

Village of Utica

LICKING COUNTY; OHIO

ZONING ORDINANCE 94-05

April 11, 1994

PREAMBLE

An ordinance of the Village of Utica, Ohio, enacted in accordance with the provisions of Chapter 713, Ohio Revised Code, dividing the village into zones and districts, encouraging, regulating, and restricting therein the location, construction, reconstruction, alteration and use of structures and land; promoting recreational and public areas; providing for adequate light, air, and convenience of access to property by regulating the use of land and buildings and the bulk of structures in relationship to surrounding properties; limiting congestion in the public right-of-ways; providing the compatibility of different land uses and the most appropriate use of land; providing for powers and duties of the administrative officers as provided hereafter, and prescribing penalties for the violation of the provisions in this ordinance or any amendment thereto, all for the purpose of protecting the public health, safety, convenience, comfort, prosperity, and general welfare; and for the repeal thereof.

Therefore be it ordained by the Council of the Village of Utica, State:

ARTICLE 1:
TITLE. INTERPRETATION. AND ENACTMENT

Section 100 Title

This ordinance shall be known and may be cited to as the "Zoning Ordinance of the Village of Utica."

Section 101 Provisions of Ordinance Declared to be Minimum Requirements

In their interpretation and application, the provisions of this ordinance shall be (1) held to be minimum requirements, adopted for the promotion of the public health, safety, and the. general welfare, (2) whenever the requirements of this ordinance conflict or overlap with the requirements of any other lawfully adopted rules, regulations, ordinances, easements, covenants, deed restrictions, or resolutions, the most restrictive, or that imposing the higher standards shall govern.

Section 102 Separability Clause

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

Section 103 Repeal of Conflicting Ordinance. Effective Date

1. All ordinances or parts of ordinances in conflict with this zoning ordinance or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions which are not inconsistent herewith. This ordinance shall become effective from and after the date of its approval and adoption, as provided by law.
2. The interpretation of this ordinance shall be liberally construed in favor of the governing body, and deemed neither to limit nor repeal any other powers granted under state statutes. Where a provision of this ordinance may be in conflict with a state law, such state law shall take precedence over the ordinance.

Section 104 Disclaimer of Liability

This ordinance shall not create liability on the part of the Village of Utica, Ohio, any officer or employee thereof, for any decision that results from reliance on this ordinance or any administrative decision made thereunder, and/or the failure to comply with the regulations of this ordinance.

DEFINITIONS

Section 200 General

For the purpose of the zoning ordinance, certain terms and words are herein defined. Words used in the present tense include the future; the singular number includes the plural and the plural includes the singular; the words "used for" include the meaning "designed for;" the word "structure" includes the word "building." The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual. The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement. The words "used" or "occupied" include the words "intended designed, or arranged to be used or occupied." The word "lot" includes the words "plot" or "parcel."

Accessory Use or Structure: A use or structure on the same lot with, and of a nature customarily incidental and subordinate to the principal use or structure.

Adult Entertainment Facility: See Section 1025

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

Alley: See Thoroughfare, Street, or Road.

Alter: Shall include any changes in or additions to structural parts, or change in type of construction, except for minor repairs, changes, or addition not involving any of the aforesaid features, or increases in square footage of a structure.

Automotive Repair: The repair, rebuilding, or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles

Automotive, Manufactured Home, Travel Trailer, and Farm Implement Sales: The sale or rental of new and used motor vehicles, manufactured homes, travel trailers, or farm implements, but not including repair work • except incidental warranty repair of same, to be displayed and sold on the premises.

Automotive Wrecking: The dismantling or wrecking of used motor vehicles, manufactured homes, trailers, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts.

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

Bed and Breakfast Facility: A portion of a residence where lodging and breakfast is provided by a resident family for compensation. Such a facility is generally used by transients. Bed and Breakfast facilities are considered to be home occupations. (see “home occupations”)

Boarding or Lodging House: A dwelling or part thereof occupied by a single housekeeping unit where meals and lodging are provided for three or more persons for compensation by previous arrangement, but not transients.

Breezeway: A covered passage, open on two sides or enclosed by glass or screening, connecting two buildings.

Build: Shall include establish, construct, erect, assemble, arrange, reconstruct, enlarge, and alter.

Building: A roofed structure designed, built, or used for the shelter of persons, animals, or poultry of any kind or a combination of such uses.

Building, Accessory: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

Building Height: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip, and gambrel roofs.

Building Line: See Setback Line.

Building, Principal: A building in which is conducted the main or principal use of the lot on which said building is situated.

Business, Convenience: Commercial establishments which cater to the public can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise, or other objectionable influences. To prevent congestion, convenience uses include, but need not be limited to, drugstores, beauty salons, barber shops, carry-outs, insurance and real estate offices, dry cleaning and laundry pickup facilities, and grocery stores, if less than 10,000 square feet in floor area. Uses in this classification tend to serve a day-to-day need in the neighborhood.

Business, General: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend, in addition to serving day to day needs of the community, also supply the more durable and permanent needs of the whole community. General business uses include, but need not be

limited to, such activities as supermarkets; stores that sell hardware, apparel, footwear, appliances, and furniture; department stores, and discount stores.

Business. Highway: Commercial uses which generally require locations on or near major thoroughfares and/or their intersections, and which tend to serve the motoring public. Highway business uses include, but need not be limited to such activities as filling stations; truck and auto sales and service; restaurants and motels; and commercial recreation.

Business. Office Type: Quasi-commercial uses which may often be transitional between retail business and/or manufacturing, and residential uses. Office business generally accommodates such occupations as administrative, executive, professional, accounting, writing, clerical, stenographic, and drafting. Institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.

Business. Services: Any profitmaking activity which renders services primarily to other commercial or industrial enterprises, or which services and repairs appliances and machines used in homes and businesses.

Business. Wholesale: Business establishments that generally sell commodities in large quantities or by the piece to retailers, jobbers, other wholesale establishments, or manufacturing establishments. These commodities are basically for further resale, for use in the fabrication of a product, or for use by a business service.

Carport: A roofed open structure projecting from the side or rear wall of a dwelling or other structure and is designed or used as a place for storage of a motor vehicle.

Cemetery: Land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries, if operated in connection with and within the boundaries of such cemetery.

Channel: A natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

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 and surgical attention, but who are provided with board or room, or kept overnight on the premises.

Club: A building or portion thereof or premises owned or operated by a person for a social, literary, political, educational, or recreational purpose primarily for the exclusive use of members and their guests.

Comprehensive Development Plan: A plan, or any portion thereof, adopted by the Utica Planning Commission (UPC) and the legislative authority of Village of Utica showing the general location and extent of present and proposed physical facilities including housing, industrial, and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan establishes the general goals, objectives, and policies of the community.

Conditional Use: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of District Regulations.

Conditional Use Permit: A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district. It may be required that the applicant for a conditional use permit meet certain specified conditions prior to the issuance of a conditional use permit.

Court: An open unoccupied space, other than a yard, on the same lot with a building unobstructed from the ground to the sky and bounded on two or more sides by the exterior walls of a building.

Density: A unit of measurement; the number of dwelling units per acre of land.

1. **Gross Density:** The number of dwelling units per acre of the total land to be developed.
2. **Net Density:** The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

District: A section of the municipality for which uniform zoning regulations as herein provided govern the use of land, structure, and premises, the permitted height and area of structures, and the area or open spaces about buildings and structures.

Dwelling Unit: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

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

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

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

Dwelling, Industrial Unit/Manufactured Home: An assembly of materials or products comprising all or part of a total structure which, when constructed is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit.

Dwelling, Rooming House (Boarding House, Lodging House, Dormitory, Bed & Breakfast): A dwelling or part thereof, other than a motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where cooking or dining facilities are provided in the individual rooms.

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

Essential Services: The erection, construction, alteration, or maintenance by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems, or sites, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

Existing Lot: Any platted lots within the corporation prior to passage of the zoning ordinance.

Facilities of an Educational, Religious, Charitable, Philanthropic or Nonprofit Nature: "Facilities of an educational, religious, charitable; philanthropic or nonprofit nature" under this ordinance shall not include any buildings used for imprisonment or rehabilitation, including but not limited to any prison, jail, workhouse, penal institution, reformatory, correctional institution, penitentiary, juvenile detention home, juvenile community rehabilitation center, any facility created under Chapter 341, Sections 2151.65, Sections 753.02 et seq., or Sections 5145.01 et seq. of the Ohio Revised Code, or any similar facility.

Family: One or more persons occupying a single dwelling unit, provided that unless all members are related by blood, adoption, marriage, or legal guardianship, no such family shall contain over five unrelated persons.

Farm Vacation Enterprises (Profit or Non-Profit): Farms adapted for use as vacation farms, picnicking and sports areas, fishing waters, camping, scenery, and

nature recreation areas; hunting areas; hunting preserves and watershed projects.

Fence or Wall: Any structure composed of wood, metal, stone, brick, plastic or other material erected in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. Trellises or other structures for the purpose of supporting vines, flowers or other vegetation, when erected in such a position so as to enclose, partially enclose or divide any premises or any part of premises shall also be considered a fence

Flood Plain: That land, including the flood fringe and the floodway, subject to inundation by the 100-year flood.

Flood, 100 Year: That flood event which has a one percent chance of occurring in any given year. This flood has a 25% chance of occurring over the 30 year life of a home mortgage.

Floodway: That portion of the flood plain, including the channel, required to convey the 100-year flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

Floodway Fringe: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.

Floor Area of a Residential Building: The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use. All dimensions shall be measured between interior faces of walls.

Floor Area of a Non-Residential Building (To be Used in Calculating Parking Requirements): The floor area of the specified use excluding stairs, washrooms, elevator shafts, maintenance shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.

Floor Area, Usable: Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of the exterior walls.

Food Processing: The preparation, storage, or processing of food products. Examples of these activities include bakeries, dairies, canneries, and other similar businesses.

Garage, Private: A detached or attached building portion of a principal building for the parking or temporary storage of automobiles, travel trailers, boats, and/or trucks.

Garage. Public: A principal building other than a private garage, used for parking or temporary storage of passenger automobiles, travel trailers, tractors, boats, and/or trucks, and in which no service shall be provided for remuneration.

Garage. Service Station: Buildings and premises where gasoline, oil, grease, batteries, tires, and motor vehicle accessories may be supplied and dispensed at retail, and where in addition, the following services may be rendered and sales made:

1. Sales and service of spark plugs, batteries, and distributor parts
2. Tire servicing and repair, but not recapping or regrooving.
3. Replacement of mufflers and tail pipes, water hose, fan belts, brake fluid, light bulbs, fuses, floor mats, seat covers, windshield wipers and blades, grease retainers, wheel bearings, mirrors, and the like.
4. Radiator cleaning and flushing.
5. Washing, polishing, and sale of washing and polishing materials.
6. Greasing and lubrication.
7. Providing and repairing fuel pumps, oil pumps, and lines.
8. Minor servicing and repairing brakes.
9. Adjusting and repairing brakes.
10. Minor motor adjustment not involving removal of the head or crankcase or racing the motor.
11. Sales of cold drinks, packaged food, tobacco, and similar convenience goods for service station customers, as accessory and incidental to principal operations.
12. Provisions of road maps and other informational material to customers, provision of restroom facilities.
13. Warranty maintenance and safety inspections.

