture is done on premises).

13.1.7 Veterinary animal hospital or clinic.

13.1.8 An accessory use customarily incidental to a use authorized by this section shall be permitted in a B-2 General Business District, provided such is not otherwise classified by the terms of this Ordinance.

13.2 CONDITIONAL USES - WITH APPROVAL BY THE VILLAGE BOARD OF ZONING APPEALS. AFTER A PUBLIC HEARING:

13.2.1 Commercial storage facilities including garages.

13.2.2 Commercial parking lots or truck terminals; provided, however, that adequate off-street parking facilities shall be provided to avoid congestion of abutting streets, ways or alleys.

13.2.3 Any wholesale distributing business, providing that such activities shall not include the wholesale or distribution of live animals in preparation thereof, for sale.

13.2.4 Lumber yards.

13.2.5 Drive-in theaters.

13.2.6 Animal kennels, display and housing or boarding of pets and other domestic animals, provided that any enclosures or buildings in which the animals are kept shall be at least seven-hundred and fifty (750) feet from any Residential District and exercise runs shall be enclosed on four (4) sides by a sight obscuring, unpierced fence or wall at least six (6) feet in height.

13.2.7 Accessory buildings and uses customarily incidental to permitted uses.

13.2.8 Signs and outdoor advertising (as regulated in Article 24) for listed conditional uses.

13.3 REQUIRED LOT AREA AND LOT WIDTH IN THE B-2 GENERAL BUSINESS DISTRICT: See Appendix A, Summary of District Zoning Regulations.

13.4 BUILDING HEIGHT REGULATION IN THE B-2 GENERAL BUSINESS DISTRICT: See Appendix A, Summary of District Zoning Regulations.

13.5 REQUIRED YARDS IN THE B-2 GENERAL BUSINESS DISTRICT: See Appendix A, Summary of District Zoning Regulations.

13.6 LANDSCAPING OR SCREENING PROVISIONS: For non-residential uses abutting a Residential District, the minimum yards may be reduced to fifty (50) percent of the minimum side or rear yard requirements, if acceptable landscaping or screening, approved by the Board is provided and is installed within six months of completion of the development. Such screening shall be six (6) feet in height, maintained in good condition and free of all advertising or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. All vegetation shall continuously be properly maintained for appearance.

13.7 OTHER REQUIRED CONDITIONS: Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water carried waste and shall comply with the performance standards of this Ordinance.

ARTICLE 14
M-1 LIGHT MANUFACTURING DISTRICT

14.0 PURPOSE: The purpose of the M-1 MANUFACTURING DISTRICT is to encourage the development of manufacturing and wholesale business establishments which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, dust, smoke or glare; operate entirely within enclosed structures and generate little industrial traffic. Research activities are encouraged. This district is further designed to act as a transitional use between heavy industrial uses and other less intense and residential uses.

14.1 USES PERMITTED IN THE M-1 LIGHT MANUFACTURING DISTRICT:

14.1.1 Any use permitted in the B-2 General Business District.

14.1.2 Storage in bulk or warehouse for, commodities such as building materials, contractors equipment, clothing fibers, (raw and finished), drugs, dry goods, feed, fertilizer, food, solid fuels, furniture, hardware, ice, machinery, metals, paint and paint materials, pipe, rubber and rubber products, shop supplies, liquid fuels, petroleum or petroleum products or volatile oils and liquids, provided however, that the storage of liquids fuels, petroleum products or volatile oils and liquids shall be underground and in tanks of a maximum capacity of twenty-thousand (20,000) gallons, built and constructed in accordance with the minimum regulations of the State of Ohio.

14.1.3 Laundry or dry cleaning plants and facilities, printing, publishing and reproduction establishments.

14.1.4 Cold storage plants, breweries, milk bottling, ice plants and storage, central distribution, wholesaling or processing plants.

14.1.5 Veterinary hospital and animal kennels. (Reference Article 13.2.6)

14.1.6 Freight terminals, truck terminals and railroad yards, to include the building of spur lines or switching facilities required or desirable in connection with any use permitted under this section.

14.1.7 Lumber yard or planning

14.1.8 Administrative, engineering, scientific research, design or experimentation facilities, assaying of ore by laboratory methods and such processing and fabrication as may be necessary thereto.

14.1.9 Manufacturing, compounding, processing and packaging or treatment of: bakery goods, candy, cosmetics, dairy products, drugs and pharmaceutical products, soap (cold process only) and food products and bottling works, except the following: fish or meat products, sauerkraut, sugar beets, vinegar, yeast and the rendering or refining of fats and oils.

14.1.1 Manufacturing or processing small items, including: gloves, footwear, bathing caps, shoes, boots, boxes and cartons, hardware, toys, electric batteries, motors or generators and textile products.

14.1.11 Assembling of electronic devices, musical instruments, novelties and light metal products.

14.2 CONDITIONAL USES - WITH APPROVAL BY THE VILLAGE BOARD OF ZONING APPEALS, AFTER A PUBLIC HEARING:

14.2.1 Other manufacturing uses of a light nature, free from any objectionable odors, fumes, dirt, vibration or noise detectable at the lot line.

14.3 ACCESSORY USES IN THE M-1 LIGHT MANUFACTURING DISTRICT:

Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted uses in the M-1 Light Manufacturing District.

14.4 OTHER REQUIRED CONDITIONS IN THE M-1 LIGHT MANUFACTURING

DISTRICT: Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste and shall comply with the

14.5 HEIGHT REGULATIONS IN THE M-1 LIGHT MANUFACTURING DISTRICT:

See Appendix A, Summary of District Zoning Regulations.

14.6 REQUIRED LOT AREA IN THE M-1 LIGHT MANUFACTURING DISTRICT:

14.7 YARDS REQUIRED IN THE M-1 LIGHT MANUFACTURING DISTRICT: See Appendix A, Summary of District Zoning Regulations.

14.8.1 SCREENING BETWEEN MANUFACTURING AND RESIDENTIAL

DISTRICTS: Newly established industrial uses adjacent or backing on a Residential District shall provide on that adjacent property line, within six months of development, a Dense hedge, tree row, fence or other suitable landscape device adequate to visually screen the industrial area from the residential area. Plant

Material shall be a minimum of four (4) feet tall at the time of planting. Fences, walls and/or other landscape devices shall be a minimum height of six (6) feet. All vegetation shall continuously be properly maintained for appearance.

ARTICLE 15
M-2 GENERAL MANUFACTURING DISTRICT

15.0 **PURPOSE:** The purpose of the M-2 GENERAL MANUFACTURING DISTRICT is to encourage the development of manufacturing facilities of a moderate and heavy nature which are clean, quiet and free of hazardous or objectionable elements such as noise, odor, smoke or glare.

15.1 **USES PERMITTED IN THE M-2 GENERAL MANUFACTURING DISTRICT:**

15.1.1 Any use permitted in the M-1 District.

15.1.2 Grain elevators, concrete plants and the manufacture, storage and sale of related products.

15.1.3 Metal fabrication and casting plants (no noxious fumes).

15.1.4 Establishments involved in the manufacturing, assembling, remodeling and distribution of automobiles, trucks, boats, household goods, farm equipment, construction and building equipment and products and plastic and metal products.

15.1.5 Carpentry, woodworking and machine shops.

15.2 **CONDITIONAL USES - WITH APPROVAL BY THE VILLAGE BOARD OF ZONING APPEALS, AFTER A PUBLIC HEARING:**

15.2.1 Any industrial manufacturing, storage or distribution establishment not specifically mentioned above and deemed acceptable by the VILLAGE BOARD OF ZONING APPEALS, for this District.

15.2.2 Storage, accumulation and/or recycling of scrap, metals, bottles, rags, paper, rubber or other articles, or the wrecking, dismantling or salvaging of motor vehicles or parts thereof.

15.2.3 Stockyards or storage area for live animals.

15.2.4 Processing facilities for the storage or dressing for sale as wholesale or retail of poultry, meat or game or a meat packing, curing or dressing establishment.

15.2.5 Sewage disposal or treatment plant and other similar uses.

15.2.6 Chemical plants not emitting corrosive or toxic fumes beyond the limits of the premises, including any plant the main operation of which is concerned with the processing or synthesizing of chemical compounds or derivatives, volatile in nature.

15.3 ACCESSORY USES IN THE M-2 GENERAL MANUFACTURING DISTRICT:

Accessory uses and structures customarily accessory and incidental to any of the foregoing permitted uses in the M-2 General Manufacturing District.

15.4 OTHER REQUIRED CONDITIONS: Processes and equipment employed and goods processed or sold shall be limited to those which are not objectionable by reason of odor, dust, smoke, cinders, gas, fumes, noise, vibration, refuse matter or water-carried waste, and shall comply with the performance standards of this Ordinance.

15.5 HEIGHT REGULATIONS IN THE M-2 GENERAL MANUFACTURING DISTRICT: See Appendix A, Summary of District Zoning Regulations.

15.6 REQUIRED LOT AREA IN THE M-2 GENERAL MANUFACTURING DISTRICT: See Appendix A, Summary of District Zoning Regulations.

15.7 YARDS REQUIRED IN THE M-2 GENERAL MANUFACTURING DISTRICT: See Appendix A, Summary of District Zoning Regulations.

15.8 SCREENING REQUIRED BETWEEN MANUFACTURING AND RESIDENTIAL DISTRICTS: Newly established industrial uses adjacent or backing on a Residential District shall provide on that adjacent property line, within six months of development, a dense hedge, tree row, fence or other suitable landscape device adequate to visually screen the industrial area from the residential area. Plant material shall be a minimum of four (4) feet tall at the time of planting. Fences walls and/or other landscape devices shall be a minimum height of six (6) feet. All vegetation shall continuously be properly maintained for appearance.

**ARTICLE 16
NOT USED**

ARTICLE 17
MH- MOBILE HOME PARK DISTRICT

- 17.0 PURPOSE:** It is the intent and purpose of the MH-MOBILE HOME PARK DISTRICT to regulate the location and to encourage, stabilize and protect the development of well planned Mobile Home Parks.
- 17.1 APPROVAL PROCEDURES:** Mobile Home Parks may be located only in the MH-Mobile Home Park District. The procedure for approval shall follow those in this Article.
- 17.2 GENERAL STANDARDS:** The Commission shall review the particular facts and circumstances of each proposed Mobile Home Park in terms of the following standards and shall find adequate evidence showing that the Mobile Home Park Development:
- 17.2.1 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;
 - 17.2.2 Will not be hazardous or detrimental to existing or future neighboring uses;
 - 17.2.3 Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, refuse disposal and schools; or that the persons or agencies responsible for the establishment of the proposed park shall be able to provide adequately any such services;
 - 17.2.4 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;
 - 17.2.5 Will be consistent with the intent and purpose of this Ordinance and Elida Comprehensive Plan;
 - 17.2.6 Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads;
 - 17.2.7 Will not result in the destruction, loss or damage of natural, scenic or historic features of major importance; and

17.2.8 Will meet all applicable National, State and Local Codes and Laws including, but not limited to the Ohio Revised Code, State of Ohio Department of Health or local health district, Ohio Sanitary Code, national or applicable local or state electrical codes.

17.3 CONTENTS OF APPLICATION: A written application shall be filed with the Zoning Inspector. At a minimum, the application shall contain the following information:

17.3.1 Name, address and phone number of applicant;

17.3.2 Legal description of property;

17.3.3 Present use; existing and proposed zoning district;

17.3.4 A vicinity map at a scale approved by the Commission, showing existing property lines, streets, utility lines, drainage ways, structures and such other items as the Commission may require to show the relationship of the development to the Elida Comprehensive Plan;

17.3.5 A proposed plan at a scale approved by the Commission showing the location and dimensions of streets and other roadways, lots, typical lot improvements; areas for recreation, storage, off or on street parking, a landscape plan showing plant material location and size; buffering, screening or fencing; provisions for garbage and trash removal; location of utilities including street lighting, pedestrian walkways; and such other things the Commission deems necessary.

17.4 MOBILE HOME PARK REQUIREMENTS: Mobile Home Parks shall meet the following requirements:

17.4.1 **PARK SIZE:** A Mobile Home Park shall contain a minimum of ten (10) acres.

17.4.2 **DENSITY:** The maximum density shall not exceed six (6) mobile homes per gross acres.

17.4.3 **WIDTH AND DEPTH:** The minimum width of the Mobile Home Park development shall not be less than three-hundred (300) feet. The ratio of width to depth shall not exceed one to five (1:5).

17.4.4 **YARDS:** All mobile homes or accessory buildings shall be located no closer than thirty-five (35) feet from the front property lines, nor closer than twenty (20) feet from the side or rear property line. However, if the side or rear property line abuts an arterial street as shown on the Major Thoroughfare Plan, the minimum side or rear yard shall be thirty-five (35) feet.

17.4.5 All Mobile Home Parks containing three (3) or more mobile homes shall be licensed by the State of Ohio.

17.4.6 ACCESS: All Mobile Home Parks should have access to adequate collector streets with a right-of-way not less than sixty (60) feet in width. Marginal access roads may be required if deemed necessary for Mobile Home Parks that would have direct access onto an arterial street.

17.4.7 STREETS: Refer to the Village of Elida Subdivision Regulations.

17.4.8 WALKWAYS: Refer to the Village of Elida Subdivision Regulations.

17.4.9 RECREATION AND OPEN SPACE: At least ten percent (10%) of the gross land area of the Mobile Home Park shall be reserved for recreational and open space uses. This figure is in addition to any other open space areas required by yard requirements or other sections of this Ordinance. A clustering of units is encouraged.

17.4.10 BUFFERING AND SCREENING: The outer boundaries of a Mobile Home Park shall contain a buffer zone. This buffer zone shall be composed of a green strip, not less than twenty (20) feet in width, located along all park boundaries. The type of planting shall be approved by the Commission. The green strip may be in a yard adjacent to a street or road, provided all other provisions of the Ordinance are met.

17.5 MOBILE HOME PARK LOT REQUIREMENTS: Individual mobile home lots within Mobile Home Parks shall conform to the following requirements:

17.5.1 LOT SIZE: Each mobile home lot shall contain a minimum area of six thousand, two hundred (6,200) square feet.

17.5.2 LOT WIDTH AND DEPTH: The minimum width of each mobile home lot shall be fifty-five (55) feet, and the minimum depth of each lot shall be one-hundred (100) feet. The minimum width of corner lots shall be sixty-five (65) feet.

17.5.3 CLEARANCE: There shall be a minimum clearance of twenty (20) feet between individual mobile homes and a minimum clearance of thirty (30) feet between an individual mobile home and another building not directly accessory to the mobile home itself. Any free standing auxiliary building shall not be placed in the clear area required between trailers, trailers and lot lines and trailers and roadways.

17.5.4 DRIVEWAY AND PARKING: Each mobile home lot shall be provided with a paved driveway to accommodate off-street parking for two (2) vehicles. The size of the driveway shall not be less than four-hundred (400) square feet.

17.5.5 WALKWAY: Each mobile home lot shall be provided with a two (2) foot in width walkway made of Portland concrete of a thickness of not less than four (4) inches, leading from the main entrance to the main walkway or adjacent street. The design and construction of the system shall be subject to the approval of the Elida Village Council.