Uses permissible at a filling station do not include major mechanical and body work, straightening of body parts, painting, welding, storage of automobiles not in operational condition, or other work involving noise, glare, fumes, smoke, or other characteristics to an extent greater than normally found in filling stations. A filling station is not a repair garage or a body shop. (See Auto Repair.)

Governmental Buildings: Buildings owned or operated by federal, state or local governments or departments and/or subdivisions thereof, which buildings are used for administrative, ministerial, public service, safety, health, public utility or recreational purposes. "Governmental buildings" under this ordinance shall not include any buildings used for imprisonment or rehabilitation, including but not limited to any prison, jail, workhouse, penal institution, reformatory, correctional institution, penitentiary, juvenile detention home, juvenile community rehabilitation center, any facility created under Chapter 341, Sections 2151.65, Sections 753.02 et seq., or Sections 5145.01 et seq. of the Ohio Revised Code, or any similar facility.

Greenhouse. Commercial: Any greenhouse containing 400 square feet or more of floor area or used primarily for the raising of products for sale either on a wholesale or retail basis whether on or off the lot.

Greenhouse, Private: A greenhouse containing less than 400 square feet of floor area, in which no produce, plants, or flowers are raised for sale or sold whether on or off the lot.

Hedges: Any structures composed of wood, metal, stone, brick, plastic plant vegetation, or other material erected in such a manner and location so as to enclose, partially enclose or divide any premises or part of premises for the purpose of confinement, screening, partitioning, or decoration. Trellises or other structures for the purpose of supporting vines, flowers or other vegetation, when erected in such a position so as to enclosed, partially enclose or divide any premises or any part of premises shall also be considered a hedge.

Hi-Rise Building: A building or structure having a height of at least 50 feet and not exceeding 200 feet.

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 unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than 25 percent of floor area of the dwelling unit shall be used in the conduct of the home occupation.
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, and non-illuminated.
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 parking requirements as specified by existing Village 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 or electronic, 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 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.

Hotel: A building or a part thereof operated as a public inn for profit, in which transients are lodged, with or without meals, and in which, as a rule, the rooms are occupied singly and not as dwelling units.

Hotel Apartment: A hotel in which a substantial number of the occupants use their rooms more or less permanently as a residence.

Institution: Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling or other correctional services. "Institution" under this ordinance not include any buildings used for imprisonment or rehabilitation, including but not limited to any prison, jail, workhouse, penal institution, reformatory, correctional institution, penitentiary, juvenile detention home, juvenile community rehabilitation center, any facility created under Chapter 341, Sections 2151.65, Sections 753.02 et seq., or Sections 5145.01 et seq. of the Ohio Revised Code, or any similar facility.

Junk Buildings. Junk Shops. Junk Yards: Any land, property, structure, building, or combination of the same, on which junk is stored or processed.

Kenel: Any lot or premises on which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained, or sold.

Lot: A piece or parcel of land occupied or intended to be occupied by a principal building or a group of such buildings and accessory buildings or utilized for a principal use and uses accessory thereto, together with such open spaces as required by this ordinance, and having frontage on a public or approved private street.

Lot Area Coverage: The percentage of the area of a lot which is covered by buildings or structures.

Lot Frontage: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided under "Yards" in this section.

Lot. Minimum Area of: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

Lot Measurements: A lot shall be measured as follows:

- 1. Depth:** The distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and rearmost points of the side lot lines in the rear.
- 2. Width:** The distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.

Lot of Record: A lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded. This would also include land contracts recorded in the County Recorder's office.

Lot Types: Terminology used in this ordinance with reference to corner lots, interior lots, and through lots is as follows:

1. **Corner Lot:** A lot located at the intersection of two or more streets.
2. **Interior Lot:** A lot with only one frontage on a street.
3. **Through Lot:** A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
4. **Reversed Frontage Lot:** A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.

Main Building: The building, all or part of which is occupied by the chief use or activity on the premises.

Maintenance and Storage Facilities: Land, buildings, and structures devoted primarily to the maintenance and storage of construction equipment and material.

Manufacturing, Heavy: Manufacturing, processing, assembling, storing, testing, and similar industrial uses which are generally major operations and extensive in character; require large sites, open storage and service areas, extensive services and facilities, ready access to regional transportation, and normally generate some nuisances such as smoke, noise, vibration, dust, glare, air pollution, and water pollution, but not beyond the district boundary.

Manufacturing, Light: Manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisances.

Manufactured Home: Any non-self-propelled vehicle designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, put on a permanent foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of 4,500 pounds and an overall length of 30 feet at the time it is placed at the construction site for permanent location on a lot.

Motel: A building or part thereof operated as a bed and breakfast, public inn for profit, in which transients are lodged, with or without meals, and in which, a rule, the rooms are occupied singly and not as dwelling units.

Municipality: Village of Utica.

Non-Conformities: A building, structure, or use of land existing at the time of enactment of this ordinance, and which does not conform to the regulations of the district or zone in which it is situated.

Nursery School: A place licensed by the State where children of not more than six years of age are cared for and/or trained during the day.

Nursing Home: A home or facility for the care and treatment of persons unable to care for themselves.

Nursery, Plant Materials: Land, building, structure, or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

Open Space: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features water areas, swimming pools, and tennis courts as well as, any other recreational facilities that the BZA deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

Parcel: A contiguous quantity of land and single ownership or under single control.

Parking Area: A lot or part thereof used solely for the temporary parking of motor vehicles.

Parking Space, Off-Street: For the purpose of this ordinance, an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, with an area of 200 square feet, which in this zoning ordinance is held to be an area ten feet wide and 20 feet long, not including passageways. Review Title Seven of Codified Ordinances of Utica, Ohio.

Performance Bond or Surety Bond: An agreement by a subdivider or developer with the village of the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

Personal Services: Any enterprise conducted for gain which primarily offers services to the general public, such as shoe repair, watch repair, barber shops, beauty parlors, and similar activities.

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.

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Planning Commission: Utica Village Planning Commission.

Porch: A roofed, open structure projecting from the front, side, or rear wall of a building, no part of which is enclosed by glass, wood, or other material except screening more than 30 inches above the floor thereof, except the necessary columns to support the roof.

Public Service Facility: The erection, construction, alteration, operation, or maintenance of buildings, power plants, of substations, water treatment plants, or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other government agency, including the furnishing of electrical, gas, rail transport, communication, public water, and sewage services.

Public Uses: Public parks, schools, administrative, and cultural buildings and structures, not including public land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

Public Way: An alley, avenue, boulevard, bridge, channel, ditch, easement, expressway, freeway, highway, land, parkway right-of-way, road, sidewalk, street, subway, tunnel viaduct, walk, bicycle path; or other ways in which the general public entity have a right, or which are dedicated, whether improved or not.

Quasipublic Use: Churches, Sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational religious, charitable; philanthropic, or non-profit nature.

Recreation Camp: An area of land on which two or more travel trailers, campers, tents, or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or mixture of equipment that is used or intended to be used in connection with providing such accommodations.

Recreation Facilities: Public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally require less land (used more intensively) and

include, but need not be limited, to miniature golf courses, amusement parks, stadiums, and bowling alleys.

Repair: The replacement or renewal of any part of existing building or device for the purpose of maintenance.

Research Activities: Research, testing, and related facilities including operation of prototype, pilot plant or semi-works processes which are no larger than normal version of process, exposure of product to weather and all other tests relating to code and other product performance requirements, and fabrication or assembly operations which process materials or equipment for market development and other uses, provided that such operations shall be conducted within a building or be visually screened or located more than 200 feet from adjacent property lines, and, provided further, that the same do not violate the provisions of Sections 1013 through 1021, inclusive.

Right-of-Way: A strip of land taken or dedicated for use as a public way, In addition to the roadway, it normally incorporates the curbs, lawn strips, sidewalks, lighting, and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscaping areas, viaducts, and bridges.

Roadside Stand: A temporary structure designed or used for the display or sale of agriculture and related products.

Setback Line: A line established by the zoning ordinance, generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code.

Sewers, Central or Group: An approved sewage disposal system which provides a collection network and disposal system and sewage treatment facility for a single development, community, or region.

Sewers, On-Site: A septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

Sidewalk: That portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

Sign: "Sign" means any device for visual or audible communication that is used for the purpose of bringing the subject thereof to the attention of the public, but not

including any flag, badge, or insignia of any government or government agency, or of any civic, charitable, religious, patriotic, fraternal, or similar organization.

SR: State Requirement.

Stable: Any building, structure, or portion thereof which is used for the shelter or care of horses, cattle, or other similar animals, either permanently or transiently.

Stable, Private: A structure with a total capacity for not more than four animals.

Stable, Public: A structure with a capacity for more than four animals.

Story: That part of a building between the surface of a floor and the ceiling immediately above.

Storage, Half: "Half story" means a story under a gable, hip, or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

Structure: Anything constructed or erected, the use of which demands its permanent location on the land or anything attached to something having a permanent location on the land. All parking lots must comply with all yard requirements.

Supply Yards: A commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

Swimming Pool: A pool, pond, lake, or open tank containing at least one and one-half feet of water at any point and maintained by the owner or manager.

1. **Private:** Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multi-family development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.

2. **Community:** Operated with a charge for admission; a primary use.

Thoroughfare, Street, or Road: A full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic.

1. **Alley:** A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.

2. **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.

3. **Dead-End Street:** A street having only one outlet for vehicular traffic.

4. **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.

5. **Collector Street:** A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets, including the principal entrance and circulation routes within residential subdivisions.

6. **Local Street:** A street primarily for providing access to residential or other abutting property.

7. **Loop Street:** A type of local street, each end of which terminated at an intersection with the same arterial or collector street, and whose principal radius points of the 180 degrees system of turns are not more than 1,000 feet from said arterial or collector street, not normally more than 600 feet from each other

8. **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 or collector streets (Also called Frontage Street).

Unnecessary Hardship: Hardship which is substantial and serious and as part of which one or more of the following is true:

1. Application of the zoning ordinance to the parcel of land causes such a diminution of its value as to amount to a confiscation.

2. The affected property cannot be used for any productive use if devoted to a permitted use. Economic loss alone is not sufficient to meet this criteria; the landowner's property must be rendered practically valueless without the variance.

3. None of the permitted uses in the zoning ordinance may reasonably be applied to the property.

4. The hardship is unique to the applicant's property and is not a hardship common to the area.

In any of the foregoing situations, the hardship cannot have been self created. An applicant who had knowledge of the zoning restrictions and/or the problems bringing about the hardship, or should have known them at the time the property was purchased, may not claim unnecessary hardship.

Use: The specific purposes for which land or a building is designed, arranged, intended, or for which it is or may be occupied or maintained.

Variance: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

Veterinary Animal Hospital or Clinic: A place used 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.

Walkway: A public way, four feet or more in width, for pedestrian use only whether along the side of a road or not.

Yard: An open, unoccupied space, other than a court, on the same lot with a building, unobstructed from the ground to the sky, except as otherwise herein provided.

Yard, Front: A yard across the full width of the lot, extending from the front line of the building to the front line of the lot.

Yard, Rear: A yard across the full width of the lot, extending from the rear line of the building to the rear line of the lot.