17.5.6 MOBILE HOME BASE: Each mobile home lot shall be provided with a stable base upon which to place the mobile home. This base shall be approved by the Commission.

17.5.7 PATIO: Each mobile home lot shall be provided with a paved concrete patio area at least one-hundred (100) square feet in area. The patio should be located on the entrance side of the mobile home.

17.5.8 ANCHORS: Each mobile home lot shall be provided with anchors and tie downs as recommended by the mobile home manufacturer.

17.5.9 CORNER MARKERS: The four comers of each mobile home lot shall be marked in a manner acceptable to the Commission.

17.5.10 SKIRTING: Each mobile home shall be skirted, entirely enclosing the bottom section, within thirty (30) days after its placement.

17.5.11 LANDSCAPING: On each mobile home lot at least one deciduous hardwood tree of a minimum of one to one and one-half (1 - 1 1/2) inch caliper measuring at a height of four (4) feet on the trunk shall be planted in the front yard.

17.5.12 FLOOR AREA: Each mobile home placed within the Mobile Horne Park shall have a minimum area of four-hundred (400) square feet.

17.5.13 HEIGHT: The maximum height of mobile homes and accessory buildings shall not exceed twenty (20) feet.

17.6 **MOBILE HOME UTILITIES AND OTHER** Mobile Horne Park utilities and other services shall conform to the following requirements:

17.6.1 STORM DRAINAGE: Refer to the Village of Elida Subdivision Regulations.

17.6.2 WATER: Refer to the Village of Elida Subdivision Regulations.

- 17.6.3 SEWAGE DISPOSAL: Refer to the Village of Elida Subdivision Regulations.
- 17.6.4 ELECTRICAL SYSTEM: Refer to the Village of Elida Subdivision Regulations.
- 17.6.5 LIGHTING: Refer to the Village of Elida Subdivision Regulations.
- 17.6.6 UNDERGROUND UTILITIES: Within each Mobile Home Park, all utility lines, including those for electricity and telephone service shall be located underground.
- 17.6.7 GARBAGE AND REFUSE STORAGE: The storage and collection of garbage and refuse within each Mobile Home Park shall be conducted so as to create no health hazards, rodent harborage, insect breeding areas, fire hazards or air pollution. All garbage shall be stored in rust resistant, water tight, fly-tight, rodent-proof containers. These containers shall be located no more than one-hundred and fifty (150) feet from any mobile home lot, and shall be collected at least once weekly.
- 17.6.8 FIRE PROTECTION: Within each Mobile Home Park there shall be provided a fire protection system approved by the Ohio Department of Health and the local fire authority.
- 17.6.9 SERVICE BUILDINGS: Service buildings shall be provided by the management for offices, repair and storage, laundry facilities and indoor recreation areas. No such building shall be located closer than fifty (50) feet from any mobile home.
- 17.7 **LENGTH OF OCCUPANCY:** No mobile home shall remain in a Mobile Home Park for a period exceeding ten (10) days without connection to the permanent sanitary sewer system of the park.
- 17.8 **SUPPLEMENTARY CONDITIONS AND SAFEGUARDS:** In approving any Mobile Home Park, the Commission may prescribe appropriate conditions and safeguards in conformity with this Article. Violation of such conditions and safeguards, when made a part of the Zoning Permit, shall be deemed a violation of this Ordinance and punishable under Article 27 of this Ordinance.
- 17.9 **PERMITTED USES:** Within a Mobile Home Park the following uses only shall be permitted:
- 17.9.1 One permanent type dwelling structure if such dwelling is to be occupied by a resident manager.

17.9.2 Buildings or permanent type structures used exclusively to provide services for occupants of the Park; such as a recreation building, swimming pool and bath house, laundry room, Mobile Home Park office, storage rooms.

17.9.3 Accessory buildings or structures that are clearly incidental and attached to a mobile home; such as a carport, cabana, Florida room and the like.

17.9.4 Directional signs as approved, necessary, by the Commission to assist in guiding persons to various locations within the park. Such signs may be double faced and lighted. The maximum area of each sign shall not exceed two (2) square feet.

17.10 PROHIBITED USES: Within a Mobile Home Park only these uses specifically listed as permitted uses shall be authorized, and all other uses including, but not necessarily limited to the following shall be prohibited:

17.10.1 Boats and recreational vehicles of any type, except those owned by the occupants of the park and stored in the area within the park designed and intended as a common storage area for such vehicles.

17.10.2 Repair and/or sale of vehicles of any type, including mobile homes, except for the repair or sale of an individual vehicle by the owner or occupant thereof.

17.10.3 Buildings or permanent type structures for uses other than those listed as permitted uses.

17.10.4 Any advertising sign other than that listed as a permitted use.

ARTICLE 18
PUD - PLANNED UNIT DEVELOPMENT DISTRICT

18.0 PURPOSE: The Village officials concerned with property development shall take into account that it is increasingly difficult to forecast the various conditions and factors that may be encountered in sizable developments, and that certain latitude, flexibility and freedom in the execution of the design and layout of a project should be suggested or otherwise permitted by the Village so as to encourage and provide amenities which are unique to the community. The purpose of a PUD - PLANNED UNIT DEVELOPMENT DISTRICT is to provide for an area that offers a maximum choice of living environments by allowing:

18.0.1 A variety of housing and building types and permitting an increased density per acre and a reduction in lot dimensions, yards, building setbacks and area requirements;

18.0.2 A more useful pattern of open space and recreation areas and, if permitted, as part of the project, more convenience in the location of accessory commercial uses and services;

18.0.3 A development pattern which preserves and utilizes natural topography and geologic features, scenic vistas, trees and other vegetation, and prevents the disruption of natural drainage patterns;

18.0.4 A more efficient use of land than is generally achieved through conventional development resulting in substantial savings through shorter utilities and streets;

18.0.5 A development pattern in harmony with land use density, transportation facilities, community facilities and objectives of the Elida Comprehensive Plan.

18.1 GENERAL: Planned unit developments may be residential, commercial or industrial developments, or any combination. The minimum site area for a residential development shall be ten (10) acres, for a commercial development five (5) acres, and for an industrial development thirty (30) acres. In combination developments, the amount of land devoted to commercial usage shall not exceed eight percent (8%) of the total land area. Not more than twelve percent (12%) of the total land area shall be devoted to industrial activities.

18.2 RESIDENTIAL PLANNED UNIT DEVELOPMENT: Residential planned unit developments may be developed subject to the following provisions:

18.2.1 MINIMUM LOT SIZES:

- (a) Lot area per dwelling unit may be reduced to not less than seventy percent (70%) of the minimum lot area required in the R-3 District. A diversification of lot sizes is encouraged.
- (b) Lot widths may be varied to allow for a variety of structural designs. It is also recommended that setbacks be varied.

18.2.2 LOTS TO ABUT UPON COMMON OPEN SPACE: Every property developed under the planned unit development approach should be designed to abut upon common open space or similar areas. A clustering of dwelling is encouraged. In areas where town houses are used there shall be no more than eight (8) town house units in any contiguous group.

18.3 COMMON OPEN SPACE: A minimum of twenty percent (20%) of the land developed in any planned unit development project shall be reserved for common open space and recreational facilities for the residents or uses of the area being developed. The open space shall be disposed of as required in Article 18.4 of this Ordinance.

18.4 DISPOSITION OF OPEN SPACE: The required amount of common open space land reserved under a planned unit development shall be held in corporate ownership by owners of the project area for the use of each owner who buys property within the development and retained as common open space for parks, recreation and related uses. All land must meet the Commission's requirement as to size, shape and location

Public utility and similar easements and rights-of-way for water courses and other similar channels are not acceptable for common open space dedication unless such land or right-of-way is useable as a trail or other similar purpose and approved by the Commission.

The responsibility for the maintenance of all open space shall be specified by the developer before approval of the final development plan.

18. SUBMISSION: A planned unit development plan shall be submitted to the Commission and shall be referred to the Village Council for study report and for public hearings. Notice and publication of such public hearings shall conform to the procedures prescribed in Article 29 for hearings on changes and amendments.

18.6 PRELIMINARY PLAN: In order for the Commission to determine that the planned unit development meets all requirements, the developer shall furnish a preliminary plan for the entire tract showing:

18.6.1 Proposed general lot layout, existing building locations and general land use areas.

18.6.2 Proposed traffic circulation, parking areas, common open space areas, pedestrian walks and landscaping.

18.6.3 Proposed construction sequence for buildings, parking spaces and landscaped areas.

18.7 FINAL DEVELOPMENT PLAN: The owner/developer shall submit a final development plan to the Commission for review, together with the application for a change of district classification, if applicable, once the preliminary plan has been approved by the Commission. The development plan shall be prepared by an architect, landscape architect, engineer or planning consultant, and shall include the following information:

18.7.1 Survey of the property, showing existing features of the property, including contours, buildings, structures, trees over four (4) inches in trunk diameter, streets, utility easements, rights-of-way and land use.

18.7.2 Site plan showing proposed building locations and land use areas.

18.7.3 Traffic circulation, park areas, open space areas and pedestrian walks.

18.7.4 Landscaping plans, including site grading and landscape design.

18.7.5 Preliminary drawings for buildings to be constructed in the current phase, including floor plans, exterior elevations and sections.

18.7.6 Preliminary engineering plans, including street improvements, drainage system and public utility extensions.

18.7.7 Engineering feasibility studies of the anticipated problems which might arise due to the proposed development as required by the Commission.

18.7.8 Construction sequence and time schedule for completion of each phase for buildings, parking space and landscaped areas.

The development plan shall be in general conformance with the approved preliminary development plan. Approval shall be secured by the owner for each phase of the development. Such approval shall be valid for three years, at which time, unless the proposed development has been completed, the development plan approval shall expire.

18.8.1 COMMISSION FINDINGS REQUIRED: The Commission, after determining that all the requirements of the Ordinance dealing with Planned Unit Development Districts have been met, shall recommend the approval, approval with modifications, or disapproval of the development plan. The Commission

Shall enter its' reasons for such action in its' record. The Commission may recommend the establishment of a Planned Unit Development District provided that they find the facts submitted with the development plan establish that:

- 18.8.1 The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved under any other district.
- 18.8.2 Any exception from the Zoning Ordinance requirements is warranted by the design and amenities incorporated in the development plan.
- 18.8.3 Land surrounding the proposed development can be planned in coordination with the proposed development and that it be compatible in use.
- 18.8.4 The proposed change to a Planned Unit Development District is in conformance with the general intent of the Village of Elida Comprehensive Plan.
- 18.8.5 Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed District and in the vicinity of the proposed District.
- 18.8.6 Existing and proposed utility services are adequate for the proposed development.
- 18.8.7 Each phase of the proposed development, as it is proposed to be completed contains the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and suitable environment.
- 18.8.8 The proposed Planned Unit Development District and all proposed buildings, parking spaces and landscape and utility areas can be completely developed within five years of the establishment of the district.

18.9 USES PERMITTED IN PUD DISTRICTS: Only those uses permitted or conditionally permitted in previous districts of this Ordinance may be proposed for inclusion in a planned unit development. Compatible residential, commercial, industrial, public and quasi-public uses may be combined provided that the proposed location of the commercial or industrial uses will not adversely affect adjacent property, and/or the public health, safety and general welfare.

The amount of land devoted to commercial and/or industrial use in a residential/ business/industrial (and/or) residential / business development shall be determined by the Commission.

18.10 HEIGHT REQUIREMENTS: Height regulations shall be as specified in the R-3 District or as approved by the Commission.

18.11 ACCEPTANCE BY ACTION OF THE VILLAGE COUNCIL:

18.11.1 Following the recommendation of the Zoning Commission and a public hearing, the Village Council may approve, approve with modification or disapprove the plan, consistent with the intent and meaning of this ordinance and if the plan is approved, may re-zone the property to the PUD classification permitting the proposal, for the development in conformity with the final plan as approved by the Commission.

18.11.2 After the final development plan has been approved by the Village Council and in carrying out this plan, adjustment or rearrangements of buildings, parking areas, entrances, heights or yards may be requested by the proponents, and provided such requests conform to the standards established by the final development plan and this Ordinance, such adjustments or rearrangements may be authorized by the Commission.

18.11.3 Planned Unit Developments shall be encouraged, but they shall conform to the regulations of this Ordinance or to the following modifications of the regulations found elsewhere in this Ordinance.

18.11.4 Refer to the Village of Elida Subdivision Regulations for additional requirements.

ARTICLE 19
SPECIAL PROVISIONS

- 19.0 PERFORMANCE STANDARDS:** No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable element or condition unless the following performance standards are observed:
- 19.0.1 **FIRE HAZARDS:** Any activity involving the use of flammable or explosive materials shall be protected by adequate firefighting and fire suppression equipment and by such safety devices as are normally used in the handling of any such material.
- 19.0.2 **RADIOACTIVITY OR ELECTRICAL DISTURBANCES:** No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- 19.0.3 **NOISE:** Noise which is objectionable as determined by the Board due to volume, frequency or beat shall be muffled or otherwise controlled, except during construction operations. Air raid sirens and related apparatus used solely for public purposes are exempt from this requirement.
- 19.0.4 **VIBRATION:** No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- 19.0.5 **AIR POLLUTION:** Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.
- 19.0.6 **GLARE:** No direct or reflected glare shall be permitted which is visible from any property or from any public street, road or highway.
- 19.0.7 **EROSION:** No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- 19.0.8 **WATER POLLUTION:** Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency.
- 19.0.9 **TRANSMISSION AND/OR RECEIVING TOWERS, WIND TURBINES, MASTS AND AERIALS:** These shall not exceed seventy (70) feet above grade level, without approval of the Board of Zoning Appeals.

19.10.0 BARBED WIRE FENCES: Fences or walls having wire or metal prongs or spikes or cutting points or edges shall be permitted conditionally in B1, B2, M1 and M2.

See Article 27 for how enforcement of these "Performance Standards" will occur.

ARTICLE 20
OFF-STREET PARKING AND LOADING REGULATIONS

20.0 OFF-STREET PARKING: Surfaced off-street automobile parking shall be provided on any lot on which any of the following uses are hereafter established: such space shall be provided with vehicular access to a street or alley. For purposes of computing gross off-street parking area required, the ratio of two-hundred (200) square feet per parking space shall be used. All surfaces must be concrete or asphalt.

20.1 NUMBER OF PARKING SPACES REQUIRED: The number of off-street parking spaces required shall be as set forth in the following:

Parking Spaces Required

Automobile or Machinery Sales and Service Garages	-One (1) for each six hundred (600) square feet of floor area
Banks, Business & Three (3) or more Professional Offices	-One (1) for each four hundred (400) square feet of floor area
Bowling Alleys	-Five (5) for each alley plus one (1) for each employee
Churches or Temples	-One (1) for each four (4) seats in the main auditorium
Country Club or Golf Club	-One (1) for each (5) members
Dance Halls and Assembly Halls without fixed seats, Exhibition Halls except Church Assembly Rooms in conjunction with Auditorium	-One (1) for each one hundred (100) square feet of floor area used for assembly or dancing
Dwellings, including One (1), Two (2) and Three (3) families, multiple Dwellings and Summer Cottages	-Two (2) for each family or dwelling unit
Funeral Homes, Mortuaries	-One (1) for each fifth (50) square feet of floor area in slumber rooms, parlors or individual funeral service rooms
Furniture & Appliances Stores Household Equipment or Furniture Repair Shop over one thousand (1,000) square feet of floor area	-One (1) for each two hundred (200) square feet of floor area plus one (1) space for each employee

Hospitals	-One (1) for each three (3) beds plus one (1) space for each employee
Hotels, Lodging Houses	-One (1) for each bedroom
Libraries, Museums, Art Galleries or Community Centers	-Ten (10) plus one (1) additional for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet
Manufacturing Plants, Research or Testing Laboratories, Bottling Plants over one Thousand (1,000) square feet in area	-One (1) for each three (3) employees in the maximum working shift or one-thousand two hundred (1,200) square feet of floor area, whichever is greater
Medical or Dental Clinics	-One (1) for each two hundred (200) square feet of floor area plus one (1) for each employee
Motels, Motor Hotels and Tourist Home	-One (1) for each living or sleeping area
Private Club or Lodge	-One (1) for each ten (10) members
Restaurants and Night Club or over one thousand (1,000) square feet in area	-One (1) for each two (2) seats plus one (1) for each employee
Retail Stores, Shops, etc. of over two thousand (2,000) square feet of floor area	-One (1) for each two hundred (200) square feet of floor area plus one (1) for each employee
Sanitariums, Convalescent Homes, Children's Homes	-One (1) for each three (3) beds plus one (1) for each Employee
Schools, Technical Institutions or Colleges	-One (1) for each eight (8) seats in an auditorium or three (3) for each one (1) classroom, whichever is greater

Sports Arenas, Auditoriums, Theaters,
Assembly Halls other than Schools
Wholesale Establishments or Warehouses

-One (1) for each three (3)
seats or bench seating spaces
-One (1) for each three (3)
employees on maximum shift or
for each three thousand (3,000)
square feet of floor area,
whichever is greater

20.2 DEVELOPMENT AND MAINTENANCE OF PARKING AREAS: Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the following requirements:

20.2.1 **SCREENING AND LANDSCAPING:** Off-street parking areas for more than five (5) vehicles shall be effectively screened on each side which adjoins premises situated in any R-District by a masonry wall or solid fence of acceptable design. Such wall or fence shall be between four (4) and six (6) feet in height and shall be maintained in good condition. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height.

20.2.2 **SURFACING:** Any off-street parking area for more than five (5) vehicles shall be graded for proper drainage and surfaced with a durable surface.

20.2.3 **LIGHTING:** Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any R-District.

20.2.4 **PARKING AREAS - MODIFICATIONS:** The Board may authorize an appeal, a modification, reduction or waiver of the foregoing requirements, if it should find that, in the particular case appealed, the peculiar nature of the residential, business, trade, industrial or other use, or in the exceptional shape or size of the property or other exceptional situation or condition, would justify such action. No action shall be taken by the Board unless and until it has first received the recommendation of the Planning Commission regarding the appeal.

20.3.1 OFF-STREET LOADING: In any district, in connection with every building or part thereof erected and having a gross floor area of five-thousand (5,000) square feet or more, which is to be occupied by manufacturing, storage, warehouse, goods display, retail store, wholesale store, market, 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 such building, at least one (1) off-street loading space, plus one (1) additional such

loading space for each ten-thousand (10,000) square feet or major fraction thereof, or gross floor area so used in excess of ten-thousand (10,000) square feet.

- 20.4 **LOADING SPACE - DIMENSIONS:** Each loading space shall be not less than twelve (12) feet in width, seventy (70) feet in length and fourteen (14) feet in height.
- 20.5 **LOADING SPACE - OCCUPY YARD:** Subject to the limitations in Article 20.6, such may occupy all or any part of any required yard.
- 20.6 **LOADING SPACE - DISTANCE FROM RESIDENTIAL DISTRICT:** No space shall be closer than fifty (50) feet to any other lot located in any Residential District, unless wholly within a completely enclosed building or unless enclosed on all sides by a wall or uniformly painted solid board fence not less than six (6) feet in height.

ARTICLE21
ASSISTED LIVING FACILITY (ALF):

21.0 GENERAL REOUIREMENTS:

Assisted Living Facilities are for people needing assistance with some daily activities, but not to the level of a nursing home. ALF's provide assistance to persons who are able to care for themselves with the exception of a few activities.

21.1 SERVICES PROVIDED:

ALF services that may be provided on site include, but are not limited to the following:

- Group Dining
- Cleaning, similar to a hotel
- Recreational facilities
- Medical clinic for persons on site only
- Medical help
- Medication by medical or non-medical staff
- Regular nurse supervision and weekly/daily doctor visits
- Counseling and referral facilities for persons on site only

Any of the above accessory services/uses may be provided for persons other than those residing in the facility, provided the use is permitted in the zone and parking is calculated/provided separately for each use. If the accessory use is not permitted by the underlying zone then incidental business may be conducted provided such business is conducted only as a service to persons living within, and further provided such business is conducted within the main building, the entrance to the business is from the inside of the building, and no sign advertising such business is visible from outside the building.

21.2 DEFINITIONS:

- (a) Ambulatory: Not confined to bed; able or strong enough to walk

- (b) Semi-independent: A person who is
 - (i) Physically disabled but able to direct his or her own care; or
 - (ii) Cognitively impaired or physically disabled but able to evacuate from the facility, or to a zone of safety, with the physical assistance of one person

- (c) Resident Living Unit:
 - (i) A one bedroom unit which may also include a bathroom and additional living Space; or

- (ii) A two bedroom unit which may also include a bathroom and additional living space
- (d) Additional Living Space: A living room, dining area and kitchen, or a combination of these rooms or areas in a resident living unit.
- (e) "Room" or "Office": A specific, separate, fully enclosed space for the service. If "room" or "office" is not used, multiple services may be accommodated in one enclosed space.

21.3 ASSISTED LIVING FACILITY TYPES:

- (a) Assisted Living Facility Type I: A residential facility that provides assistance with activities of daily living and social care to two or more ambulatory residents who require protected living arrangements.
 - (i) Large: Houses 17 or more residents
 - (ii) Small: Houses 6 to 16 residents
 - (iii) Limited Capacity: Houses up to 5 residents
- (b) Assisted Living Facility Type II: A residential facility that provides coordinated supportive personal and health care services to two or more semi-independent residents.
 - (i) Large: Houses 17 or more residents
 - (ii) Small: Houses 6 to 16 residents
 - (iii) Limited Capacity: Houses up to 5 residents

21.4 CODES AND CODE COMPLIANCE:

The following codes and standards enforced by other agencies or jurisdictions apply to all ALFs. The licensee shall obtain documentation for the following codes and standards from the authority having jurisdiction and submit the appropriate documentation to the zoning inspector:

- (a) International Building Code
- (b) International Plumbing Code
- (c) International Fire Code
- (d) Americans with Disabilities Guidelines (ADAAG) 28 CFR 36

A certificate of occupancy from the local fire and/or building official having jurisdiction.

ARTICLE 22
SWIMMING POOLS

22.0 GENERAL PROVISIONS:

22.0.1 PRIVATE SWIMMING POOLS: A private swimming pool, but not including farm ponds or garden ponds, as regulated herein, shall be any pool, lake or open tank not located within a completely enclosed building, and containing or normally capable of containing water to a depth, at any point, greater than one and one-half (1 1/2) feet. No such swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one-hundred (100) square feet, shall be allowed in any "R" District except as an accessory use and unless it complies with the following conditions and requirements:

- (a) The pool is intended and is to be used solely for the enjoyment of the occupants of the principle building of the property on which it is located, and their guests.
- (b) The pool may be located anywhere on the premises except in required front yards, provided it shall not be located closer than fifteen (15) feet to any property line on which located. This dimension is measured to the pool water line.
- (c) The swimming pool, or the entire property on which it is located, shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties.

22.0.2 COMMUNITY OR CLUB SWIMMING POOLS: A community or club swimming pool shall be any pool constructed by an Association of property owners, or by a private club for use and enjoyment by members and their families. Such swimming pools shall comply with the following:

- (a) The pool is intended solely for the enjoyment of the members and families and guests of members of the Association or club under whose ownership or jurisdiction the pool is operated.
- (b) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than one-hundred (100) feet to any property line of the property on which located.
- (c) The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height and maintained in good

condition. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees, and maintained in good condition.

22.0.3 PUBLIC POOLS: A public pool is a pool owned by individual/individuals for use by the public.

- (a) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than one-hundred (100) feet to any property line of the property on which located.
- (b) The swimming pool and all of the area used by the bathers shall be so walled or fenced as to prevent uncontrolled access by children from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height and maintained in good condition. The area surrounding the enclosure, except for the parking spaces, shall be suitably landscaped with grass, hardy shrubs and trees, and maintained in good condition.

22.0.4 HOT TUB/JACUZZI: Hot tubs/Jacuzzis placed outside residential structures shall be considered an accessory use as regulated by 6.12.

ARTICLE23
MOTELS

23.0 GENERAL REQUIREMENTS: The following requirements shall be complied with:

- 23.0.1 **AREA ANDYARD REQUIREMENTS:** Motels and motor hotels shall comply with all area and yard requirements prescribed for such uses in the District which located.
- 23.0.2 **PARKING:** All areas used for automobile access and parking shall comply with the applicable provisions of this Ordinance.
- 23.0.3 **ENTRANCE:** No vehicular entrance to or exit from any motel shall be within two-hundred (200) feet along streets from any school, public playground, church, hospital, library or institution for dependents or for children, except where such property is in another block or another street which the premises in question do not abut.
- 23.0.4 **LANDSCAPING - UNUSED AREAS:** All areas not used for access, parking circulation, buildings and service shall be completely and permanently landscaped and the entire site maintained in good condition. A landscaped strip of land not less than fifteen (15) feet in width, shall be established and maintained along its' exterior boundaries when adjoining any " R" District.
- 23.0.5 **ENCLOSURE:** Motels shall be enclosed on the sides and in the rear by appropriate privacy fences, not less than six (6) feet high, or by a combination of landscaped screens and other suitable fences acceptable to the Commission.
- 23.0.6 **ENLARGEMENT - EXISTING FACILITIES TO COMPLY:**
No enlargements or extensions to any motel shall be permitted unless the existing facility is made to conform substantially with all the requirements for new construction for such an establishment.
- 23.0.7 **SCREENING BETWEEN MOTEL AND RESIDENTIAL DISTRICTS:** Newly established motel uses adjacent or backing on a Residential District shall provide on that adjacent property line, within six months of development, a dense hedge, tree row, fence or other suitable landscape device adequate to visually screen the motel area from the residential area. Plant material shall be a minimum of four (4) feet tall at the time of planting. Fences, walls and/or other landscape devices shall be a minimum height of six (6) feet. All vegetation shall continuously be properly maintained for appearance.

ARTICLE 24
SIGNS AND OUTDOOR ADVERTISING STRUCTURES

24.0 GENERAL

24.0.1 General Intent: The Village of Elida recognizes that signs are an important means of visual communication for the public convenience and that businesses, services and other activities have the right to identify themselves by using signs that are accessory and incidental to the use of the premises where signs are located. The goal of the Article is to protect the general health, safety, and welfare of the community by providing an instrument for protecting the physical appearance of the community and for encouraging high quality, effective outdoor graphics for the purposes of navigation, information, and identification. Specifically, it is the intent of this section to provide businesses in the village with equitable sign standards in accord with fair competition and aesthetic standards acceptable to the community, and to provide the public with a safe and effective means of locating businesses, services, areas, and points of interest in the village. This section is based on the premise that signs are as much subject to control as noise, odors, debris and similar characteristics of land use, that if not controlled and regulated, can become a nuisance to adjacent properties or the community in general, or depreciate the value of other properties in the community. All signs located on land within the village and visible from any public right-of-way or adjacent property shall comply with this Article unless specifically exempted herein.

24.0.2 Regulatory Purpose: This Article regulates signage for the following specific reasons:

- (a) To protect the health, safety and welfare of the public from hazardous conditions which result from structurally unsafe signage;
- (b) To ensure that signage does not obscure or distract the vision of motorist, such as signs which compete or conflict with necessary traffic signs and warning signals, and which may cause a traffic hazard;
- (c) To protect the public from sign blight and profuse signage which may cause a nuisance to adjacent properties and detracts rather than facilitates identification of businesses and other land uses; and,
- (d) To provide signage appropriate to land use and to make appropriate adjustments in the size and amount of signage based on the land use and building size.

24.0.3 Regulatory Conflicts: Nothing contained herein shall be deemed a waiver of the provisions of any other regulation applicable to signs. Signs located in areas governed by several applicable regulations shall comply with all such regulations. If there is a conflict between these regulations and any other regulations, the more stringent shall apply.

24.0.4 Severability: The provisions of this ordinance are severable. If any part of this ordinance is declared unconstitutional by a final judgment of a court of competent jurisdiction, that decision shall not affect any portion of the ordinance which remains, but the remainder shall be in full force and effect as if the portion declared unconstitutional had never been part of the ordinance.

24.1 DEFINITIONS: For the purpose of this Article, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONED SIGN: A sign associated with an abandoned use, a sign that remains after the termination of the business, or a sign or its immediate premises not adequately maintained and not repaired within the specified time under Article 24.8.

ANIMATED SIGN: Any sign that uses movement or change of artificial or natural lighting or noise to depict action or create a special effect or scene.

ARCHITECTURAL PROJECTION: Any projection that is not intended for occupancy and that extends beyond the face of an exterior wall of a building, but that does not include signs as defined herein. See all "Awning", "Backlit Awning", and "Canopy, attached and freestanding".

ATM (AUTOMATED TELLER MACHINE): An electronically operated device used to conduct financial transactions on site, by means of direct computerized access. Such devices may be accessible by automobile and/or pedestrians.

AWNING: An architectural projection or shelter projecting from and supported by the exterior wall of a building and composed of a covering of rigid or non-rigid materials and/or fabric on a supporting framework that may be either permanent or retractable, including structures that are internally illuminated by fluorescent or other light sources.

AWNING SIGN: A sign displayed on or attached flat against the surface or surfaces of an awning.

BACKLITE AWNING: An awning with a translucent covering material and a source of illumination contained within its framework.

BANNER: A flexible substrate on which copy or graphics may be displayed.

BANNER SIGN: A sign utilizing a banner as its display surface.

BENCH SIGN: Any sign painted on, located on, or attached to any part of the surface of a bench, seat, or chair placed adjacent to a public roadway.

BILLBOARD An off-premise sign owned by a company or person for the purpose of renting ad space to a specific business, product service, entertainment or other activity sold, offered, or conducted off-site. Revised: January 31, 2007 15 - 3

CANOPY (ATTACHED): A multisided overhead structure or architectural projection supported by attachments to a building on one or more sides and either cantilevered from such building or also supported by columns at additional points. The surface(s) and/or soffit of an attached canopy may be illuminated by means of internal or external light sources. Also referred to as a marquee.

CANOPY (FREE-STANDING): A multisided overhead structure supported by columns, but not enclosed by walls. The surface(s) and/or soffit of a free-standing canopy may be illuminated by means of internal or external sources of light.

CANOPY SIGN: A sign affixed to a visible surface(s) of an attached or free-standing canopy. Also referred to as a marquee sign.