Yard, Side: A yard between the side line of the building and the adjacent side line of the lot, extending from the front yard to the rear yard. If there be no front yard, the side yard shall be considered as extending to the front line of the lot and if there be no rear yard, the side yard shall be considered as extending to the rear line of the lot.

Zoning Inspector: The official, or his authorized representative, charged with the administration and enforcement of the zoning ordinance and other ordinances, laws, rules, and regulations relating to or regulating the use, erection, construction, alteration, and repair of buildings, structures, and equipment therefore or the use of the land.

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

Article 3 **Enforcement**

Section 300 **Zoning Permits Required**

No building or other structure shall be erected, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefore, issued by the Zoning Inspector. This shall not pertain to decks or patios or uncovered porches that do not encroach upon required setbacks. Zoning permits shall be issued only in conformity with the provisions of this ordinance unless the Zoning Inspector received a written order from the Board of Zoning Appeals deciding an appeal, conditional use or variance.

Section 301 **Contents of Application for Zoning Permits**

A zoning permit shall be signed by the owner or applicant attesting to the truth and exactness of all information supplied on the application. Each application shall clearly state that the permit shall expire and may be revoked if work has not begun within one year or completed within two and one-half years. At a minimum, the application shall contain the following information.

1. Name, address, and phone number of applicant.
2. Address/or legal description of property.
3. Existing use.
4. Proposed use.
5. Zoning district.
6. Plans in duplicate, showing the actual dimensions and the shape of the lot to be built upon; and exact size and location and dimensions of the proposed building(s) or alteration. Zoning administrator, with cause, may require additional copies drawn to scale showing required information.
7. Number of off-street parking spaces or loading berths where applicable.
8. Number of dwelling units where applicable.
9. Such other matters as may be necessary to determine conformance with, and provide for the enforcement of this ordinance.

Section 302 **Approval of Zoning Permit**

Within 30 days after the receipt of an application, the Zoning Inspector shall either approve or disapprove the application in conformance with the provisions of this ordinance. Upon approval, the zoning inspector shall indicate his approval in writing on the zoning permit and issue immediately. Upon disapproval, the zoning inspector shall indicate on the zoning permit his disapproval and reason(s) for disapproval in writing and deliver it in person or by first class mail to the applicant at the address on the application submitted to the zoning inspector. All zoning permits shall however, be conditional upon the commencement of work within one year. One copy of the plans shall be returned to the applicant by the Zoning Inspector, after the Zoning Inspector shall have marked such copy either as approved or disapproved and attested to same by his signature on such copy. One copy of plans, similarly marked,

shall be retained by the Zoning Inspector. The Zoning Inspector shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the use or alteration is in conformance with the provisions of this ordinance.

Section 303 Submission to Director of Transportation

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

Section 304 Expiration of Zoning Permit

If the work described in any zoning permit has not begun within one year from the date of issuance thereof, said permit shall expire; it shall be revoked by the Zoning Inspector; and written notice thereof shall be given to the persons affected. If the work described in any zoning permit has not been completed within two and one half 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 cancelled permit shall not proceed unless and until a new zoning permit has been obtained or extension granted.

Section 305 Record of Zoning Permits

The Zoning Inspector shall maintain a record of all zoning permits and copies shall be furnished upon request to any person. A reasonable fee shall be charged.

Section 306 Failure to Obtain a Zoning Permit

Failure to obtain a zoning permit shall be a violation of this ordinance and punishable under Section 309 of this ordinance.

Section 307 Construction and Use to be as Provided in Applications, Plans, and Permits

Zoning permits issued on the basis of plans and applications approved by the Zoning Inspector authorize only the use and arrangement, set forth in such approved plans and applications or amendments thereto, and no other use, arrangement, or

construction. Use, arrangement, or construction contrary to that authorized shall be punishable as provided in Section 309 of this ordinance.

Section 308 Complaints Regarding Violations

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

Section 309 Penalties for Violation

Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations of conditions and safeguards established in various sections of this ordinance shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$100 and in addition shall pay all costs and expenses involved in the case. Each day such violation continues after receipt of a violation notice, shall be considered a separate offense. The owner or tenant of any building, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided. Nothing herein contained shall prevent the village from taking such other lawful action as is necessary to prevent or remedy any violation.

The village shall by ordinance establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal

Section 310 Schedule of Fees, Charges, and Expenses

The village shall by ordinance establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, and other matters pertaining to the administration and enforcement of this ordinance requiring investigations, inspections, legal advertising, postage, and other expenses. The schedule of fees shall be posted in the office of the Zoning Inspector, and may be altered or amended only by the Village Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

Section 311 Portable Accessory Buildings - No Permit Required

Portable accessory buildings that have 128 square feet or less shall not be required to have a zoning permit.

ARTICLE 4
NON-CONFORMITIES

Section 400 Intent

Within the districts established by this ordinance or amendments that may later be adopted there exist lots, uses of land structures, and uses of structures and land in combination which were lawful before this ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this ordinance or future amendments. It is the intent of this ordinance to permit these non-conformities to continue until they are removed. It is further the intent of this ordinance that non-conformities shall not be used as grounds for adding other structures or uses prohibited elsewhere in the same district.

Section 401 Avoidance of Undue Hardship

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

Section 402 Single Non-Conforming Lots of Record

In any district in which structures and customary accessory buildings are permitted, such structures may be erected on any single lot of record at the effective date of adoption or amendment of this ordinance notwithstanding limitations imposed by other provisions of this ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such is located. Variances of requirements listed in Articles 8 and 9 of this ordinance other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Sections 508-517.

Section 403 Non-Conforming Structures

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

1. Should such structure be moved for any reason to another parcel, it shall thereafter conform to the regulations for the district in which it is located

after it is moved. Replacing the structure that has been moved with another nonconforming structure shall be prohibited.

Section 404 Non-Conforming Uses of Structures and Land in Combination

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

1. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this ordinance.
2. If no structural alterations are made, any non-conforming use of a structure or structure and land in combination, may, upon appeal of the Board of Zoning Appeals, 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 nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this ordinance.
3. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed.
4. When a non-conforming use of a structure, or structure and land in combination is discontinued or abandoned voluntarily for more than two years (except when government action impedes access to the premises, or the premises are destroyed by a natural disaster), the structure or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located.
5. Where non-conforming use status applies to a structure and land in combination, voluntary removal or destruction of the structure shall eliminate the non-conforming status of the land.

Section 406 Uses Under Conditional Use Provisions Not Non-Conforming Uses

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

ARTICLE 5
ADMINISTRATION

Section 500 **Office of Zoning Inspector Created**

A Zoning Inspector designated by the Mayor, confirmed by Council, shall administer and enforce this ordinance. He may be provided with the assistance of such other persons as the Mayor may direct.

Section 501 **Duties of Zoning Inspector**

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

1. Upon finding that any of the provisions of this ordinance are being violated, he shall notify in writing the person responsible for such violation(s), ordering the action necessary to correct-such violation.
2. Order discontinuance of illegal uses of land, building, or structures.
3. Order removal of illegal buildings or structures or illegal additions or structural alterations.
4. Order discontinuance of any illegal work being done.
5. Take any other action authorized by this ordinance to ensure compliance with or to prevent violation(s) of this ordinance. This may include the issuance of and action on zoning and certificate of occupancy permits and such similar administrative duties as are permissible under the law.

Section 502 **Proceedings of Planning Commission**

The Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Commission may determine. All meetings shall be open to the public. The Commission shall keep minutes of its proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions all of which shall be a public record and be immediately filed in the office of the Village Clerk.

Section 503 **Duties of Planning Commission**

For the purpose of this ordinance, the Commission shall have the following duties:

1. Initiate proposed amendments to this ordinance.
2. Review all proposed amendments to this ordinance and make recommendations to the Village Council, as specified in Article 6.

Section 504 **Board of Zoning Appeals Created**

A Board of Zoning Appeals is hereby created, which shall consist of five members to be appointed by the Mayor each for a term of five years, without compensation, except that the initial appointments shall be one member each for one, two, three, four, and five year terms. Each member shall be a resident of the village. Members of the Board may be removed from office by the Village Council, for cause upon written charges and after public hearing. Vacancies shall be filled by appointment by the Mayor for the unexpired term of the member affected.

Section 505 Proceedings of the Board of Zoning Appeals

The Board shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this ordinance. Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The Chairman, or in his absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

Section 506 Duties of the Board of Zoning Appeals

In exercising its duties, the Board may, as long as such action is in conformity with the terms of this ordinance, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from and may make such order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the Zoning Inspector from whom the appeal is taken. The concurring vote of majority members of the Board shall be necessary to reverse any order, requirement, decision, or determination of the Zoning Inspector, or to decide in favor of the applicant on any matter upon which it is required to pass under this ordinance or to affect any variation in the application of this ordinance. For the purpose of this ordinance the Board has the following specific responsibilities:

1. To hear and decide appeals where it is alleged there is an error in any order, requirements, decision, interpretation, or determination made by the Zoning Inspector.
2. To authorize such variances from the terms of this ordinance as will not be contrary to the public interest, where, owing to the special conditions, a literal enforcement of this ordinance will result in unnecessary hardship, and so that the spirit of this ordinance shall be observed and substantial justice done.
3. To grant conditional use permits as specified in the Official Schedule of District Regulations and under the conditions specified in Article 9 and such additional safeguards as will uphold the intent of this ordinance.
4. To interpret the zoning map and Ordinance upon appeal of the Zoning Inspector's decision. Where the streets or lot layout actually on the ground, or as recorded, differs from the streets and lot lines as shown on the zoning map, the Board, 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 questions as to the location of any boundary line between zoning districts or where there is uncertainty as to the meaning and intent of a textual provision of this Ordinance, a request of r interpretation of the zoning map be made to the Board and determination shall be made by said Board.

Section 507 Duties of Zoning Inspector, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal

It is the intent of this ordinance that all questions of interpretation and enforcement shall be first presented to the Zoning Inspector, and that such questions shall be presented to the Board only on appeal from the decision of the Zoning Inspector, and that recourse from the decisions of the Board shall be to the courts as provided by law. It is further the intent of this ordinance that duties of the Village Council in connection with this ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as stated in this section and this ordinance as provided by law, and of establishing a schedule of fees and charges as stated in Section 310 of this ordinance. Nothing in this ordinance shall be interpreted to prevent any official of the village from appealing a decision of the Board to the courts as provided in Chapters 2505 and 2506 of the Ohio Revised Code. Any such appeal shall be made within ten days of the Board's written decision.

Section 508 Procedure and Requirements for Appeals and Variances

Appeals and variances shall conform to the procedures and requirements of Sections 509-517, inclusive, of this ordinance. As specified in Section 507, the Board of Zoning Appeals has appellate jurisdiction relative to appeals and variances.

Section 509 Appeal

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this ordinance may be taken by any person aggrieved or by any officer of the legislative authority of the village affected by any decision of the Zoning Inspector. Such appeal shall be taken within 20 days after the decision by filing, with the Zoning Inspector and with the Board of Zoning Appeals, a notice of appeal specifying the grounds under which the appeal is being taken. The Zoning Inspector shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken.

Section 510 Stay of Proceedings

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

Section 511 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 non-conforming use of neighboring lands, structures, or buildings in the same district and no permitted or non-conforming 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.