CHANGEABLE COPY SIGN: A sign or portion thereof with characters, letters, or illustrations that can be changed or rearranged by mechanical, electronic or manual means.

COMMUNITY EVENT OR ACTIVITY: An event or activity that is sponsored, managed or conducted by a government agency or a public, private nonprofit or religious organization. Charitable events sponsored by for-profit organizations are also considered community activities. Examples of a community event or activity include school plays, church bazaars, a park district festival or an election.

COPY: Those letters, numerals, figures, symbols, logos and graphic elements compromising the content or message of a

DEVELOPMENT SIGN: A temporary sign indicating such things as the names of the architects, engineers, landscape architects, contractors, or similar artisans, and the owners, financial supporters, sponsors and similar individuals or firms having a role or interest with respect to the development, structure, or project. This includes both private and public projects.

DIRECTIONAL SIGN: A temporary or permanent sign that provides information Regarding location, instructions for use, or functional/directional

ELECTRONIC SCOREBOARD: An electronically-controlled changeable copy sign used to display scoring information for sporting events. Such signs are located on the sports field.

ENTRY FEATURE SIGN: An on-premise ground mounted sign that graphically identifies a residential subdivision and/or multifamily development. For commercial properties, see Joint Identification Sign.

ESTABLISHED GRADE LINE: The average finished grade for that area of the site where the sign is located provided however that the height of the sign shall not be artificially increased by the use of mounding. All references to sign height are from the established grade line unless otherwise noted.

FLAG: Any fabric or bunting containing the officially recognized and adopted colors, patterns, or symbols used as the official symbol of a government, political or corporate entity.

FLASHING SIGN: Any directly or indirectly illuminated sign that exhibits changing natural or artificial light or color effects by any means whatsoever.

FREE-STANDING SIGN: Any sign that is physically attached to a foundation. These are commonly known as ground, pole, pylon, or monument signs.

GAS INFLATABLE SIGN/DEVICE: Any device that is capable of being expanded by any gas and used on a permanent or temporary basis to attract attention to a product or event. This definition includes both hot and cold-air balloons tethered or otherwise anchored to the ground.

GOVERNMENTAL SIGN: A sign erected and maintained pursuant to and in discharge of any governmental functions as required by law, ordinance, or other government regulation.

GROUND SIGN: See Free-Standing Sign.

ILLUMINATED SIGN: Any sign lighted by or exposed to artificial lighting either by light on or in the sign or directed toward the sign.

INFORMATION SIGN: A sign displaying necessary information for the convenience and safety of residents and visitors, and containing no advertising.

JOINT IDENTIFICATION SIGN: A sign that identifies the name, through type, graphics, or other symbols, of a shopping center, office park, industrial park, or other building complex containing three or more uses on the same lot, allowed in addition to the permitted signs of the individual occupants.

MENU BOARD: A free-standing sign orientated to the drive-through lane for a restaurant that advertises the menu items available from the drive-through window, and which has no more than twenty (20) percent of the total area for such a sign utilized for business identification.

MONUMENT SIGN: A sign attached to a wall or a base constructed specifically for the display of the sign.

NON-CONFORMING SIGN: A pre-existing legal or illegal sign that does not conform to the standards set forth in this ordinance.

OFF-PREMISE: Signs that are off the business premise.

OPEN HOUSE: A temporary public showing of a structure available for sale, rental, or lease.

PENNANT: A flag or banner longer in the fly than in the hoist, usually tapering to a point.

PERMANENT SIGN: Any permitted or legal nonconforming sign intended to remain in place until a change of occupancy occurs. A permanent sign must be securely attached or installed upon a building, structure, or the ground.

POLE SIGN: See Free-Standing Sign.

PORTABLE SIGN: Any sign that is designed to be or capable of being moved or transported, and not permanently affixed or attached to any building, structure, or grounds.

PRODUCT SIGN: A Sign typically located in a window, advertising a product or service offered by a business.

PROJECTED IMAGE: An image projected onto a building, structure, or sign.

PROJECTING SIGNS: A sign other than a wan sign that is attached to or projects more than eighteen (18) inches from a building face or wan, or from a structure whose primary purpose is other than the support of a sign.

PROMOTIONAL SIGNS: A temporary sign that provides information regarding time, place, and the like of a special event, community activity or similar activity.

PYLON SIGN: See Free-Standing Sign.

REAL ESTATE SIGN: A temporary sign advertising the sale, lease or rental of the property or premises upon which it is located.

REFACING: Any alteration to the face of a sign involving the replacement of materials or parts. Re-facing does not refer to replacing the entire sign structure or the removal of the sign.

ROOF LINE: The uppermost line or point of the facade or parapet of a flat roof structure, or the lower edge of an eave, gable or rake of a sloped roof structure.

ROOF SIGN: Any sign erected on or above the roofline of a building.

SANDWICH BOARD SIGN: A sign with two hinged boards that can be placed on the ground.

SIGN: A sign is defined as any name, number, symbol, identification, description, display, illustration, object, graphic, sign structure, or part thereof, whether permanent or temporary, which is affixed to, painted on, or represented directly or indirectly upon ,

projected onto a building, structure, lot, or other device, whether mobile or affixed to the ground, and which directs attention to any object, product, place, activity, person, institution, organization or business. This definition includes all signs visible from any public right-of-way or adjacent property, including interior signs oriented towards the exterior facade of any building or structure as well as back-lighted translucent panels or strip lighting affixed to any wall or roof where any such panels or lighting serves to identify a business and attract attention rather than to illuminate space for human activity.

SIGN FACE: The surface intended for the display of information on the sign.

SIGN SETBACK: The distance from the property line and/or right-of-way to the nearest part of the applicable building, structure, or sign, measuring perpendicularly to the property line and/or right-of-way line.

SIGN STRUCTURE: The supporting unit of a sign face, including but not limited to frames, braces and poles.

STREAMER: A ribbon-shaped or cord-like rope that may have pennants and/or banners attached and which is stretched or hung between two or more supports.

TEMPORARY SIGN: A sign intended to display either commercial or noncommercial messages of a transitory or temporary nature. Any sign not permanently embedded in the ground, or not permanently affixed to a building or sign structure that is permanently embedded in the ground, is considered a temporary sign.

TRAILBLAZER SIGN: A government sign identifying company logos for lodging, gasoline stations, restaurants and other such establishments.

TRAILER SIGN: Any sign that is attached to, supported by, or part of a structure that is designed to move on trailer wheels, skids, or other similar devices, or transported, pushed, or pulled by a motor vehicle.

UNDER CANOPY OR UNDER MARQUEE SIGN: A sign attached to the underside of a canopy or marquee.

WALL SIGN: Any sign attached to or erected against the inside or outside wall of a building or structure, with the exposed display surface of the sign in a plane parallel to the plane of the building or structure and extending less than eighteen (18) inches from the building or structure.

WINDOW SIGN: Any signs, posters, symbols and other types of identification or information about the use of premises directly attached to the window of a building or erected on the inside of the building and visible from any public right-of-way or adjacent property.

24.2 PERMIT REQUIRED: The erection or location of any sign within the Village of Elida shall require a Zoning Permit unless otherwise specified in Article 24.4. In addition, signs over nine (9) feet in height and/or thirty-two (32) square feet shall require a Building Permit. Exemptions from the necessity of securing a zoning or building permit, however, shall not be construed to relieve the owner of the sign involved from responsibility for its erection and maintenance in a safe manner and a manner in accordance with all the other provisions of this Article.

24.2.1 When applying for a Zoning Permit for a sign, the following materials must be submitted:

- (a) A completed application and fee for each requested sign, signed by the owner of the premises upon which the sign is to be displayed.
- (b) Scale elevation drawing(s) of proposed sign(s) showing the design proposed, the materials used, the sign dimensions, the size, style, color and lettering type, lines and symbols and method of illumination.
- (c) Construction details, foundation and anchorage details, stresses and loads, and engineering calculations signed and sealed by a registered design professional when required by the Ohio Building Code.
- (d) A dimensioned site plan showing the exact location of proposed sign(s) in relation to adjacent buildings, lot lines or other structures.
- (e) For free-standing signs, a sign base plan. Applications for a Building Permit for a sign must be submitted to the local certified building department, and shall include the approved Zoning Permit and the applicable fee and submittals required by the building department.

24.2.2 FEES: The applicant for a Zoning Permit shall pay such fees as are prescribed by the Village of Elida. Such fees shall be prescribed annually, or more often, by the Village Council.

24.2.3 INSPECTION: All signs and billboards erected within this Village are subject to inspection, whether a Permit is required or not, prior to erection. The Village Zoning Inspector, or any other official of the Village, is hereby authorized to enter upon any property or premises to ascertain whether the provisions of this Article are being complied with. Such inspection may be made at any reasonable time and the Village Zoning Inspector shall order the removal of any sign or billboard that is not maintained in accordance with the provisions of this ordinance.

24.2.4 REMOVAL OF SIGNS: The Village Zoning Inspector shall effect removal of any illegally placed sign and its supporting structures within the right-of-way of any road within this Village, or sign for which no required Permit has been issued. The Zoning Inspector shall reasonably retain said sign and shall attempt to notify

the owner thereof of its location. If the owner of any sign fails to claim the same within forty-five (45) days after notice by the Zoning Inspector, said sign may be destroyed. Any abandoned sign that no longer applies to the property on which it is situated, or a dangerous or materially, electrically or structurally defective sign shall be declared a public nuisance and the procedure for removal of signs shall be applied.

24.3 GENERAL REQUIREMENTS: The following requirements shall apply to all Permanent and temporary signs located and erected within the Village regardless of type, style, location, design or other classification.

24.3.1 **COMFORMANCE TO CODES:** Any sign erected hereafter shall conform to the provisions of this Article and the provisions of the Ohio Building Code and of any other ordinance or regulation within this jurisdiction.

24.3.2 **LOCATION:** No sign shall be located nor project into the right-of-way of any public or private road within the Village. Signs shall not prevent free ingress to or free egress from any door, window or fire escape. Said sign or signs shall be located in strict compliance with this ordinance, or in strict compliance with Article 24.10 the Village of Elida Zoning Ordinance.

No sign shall be permitted in the Village of Elida that interferes with the visibility of pedestrian or vehicular traffic entering, leaving or operating on thoroughfares. Refer to Illustration A for specific minimum sight triangle clearance requirements.

24.3.3 **SIZE:** The surface area of a sign shall be computed as including the entire area within a regular geometric form or combination of regular geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames, bracing and structural members shall not be included in the computation of the surface area unless such support members are made a part of the message or face of the sign. Architectural features of a building and nonstructural or decorative trim and areas separated from the background surface upon which the sign copy is displayed by a distinct delineation, such as a reveal or border, are also not included in the surface area of a sign. Where a sign has two (2) or more display faces, the areas of all faces of the sign shall be included in determining the area of the sign, unless the two (2) faces are joined back to back, are parallel to each other and not more than twenty-four (24) inches apart. In the case of a sphere, the area shall be two (2) times the area of a circle. In the case of panel or cabinet signs, the sign face shall include the entire area of the sign panel, cabinet or face substrate upon which the sign copy is displayed or illustrated, but not open space between separate panels or cabinets. In the case of sign structures with routed areas of sign copy, the sign face shall include the entire area of the surface that is routed, except where interrupted by a reveal, border, or a contrasting surface or color. In the case of signs painted on a building,

or individual letters or graphic elements affixed to a building or structure, the sign face shall be considered to be that of the smallest single rectangle which encompasses the letters or separate graphic elements comprising the sign copy, but not open space between separate groupings of sign copy on the same building or structure.

24.3.4 HEIGHT: No sign shall be erected to a greater height than permitted by the specific provisions of this ordinance and in compliance with Article 24.10. If no maximum height is otherwise set forth, no sign shall be erected at a height greater than twenty (20) feet. The height of a sign shall be the distance from the established grade line at the base of the sign to the highest point of the sign or sign structure.

24.3.5 DESIGN:

24.3.5.1 Signs: Shall not use the words "STOP", "LOOK", "DANGER", or other similar words that may mislead or confuse traffic.

24.3.5.2 Traffic Safety - Colors. etc.: Display signs shall not closely resemble or approximate emergency vehicles, or the shape, form and/or color of official traffic signs signals and devices.

24.3.6 LIGHTING: If illuminated, signs shall be illuminated only by the following means:

- (a) By a white steady, stationary light of reasonable intensity directed solely at the sign and shielded or otherwise prevented from beaming directly onto adjacent properties or street.
- (b) By white interior light of reasonable intensity with logos and/or letters lit or silhouetted on a translucent background. No additional lighting shall be permitted.
- (c) Non-flashing neon.
- (d) Digital message board.

The level of illumination emitted or reflected from a sign shall not be of an intensity sufficient to constitute a demonstrable hazard to vehicular traffic on any right-of-way or parking lot from which the sign may be viewed. Light trespass from illuminated signage that extends ten (10) feet beyond the right-of-way or property line of the site shall not exceed one-half (0.5) foot candle in residential areas and one (1.0) foot candle in all other districts.

24.3.7 STRUCTURE: All signs shall be so constructed that they will withstand a wind pressure of at least thirty (30) pounds per square foot of surface and will be otherwise fastened, suspended or supported so that they will not be a menace to persons or property. Signs subject to the Ohio Building Code must also conform to applicable provisions therein.

24.3.8 MAINTENANCE: All signs shall be maintained in safe and sound structural condition at all times and shall be presentable. All signs shall be free of rust or corrosion, exposed wiring, chipped paint or faces, cracked, broken, or missing faces, or loose materials. The Zoning Inspector shall cause the removal of any off-premises advertising signs or structure found to be unsafe or structurally unsound within ten (10) days of issuing a notification. The Zoning Inspector shall cause the removal of any on-premise sign which is determined to be unsafe or structurally unsound within ten (10) days of issuance of notification.

24.3.9 VISIBILITY: Any interior window sign visible from the outside shall be considered an exterior sign and shall be subject to all provisions of the Village of Elida Zoning Ordinance.

24.3.10 MULTI-TENANT PROPERTIES: For all buildings or complexes designed and/or intended for multi-tenant usage, a total sign plan conforming to the requirements of this ordinance must be submitted to the Zoning Inspector or designee before any sign permit for the complex or individual tenant will be issued. The sign plan shall address, at a minimum the following:

- (a) Proposed sign locations;
- (b) Materials;
- (c) Type of illumination;
- (d) Design of free-standing structures;
- (e) Size;
- (f) Quantity; and,
- (g) Uniform standards for non-business signage, including directional and informational signs.

24.4 **PERMITTED SIGNS - NO PERMIT REQUIRED:** The following signs shall be permitted in the Village subject to the regulations set forth herein. No permit shall be required for any sign constructed or erected under the terms of this Article. Under no circumstances shall the signs be located in the road right-of-way nor illuminated in any manner. No sign shall have more than two (2) sides. All signs shall comply with requirements listed in Article 24.10.

24.4.1 REAL ESTATE SIGNS: For sale, lease or rent of the premises on which the sign is located shall be limited to one sign per street frontage. Such signs shall not be illuminated and shall not exceed six (6) square feet of area per side. All such signs shall be removed within thirty (30) days after occupancy. See Article 24.5 - Permit Required - for signs larger than six (6) square feet on parcels greater than fifteen (15) acres.

24.4.2 DIRECTIONAL SIGNS: Directional or other incidental signs pertaining to vehicular or pedestrian control on private property, provided the said signs are located outside the right-of-way of any public street or road, shall be permitted provided said signs do not exceed four (4) square feet of area per side, do not exceed four (4) feet in height, and do not interfere or obstruct visibility when entering or leaving property. In I-1 and I-2 zones, the height may be increased to five (5) feet. Such signs may contain information such as "in", "enter", "entrance", "out", "exit", "do not enter" or similar language as approved by the Zoning Inspector. Arrows indicating desired traffic movement may also be used for directional signage. No more than twenty-five (25) percent of the area of any directional signage shall be permitted to be devoted to business identification or logo, which area shall not be assessed against the permitted sign area. No more than one directional sign shall be permitted per street entrance to any lot. Directional signs must be on the property to which they refer. Off-site directional signage shall require a variance from the Board of Zoning Appeals.

24.4.3 NAME AND ADDRESS OF OCCUPANT of residential property, not to include designations as to employment or home occupation, and to be limited in size to no more than two (2) square feet in area per side. No more than one (1) sign shall be permitted.

TEMPORARY SIGNS FOR COMMUNITY ACTIVITIES AND EVENTS shall be permitted in any district of the Village provided the said signs are located outside the right-of-way and that said signs:

- (a) Shall not interfere with visibility of traffic entering or leaving the highway;
- (b) Are erected or posted not more than thirty (30) days prior to an event and are removed within seven (7) days following said event;
- (c) Are capable of posting and removal without destruction of public or private property;
- (d) Are not attached to any structures including utility poles, light poles, and fences;
- (e) Designate the name and address of the landowner and/or person and committee charged with removal of the sign; and,

(f) Shall not exceed five (5) feet in height and thirty-two (32) square feet in area per side.

Such signs include signs for the promotion of school, community service or church activities or a community event or election. No more than two (2) signs shall be permitted on any one (1) lot or parcel of land. The location of the sign shall be in conformance with the requirements of Article 24.3. No one sponsor shall display such promotional signs for more than ninety (90) days in any one (1) year.

24.4.5 FARM SIGNS denoting the name and address of the occupants, denoting produce or products for sales on the premises and denoting membership in organizations. No more than two (2) signs of any type may be permitted. Advertising signs may not exceed thirty-two (32) square feet of area per side and all other signs shall be limited to six (6) square feet per side. Farm signs are permitted only on the agricultural property and on parcels of ten (10) acres or larger in size.

24.4.6 BUSINESS/PROFESSIONAL SIGNS: One (1) sign having not more than four (4) square feet of display area on or over a show window or door of a store or business establishment, announcing without display or elaboration, only the name of the proprietor and the nature of the business.

24.4.7 PUBLIC USE FACILITIES: Signs designating public uses or facilities shall be in conformity with this ordinance.

24.4.8 EACH AND EVERY PREMISE within the Village of Elida shall be easily identified by street numbers visible from the street to assist emergency response personnel.

24.4.9 HISTORICAL SIGNS, COMMEMORATIVE PLAGUE OR CORNERSTONES placed by recognized historical agencies, provided that such signs are less than nine (9) square feet in area and not illuminated. Personal memorial signs shall not be restricted if not in excess of two (2) square feet or if not visible from the public right-of-way.

24.4.10 YARD, GARAGE OR MOVING SALES: A sign advertising the sale of personal property may be temporarily erected on the same lot as the sale provided such sign is not located in the right-of-way of any public street or road and shall not interfere or obstruct visibility when entering or leaving property. The signs must be removed on the last day of the sale, not to exceed seven (7) days nor more than twenty-one (21) days in a year or a permit is required.

24.4.11 CONSTRUCTION SIGNS: Signs identifying a construction project may be temporarily erected upon the same lot as the project. Such signs shall be permitted only for the length of the construction project or for eighteen (18) months whichever is shorter. Any extension past the eighteen (18) months shall be subject to approval by the Zoning Inspector. Construction signs shall contain only the

name of the construction project, the construction firm(s), the engineer, the architect and/or the subcontractors involved in the project, the address of the project and/or the lot number. Signs can be erected up to sixty (60) days maximum prior to the beginning of construction. Only one (1) construction sign shall be permitted per project. Maximum sign area permitted shall be six (6) square feet for each single dwelling unit for residential structures up to a maximum of thirty-two (32) square feet per side for all principal structures. All signs shall be set back from the street right-of-way per Article 24.10.

24.4.12 SIGNS FOR HOME OCCUPATION: One (1) sign per residence no larger than four (4) square feet shall be permitted for the purpose of announcing a home occupation which has complied with all of the requirements of the Village of Elida Zoning Ordinance.

24.4.13 PROPERTY CONTROL SIGNS: (No Hunting, Keep Off the Grass, etc.) shall be permitted not to exceed two (2) square feet in size.

24.4.14 WINDOW SIGNAGE with a total area of less than two (2) square feet and bearing only information about entry and exit, business hours and/or discount and credit systems accepted in that establishment (e.g., American Express, MasterCard, Visa, Golden Buckeye Card).

24.4.15 SIGNS INCORPORATED IN A WINDOW DISPLAY of a business other than those addressed in Article 24.4.14, provided such window display signs are:

- (a) Limited to forty (40) percent of the total first floor window area;
- (b) Placed only in ground *floor* level windows; and
- (c) Illuminated only from a concealed source, and in accordance with Article 24.3.7.

24.4.16 FLAGS, PENNANTS or INSIGNIA of any nation, state, city, or other political unit.

24.4.17 SIGNS of a duly constituted governmental body, including traffic or similar regulatory devices, legal notices, or warnings at railroad crossing.

24.4.18 HOLIDAYS SIGNS: Signs clearly in the nature of decorations customarily associated with any holiday, to be limited to an aggregate total of sixty (60) days in any one (1) year, and to be displayed not more than sixty (60) consecutive days. Such signs may be illuminated, providing no safety or visibility hazards are caused by such illumination. Animated and flashing holiday signs are permitted for residential uses only, providing no safety or visibility hazards are caused by such illumination.

24.4.19 SECURITY SYSTEM SIGN displaying information about the security system protecting buildings or property, provided that such signs do not exceed one (1) square foot in area.

24.4.20 CONSTRUCTION TRAILER SIGNS painted on or affixed to construction trailers, vans, or other vehicles temporarily in use on a construction site.

24.4.21 RELIGIOUS SYMBOLS shall not be restricted.

24.4.22 WORKS OF ART shall not be restricted provided they do not contain advertising messages other than the name of the artist and/or sponsor. Such message area shall not exceed two (2) square feet.

24.4.23 TRANSIT SHELTER SIGNAGE customarily applied to public transit facilities by the transit authority shall be permitted.

24.5 PERMITTED SIGNS - PERMIT

The following signs shall be permitted upon obtaining a written permit in areas clearly delineated herein and subject to the reasonable regulations set forth herein:

24.5.1 REAL ESTATE SIGNS IN ALL ZONING DISTRICTS: On Parcels exceeding fifteen (15) acres, one (1) sign not to exceed thirty-two (32) square feet per side and eight (8) feet in height. Signs identifying a property for sale, rent or lease may be placed on-site until thirty (30) days after occupancy. Where a parcel has frontages on two (2) or more roads, one (1) sign may be permitted on each road on review of the Zoning Inspector. Such signs shall not be illuminated and shall be set back from the public right-of-way a minimum of ten (10) feet. Said signs may remain on a premise for a period not to exceed eighteen (18) months without renewal.

24.5.2 SUBDIVISION SALE SIGNS: One (1) sign providing information on the sale of lots within an approved and recorded subdivision may be placed at each entrance to the subdivision until ninety (90) percent of the lots within the subdivision are sold. Subdivision sale signs shall contain only the name of the subdivision, the name of the owner, the name of the developer and information regarding price, terms and the location and telephone number of the sales office. All such signs shall not exceed thirty-two (32) square feet and shall be set back from the right-of-way a minimum of (10) feet.

24.5.3 MODEL HOME SIGNS: One (1) sign per model home providing information on the builder, telephone number, and hours of operation. Signs shall be no more than six (6) square feet per side, no more than two (2) sides and may be placed on the property until ninety (90) percent of the lots within the subdivision are sold.

24.5.4 PERMANENT SUBDIVISION IDENTIFICATION SIGNS in all zoning districts shall be limited to two (2) signs per entrance along major thoroughfares and shall

- c. All wall signs shall be mounted on the building that houses the business establishment advertised by such signs, EXCEPT as otherwise specifically authorized by this ordinance. Such signs shall be located on or along one (1) wall of such building which faces a street, parking lot or service drive, and shall not project above the roof line or the cap of parapets of such building, whichever is higher. Signs may be erected on a wall that is an extension of a building wall that faces a street, parking lot or service drive, provided that the design and construction of such extension are architecturally compatible with the building and such wall does not extend beyond any required building setback line of the building to which such extension wall is attached. The display area of the sign must be located either on the wall or extension. It may not be located on both. All such signs shall be parallel to the wall on which they are installed, and shall not project more than eighteen (18) inches from such wall: and,
- d. The function of such sign shall be relevant to the use of the property on which it is located.

24.5.9 FREE-STANDING SIGNS IN BUSINESS AND MANUFACTURING DISTRICTS: A freestanding sign shall be permitted for any business or use based on the following conditions:

- a. The maximum allowable size of a free-standing sign in a B-1 or B-2 District shall be such that the total of wall signage and freestanding signage does not exceed the maximum size allowed in Article 24.10, and in no case shall it exceed thirty-two (32) square feet;
- b. In an M-1 or M-2 District, the maximum allowable size of a freestanding sign shall be fifty (50) square feet;
- c. The maximum height of such signs shall not exceed twenty (20) feet above the established grade line or twenty (20) feet above the grade at the edge of the street, whichever is greater, but in no case shall the height exceed twenty (20) feet;
- d. Not more than one (1) free-standing sign may be authorized for any one (1) operation or establishment. Where more than one (1) operation or establishment is located on a single tract of land, having an entrance or parking area or areas used in common by the customers of such operations or establishments, only one (1) free-standing sign may be authorized for the entire tract. Refer to 24.5.14 for additional requirements for Joint Identification Signs.
- e. No part of such sign will be closer to any street right-of-way line than fifteen (15) feet. No sign or its supporting structure shall be any closer to any other property line than the applicable building setback line; and,
- f. The function of such sign shall be relevant to the use of the property on which it is located.

24.5.10 PROJECTING SIGNS shall be permitted in lieu of freestanding signage along any street frontage limited to one (1) sign per occupancy along any street frontage

not obstruct the visibility at any intersection. Such signs shall contain only the name of the subdivision they identify. The signs shall not exceed eight (8) feet in height, nor shall they exceed thirty-two (32) square feet on either side, and shall be properly maintained. Identification signs shall not contain any advertising of products or changeable copy.

24.5.5 SEASONAL BUSINESS: One (1) sign per street frontage is allowed for a seasonal business. Such signs are limited to thirty-two (32) square feet in area and ten (10) feet in height. They must set back as least eight (8) feet from any public right-of-way. Seasonal business signs may be displayed fifteen (15) days prior to opening the business and shall be removed within seven (7) days of when the business closes for the year.

24.5.6 GASOLINE STATIONS: Gasoline stations, whose principal business is the sale of motor fuel, may display signs in addition to those herein authorized and any other signs as may be required by law.

24.5.7 DRIVE-THRU MENU BOARD SIGNS: A drive-thru menu board sign is permitted when located on the property to which it refers. The size of the sign shall not exceed fifty (50) square feet.

24.5.8 BUSINESS OR MANUFACTURING WALL SIGNS: Wall signs are permitted for any business or use and shall comply with the following requirements:

- a. The maximum allowable sign face for wall signs shall be one (1) square foot for every lineal foot of width of the building face to which the sign is attached, but shall not exceed the maximum size allowed for the use as shown in Article 24.10. The maximum height for a wall sign shall be fifteen (15) feet, measured from the established grade line to the top of the sign, but in no case extending above the roofline of the building.
- b. Wall signs shall be limited in number to one (1) per building or use. For buildings or uses on corner lots having at least one hundred (100) feet of lot frontage on each of two (2) public rights-of-way, a second wall sign is permitted facing the second right-of-way. Each sign is limited to one (1) square foot for every lineal foot of width of the building face to which the sign is attached, not exceeding the installed maximum size allowed in Article 24.10. The distance between the signs shall not be less than two-thirds the length of the longest elevation to which the sign is attached. The distance will be measured by two (2) straight lines along the elevations of the building, from edge of sign to edge of sign. In no case shall two (2) wall signs be closer than twenty (20) feet apart. The provision for a second sign does not apply to individual tenants in a multi-tenant building.

With public entrance to such occupancy. Requirements regarding permitted locations, maximum size and height, setback and permit requirements shall be the same as for free-standing signs in business and industrial districts (refer to Article 24.5.9). Projecting signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of nine (9) feet.

24.5.11 UNDER CANOPY SIGNS: Under canopy signs shall be allowed in any B-I or B-2 District, subject to the following conditions:

- a. Under canopy signs shall be limited to no more than one (1) such sign per public entrance to any occupancy, and shall be limited to an area not to exceed four (4) square feet;
- b. Such signs shall maintain a clear vertical distance above any sidewalk or pedestrian way a minimum of nine (9) feet; and,
- c. Under canopy sign copy area shall be deducted from the allowable area for wall signage provided in Article 24.5.8.

24.5.12 OUTDOOR DISPLAY OF MERCHANDISE: Outdoor displays of merchandise for sale and visible from the public right-of-way or from adjoining properties shall be limited to twenty (20) percent of the entire area of a property. This requirement shall not apply to landscape plant material sales or automobile and truck sales and rentals. Signs related to the sale of outdoor displays of merchandise shall be limited to one (1) per street frontage and the area of such signs shall be limited to six (6) square feet and shall not exceed five (5) feet in height. Such signs will be permitted only in B-I and B-2 Districts.

24.5.13 TEMPORARY SPECIAL EVENT AND GRAND OPENING SIGNS: Signs temporarily displayed to advertise special promotions, events, grand openings shall be permitted in B-1 and B-2 Districts subject to the following limitations:

- a. Such signs shall be limited to one (1) per lot;
- b. Such signs may be displayed for not more than thirty (30) days in any three (3) month period, and not more than sixty (60) days in any calendar year. The signs shall be erected no more than thirty (30) days prior to the event or grand opening, and shall be removed not more than one (1) day after the event or grand opening; and,
- c. The total area of such signs shall not exceed thirty-two (32) square feet and eight (8) feet in height.

24.5.14 JOINT IDENTIFICATION SIGN: One free-standing sign identifying the name of a shopping center or other building complex shall be permitted, if there are multiple uses sharing the same site. The sign face area of a joint identification sign dedicated to the identity of the development shall not exceed (32) square feet.

The sign face area of the sign dedicated to the identification of the individual occupants shall be twelve (12) square feet for each of the individual occupants of the development, with the total area of the sign not to exceed ninety (90) square feet and twenty (20) feet in height. A second joint identification sign of the same height and size is permitted if the site has frontage on two (2) streets. The signs shall be no closer than two hundred (200) feet. A total sign plan conforming to the requirements of this ordinance must be submitted to the Zoning Inspector or designee before any sign permit for the complex or individual tenant will be issued.