Section 512 **Application and Standards for Variances**

A variance from the terms of this ordinance shall not be granted by the Board of Zoning Appeals unless and until a written application for a variance is submitted to the Zoning Inspector and the Board of Zoning Appeals containing:

1. Name, address, and phone number of applicant
2. Address or legal description of property.
3. Description of nature of variance requested.
4. A narrative statement demonstrating that the requested variance conforms to the following standards:
 - a. That special conditions and circumstances exist which are peculiar to the land, structure, or building involved and which are not applicable to other lands, structures, or buildings in the district.
 - b. That literal interpretation of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this ordinance.
 - c. That special conditions and circumstances do not result from the actions of the applicant.
 - d. That granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance to other lands, structures, r buildings in the same district.
5. The applicant shall submit a list of all property owners and their mailing addresses that are within 200 feet contiguous to or directly across the street from parcel requesting the variance. Such names and addresses shall be those appearing on the County Auditor's current tax list or the Treasurer's mailing list.

A variance shall not be granted unless the Board makes specific findings of fact based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed by Subsection 4 of this section have been met by the applicant.

Section 513 **Supplementary Conditions and Safeguards**

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

terms under which the appeal or variance is granted, shall be deemed a violation of this ordinance and punishable under Section 309 of this ordinance.

Section 514 Public Hearing by the Board of Zoning Appeals

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

Section 515 Notice of Public Hearing in Newspaper

Before holding the public hearing required in Section 514, notice of such hearing shall be given in one or more newspapers of general circulation of the village, at least ten days before the date of said hearing. The notice shall set forth the time and place of the public hearing, and the nature of the proposed appeal or variance.

Section 516 Notice of Parties in Interest

Before holding the public hearing required in Section 514, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by first class mail, at least ten days before the day of the hearing to all parties in interest. The notice shall contain the same information as required of notices published in newspapers as specified in Section 515.

Section 517 Action by Board of Zoning Appeals

Within 30 days after the public hearing required in Section 514, the Board of Zoning Appeals shall either approve, approve with supplementary conditions as specified in Section 513 and others, or disapprove the request for appeal or variance. If a request for variance is granted, the Board of Zoning Appeals shall further make a finding 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 structures. Appeals from Board decisions shall be made in the manner specified in Section 507.

Section 518 Procedures and Requirements for Approval of Conditional Use Permit

Conditional uses shall conform to the procedures and requirements of Sections 519 - 525, inclusive of this ordinance.

Section 519 General

It is recognized that an increasing number of new kinds of uses are appearing daily, and that many of these and some other more conventional uses possess characteristics of such unique and special nature relative to location, design, size, method of operation, circulation, and public facilities that each specific use must be considered individually. These specific uses as they are conditionally permitted under the provisions of Article 9, shall follow the procedures and requirements set forth in Sections 520 - 525, inclusive.

Section 520 Contents of Application for Conditional Use Permit

An application for conditional use permit, shall be filed with the Chairman of the Board of Zoning Appeals by at least one owner or lessee of property for which such conditional use is proposed. At a minimum, the application shall contain the following information:

1. Name, address, and phone number of applicant.
2. Address or legal description of property.
3. Description of existing use.
4. Zoning district.
5. Description of proposed conditional use.
6. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, traffic access and traffic circulation, open spaces, landscaping, refuse and service area, utilities, signs, yards, and such other information as the Board may require to determine if the proposed conditional use meets the intent and requirements of this ordinance.
7. A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odor, fumes, and vibration on adjoining property; a discussion of the general compatibility with adjacent and other properties in the district; and the relationship of the proposed use to the comprehensive plan.
8. Such other information as may be required in Section 522.
9. The applicant shall submit a list of all property owners and their mailing addresses who are within 200 feet contiguous to or directly across the street from the parcel requesting the conditional use permit. Such names and addresses shall be those appearing on the County Auditor's current tax list or the Treasurer's mailing list.

Section 521 General Standards Applicable to all Conditional Uses

In addition to the specific requirements for conditionally permitted uses as specified in Section 522, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

1. Is in fact a conditional use as established under the provisions of Article 9 and appears on the Official Schedule of District Regulations adopted by the zoning district involved.
2. Will be harmonious with and in accordance with the general objectives, or with any specific objective, of the village's comprehensive plan and/or the zoning ordinance.
3. 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.
4. Will not be hazardous or disturbing to existing or future neighboring uses.
5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures,

refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services.

6. Will not create excessive additional requirements at public cost of public facilities and services and will not be detrimental to the economic welfare of the community.
7. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any person, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors.
8. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.
9. Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

The Board may require the applicant at his expense to provide expert testimony or official documentation to substantiate his application.

Section 522 Specific Criteria for Conditional Uses

Following is a list of specific requirements for conditionally permitted uses that may be required in whole or in part as specified in the Official Schedule of District Regulations:

1. All structures and activity areas should be located at least 100 feet from all property lines.
2. Loud speakers which cause a hazard or annoyance shall not be permitted.
3. All points of entrance or exit should be located no closer than 200 feet from the intersection of two arterial thoroughfares, or no closer than 100 feet from the intersection of an arterial street and a local or collector street.
4. There shall be no more than one sign oriented to each abutting street identifying the activity.
5. No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway, and no lighting shall shine directly on adjacent properties.
6. Structures should have primary access to a collector thoroughfare.
7. Such developments should have primary access to arterial thoroughfares or be located at intersections of arterial and/or collector streets.
8. Such developments should be located adjacent to non-residential uses such as churches, parks, industrial, or commercial uses.
9. Site locations should be preferred that offer natural or man-made barriers that would lessen the effect of intrusion into a residential area.
10. Such uses should be properly landscaped to be harmonious with surrounding residential uses.

11. All permitted installations shall be kept in a neat and orderly condition so as to prevent injury to any single property, any individual, or to the community in general. The area of use shall be completely enclosed by a six foot fence and appropriately landscaped to be harmonious with surrounding properties.
12. Such uses should be located on an arterial thoroughfare, adjacent to non-residential uses such as commerce, industry, or recreation, or adjacent to sparsely settled residential uses.
13. Truck parking areas, maneuvering lanes, and accessways to public thoroughfares shall be designed to cause no interference with the safe and convenient movement of automobile and pedestrian traffic on and adjacent to the site. The site shall not be used for the storage of trucks, and truck parking shall be limited to a time not to exceed 24 hours.
14. Such developments should be located on or immediately adjacent to state highway.
15. Such uses shall not be conducted closer than 500 feet from any Residential District, nor closer than 200 feet from any structure used for human occupancy in any other district.
16. There shall be filed with the Zoning Inspector a location map which clearly shows areas to be mined and the location of adjacent properties, roads, and natural features.
17. Information shall be submitted on the anticipated depth of excavations and on depth and probable effect on the existing water table and coordinated with the Ohio Division of Water.
18. All work conducted in connection with such operations shall be done between the hours of 7:30 AM and 5:00 PM.
19. All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the Zoning Inspector.
20. There shall be filed with the Board a detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five feet, the type and number per acre of trees or shrubs or grass to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.
21. All excavation shall be made either to a water producing depth, such depth to be not less than five feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable, and non-combustible solids, to secure:
 - a. That the excavated area shall not collect and permit to remain therein stagnant water.
 - b. That the surface of such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions thereof, so as to produce a gently running surface that

will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land area. The banks of all excavations not backfilled shall be sloped which shall not be less than three feet horizontal to one foot vertical and said bank shall be seeded.

22. There shall be filed with the Village Council, a bond, payable to the village and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate of the required bond shall be fixed by ordinance of the Village Council. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.
23. Board of Zoning Appeals may consult with the LCPC or ODOT and require appropriate access management criteria be met.

Section 523 Supplementary Condition and Safeguards

In granting any conditional use, the Board may prescribe appropriate conditions and safeguards in conformity with this ordinance. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use is granted, shall be deemed a violation of this ordinance and punishable under Section 309 of this ordinance.

Section 524 Procedure for Hearing Notice

Upon receipt of the application for a conditional use permit specified in Section 520, the Board shall hold a public hearing, publish notice in a newspaper, and give written notice to all parties in interest according to the procedures specified in Sections 514 through 516.

Section 525 Action by the Board of Zoning Appeals

Within 30 days after the public hearing required in Section 524, the Board shall either approve, approve with supplementary conditions as specified in Sections 521-523, or disapprove the application as presented. If the application is approved or approved with modifications, the Board shall direct the Zoning Inspector to issue a conditional use permit listing the specific conditions specified by the Board for approval. If the application is disapproved by Board, the applicant may seek relief through the Court of Common Pleas. Appeals from Board decisions shall be made in the manner specified in Section 507.

Section 526 Expiration of Conditional Use Permit

A conditional use permit shall be deemed to authorize only one particular conditional land use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than one year. The conditional use is granted to the land, and not the person (applicant) owning the land at the time the conditional use is granted. Any change in the conditional use is subject to review by the Board (Sections 518-525).

ARTICLE 6 **AMENDMENT**

Section 600 Procedure for Amendment or District Changes

This ordinance may be amended utilizing the procedures specified in Sections 601 - 612, inclusive of this ordinance.

Section 601 General

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

Section 602 Initiation of Zoning Amendments SR

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

1. By adoption of a motion by the Planning Commission.
2. By adoption of a resolution by Village Council.
3. By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment.

Section 603 Contents of Application

Section 603.01 Contents of Application for Zoning Map Amendment

Applicants for amendments to the Official Zoning Map adopted as part of this ordinance by Section 700 shall contain at least the following information:

1. Name, address, phone number of applicant.
2. Present use.
3. Present zoning district.
4. Proposed use.
5. Proposed zoning district.
6. A vicinity map showing property lines, thoroughfares, existing and proposed zoning and such other items as may be required. Maps showing property lines and thoroughfares are available at the office of the County Engineer at the County Administration Building.
7. A list of all property owners and their mailing addresses as they appear on the County Auditor's current tax list or the Treasurer's mailing list who are within 200 feet contiguous to or directly across the street from the parcel(s) proposed to be rezoned and others that may have a substantial interest in the case when known.
8. A statement on how the proposed amendment relates to the comprehensive plan.
9. Other information as deemed reasonably necessary by the zoning inspector or the planning commission.
10. A fee as established by Village Council, according to Section 310.

Section 603.02 Contents of Application for Zoning Text Amendment

Applications for amendments proposing to change, supplement, amend, or repeal any portion(s) of this Ordinance, other than the Official Zoning Map, shall contain at least the following information, if other than initiated by 602-1 or 2.

1. Name, address, phone number of applicant.
2. Proposed change(s) to the zoning ordinance.
3. A statement of the reason(s) for the proposed amendment.
4. A statement on how the proposed amendment relates to the comprehensive plan.
5. Other information as deemed reasonably necessary by the zoning inspector or the Planning Commission.
6. A fee as established by Village Council, according to Section 310.

Section 604 Transmittal to Planning Commission

Immediately (within 5 days) after the adoption of the ordinance by the Village Council or the filing of an application by at least one owner or lessee of property, the resolution or application shall be transmitted to the Village Planning Commission.

Section 605 Submission to Director of Transportation

Before any zoning amendment is approved affecting any land within 300 feet of the centerline of a proposed new highway or highway for which changes are proposed as described in the, certification to local officials by the Director of Transportation, or within a radius of 500 feet from the point of intersection of said centerline with any public road or highway, the Village Planning Commission shall give notice, by registered or certified mail to the Director of Transportation. The Village Planning Commission may proceed as required by law, however, the Village Council shall not approve the amendment for 120 days from the date the notice is received by the Director of Transportation. If the Director of Transportation notifies the village that he shall proceed to acquire the land needed, then the village shall refuse to approve the rezoning. If the Director of Transportation notifies the village that acquisition at this time is not in the public interest or upon the expiration of the 120 days period or any extension thereof agreed upon by the Director of Transportation and the property owner, the Village Council shall proceed as required by law.

Section 606 Recommendation by Planning Commission

Within 60 days after the receipt of the proposed amendment application, motion by Planning Commission, or the resolution by Village Council, the Planning Commission shall recommend to the Village Council that the amendment be approved as requested, or it may recommend that the amendment be denied. A public hearing shall be held by the Planning Commission for consideration of the proposed amendment to the zoning ordinance or map. Notice of the time, place, and purpose of such hearing shall be given by:

1. Publication at least once in a newspaper of general circulation in the municipality; the publication shall be not less than ten days prior to the date of the hearing.
2. Where the proposed amendment is to effect a change in the district map, written notice of the hearing shall be mailed by the Clerk-Treasurer of the village, by first-

class mail, at least ten days prior to the date of such hearing, to the owners of all property within 200 feet of, contiguous to or directly across the street from any parcel(s) proposed to be rezoned. Such names and addresses shall be those appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure of delivery of such notice shall not invalidate the proceedings of findings of the Commission.

Notice of the hearing may also be mailed by the Clerk-Treasurer to other interested parties as determined by the Chairman of the Planning Commission.

Section 607 **Public Hearing by Village Council SR**

Upon receipt of the recommendation from the Planning Commission, Village Council shall schedule a public hearing. Said hearing shall be not more than 40 days from the receipt of the recommendation from the Planning Commission. At least 30 days notice of the time and place of said hearing shall be given to a newspaper of general circulation in the village. Written notice of the hearing shall be made by the Clerk-Treasurer, by first-class mail, at least 20 days before the date of the public hearing to the owners of property within, within 200 feet of or contiguous to, and directly across the street from any parcel(s) proposed to be rezoned. Notice to such owners shall be sent to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list. The failure of delivery of such notice shall not invalidate such proposed ordinance.

Section 608 **Display of Relevant Materials SR**

During such 30 days, the text or copy of the text of the proposed ordinance, together with maps, plans, and reports submitted by the Planning Commission shall be on file, for public examination, in the office of the Clerk of the village, or in such other office or place as is designated by the legislative authority.

Section 609 **Notice of Public Hearing in Newspaper SR**

Notice of the public hearing required in Section 607 shall be given by Village Council by at least one publication in one or more newspapers of general circulation in the village affected. Said notice shall be published at least 30 days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing, a summary of the proposed amendment, and location and time that the relevant materials will be available for examination in accordance with Section 608.

Section 610 **Notice to Property Owners by Village Council SR**

If the ordinance, measure, or regulation intends to re-zone or re-district ten or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first class mail, at least 20 days before the day of the public-hearing to all owners of property within 200 feet or contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the address of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list and to such other list or lists that may be specified by Village

Council. The failure to deliver such notification, as provided in this section shall not - invalidate any such amendment. The notice shall contain the same information as required of notices published in newspapers as specified in Section 609.

Section 611 **Action by Village Council SR**

Within 30 days after the public hearing required by Section 607, the Village Council shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Planning Commission, it must do so by not less than three-fourths (3/4) of the full members of Village Council. No such ordinance shall be passed unless it has been fully and distinctly read on three different days except that such ordinance may be passed without such three readings if three-fourths (3/4) of the members of Village Council vote to dispense with this rule. No ordinance, measure, or regulation which is in accordance with the recommendation, plan, or report submitted by the Commission, Board, or officer shall be deemed to pass or take effect without the concurrent of at least a majority of the members elected to the legislative authority.

Section 612 **Effective Date and Referendum SR**

Such amendment adopted by Village Council shall become effective 30 days after the date of such adoption unless within 30 days after the passage of the ordinance there is presented to the Village Clerk a petition, signed by a number of qualified voters residing in the village equal to not less than 10 percent of the total vote cast in such area at the last preceding general election at which a Governor was elected, requesting the Village Council to submit the zoning amendment to the electors of the village for approval or rejection at the next general election.

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

Section 613 **Annexation SR**

All land annexed to the village subsequent to the adoption of this ordinance shall remain subject to the previous township zoning district until such time as the Official Zoning Map is amended according to the provisions of this article. All land annexed to the village which, prior to annexation, is not subject to township zoning shall remain unzoned until the Official Zoning Map is amended according to the provisions of this article.

ARTICLE 7
PROVISIONS FOR OFFICIAL ZONING MAP

Section 700 Official Zoning Map

The districts established in Article 8 of this ordinance as shown on the Official Zoning Map which, together with all explanatory matter thereon, are hereby adopted as part of this ordinance.

Section 701 Identification of the Official Zoning Map

The Official Zoning Map shall be identified by the signature of the Mayor attested by the Village Clerk.

Section 702 Interpretation of District Boundaries

Where uncertainty exists with respect to the boundaries of any of the zoning districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately following the center lines of thoroughfares or highways, street lines, or highway right-of-way lines, such centerlines, street lines, or highway right-of-way lines shall be construed to be such boundaries.
2. Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
3. Where district boundaries are so indicated that they are approximately parallel to the center lines or street lines of streets, or the center lines of right-of-way lines of highway, such district boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map. If no distance is given, such dimensions shall be determined by the use of the scale shown on the Official Zoning Map.
4. Where the boundary of a district follows a railroad line, such boundary shall be deemed to be located in the middle of the main tracks of said railroad line.
5. Where the boundary of a district follows a stream, lake, or other body of water, said boundary line shall be deemed to be at the limit of the jurisdiction of the village unless otherwise indicated.

ARTICLE 8
ESTABLISHMENT AND PURPOSE OF DISTRICTS

Section 800 Intent

The following zoning districts are hereby established for the Village of Utica Ohio. For interpretation the zoning districts have been formulated to realize the general purposes as set forth in the preamble of this ordinance. In addition, the specific purposes of each zoning district shall be as stated.

Section 801 Special Districts

The Special Districts are established to meet the purposes set forth in Sections 802 and 803.

Section 802 Agricultural District (AG)

The purpose of the AG District is to preserve and protect the decreasing supply of prime agricultural land. This district also is established to control the indiscriminate infiltration of urban development in agricultural areas which adversely affects agricultural operators.

Section 803 Flood Plain Overlay District (FP)

The purpose of the FP District is to guide development in the flood prone areas of any water course that are consistent with the requirements for the conveyance of flood flows, and to minimize the expense and inconveniences to the individual property owners and the general public through flooding. Uses permitted in this district are generally associated with open space, recreational, and agricultural land uses and shall not hinder the movement of floodwaters.

Section 804 Residential Districts

Residential districts are established to meet the purposes set forth in Sections 805-808, inclusive.

Section 805 Suburban Estate Residential District (SER)

The purpose of the SER District is to permit the establishment of low density single family dwellings with lot sizes sufficient for individual water and sewer facilities, but not to exceed one (1) dwelling unit per one and one-half (1-1/2) gross acres.

Section 806 Single-Family Residential District (R-1)

The purpose of the R-1 District is to encourage the establishment of low density single family dwellings not to exceed four (4) dwelling units per gross acre, and must be supplied with public water and sewage systems.

Section 807 Two-Family Residential District (R-2)

The purpose of the R-2 District is to encourage the establishment of medium-low density single and two family dwelling not to exceed six (6) dwelling units per gross acre. Centralized water and sewer facilities are required.

Section 808 Multi-Family Residential District {R-3}

The purpose of the R-3 District is to permit the establishment of medium density single, two, and multiple family dwellings not to exceed twelve (12) dwelling units per gross acre. Centralized water and sewer facilities are required.

Section 809 Business Districts

Business districts are established to meet the purposes set forth in Sections 810 and 811.

Section 810 Professional-Research-Office District (PRO)

The purpose of the PRO District is to encourage the establishment of groups of professional, research, executive, administrative, accounting, clerical, stenographic, and similar uses. Research uses shall not involve heavy testing operations of any kind. Because such uses are generally large generators of traffic, this district must abut upon an arterial or collector thoroughfare as specified in the County Major Thoroughfare Plan. The PRO District is also designed to act as a buffer between other more intense non-residential uses and high density residential uses, and is thus a transitional use.

Section 811 General Business District (GB)

The purpose of the GB is to encourage the establishment of areas for general business uses to meet the needs of a local and regional market area and the surrounding neighborhood.

Section 812 Manufacturing Districts

Manufacturing districts are established to meet the purposes set forth in Section 813.

Section 813 Manufacturing District {M-1}

The purpose of the M-1 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. Centralized water and sewer facilities are required.

Section 814 Amendments

Nothing in Article 8 shall be interpreted in such a manner as to preclude amendment of the district regulations as provided under the Ohio Revised Code, Chapter 713.12.

ARTICLE 9

District Regulations

Section 900 Compliance with 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 of land, except as hereinafter provided:

1. No building, structure, or land shall be used or occupied and no building or structure or part thereof shall be erected, constructed, reconstructed, moved, or structurally altered except as specified for the district in which it is located;
2. No building or other structure shall be erected or altered except as specified for the district in which it is located:
 - a. to provide for greater bulk;
 - b. to accommodate or house or a greater number of families;
 - c. to occupy a greater percentage of lot area;
 - d. to have narrower or smaller rear yards, front yards, side yards, or other open spaces;
3. No yard or lot existing at the time of passage of this ordinance shall be reduced in dimension or area below the minimum requirements set forth herein except as specified for the district in which it is located. Yards or lots created after the effective date of this ordinance shall meet at least the minimum requirements set forth herein.

Section 901 Official Schedule of District Regulations Adopted

District regulations shall be as set forth in the Official Schedule of District Regulations hereby adopted and declared to be a part of this ordinance and in Article 10 of this ordinance "Supplementary District Regulations."

Section 902 Intent of District Regulations

It is the intent of these regulations to set forth within the district regulations the Permitted Uses, the Conditionally Permitted Uses, the General Requirements of the district, and other regulations as they pertain in general to each zoning district. Conditionally permitted uses are in addition to the permitted uses in each district and as such are governed by Article 4, Article 5 and other articles of these regulations.

Rules, regulations, requirements, standards, ordinances, articles, and/or sections not specifically included for each district but which are contained in these regulations and which are applicable to each district or use shall be applied as if stated in full in Article 8 of these regulations. Uses not specifically defined or stated which cannot reasonably be interpreted by the Zoning Inspector as permitted or conditionally permitted in any district shall be referred to the Board of Zoning Appeals for an order in the determination of such use and the district to which and under what circumstances will prevail as specified in Article 5, Administration.

Section 903 Agricultural District (AG)

With respect to Permitted Uses, Dimensional Requirements and other Regulations of the AG, Agricultural District, the following regulations shall apply:

Permitted Uses:

1. Agriculture.
2. Single-family dwellings.
3. Accessory uses and structures. (Includes private swimming pools.)
4. Nursery-plant materials and sales.