24.5.15 ATM's: Signage for all ATM's (Automated Teller Machines) shall not be assessable against the allowable area for wall signage permitted in Article 24.5.9. Such signage shall not exceed six (6) square feet per ATM.

24.6 CONDITIONALLY PERMITTED SIGNS - PERMIT REQUIRED: Any sign not specifically permitted in this Article 24 shall require a variance or conditional use permit from the Board of Zoning Appeals as provided in Article 28.

24.7 PROHIBITED SIGNS: The following signs shall be prohibited in the Village of Elida:

24.7.1 Signs not otherwise specifically authorized by this Ordinance, signs installed without a required permit or zoning certificate, or signs installed which do not meet applicable regulations.

24.7.2 Signs or advertising erected and maintained on trees or painted or drawn upon rocks or other natural features.

24.7.3 No sign or billboard shall be painted directly upon the roof of any building or structure EXCEPT identification signs on agricultural buildings.

24.7.4 Advertising devices that attempt, or appear to attempt, to direct the movement of traffic, or which interfere with, imitate or resemble an official sign, signal or device.

24.7.5 No signs shall be posted, attached, mounted or otherwise applied on traffic control signs, street signs, traffic signal poles, utility poles, or any other unapproved supporting structure.

24.7.6 No vehicle, trailer, or equipment of any type may be parked permanently for more than thirty (30) days on a business premise or a lot for the purposes of advertising a business, product, service, event, object, location, organization or the like. A vehicle or trailer may be exempted from this restriction if the vehicle or trailer is in operating condition, currently registered and licensed to operate on public streets when applicable, and actively used or available for use in the daily function of the business to which such signs relate. Vehicles and trailers shall not

be used primarily as static displays, advertising a product or service, nor utilized as storage, shelter or distribution points for commercial products or services for the general public.

24.7.7 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 a present danger or the prohibition of trespassing.

24.7.8 Signs may not be installed in any public right-of-way unless specifically authorized by the Village Administrator. Signs may not be installed in any utility easement.

24.7.9 Billboards.

24.8 ENFORCEMENT: PROHIBITED, HAZARDOUS AND ABANDONED SIGNS:

The Village of Elida shall require the removal of any sign that is determined to be prohibited, hazardous or abandoned in order to protect the public health, safety or welfare. It shall be the duty of the Zoning Inspector to maintain a photograph and file of any such sign together with the written report of his/her findings and actions.

24.8.1 NOTIFICATION OF UNLAWFUL SIGNS: No prohibited, abandoned or defective sign shall be allowed within the Village, nor allowed to continue by variance.

- a. Prohibited Signs (as described in Article 24.7): Notice shall be given by certified mail or personal service to the owner or lessee of any prohibited sign or the owner of the property on which it is located. The notice shall state that such prohibited sign shall be altered to conform with this regulation or be removed within seven (7) days after the notice has been received. The time period may be stayed during any administrative appeal.
- b. Hazardous Signs: Hazardous signs are those signs that by reason of inadequate maintenance, dilapidated condition, obsolescence, or need of structural repair create an imminent hazard to public health, safety or welfare, as declared by the Zoning Inspector. Said signs are declared a nuisance and shall not be allowed within the Village of Elida. Notice shall be given by certified mail or personal service to the owner or lessee of any defective sign or the owner of the property on which it is located. The notice shall require defective sign removal or abatement within seven (7) days.
- c. Abandoned Signs: If any sign or billboard shall become abandoned in any manner, defined herein, such a sign or billboard is declared to be a public nuisance by reason that continued lack of use results in lack of reasonable and adequate maintenance, thereby causing deterioration and blighting

influence on nearby properties. An abandoned or defective sign or billboard is any sign or billboard that meets any of the following criteria:

- (1) A sign that remains at the time a business (or use) identified by the sign discontinues the business or vacated the premises. A business has ceased operations if it is closed to the public for at least one hundred eighty (180) days. Seasonal businesses are exempt from this determination.
- (2) A sign or billboard associated with an abandoned nonconforming use.
- (3) Any sign or billboard that is not maintained in accordance with this Resolution (refer to Article 24.3.8).

Abandoned signs as hereinabove defined shall be declared a public nuisance by the Zoning Inspector. Notice shall be given by certified mail or personal service to the owner or lessee of any abandoned sign or the owner of the property on which it is located. The notice shall require the abandoned sign be removed or replaced within thirty (30) days as determined by the following circumstances:

- a. Signs that were used by a business which will be used by a new business re-occupying the structure may remain, but the sign face must be replaced by a blank panel. Such a sign must conform to this ordinance; and,
- b. Signs that were used by a business which are found to be non-conforming with this ordinance must be removed from the property, including all supporting structure.

24.8.2 APPEALS OF NOTICE TO REMOVE: The owner or lessee of a sign or the owner of the property on which a sign is located who has been notified by the Village of Elida that said sign is prohibited, hazardous or abandoned may appeal such decision to the Board of Zoning Appeals within five (5) days of the receipt of such notice for prohibited and hazardous signs and within twenty (20) days for abandoned signs. The appeal shall contain the appellant's name and address, the decision being appealed, and a brief explanation why the appellant should not be required to comply with the decision being appealed.

24.9 **NON-CONFORMING SIGNS:** A sign is a legal non-conforming if it complied with the sign regulations in effect at the time it was erected, but no longer meets the requirements of new regulations. A sign is illegal non-conforming if it did not meet the requirements of the sign regulations when it was installed.

24.9.1 TERMINATION OF LEGAL NON-CONFORMING SIGNS: A legal non-conforming sign must be brought into conformance or terminate and cease to exist if any one of the following conditions occur:

- a. Whenever the sign is damaged more than fifty (50) percent of its total replacement value, destroyed from any cause whatsoever, or becomes obsolete or substandard to the extent that the sign becomes a hazard or a danger;
- b. The business to which the sign pertains expands the building gross floor area or parking area or loading area twenty five (25) percent or more after the effective date of this ordinance;
- c. Whenever there is a request made for a permit to alter the structural support of the sign;
- d. Whenever there is a request for a building permit to make improvements to the facade of the building on which the nonconforming sign is located excluding normal repair or maintenance efforts;
- e. When a change in size or shape of a sign or a change in the area of sign copy occurs;
- f. When a change in the sign copy occurs that does not apply to the original use or the original owner associated with the sign; and,
- g. When a sign is relocated.

24.9.2 TERMINATION OF ILLEGAL NON-CONFORMING SIGNS: An illegal non-conforming sign is considered a prohibited sign under Article 24.7 and is subject to removal under Article 24.8

24.9.3 SEE APPENDIX B-1 AND B-2 FOR TABLE OF SIGN AREAS

ARTICLE 25
EXCEPTIONS AND MODIFICATIONS

25.0 LOT OF RECORD: When a lot which is an official lot of record at the time of adoption of this Ordinance does not comply with the area, yard, or other requirements of this Ordinance, such lot may be used as a building site provided, however, that the yard and other requirements of the District are complied with as closely as possible in the opinion of the BOARD OF ZONING APPEALS. Property owner shall submit request for an opinion from the Board of Zoning Appeals. No fees will be incurred for this opinion.

25.1 EXCEPTION TO YARD REQUIREMENTS:

25.1.1 **ALLOWABLE PROJECTIONS OF RESIDENTIAL STRUCTURE INTO YARDS:** Any structure may project into the required yard if existing structures on both adjacent lots in the same district have less than the required minimum front yard, provided, however, that such projections shall extend no closer to the street than either of the adjacent structures.

Architectural features of residential buildings such as windows sills, cornices, roof overhangs, may project into the requirements provided, such projections are not more than four (4) feet and do not reach closer than four (4) feet to any lot line.

25.1.2 **ALLOWABLE PROJECTIONS OF BUSINESS STRUCTURES OVER SIDEWALKS:** Signs, awnings, canopies, marquees, are permitted to overhang the sidewalks in the business districts only, providing that overhanging signs are a minimum of nine (9) feet above the sidewalks at any point and that all other structures are a minimum of six (6) feet-eight (8) inches above the sidewalks at any point.

25.1.3 **ALLOWABLE PROJECTIONS OF ACCESSORY BUILDING INTO REAR YARD:** One (1) story accessory buildings may project into only rear yards abutting in an alley providing such projections extend not closer than five (5) feet to the rear lot line.

25.2 EXCEPTION TO HEIGHT LIMITS: The height limitations of this Ordinance shall not apply to church spires, belfries, cupolas, domes not intended for human occupancy, monuments, water towers, chimneys and smoke stacks.

ARTICLE26
YARD PROJECTIONS IN RESIDENTIAL DISTRICTS

26.0 PROJECTIONS OF ARCHITECTURAL FEATURES: Certain architectural features may project into required yards as follows:

26.0.1 FRONT AND SIDE YARDS: Into any required front yard, or required side yard, adjoining a side street lot line.

26.0.2 CORNICES, canopies, eaves or other architectural features, may project a distance not exceeding two (2) feet-six (6) inches.

26.0.3 AN UNCOVERED STAIR and necessary landings may project a distance not to exceed six (6) feet, provided such stair and landing shall not extend above the entrance floor of the building except for a railing not exceeding three (3) feet in height.

26.0.4 BAY WINDOWS, balconies, uncovered porches and chimneys may project a distance not exceeding three (3) feet, provided that such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.

26.0.5 INTERIOR SIDE YARDS: Subject to the limitations in Paragraphs 26.0.1 - 26.0.4, the features named therein may project into any required side yards the same distance they are permitted to project into a front yard.

26.0.6 REAR YARDS: Subject to the limitations in Paragraphs 26.0.1 - 26.0.4, the features named therein may project into any required rear yards the same distances they are permitted to project into a front yard.

26.1 FENCES, WALLS AND HEDGES: May be located in required yards as follows:

26.1.1 UNDER FOUR (4) FEET: If not exceeding at any point four (4) feet in height above the elevation of the surface of the ground at such point, they may be located in any yard.

26.1.2 UNDER SIX (6) FEET: If not exceeding at any point six (6) feet in height above the elevation of the surface of the ground at such point, they may be located in any required rear yard or side yard, provided, that on a corner lot, abutting in the rear, the side lot line of another lot in a Residential District, no such fence, wall or hedge within twenty-five (25) feet of the common lot line shall be closer to the side street lot line than the least depth of the front yard required on such other lot fronting the side street.

- 26.1.3 BARBED-WIRE FENCES: or fences or walls having wire or metal prongs or spikes or cutting points or edges of any kind what-so-ever shall be prohibited.
- 26.1.4 A permit shall be required for any fence within five (5) feet of a lot line, or any fence over fifty (50) inches in height, which is not immediately adjacent to a patio, deck or swimming pool.
- 26.1.5 Regarding the erection of fences, all posts and supports shall be totally on erector's property. Fencing material may be on the lot line.
- 26.1.6 Decks, porches and patios shall be restricted by any required setback and height restrictions.
- 26.1.7 Decorative panels may extend a maximum of two (2) feet in height and may not be a continuation of the fence panels.

ARTICLE27
ENFORCEMENT

27.0 ENFORCEMENT BY ZONING INSPECTOR: There is hereby established the Office of Zoning Inspector. It shall be the duty of the Zoning Inspector to enforce this Ordinance in accordance with the administrative provisions of this Ordinance.

All departments, officials and public employees of the Village vested with the duty or authority to issue permits and certificates shall conform with the provisions of this Ordinance and shall issue no permit certificate for any use, building or purpose in conflict with the provisions of this Ordinance. Any permit or certificate issued in conflict with the provisions of this Ordinance shall be null and void.

The Zoning Inspector shall have authority to issue a cease and desist for any violations of this ordinance.

An appeal from the decision of the Zoning Inspector may be made to the VILLAGE BOARD OF ZONING AND BUILDING APPEALS as provided in Article 28.

27.1 ZONING PERMITS: It shall be unlawful for an owner to use or permit the use of any structure, building or land or part thereof, hereafter created, erected; changed, converted or enlarged, wholly or partly, until a Zoning Permit has been issued by the Zoning Inspector. It shall be the duty of the Zoning Inspector to issue a permit, provided he/she is satisfied that the structure, building or premises and the proposed use thereof conforms with all requirements of this Ordinance. No permit for excavation, construction or reconstruction shall be issued by the Zoning Inspector unless the plans, specifications and the intended use conform to the provisions of this Ordinance.

Upon written request from the owner or tenant the Zoning Inspector shall issue a Zoning Permit for any building or premises existing at the time of enactment of this Ordinance certifying after inspection the extent and kind of use made of the building or premises and whether such use conforms to the provisions of this Ordinance.

27.2 CONDITIONS UNDER WHICH ZONING PERMITS ARE REQUIRED: A Zoning Permit shall be required for any of the following:

27.2.1 Construction or structural alteration of any building, including accessory buildings.

27.2.2 Change in the use of land to a use of a different

27.2.3 Any change in the use of a non-conforming use.

27.3 APPLICATION AND ISSUANCE OF ZONING PERMITS: The following shall Apply in the application and issuance of Zoning Permits:

27.3.1 Written application shall be made for a Zoning Permit for the construction of a new building or the alteration of an existing building. Said permit shall be issued within thirty (30) days after a written request for the same has been made to the Zoning Inspector or his/her agent, provided such construction or alteration is in conformity with the provisions of this Ordinance.

27.3.2 Written application for a Zoning Permit shall be made to the Zoning Inspector. If the proposed use is in conformity with the provisions of this Ordinance, the Permit shall be issued within thirty (30) days after the application for same has been made.

27.3.3 Every application for a Zoning Permit shall be accompanied by a plot plan in duplicate, and such other plans as may be necessary to show the location and type of buildings to be erected or alterations to be made. Where construction or physical improvement of the land is involved, the lot and location of the buildings to be erected thereon shall be staked out, on the ground, before construction is started and all dimensions shown on the filed plans shall be based on an actual survey.

27.3.4 Failure to notify the applicant in case of such refusal within the said thirty (30) days shall entitle the applicant to a Zoning Permit unless the applicant consents to an extension of time.

27.3.5 If the work described in any Zoning Permit has not begun within six (6) months from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any Zoning Permit has not been substantially completed within two and one-half (2 1/2) years of the date of issuance thereof, said permit shall expire and be revoked by the Zoning Inspector, and written notice thereof shall be given to the persons affected, together with notice that further work as described in the canceled permit shall not proceed unless and until a new Zoning Permit has been obtained or an extension granted.

27.4 GENERAL PROVISIONS FOR ZONING PERMIT APPLICATIONS:

27.4.1 Each plot plan submitted with a zoning permit application shall show:

27.4.1.1 The street providing access to the lot and the exact location of the lot in relation to the nearest cross street.