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 5 and the other provisions of these regulations, the following uses may be conditionally permitted, provided that specified criteria set forth in Article 522 and required by the Board of Zoning Appeals for such conditional uses are met and provided that other conditions the Board of Zoning Appeals may reasonably require for such conditional uses are also met.

1. Quarrying and mining of natural resources.
2. Clubs, golf courses.
3. Public parks and playgrounds.
4. Home occupations.
5. Public and private schools.
6. Facilities of an educational, religious, charitable, philanthropic, or non-profit nature.
7. Commercial grain storage.
8. Community swimming pools.
9. Cemeteries.

General Requirements:

Lot Area, Width & Depth: Every lot shall have a minimum width of two-hundred and fifty (250) feet and a minimum lot area of not less than five (5) acres (two hundred seventeen thousand, eight hundred-217,800) square feet, exclusive of road right-of-way, and shall be in addition to any easements of record.

Front Yard: There shall be a front yard of not less than seventy-five (75) feet in depth for dwelling structures.

Side yard: There shall be side yards of not less than thirty (30) feet (each side) for dwelling structures.

Rear Yard: There shall be a rear yard of not less than one hundred (100) feet for dwelling structures.

Dwelling Bulk: Dwellings or structures shall have a minimum area of nine hundred sixty, (960) square feet of-living space by outside dimensions, exclusive of porches, garages and cellars or basements.

Section 904 Flood Plain Overlay District (FP)

Section 904.0 Purpose

It is the purpose of this article to promote the public health, safety, and general welfare and to minimize losses resulting from periodic inundation of flood waters in Village of Utica by restricting or prohibiting uses which are dangerous to health, safety of property in time so flooding or cause excessive increases in flood height or velocities, requiring that uses vulnerable to floods be protected from flood damage at time of initial construction, controlling the filling, grading, dredging, and other development which may increase flood damage, and controlling the alteration of natural flood plains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters.

Section 904.1 Finding of Fact

The flood hazard areas of the Village of Utica are subject to periodic inundation which may result in loss of life and property, hazards to health and safety, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare. These flood losses are caused by:

1. The cumulative effect of obstruction in flood plains, causing increased flood heights and velocities.
2. The occupancy of flood hazard areas by uses vulnerable to floods and which are not adequately elevated or protected from flood damage.

Section 904.2 Applicable Lands

This section shall apply to all lands within the village boundaries shown on the Official Zoning Map within the boundaries of floodway, or floodway fringe, as identified by the Federal Emergency Management Agency on the FIRM and Floodway Map Nos. 390338-0001, dated December 15, 1982, and any revision thereto as adopted by reference and declared to be a part of this resolution.

Section 904.3 Overlay District Designation

The areas of floodway or floodway fringe identified on the Official Zoning Map shall be shown as an overlay district. This overlay district shall be designated as the Flood Plain Overlay (FP) District.

Those areas within the Flood Plain Overlay District designated as floodway on the Official Zoning Map shall be subject to all the requirements of the Flood Plain Overlay District, as well as those specific sections that address the floodway.

The Flood Plain Overlay (FP) District shall be superimposed over the Official Zoning Map. The underlying zoning district, as shown on the Official Zoning Map, shall hereafter be called the base district. Uses and minimum requirements shall be determined by the base district. However, if the provisions and requirements

governing the Flood Plain Overlay District are more restrictive than those of the base district, the provisions of this article shall supersede those of the base district.

Section 904.4 Interpretation of Boundaries

When disagreement exists as to the boundaries of the Flood Plain Overlay District or the floodway, those boundaries shall be interpreted to be the boundaries of the floodway and floodway fringe as shown on the Flood Insurance Maps and Floodway Map No. 390338-0001, dated December 15, 1982. Disagreement as to boundaries of the flood hazard areas will be resolved by the procedures outlined in the Village of Utica Flood Damage Ordinance, and not the Village of Utica Board of Zoning Appeals.

Section 904.5 Warning and Disclaimer of Responsibility

The degree of flood protection required by this resolution is considered reasonable for regulatory purposes. Larger floods may occur or flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This resolution does not imply that areas outside the Flood Plain Overlay District boundaries or land uses permitted within such district will be free from flooding or flood damages. This resolution shall not create liability on the part of Village of Utica, Licking County, or any officer or employee thereof for any flood damages that result from reliance of this article or any administrative decision lawfully made thereunder.

Section 904.6 Compliance

Unless specifically exempted as stated in Section 1313.06(b) of the Village of Utica Flood Damage Prevention Regulations, no structure or land shall hereafter be located, extended, converted, or structurally altered without full compliance with the terms of this article and other applicable ordinances of the village and Licking County.

Section 904.7 Abrogation

This section is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and another conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 904.8 Flood Plain Development Permit

A flood plain development permit shall be obtained before the start of construction or development of land in the Flood Plain Overlay District. This permit shall be in addition to the zoning permit required in Section 300 of this resolution. Application for a flood plain development permit shall be made to the Village of Utica's Flood Plain Administrator. The Village of Utica Flood Damage Prevention Regulations (Chapter 1313 Codified Ordinances) require the mayor to receive and act on flood plain development permits. This permit will be applied for and approved by the Flood Plain Administrator of the Village of Utica prior to the zoning permit being applied for and

approved. The Zoning Inspector must receive a copy of the flood plain development permit before the zoning permit is issued.

All structures or uses to be located in the Flood Plain Overlay District shall comply with the requirements of the Village of Utica Zoning Ordinance and the Village of Utica Flood Damage Prevention Regulations and any amendment or revisions.

Section 904.9 Other Requirements

Any buildings, structures, or land uses to be located in an identified flood hazard area shall comply with the requirements of the Village of Utica Flood Damage Prevention Regulations adopted by the Village of Utica.

1. Change to Non-Flood Plain District: Changes of district classification from FP to any other classification provided by this resolution may be initiated in accordance with the requirements of this resolution; provided that the applicant can show that any flood condition existing at the time the FP district was originally established no longer exists or has been remedied to the satisfaction of the Village of Utica Flood Plain Administrator, and that the area in question is now reasonably well protected from floods for the intended purpose and occupancy. Prior to recommending a change of zoning to the Village Council, the township Planning Commission shall obtain certification from the Village Flood Plain Administrator, or the agency or department administering the Flood Hazard Prevention Regulations, that the area proposed to be removed from the FP District is free from inundation from a 100 year flood event, and the amendment procedures of Article 6 shall be followed.

Section 904.10 Required Lot Area, Lot Width, Height, Parking, Yards, and Sign Requirements

The lot area, lot width, building height, parking, yards, and sign requirements shall comply with the base district requirements as outlined in Section 904.3 of this article.

Any proposed lot for the use of residential shall comply with the Licking County Board of Health and the Village of Utica's ordinances. Any structure intended for four-family residential, commercial, or industrial land use shall comply with the Ohio Environmental Protection Agency, or any other appropriate authority regulations.

Section 905 Suburban Estate Residential District (SER)

With respect to Permitted Uses, Dimensional Requirements, and other Regulations of the SER, Suburban Estate Residential District, the following regulations shall apply:

Permitted Uses: After obtaining a valid zoning certificate in accordance with these regulations, the following uses are permitted:

1. Single-family dwellings.
2. Accessory uses and structures. (Includes private swimming pools.)

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted and specific criteria for conditional uses are met (Section 522) and other conditions the Board of Zoning Appeals may reasonably require.

1. Agriculture (no permit is required for those uses as defined in Article 2 of these regulations).
2. Facilities of an educational, religious, charitable, philanthropic, or non-profit nature.
3. Public and private schools.
4. Public parks and playgrounds.
5. Governmental buildings.
6. Cemeteries.
7. Clubs, golf courses.
8. Nursery-plant materials and sales.
9. Private stables.
10. Institutions, nursery-nursing homes, clinics.
11. Kennels, and stables.
12. Home occupations.
13. Private recreational camp.

General Requirements of the SER District:

Lot Area, Width & Depth: Every lot shall have a minimum width of one hundred fifty (150) feet and a minimum lot area not less than one and one half (1 ½) acres (sixty five thousand, three hundred forty-65,340 square feet), exclusive of road right-of-way, and shall be in addition to any easements of record, If public utility supplies of water and sewer are available to provide service, the minimum lot size is one-half(½) acre. All lot area measurements shall be exclusive of road right-of-way, and in addition to any easement of record.

Front Yard: There shall be a front yard of not less than fifty (50) feet in depth, provided, however, that where normal lots comprising forty (40) percent or more of the frontage are developed with buildings having front yards with a variation of not more than ten (10) -feet in depth, the average of such developed -front yards shall establish the front yard depth for the entire frontage, except as provided elsewhere in these regulations. In any case, the buildings cannot exceed the average front yard of the existing developed lots by more than ten (10) feet. The measurements and average shall be determined by the Zoning Inspector.

Side Yard: There shall be side yards of not less than twenty-five (25) feet on each side, provided, however, that where forty (40) percent or more of the developed lots have buildings with side yards of less than the twenty-five (25) feet, the average of

such developed side yards shall establish the side yard depth for the entire side yard, except as provided elsewhere in these regulations. The measurements and average shall be determined by the Zoning Inspector.

Rear Yard: There shall be a rear yard of not less than fifty (50) feet.

Dwelling Bulk: Dwellings or structures shall have a minimum area of one thousand five hundred (1,500) square feet of living space by outside dimensions, exclusive of porches, garages and cellars or basements.

Section 906 Single Family Residential District (R-1)

With respect to Permitted Uses, Dimensional Requirements, and other Regulations of the R-1 Single Family Residential District, the following regulations shall apply:

Permitted Uses

1. Single family dwellings.
2. Accessory uses and structures. (Includes private swimming pools.)
Centralized public water and sewer facilities are required.

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted and specific criteria for conditional uses are met (Section 522) and other conditions the Board of Zoning Appeals may reasonably require.

1. Institutions, nursery-nursing homes, clinic.
2. Home occupations.
3. Agriculture.
4. Facilities of an educational, religious, charitable, philanthropic, or non-profit nature.
5. Public and private schools.
6. Public parks and playgrounds.
7. Governmental buildings.
8. Cemeteries.

General Requirements

Lot Area, Width & Depth: Every lot shall have a minimum width of eighty (80) feet and a minimum lot area of not less than one quarter (1/4) acre (ten thousand eight hundred ninety-10,890) square feet, exclusive of road right-of-way, and shall be in addition to any easements of record.

Front Yard: There shall be a front yard of not less than thirty (30) feet in depth, provided, however, that where normal lots comprising forty (40) percent or more of the frontage are developed with building having front yards with a variation of not more than ten (10) feet in depth, the average of such developed front yards shall

establish the front yard depth for the entire frontage, except as provided elsewhere in these regulations. In any case, the buildings cannot exceed the average front yard of the existing developed lots by more than ten (10) feet. The measurements and average shall be determined by the Zoning Inspector.

Side Yard: There shall be side yards of not less than ten (10) feet on each side, provided, however, that where forty (40) percent or more of the developed lots have buildings with side yards of less than the ten (10) feet, the average of such developed side yards shall establish the side yard depth for the-entire side yard, except as provided elsewhere in these regulations. The measurements and average shall be determined by the Zoning Inspector. For lots non-conforming in width, a variance may be granted allowing no less than 2 foot side-yards.

Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet.

Dwelling Bulk: Dwellings or structures shall have a minimum area of one thousand and two hundred (1200) square feet of living space by outside dimensions, exclusive of porches, garages and cellars or basements.

Section 907 Two-Family Residential District (R-2)

With respect to Permitted Uses, Dimensional Requirements, and Other Regulations of the R-2 Two-Family Residential District, the following regulations shall apply:

Permitted Uses:

1. Single family dwellings.
2. Two family dwellings.
3. Accessory uses and structures. (Includes private swimming pools.)
Centralized public water and sewer facilities are required

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 5, and the other conditionally permitted and specific criteria for conditional uses are met (Section 522) and other conditions the Board of Zoning. Appeals may reasonably require.

1. Home occupations.
2. Institutions, nursery-nursing homes.
3. Facilities of an educational, religious, charitable, philanthropic, or non-profit nature.
4. Public and private schools.
5. Public parks and playgrounds.
6. Governmental buildings.
7. Clubs, golf courses.
8. Agriculture.

General Requirements

Lot Area. Width & Depth: Every lot shall have a minimum width of eighty (80) feet and a minimum lot area of not less than eight thousand (8,000) square feet, exclusive of road right-of-way, and shall be in addition to any easement of record.

Front Yard: There shall be a front yard of not less than thirty (30) feet in depth, provided, however, that where normal lots comprising forty (40) percent or more of the frontage are developed with buildings having front yards with a variation of not more than ten (10) feet in depth, the average of such developed front yards shall establish the front yard depth for the entire frontage, except as provided elsewhere in these regulations. In any case, the buildings cannot exceed the average-front yard of the existing developed lots by more than ten (10) feet. The measurements and average shall be determined by the Zoning Inspector

Side Yard: There shall be side yards of not less than ten (10) feet on each side, provided, however, that where forty (40) percent or more of the developed lots have buildings with side yards of less than the ten (10) feet, the average of such developed side yards shall establish the side yard depth for the entire side yard, except as provided elsewhere in these regulations. The measurements and average shall be determined by the Zoning Inspector. For lots non-conforming in width, a variance may be granted allowing no less than 2 foot side-yards.

Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet.

Dwelling Bulk: Dwellings or structures shall have a minimum area of one thousand and one hundred (1100) square feet of living space by outside dimensions, exclusive of porches, garages and-cellars or basements for each family.

Section 908 Multi-Family Residential District (R-3)

With respect to Permitted Uses, Dimensional Requirements, and other Regulations of the R-3 Multi-Family Residential District, the following regulations shall apply:

Permitted Uses:

1. Single family dwellings.
2. Two-family dwelling units.
3. Multi-family dwelling units.
4. Accessory uses and structures. (Includes private swimming pools.)

Centralized water and sewer facilities are required.

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 5, and the other conditionally permitted and specific criteria for conditional uses are met (Section 522) and other conditions the Board of Zoning Appeals may reasonably require.

1. Facilities of an educational, religious, charitable, philanthropic, or non-profit nature.
2. Public and private schools.
3. Public parks and playgrounds.
4. Governmental buildings.
5. Community swimming pools.

General Requirements:

Lot Area. Width & Depth: Every lot or tract of land upon which there is erected a single-family dwelling or two-family dwelling shall conform to the requirements set forth in Section 907; every lot or tract of land upon which there is erected a multiple family dwelling shall have a minimum width of eighty (80) feet and minimum lot area of not less than one (1) acre (forty three thousand, five hundred sixty-43,560) square feet per twelve dwelling units. All lot area measurements shall be exclusive of road right-of-way, and shall be in addition to any easement of record.

Front Yard: There shall be a front yard of not less than thirty (30) feet.

Side Yard: There shall be a side yard of not less than ten (10) feet on each side. For lots non-conforming in width, a variance may be granted allowing no less than 2 foot side-yards.

Rear Yard: There shall be a rear yard of not less than twenty-five (25) feet.

Dwelling Bulk: Single family, two-family and multi-family dwelling units shall have a minimum are of nine hundred (900) square feet of living space. All dwelling bulk requirements for the R-3 district are to be determined from outside dimensions, exclusive of porches, garages, and cellars or basements.

Screening: Multi-family structures shall employ proper screening methods when such multi-family structures abut non multi-family land uses. Screening shall be a masonry or solid fence between four (4) and eight (8) feet in height, maintained in good condition and free of all advertising and other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than ten (10) feet in width planted with evergreen shrubs not less than four (4) feet in height at the time of planting and planted not less than three (3) feet from the lot line. Either type of screening shall not obscure traffic visibility within fifty (50) feet of an intersection.

Section 909 Professional-Research-Office District (PRO)

With respect to Permitted Uses, Dimensional Requirements, and other Regulations of the PRO. Professional-Research-Office District. the following regulations shall apply.

Permitted Uses:

1. Doctors' parks, offices, or clinics
2. Vision and hearing clinics.
3. Dental offices and clinics.
4. Law offices.
5. Insurance and real estate offices. -
6. Banks and finance establishments.
7. Utility companies (offices).
8. Research facilities and/or laboratories.
9. Governmental offices.
10. Planning, architect, or engineering offices.
11. Veterinary clinics and offices.

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 5, and other provisions of these regulations, the following uses may be conditionally permitted and specific criteria for conditional uses are met (Section 522) and other conditions the Board of Zoning Appeals may reasonably require:

1. Nursing homes (extended care).
2. Hospitals (extended care).

General Requirements of the PRO District

Lot Area, Width and Depth: Every lot shall have a minimum width of 200 feet and a minimum lot area of not less than one and one half (1 1/2) acre (sixty-five thousand, three hundred forty square feet) unless public utility supplies of water and sewer utilities are available to provide service. If public utility supplies of water and sewer are available to provide service, the minimum lot size can be reduced to meet these requirements:

Minimum Width, 130 feet

Minimum Lot Area, not less than 21,780 square feet (1/2 acre)

All lot area measurements shall be exclusive of road right-of-way, and in addition to any easement of record.

Front Yard: There shall be a front yard of not less than 50 feet in depth or 40 feet if connected to public water and sewer. Measurements shall be made from the road right-of-way or 30 feet from the centerline of the road, whichever is a greater distance from the centerline.

Side Yard: There shall be side yards with a combined total not to be less than 40 feet, with no yard being less than 15 feet. If connected to public water and sewer, the side yards shall have a combined total of not less than 30 feet, with no yard being less than 12 feet.

Rear Yard: There shall be a rear yard of not less than 50 feet in depth or 40 feet if connected to public water and sewer.

Parking: Parking lots for the PRO District shall comply with all yard requirements and shall comply with all other ordinances of the Village of Utica, or Section 1012 of this ordinance.

Section 910 General Business District (GB)

Permitted Uses, Dimensional Requirements and other Regulations of the GB, General Business District; the following regulations shall apply:

Permitted Uses:

1. Doctor's parks, offices or clinics.
2. Vision and hearing clinics. .
3. Dental offices and clinics.
4. Law offices.
5. Insurance and real estate offices.
6. Banks and finance establishments.
7. Utility companies (offices).
8. Research facilities and/or laboratories.
9. Governmental offices.
10. Planning, architect or engineering offices.
11. Day care clinics.
12. Veterinary clinics and offices.
13. Facilities of an educational, religious, charitable, philanthropic, or non-profit nature.
14. Public and private schools.
15. Public parks and playgrounds.
16. Cemeteries.
17. Local retail business or service including: grocery, fruit vegetable store, meat market, drug store, barber or beauty shop, clothes cleaning and laundry pickup station; laundromat, shoe store, mortician and the like, supplying commodities or performing services primarily for the residents of a local community.
18. Lodge, fraternal and service organizations.
19. Nursery (plant materials), and or greenhouse.
20. General auto repair and maintenance.
21. Auto service station.
22. Auto and/or farm implement sales.
23. Taverns, restaurants or restaurants providing entertainment.
24. Hotel-motels.
25. Commercial and public entertainment fields, amusements, or establishments similar but not restricted to baseball fields, pool halls, swimming pools, skating rinks, golf driving ranges, miniature golf, bowling alleys, golf courses.
26. Trade or commercial schools.

27. Wholesale business or warehousing when no processing, fabrication or assembly is involved, if conducted entirely in an enclosed building.
28. Public garages.
29. Boarding houses.
30. Building materials and sales.
31. Accessory buildings and uses.
32. Private and community swimming pools.
33. General or local retail stores or shops.

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted and specific criteria for conditional use are met (Article 522) and other conditions the Board of Zoning Appeals may reasonably require.

1. Nursing homes (extended care).
2. Hospitals (extended care).
3. Marinas.
4. Watercraft and/or recreational vehicle storage.
5. Radio or television broadcasting station and towers, (applies to commercial stations and equipment only).
6. Airports-heliports (private and governmental).
7. Private recreational camps.
8. Single family residences limited by restrictions set forth in the R-3 District Regulations.
9. Two family residences limited by restrictions set forth in the R-3 District Regulations.
10. Multi family residences limited by restrictions set forth in the R-3 District Regulations.

General Requirements:

Lot Area, Width & Depth: Every lot shall have a minimum width of two hundred (200) feet and a minimum lot area of not less than one and one half (1 1/2) acres (sixty-five thousand, three hundred forty-65,340) square feet unless public utility supplies of water and sewer are available. If public water and sewer utilities are available to provide service, the minimum lot size can be reduced, the minimum lot size can be reduced to meet these requirements:

Minimum Width, 60 feet Minimum Lot Area, not less than nine thousand (9,000) square feet. All lot area measurements shall be exclusive of road right-of-way, and shall be in addition to any easements of record.

Front Yard: There shall be a front yard of not less than twenty (20) feet in depth, provided, however, that where normal lots comprising forty (40) percent or more of

the frontage are developed with buildings having front yards with a variation of not more than ten (10) in depth, the average of such developed front yards shall establish the front yard depth for the entire frontage, except as provided elsewhere in these regulations. In any case, the buildings cannot exceed the average front yard of the existing developed lots by more than ten (10) feet. The measurements and provided, however, that where normal lots comprising forty (40) percent or more of the frontage are developed with buildings having front yards with a variation of not more than ten (10) in depth, the average of such developed front yards shall establish the front yard depth for the entire frontage, except as provided elsewhere in these regulations. In any case, the buildings cannot exceed the average front yard of the existing developed lots by more than ten (10) feet. The measurements and average shall be determined by the zoning inspector. Ten (10) feet of front yard are required with public water and sewer.

Side Yard: There shall be side yards with a combined total not to be less than twenty (20) feet. No one yard being less than five (5) feet.

Rear Yard: There shall be a rear yard of not less than ten (10) feet

Parking: Parking lots for the GB District shall comply with all yard requirements, and shall comply with all other ordinances of the Village of Utica, -or in Section 1012 of this ordinance.

Section 911 Manufacturing District (M-1)

With respect to Permitted Use, Dimensional Requirements and other Regulations of the M-I, Manufacturing District, the following regulations shall apply:

Permitted Uses:

1. Agriculture.
2. Public parks and playgrounds.
3. Small item manufacturing.
4. Paper, printing and associated products.
5. Cleaning, dyeing, and similar services.
6. Food products.
7. Poultry, horticulture and forestry facilities.
8. Machinery, office equipment and furniture manufacturing.
9. Fiber and clothing goods manufacturing.
10. Utility facilities.
11. Household appliances and vehicle services, storage and maintenance.
12. Electronics and electrical equipment.
13. Governmental buildings.
14. Dairy and all related operations.