- 27.4.1.2 The name of the concerned lot plan, if any, and the lot numbers of the concerned and abutting properties.
- 27.4.1.3 The actual dimensions of the lot, the yard and other open space dimensions thereof, and the location and size of any existing structure thereon.
- 27.4.1.4 The location and size of the proposed structure and/or the proposed enlargement of the existing structure.
- 27.4.1.5 Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the enforcement of this Ordinance.
- 27.4.2 Each plot plan submitted with a zoning permit shall bear statements declaring:
- 27.4.2.1 That no part of the land involved in the application has been previously used to provide required yard space of lot area for another structure.
- 27.4.2.2 Which abutting land was formerly that of the owner of the land involved in the application and, if any, the approximate date of title transfer.
- 27.4.3 Where complete and accurate information is not readily available from existing records, the Zoning Inspector may require the applicant to furnish a survey of the lot by a registered surveyor.
- 27.4.4 Each property owner or authorized agent shall be required to attest to the correctness of the statements and data furnished with the application.
- 27.4.5.1 A file of such applications and plans shall be kept in the office of the Zoning Inspector.

27.4.6 The Zoning Inspector shall not issue a Zoning Permit for any application requiring site review by the Zoning Commission such as:

27.4.6.1 Mobile Home Parks (Article 17)

27.4.6.2 Planned Unit Developments (Article 18)

27.4.6.3 Motels (Article 23)

27.5 CONDITIONS UNDER WHICH ZONING CERTIFICATES ARE REQUIRED: A Zoning Certificate shall be required for any of the following:

27.5.1 Change in use of an existing building or accessory building to a use of different classification.

27.5.2 Change in occupancy or ownership and/or use of vacant land and/or buildings, except residential.

27.6 APPLICATIONS AND ISSUANCE OF ZONING CERTIFICATES: The following shall apply in the application and issuance of Zoning Certificates:

27.6.1 Prior to any of the conditions listed in 27.5 occurs, a written application for a Zoning Certificate shall be submitted to the Zoning Inspector. The Zoning Certificate shall be issued within 30 days after the application for same has been submitted, provided the use is within accordance of the provisions of this ordinance.

27.6.2 Failure to notify the applicant in case of refusal within the said thirty (30) days shall entitle the applicant to a Zoning Certificate unless the applicant consents to an extension of time.

27.6.3 The Certificate is valid until usage or ownership changes.

27.7 FEES: Fees shall be charged in accordance with the orders and directions of the Village Council.

27.8 VIOLATIONS AND PENALTIES: It shall be unlawful to locate, erect, construct, re-construct, enlarge, change and maintain or use any building or land in violation of the provisions of this Ordinance or any amendment or supplement thereto adopted by the Village Council. Any person, firm or corporation violating any of the provisions of this Ordinance or any amendment or supplement thereto shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than five-hundred dollars (\$500.00). Each and every day during which such illegal locations, erection, construction, re-construction, enlargement, change, maintenance or use continued may be deemed a separate offense.

27.9 VIOLATIONS - REMEDIES: In case any building is or is proposed to be located, erected, constructed, re-constructed, enlarged, changed, maintained or used in violation of this Ordinance or any amendment or supplement thereto, the Village Council, the Village Solicitor, the Zoning Inspector or any adjacent or neighboring property owner who would be specially damaged by such violation may in addition to other remedies provided by law, institute appropriate action or proceedings to prevent such unlawful location, erection, construction, re-construction, alteration, conversion, maintenance or use; to restrain, correct or abate such violations; to prevent the occupancy of said building, structure or land; to prevent any illegal act, conduct business or use in or about such premises.

ARTICLE28
BOARD OF ZONING APPEALS

- 28.0 APPOINTMENT:** There is hereby established a VILLAGE BOARD OF ZONING APPEALS. The Board shall consist of three (3) electors of Elida who hold no other public office, or public employment, selected by Village Council for terms of three (3) years for overlapping terms, and two (2) from the Planning Commission. They shall serve without compensation. Vacancies shall be filled in the same manner for the unexpired terms. Members of the Board may serve two (2) consecutive terms as a maximum. An unexpired term shall count as a full term if it is two (2) years or longer. After a year shall have passed from date of last service, any Board member is re-eligible for appointment each January unless, in the discretion of the Mayor, pending hearings require the temporary continuation of the Board member whose term is to expire, but only until that business shall be completed. All appointments of Board members are by the Mayor with the confirmation of Council. Removal of members for cause upon written charges and after public hearings shall be in the jurisdiction of Village Council.
- 28.1 PROCEDURE:** The Board shall adopt its own rules and elect its officers annually, a Chairman, Vice-Chairman and Secretary from its membership. The Chairman, or in his absence the Vice-Chairman, may administer oaths and the Board may compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Secretary shall keep minutes of the proceedings indicating the vote of each member on each question, or if absent or failing to vote, so note. Also, the Secretary shall keep records of the Boards examinations and other official actions, all of which are to be immediately filed in the office of the Village and become public record. Finally, the Secretary shall conduct all official correspondence and supervise the clerical work of the Board. The duties of the Secretary may be cared for by the Village Clerk. Normally, notices of hearing and decisions of the Board shall be communicated directly to property owners affected and through newspapers and bulletin boards to the people of the Village.
- 28.2 QUORUM:** Three (3) members of the Board shall constitute a quorum. The Board shall act by resolution; and the concurring vote of four (4) members of the Board shall be necessary to reverse any order, requirements, decision or determination of the Board from which there has been an appeal, except in the event that only three (3) members of the Board are present at the meeting, their unanimous vote shall be sufficient for action.
- 28.3 ASSISTANCE:** The Chairman of the Board may call upon the employees of the Village of Elida for assistance in the performance of the duties of the Board.
- 28.4 APPEALS, HEARING AND STAY OF PROCEEDINGS:** The following shall apply for Applications, Appeals and Hearings:

28.4.1 APPLICATIONS - WHEN AND BY WHOM TAKEN: The Board shall have power to hear and decide applications for exceptions to and variances in, the application of resolutions, ordinances, regulations and orders of administrative officials or agencies governing zoning and building in the Village, as may be required to afford justice and avoid unreasonable hardships, subject to such reasonable standards and procedures as shall be prescribed by ordinance.

28.4.2 APPEALS - WHEN AND BY WHOM TAKEN: An appeal to the Board may be taken by any person aggrieved or by any officer, department, board or bureau of the Village affected by any decision of the Village Planning Commission or Zoning Inspector. Such appeal shall be taken within twenty (20) days after the decision, by filing with the Board a notice of appeal specifying the grounds thereof. The Village Planning Commission or Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

28.4.3 CONTENTS OF NOTICE OF APPEAL OR APPLICATION: No notice of appeal or application may be filed with the Board which does not contain drawings and written descriptions of the project sufficient to inform the Board and the adjacent property owners and tenants, as well as the people of the Village, of the total scope of the project, along with the names and addresses of the property owners and tenants within two hundred (200) feet of the property in question. In communicating to neighbors and to the newspapers, care shall be taken by the Board Chairman that the applicant's project is fairly described to the mutual satisfaction of applicant and Board before a hearing date shall be selected.

28.4.4 HEARINGS: The Board shall establish a reasonable time for the public hearing of the application or appeal and shall give written notice of said hearing to the parties in interest, including all property owners within two hundred (200) feet of the property in question. Each application of appeal shall be accompanied by a check, payable to the Village of Elida, or a cash payment, the amount to be determined by The Village Council. At the hearing, any party may appear in person or be Represented by an agent or attorney. Normally, the applicant or appellant shall present his position first at the hearing. Others who choose to speak shall identify themselves and their support or opposition in advance, so that equal time can be afforded both views.

28.5 DECISIONS OF THE BOARD: The Board shall decide all appeals within thirty (30) days after the date of notice of the required hearing thereon.

A signed copy of the Board's decision shall be transmitted to the applicant or appellant, and to the Zoning Inspector. Such decision shall be binding upon the Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant whenever a permit is authorized by the Board.

A decision of the Board shall not become final until the expiration of five (5) days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.

28.6 APPEAL FROM DECISIONS OF THE BOARD: Any person or persons, jointly or severally aggrieved by any decision of the Board of Appeals, or any officer, department, board or bureau of the Village may present to the Court of Common Pleas of Allen County a petition duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds for the illegality. Such petition shall be presented to the court within thirty (30) days after the filing of the decision in the office of the Board of Appeals. Any such case shall be heard and determined by the Court without a jury.

28.7 STAY OF PROCEEDINGS: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Mayor certifies to the Board after notice of appeal shall have been filed with him, that by reason of acts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property.

28.8 VARIANCES: The Board of Zoning Appeals may authorize upon appeal in specific cases such variance from the terms of this ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance 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 ordinance would result in unnecessary hardship.

28.8.1 APPLICATION AND STANDARDS FOR VARIANCES:

Except as otherwise permitted in this ordinance, no variance in the strict application of the provisions of this ordinance 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

28.8.1.1 Name, address, and phone number of applicant(s);

28.8.1.2 Legal description of property;

28.8.1.3 Description or nature of variance requested;

28.8.1.4 A fee as established by the Village fee ordinance; and,

28.8.1.5 Narrative statements establishing and substantiating that the variance conforms to the following standards:

- A The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this ordinance in the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare;
- b. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district;
- c. 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 ordinance 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;
- d. There must be proof of hardship created by the strict application of this ordinance. 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 ordinance. It must be suffered directly by the property in question and evidence of variances granted under similar circumstances need not be considered;
- e. 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;
- f. 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; and,
- g. 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.

28.8.2 ADDITIONAL CONDITIONS AND SAFEGUARDS:

The Board of Zoning Appeals 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 ordinance.

28.8.3 PUBLIC HEARING BY THE BOARD OF ZONING APPEALS:

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

28.8.4 NOTICE OF PUBLIC HEARING IN NEWSPAPER:

Before conducting the public hearing required in Section 28.8.3, notice of such hearing shall be given in a newspaper of general circulation in the Village at least thirty (30) 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 of variance.

28.8.5 NOTICE TO PARTIES OF INTEREST:

Before conducting the public hearing required in Section 28.8.3, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least thirty (30) days before the day of the hearing to all parties of properties within 200 feet of the property in question. The notice shall contain the same information as required of notices published in newspapers as specified in Section 28.8.4.

28.8.6 ACTION BY BOARD OF ZONING APPEALS:

Within thirty (30) days after the public hearing, required in Section 28.8.3, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 28.8.2, or disapprove the request for variance. The Board of Zoning Appeals 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. Appeals from Board decision shall be made in the manner specified in Section 28.6.

28.8.7 TERM OF VARIANCE:

No order of the Board of Zoning Appeals granting a variance shall be valid for a period longer than twelve (12) months from the date of such order unless the building 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.

28.8.8 AUTHORIZED VARIANCES:

Variations from the regulations of this ordinance shall not be granted unless the Board of Zoning Appeals makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section 28.8.1, and Section 28.8.2 if applicable, have been met by the applicant. Variations may be granted as guided by the following:

- 28.8.8.1 To permit any yard or setback less than the yard or setback required by the applicable regulations;
- 28.8.8.2 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 should not be less than eighty percent (80%) of the required area and width;
- 28.8.8.3 To permit the same off-street parking facility to qualify as required facilities for two (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;
- 28.8.8.4 To reduce the applicable off-street parking or loading facilities required, but generally by not more than thirty percent (30%) of the required facilities;
- 28.8.8.5 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;
- 28.8.8.6 To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty percent(40%);
- 28.8.8.7 To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five percent (25%); and,
- 28.8.8.8 To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five percent (25%).

28.9 ADDITIONAL POWERS OF THE BOARD OF ZONING APPEALS: The Board of Zoning Appeals shall also have jurisdiction of the following:

- 28.9.1 **CONDITIONAL USES, SPECIAL EXCEPTIONS AND INTERPRETATION OF ZONING MAPS:** The Board shall have the power to hear and decide in accordance with the provisions of this Ordinance, applications filed as Herein before provided, for conditional uses, special exceptions or for interpretation of the Zoning Map or for decisions upon other special questions upon which the Board is authorized to pass by this Ordinance. In considering an application for a conditional use, a special exception or interpretation of the Zoning Map, the board shall give due regard to the nature and condition of all adjacent uses and structures; and in authorizing a conditional use or special exception, the Board may impose such requirements and conditions with respect to locations, construction, maintenance and operation - in addition to those expressly stipulated in this Ordinance for the particular conditional use or

special exception as the Board may deem necessary for the protection of adjacent properties and the public interest. Procedures as described in 28.8 shall be followed by the Board in hearing and deciding applications for conditional uses, special exceptions and interpretation of zoning maps. Fees shall be charged in accordance with the Village fee ordinance.

28.9.2 NON-CONFORMING USES - SUBSTITUTIONS: If no structural alterations are made, any non-conforming use of a structure or structures and premises, may as a conditional use be changed to another non-conforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or More appropriate to the District than the existing non-conforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accordance with other provisions of this Ordinance. Procedures as described in 28.8 shall be followed by the Board in hearing and deciding applications for substitutions. Fees shall be charged in accordance with the Village fee ordinance.

28.9.3 TEMPORARY STRUCTURES AND USES: The Board may authorize the temporary use of a structure or premise in any District for a purpose or use that does not conform to the regulations prescribed elsewhere in this Ordinance for the District in which it is located, provided that such use be of a temporary nature and does not involve the erection of a substantial structure. A Zoning Permit for such use shall be granted in the form of a temporary and revocable permit, for not more than a twelve (12) month period, subject to such conditions as will safeguard the public health, safety, convenience and general welfare. Procedures as described in 28.8 shall be followed by the Board in hearing and deciding applications for temporary structures and uses. Fees shall be charged in accordance with the Village fee ordinance.

28.9.4 INTERPRETATION OF ZONING MAP: Where the street or lot layout actually on the ground, or as recorded differs from the street and lot lines as shown on the Zoning Map, the Board, after notice to the owners of the property and after public hearing shall interpret the map in such a way as to carry out the intent and purpose of this Ordinance. In case of any question as to the location of any boundary line between zoning a request for interpretation of the Zoning Map may be made to the Board and a determination shall be made by said board.

28.9.5 CHANGES TO DISTRICTING: Any requested changes in a property which appears to be, or to resemble changes to a different class or district (i.e., R-1 to R-2, B-1 to B-2, etc.) for the property alone should be avoided. This is particularly in cases where this is found to be the first such property in the neighborhood to seek a shift in classification or to request the first major change in the character of the neighborhood.

No grant of a variance shall be authorized, unless the Board specifically finds that the condition or situation of the specific piece of property of the intended use of said property for which the variance is sought is not of so general or recurrent a nature as to make reasonably practicable the formulation of a general regulation for such conditions or situations.

In such circumstances, the Board may request the views of the Planning Commission, Zoning Inspector or Village Council, expressed in whatever way they may choose, and may read these views as part of the hearing process.

28.10 FEES: Fees shall be charged in accordance with the Village fee ordinance.

ARTICLE 29
DISTRICT CHANGES AND REGULATION AMENDMENTS

- 29.0 COUNCIL MAY AMEND ORDINANCE:** Whenever, because of public necessity, convenience, general welfare or when good zoning practices require, the Village Council may by Ordinance after recommendation thereof by the Village Planning Commission and subject to the procedure provided in this Article, amend, supplement or change the regulations, district boundaries or classifications of property now or hereafter established by this Ordinance or amendments thereof. It shall be the duty of the Village Planning Commission to submit its recommendations regarding all applications or proposals for amendments or supplements to the Village Council. An amendment, supplement, re-classification or change may be initiated by the Village Planning Commission on its own motion or by a verified application of one or more of the owners or leases of the property within the area proposed to be changed or affected by this Ordinance.
- 29.1 PROCEDURE FOR CHANGE:** Applications for any change of district boundaries or classification of property as shown on the Zoning Map and for regulation amendments shall be submitted to the Village Planning Commission at its public office, on appropriate forms and all shall be accompanied by such data and information as may be prescribed for that purpose by the Village Planning Commission so as to assure the fullest practicable presentation of facts for the permanent record. Such data shall include:
- 29.1.1 The name and street address of the petitioner.
 - 29.1.2 The lot number of any real estate owned by the petitioner adjacent or within the areas proposed to be changed.
 - 29.1.3 A list of names of the owners of property within, contiguous to and directly across the street from the parcel sought to be affected, including the addresses of such owners or if unknown a statement of that fact and the address of the property.
 - 29.1.4 An accurate legal description of the district or area proposed to be altered.
 - 29.1.5 An accurate map, diagram or sketch of the district or area to be so altered and the lands contiguous thereto.
 - 29.1.6 Facts indicating that the proposed change requested will not be detrimental to the public health, safety or welfare and is in the public interest.
 - 29.1.7 The interest, if any, of the petitioner in the parcel, the subject of the petition.

- 29.2 COMMISSION HEARING - NOTICE:** Before submitting its recommendations, an application of its own motion to the Village Council, the Village Planning Commission shall hold at least one (1) Public Hearing thereon, notice of which shall be given by one (1) publication in a news media of general circulation in the Village at least ten (10) days before the date of such Hearing. Within thirty (30) days after the Public Hearing, the Village Planning Commission shall recommend to Council that the amendment be granted as requested or it may recommend a modification of its amendment requested, or it may recommend that its amendment not be granted.
- 29.3 COUNCIL HEARING:** After receiving from the Village Planning Commission , the certification of said recommendation on the proposed amendment or supplement and before adoption of such amendment, the Council shall hold a public hearing thereon at least thirty (30) days notice of the time and place of which shall be given by publication in a news media of general circulation in the Village. If the proposed Ordinance Amendment intends to re-zone or re-district ten (10) or less parcels of land as listed in the tax duplicate, written notice of the hearing shall be mailed by the Clerk by first class mail, at least twenty (20) days before the date of the public hearing to the owners of property across the street from such parcel or parcels, to the addresses of such owners appearing on the County Auditors current tax list.
- 29.4 COUNCIL - FINAL ACTION:** Following such hearing and after reviewing the recommendations of the Village Planning Commission, thereon, the Council shall consider such recommendations and vote on the passage of the proposed amendment to the text of the Ordinance or the Zoning Map. The Council may overrule the recommendations of the Village Planning Commission by two-thirds (2/3) vote of the full membership of the Council.
- 29.5 MAP CHANGE PENDING- ZONING PERMIT-BUILDING PERMIT:** Whenever the Council has taken under advisement a change or amendment of the Zoning Map from a less restricted district to a more restricted district classification, as evidenced by resolution of record, no Zoning Permit or building permit shall be issued within sixty (60) days from the date of such resolution which would authorize the construction of a building or the establishment of a use which would become non-conforming under the contemplated re-districting plan.
- 29.6 FEES:** Fees shall be charged in accordance with the orders and directions of the Village Council.

ARTICLE30
ADULT ENTERTAINMENT BUSINESSES

30.0 **PURPOSE:** The purpose of this Ordinance is to promote the public health, safety and welfare through the regulation of ADULT ENTERTAINMENT BUSINESSES. It is the intent of this section, to regulate entertainment businesses within close proximity to existing churches, parks, playgrounds, schools, social service facilities and neighborhood centers within the Village of Elida. The following regulations shall apply to Adult Entertainment Businesses.

30.1 **DEFINITIONS:** The following definitions shall apply in the interpretation of this Article hereinafter:

ADULT ENTERTAINMENT BUSINESS means: "Any adult book store, adult motion picture theater, adult drive-in motion picture theater or any adult only entertainment establishment as further defined in this Section".

ADULT BOOKSTORE means: "Any establishment which utilizes fifteen percent (15%) or more of its retail selling area for the purpose of retail sale or rental; or for the purpose of display by coin or slug-operated, or electronically electrically or mechanically controlled still or motion picture machines, projectors or other image-producing devices or both; and books, magazines, other periodicals, films, tapes and cassettes or any other medium which are distinguished by their emphasis on adult materials as defined in this Section".

ADULT MOTION PICTURE THEATER means: "Any enclosed motion picture theater which is regularly used or utilizes fifteen percent (15%) or more of its total viewing time, for presenting material distinguished or characterized by an emphasis on matter depicting, describing or related to adult material as defined in this Section".

ADULT ONLY ENTERTAINMENT ESTABLISHMENT means: "Any establishment where the patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined in this Section, or which features exhibitions, dance routines or gyrational choreography of persons totally nude, topless, bottomless or strippers, male or female impersonators or similar entertainment or services which constitute adult material".

ADULT MATERIAL means: "Any book, magazine, newspaper, pamphlet, poster, print, picture, slide, transparency figure, image description, motion picture film, phonographic record, tape, cassette, CD or CD ROM, DVD, other tangible thing or any service capable of arousing interest through sight, sound or touch; and,

- (a) Which material is distinguished and/or characterized by an emphasis on matter displaying, describing or representing sexual activity, masturbation, sexual excitement, nudity, bestiality or human bodily functions of elimination; or:
- (b) Which service is distinguished and/or characterized by any emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality or human bodily functions of elimination".

BOITOMLESS means: "Less than full opaque covering of male or female genitals, pubic area or buttocks".

NUDE AND/OR NUDITY means: "The showing, representation or depiction of human male or female genitals, pubic area or buttocks with less than full, opaque covering of any portion thereof, or female breast(s) with less than a full, opaque covering of any portion thereof below the top of the nipple(s) or of covered male genitals in a discernible turgid state".

TOPLESS means: "The showing of a female breast(s) with less than a full opaque covering of any portion thereof below the top of the nipple(s)".

SEXUAL ACTIVITY means: "Sexual conduct and sexual contact, or both".

SEXUAL CONDUCT AND SEXUAL CONTACT means: "Any touching of any erogenous zone of another, including without limitation, the thigh, genitals, buttocks, breasts, pubic region, for the purpose of sexually arousing or gratifying either person".

SEXUAL EXCITEMENT means: "The condition of the human male or female genitals, when in a state of sexual stimulation or arousal".

30.2 CONDITIONAL USE PERMIT REQUIRED: No building shall be erected, constructed or developed and no buildings or premises shall be reconstructed, remodeled, arranged for use or used for any adult entertainment business unless authorized by the VILLAGE BOARD OF ZONING APPEALS, after a public hearing. In addition, an adult entertainment business shall comply with the following conditional use criteria:

- (a) Adult entertainment business shall comply with the district regulations applicable to all properties in any district in which they are located;
- (b) No adult entertainment business shall be permitted in a location which is within one-thousand five hundred (1,500) feet of another adult entertainment business;
- (c) No adult entertainment business shall be permitted in a location which is within one-thousand five hundred (1,500) feet of any church, any public and/or private school, any park, any playground or any social service facility or neighborhood center;

- (d) No adult entertainment business shall be permitted in a location which is within one-thousand five hundred (1,500) feet of any residence or boundary of any residential district; and,
- (e) No adult entertainment business shall be permitted in a location which is within one-thousand five hundred (1,500) feet of any boundary of any residential district in a local unit of government abutting the Village of Elida.

30.3 REQUIRED LOT AREA AND LOT WIDTH: A minimum required lot area of twenty-five thousand (25,000) square feet and a minimum lot width of two-hundred (200) feet is required.

30.4 BUILDING HEIGHT REGULATION: No building shall exceed one (1) story, as defined in Article 4, of this Ordinance.

30.5 REQUIRED YARDS IN AN ADULT ENTERTAINMENT AREA:

30.5.1 Front Yard - Sixty (60) feet or Eighty-five (85) feet from the center of the road if no right-of-way has been established.

30.5.2 Side Yard - No minimum yard is required except, lots adjoining another specified district, shall provide a side yard, on that adjoining side, one and one-half (1 1/2) times to that required in the adjoining district.

30.5.3 Rear Yard - Eighty (80) feet. Where a lot abuts any alley, one-half (1/2) of the width of such alley may be considered in meeting part of the rear yard requirements.

30.6 LANDSCAPING AND SCREENING PROVISIONS: Such screening shall be opaque to the public view, shall be ten (10) feet in height, maintained in good condition and free of all advertising and/or other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than fifteen (15) feet in width, planted with evergreen hedge or dense planting of evergreen shrubs not less than six (6) feet in height at the time of planting. All vegetation shall continuously be properly maintained for appearance.

30.7 OTHER REQUIRED CONDITIONS: Adult Entertainment areas shall be clean, quiet, free of hazardous or objectionable elements by reason of noise, odor, dust, smoke, vibration, refuse water or water carried waste and shall comply with the performance standards of this Ordinance. Parking shall comply with ARTICLE 20.

ARTICLE 31
MESSAGE ESTABLISHMENTS

31.0 **PURPOSE:** The purpose of this Ordinance is to promote the public health, safety and welfare, through the regulation of massage establishments located in B-1, B-2 or PBO districts. It is the intent of this Ordinance to regulate massage establishments, as defined herein in such a manner as to prevent the erosion of the character of the surrounding neighborhoods and to prohibit the establishment of such businesses within close proximity to existing churches, amusement arcades, parks, schools, social service facilities, neighborhood centers and playgrounds within the Village. The following Regulation shall apply to Massage Establishments, as herein defined:

31.1 **DEFINITIONS:** The following definitions shall apply in the interpretation of this Article:

MASSAGE means: "Any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating or stimulating the external soft tissue of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance".

MASSAGE ESTABLISHMENT means: "Any fixed place of business where a person offers massages in exchange for anything of value, or in connection with the provision of another legitimate service".

MASSEUR OR MASSEUSE means: "Any individual who performs massages at a massage establishment".

OUT-CALL MASSAGE SERVICE means: "Any business, the function of which is to engage in or carry on massages at a location designated by the customer or client rather than at a massage establishment".

EMPLOYEE means: "Any and all persons other than the massage technician, who render any service to the operator, and who receives compensation directly from the operator".

PERSON means: "Any individual, co-partnership, firm, association, joint stock company, corporation or combination of individuals of whatever form or character

OPERATOR means: "The person in whose name the permit is issued for a massage establishment".

SEXUAL OR GENITAL AREA means: "The genitals, pubic area, buttocks, anus or perineum of any person, or the vulva or breasts of any person".

31.2 EXEMPTIONS: This article as the regulation of massage establishments, masseur or masseuse shall not be construed to regulate the practice of any limited branch of medicine or surgery in accordance with Section 4731.15 and 4731.16 of the Ohio Revised Code or in such statute as it may hereafter be amended, the practice of providing Therapeutic massage by any individual licensed, certified or registered to practice in the State of Ohio.

31.3 APPLICATION FOR CONDITIONAL USE PERMIT - CONTENTS, FEE, EXPIRATION PERMIT: The application for a conditional use permit to operate a non-licensed massage establishment as described in 31.2 shall be made to the VILLAGE BOARD OF ZONING APPEALS and shall include the following;

- (a) A health and safety report of an inspection of the premises performed within thirty (30) days of the application to determine compliance with applicable health and safety codes, which inspection appropriate State or local authorities acting pursuant to an agreement with the VILLAGE BOARD OF ZONING APPEALS shall perform;
- (b) No non-licensed massage establishment as described in 31.2 shall be permitted in a location which is within one-thousand-five-hundred (1,500) feet of any church, any public and/or private school, any park, any playground or any social service facility or neighborhood center;
- (c) No non-licensed massage establishment as described in 31.2 shall be permitted in a location which is within one-thousand-five-hundred (1,500) feet of any residence or boundary of any residential district; and,
- (d) No non-licensed massage establishment as described in 31.2 shall be permitted in a location which is within one-thousand-five-hundred (1,500) of any boundary of any residential district in a local unit of government abutting the Village of Elida.
- (e) Application for conditional use permit shall be submitted every 12 months the zoning inspector has authority to approve the renewal permit.

ARTICLE 32
AMUSEMENT ARCADES

32.0 PURPOSE: The purpose of this section of this Ordinance is to promote the public health, safety and welfare by regulating amusement arcades where mechanically or electronically operated amusement devices are kept, operated or maintained in B-1 or B-2 districts. It is further the intent of this section to coordinate the provisions of this Ordinance with other local requirements governing the licensing and regulation of mechanical amusement devices in such a manner that, in the event of any conflict between the respective regulations, the more restrictive requirement or the more severe penalty shall prevail. The following regulations shall apply to Amusement Arcades as herein defined:

32.1 DEFINITIONS: The following definitions shall apply in the interpretation of this Ordinance:

AMUSEMENT ARCADE means: "A place of business within a building or any part of a building have more than five (5) mechanical, electronic, computerized or electrically operated amusement devices which are used for the purpose of public entertainment through the operation, use, or play of any table game or device commonly known as an electronic game which is operated by placing therein any coin, plate, disc, slug, credit card/debit card, key or token of value by payment of a fee".

MECHANICAL OR ELECTRONICALLY OPERATED AMUSEMENT DEVICE means: "Any machine, device or instrument which, by the payment of a fee or other things of value, or by the insertion of a coin, plate, disc, slug, credit card/debit card, key or token, operates or may be operated as a game, contest or amusement, and which contains no automatic pay-off device for the return of money, coins, tokens or merchandise or check redeemable in money or anything of value. Mechanical, electronic, computerized or electrically operated amusement device includes, but is not limited to, devices such as mechanical baseball, mechanical football, pinball machines, any table game or device commonly known as an electronic game, and other similar types of devices; provided, however, that this definition is not intended to, nor shall it be construed to, include merchandise vending machines or coin operated mechanical, electronic computerized or electrical musical instruments or devices".

EXHIBITOR means: "Any person owning and exhibiting or contracting or permitting any mechanical, electronic, computerized, or electrically operated amusement device to be installed, used or exhibited in one's own place of business, irrespective of the ownership of such device".

32.2 CONDITIONAL USE PERMIT REQUIRED: No amusement arcade shall be established operated or maintained in any place of business or on any premises unless authorized by the issuance of a conditional use permit.

- (a) Amusement Arcades shall comply with the district regulations applicable to *all* properties in any zoning district in which they are located;
- (b) Amusement Arcades shall have an adult who is 18 years of age or older on the premises or supervising the amusement arcade at all times during its hours of operation;
- (c) The interior of the amusement arcades shall provide a minimum area for coin-operated amusement devices equal to the size of the device plus two (2) feet of area on each side, plus an area of four (4) feet in front of the device;
- (d) No amusement arcade may be established, operated or maintained in any place of business or on any premises which is within one-thousand-five-hundred (1,500) feet of any adult entertainment business; and,
- (e) The application for the conditional use permit shall be accompanied by a copy of the applicant's license to operate and exhibit amusement devices, and a notarized statement that the applicant shall not permit any person seventeen (17) years of age or younger to operate any device on the premises before 4:00 o' clock p.m., on days when school is in session.
- (f) Application for conditional use permit shall be submitted every 12 months.
The zoning inspector has authority to approve the renewal permit.