Centralized water and sewer facilities are required.

Conditionally Permitted Uses: After obtaining a valid conditional use permit in accordance with Article 5, and the other provisions of these regulations, the following uses may be conditionally permitted and specific criteria for conditional uses are met (Article 522) and other conditions the Board of Zoning Appeals may reasonably require.

1. Metal cans and containers manufacturing.
2. Lumber Yards and building components manufacturing.
3. Contract construction storage of machinery and materials.
4. Building materials (general retail).
5. Plastics, synthetics and similar nonmetallic goods manufacturing.

General Requirements:

Lot Area, Width & Depth: Every lot shall have a minimum width of one hundred (100) feet and a minimum lot area of not less than one (1) acre (forty three thousand, five hundred and sixty-43,560) square feet in area, exclusive of road right-of-way and shall be in addition to any easements of record.

Front Yard: There shall be a front yard of not less than fifty (50) feet in depth.

Side Yard: There shall be side yards with a combined total not to be less than twenty (20) feet. No one yard being less than five (5) feet.

Rear Yard: There shall be a rear yard of not less than forty (40) feet.

Screening: Industrial districts shall employ proper screening methods when such zoned districts abut any other zoned district. Such screening shall be a masonry or solid fence between four (4) and eight (8) feet in height maintained in good condition and free of all advertising and other signs. Landscaping provided in lieu of such wall or fence shall consist of a strip of land not less than ten (10) feet in width, planted with evergreen shrubs not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within fifty (50) feet of an intersection.

Parking: Parking lots for the M-1 District shall comply with all yard requirements, and shall comply with all other ordinances of the Village of Utica.

ARTICLE 10 SUPPLEMENTARY DISTRICT REGULATIONS

Section 1000 General

The purpose of supplementary district regulations is to set specific conditions for various uses classification of uses, or areas where problems are frequently encountered.

Section 1001 Conversion of Dwelling to More Units

A residence may not be converted to accommodate an increase number of dwelling units unless:

1. The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
2. The lot area per family equals the lot area requirements for new structure in that district;
3. The floor area per dwelling unit is not reduced to less than that which is required for new construction in that district;
4. The conversion is in compliance with all other relevant codes and resolutions.

Section 1002 Manufactured Homes

When a manufactured home is placed on a lot, it must meet all yard requirements. The manufactured home shall be placed on a lot according to Manufactured Home Industry Standards or on a permanent concrete and masonry foundation in the following manner: The manufactured home shall rest on footers, columns, and blocks in a custom suitable for the site and in accordance with the blocking instructions supplied by the manufactured home manufacturer. A space not exceeding a length of five feet, may be left at the rear end or backside suitable for access under the unit. Such access area shall be closed when not in use with a suitable door. Standard skirting shall be applied. All manufactured homes shall be anchored with an approved anchoring device. No manufactured home shall be occupied until a Certificate of Occupancy has been issued by the Zoning Inspector.

Section 1003 Community or Club Swimming Pools

Community and club swimming pools where permitted shall comply with the following conditions and requirements:

1. 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;
2. The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than fifty (50) feet to any property line;

Section 1004 Temporary Buildings

Temporary buildings, construction trailers, equipment, and materials used in conjunction with construction work only may be permitted in any district during the period construction work is in progress, but such temporary facilities shall be

removed upon completion of the construction work, within 60 days of completion of work.

Section 1005 Accessory Buildings

All accessory buildings must comply with the District's yard requirements established for the District. Lots of fifty (50) feet or less may have a two (2) feet side yard from edge of roof line to the lot line, and a ten (10) feet rear lot line minimum.

Section 1006 Parking and Storage of Certain Vehicles

Automotive vehicles without current license plates shall not be parked or stored on any residentially zoned property other than in completely enclosed buildings. However, two boats and two travel trailers may be stored in the rear yard if the vehicles have been licensed within the proceeding two calendar years.

Section 1007 Required Trash Areas

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

Section 1008 Supplemental Yard and Height Regulations

In addition to all yard regulations specified in the Official Schedule of District Regulations and in other sections of this resolution, the provisions of Sections 1011-1017, inclusive shall be used for interpretation and clarification.

Section 1009 Setback Requirements for Corner Buildings

On a corner lot the principal building and its accessory structures shall be required to have the same setback distance from all street right-of-way lines as required for the front yard in the district in which such structures are located.

Section 1010 Visibility at Intersection

On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impeded or restrict vision between a height of two and one half (2 1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines fifty (50) feet from the Point of intersection.

Section 1011 Yard Requirements for Multi-Family Dwellings

Multi-family dwellings shall be considered as one (1) building for the purpose of determining front, side, and rear yard requirements. The entire group as a unit shall require one (1) front, one (1) rear, and two (2) side yards as specified for dwelling in

the appropriate district. Each individual building shall meet all yard requirements for the appropriate district as though it were on an individual lot.

Section 1012 Side and Rear Yard Requirements for Non-Residential Uses Abutting Residential Districts

Non-residential buildings or uses shall not be located nor conducted closer than forty (40) feet to any lot line of a residential use, except that the minimum yard requirements may be reduced to fifty (50) percent of the requirements if acceptable landscaping or screening approved by the Zoning Inspector is provided. Such screening shall be a masonry or solid fence between four (4) and eight (8) 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 ten (10) feet in width planted with an evergreen shrubs not less than four (4) feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within fifty (50) feet of an intersection.

Section 1013 Architectural Projections

Open structures such as porches, canopies, balconies, platforms, carports covered patios, and similar architectural projections shall be considered parts of the building to which they are attached and shall not project into the required minimum front, side, or rear yard.

Section 1014 Special Provisions for Professional-Research-Office, General Business and Manufacturing Districts

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this resolution may be undertaken and maintained if acceptable measures and safeguards reduce dangerous and objectionable conditions acceptable limits as established by the performance requirements- in Section 1014-1021, inclusive.

Section 1015 Fire Hazards

Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.

Section 1016 Radioactivity or Electrical Disturbance

No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.

Section 1017 Noise

Objectionable noise as determined by the Zoning Inspector which is due to volume, frequency, or beat shall be muffled or otherwise controlled. Fire and air-raid sirens and related apparatus used solely for public purposes are exempt from this requirement.

Section 1018 Vibration

No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.

Section 1019 Air Pollution

Air pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency or other authorized governmental agency.

Section 1020 Glare

No direct or reflected glare shall be permitted which is visible from any property outside a manufacturing district or from any street.

Section 1021 Erosion

No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

Section 1022 Water Pollution

Water pollution shall be subject to the requirements and regulations established by the Director of the Ohio Environmental Protection Agency or other authorized governmental agency.

Section 1023 Enforcement Provisions

The Zoning Inspector, prior to the issuance of a zoning permit, may require the submission of statements and plans depicting the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.

Section 1024 Measurement Procedures

Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American National Standards Institute Inc., New York, the Manufacturing Chemists Association, Inc., Washington D.C., the United States Bureau of Mines, and the Ohio Environmental Protection Agency or other recognized agency.

Section 1025 Adult Entertainment Facilities

Section 1025.00 Definitions

1. "Adult Entertainment Facility" means any establishment which is involved in one or more of the following listed categories:
 - a. Adult Book Store -An establishment having greater than 25 percent of its display area or items for sale or its stock in trade, books, magazines, and other periodicals which are distinguished or characterized by their emphasis on matter depicting or relating to "specified sexual activities" or "specified anatomical areas" as herein defined.
 - b. Adult Mini-Motion Picture Theater -A facility with a capacity for less than 50 persons, used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas" for observation by patrons therein.
 - c. Adult Motion Picture Theater -A facility with a capacity of 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to "specified sexual activities" or "specified anatomical areas," for observation by patrons therein.
 - d. Adult Entertainment Business -Any establishment involved in the sale or services of products characterized by the exposure or presentation of "specified anatomical areas" or physical contact of live male or females and which is characterized by salacious conduct appealing to prurient interest for the observation or participation in by patrons. Services or products included within the scope of adult entertainment business are photography, dancing, reading, massage, and similar functions -which utilize activities as specified above.
2. "Specified Sexual Activities" mean any of the following:
 - a. Human genitals in a state of sexual stimulation or arousal.
 - b. Acts, real or simulated, or human masturbation, sexual intercourse, sodomy, cunnilingus, fellatio, or sadomasochistic sexual abuse.
 - c. Fondling or other erotic touching of human genitals, pubic regions, buttocks, or female breasts.
3. "Specified Anatomical Areas" mean any of the following:
 - a. Less than completely covered human genitals, pubic region, buttocks, and female breasts below a point immediately above the top of the areola.
 - b. Human male genitals in a discernible turgid state.
4. "Person" means any individual, corporation, company, business, partnership, association, establishment, or other legal entity of any kind.
5. "Fine Art Gallery" means any display of art work which is individually crafted and signed by the artist or which is limited in edition to 1,000 or less.
6. "Sexually Explicit Nudity" means the sexually oriented and explicit showing of nudity, including, but not limited to, close-up views, poses, or depictions in such position or manner which present or expose such nudity to prominent, focal, or obvious viewing attention.

7. "Sadomasochistic Sexual Abuse" means actual or simulated flagellation, rape, torture, or other physical or sexual abuse. by or upon a person who is nude or partially denuded, or the condition of being fettered, bound for sexual gratification or abused or represented in the context of a sexual relationship.
8. "Visibly Displayed" means the material is visible on a billboard, viewing screen, marquee, newsstand, display rack, window, show case, display case, or other similar display area that is visible from any part of the general public or otherwise, or that is visible from any part of the premises where a juvenile is or may be allowed, permitted, or invited, as part of the general public or otherwise, or that is visible from a public street, sidewalk, park, alley, residence, playground, school, or other place to which juveniles, as part of the general public or otherwise, has unrestrained and reasonably anticipated access and presence.
9. "Knowledge of Character" means having general knowledge, or reason to know; or a belief or ground for belief which warrants further inspection or inquiry, of the nature and character of the material or performance involved. A person has such knowledge when he or she knows or is aware that the material or performance contains, depicts, or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, whichever is applicable, whether or not such person has precise knowledge of the specific contents thereof. Such knowledge may be proven by direct or circumstantial evidence, or both.
10. "Harmful to Juveniles" means any material or performance, whether through motion pictures, photographs, drawings, cartoons, slides, depictions, or descriptions in which (a), (b), and (c) apply.
 - a. The average adult person, applying contemporary community standards would find that the material or performance, taken as a whole, is intended to excite lustful or erotic thoughts in juveniles, or is designed or marketed to cater or appeal to a prurient interest in nudity, sex, or excretion.
 - b. The material or performance depicts or describes sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals, in a way which is patently offensive to prevailing standards in the adult community with respect to what is suitable for juveniles.
 - c. The material or performance, taken as a whole, lacks serious literary, artistic, political, educational, or scientific value for juveniles.

Section 1025.01 Exceptions

Nothing in this article shall be construed to pertain to:

1. The purchase, distribution, exhibition, and/or loan of any work of art, book, magazine or other printed material or manuscript by any accredited museum, library, fine art gallery, school or institution of higher learning.

2. The exhibition and/or performance of any play, drama, tableau, or motion picture by any theater, museum, library, fine art gallery, school or institution of higher learning either supported by public appropriation or which is an accredited institution supported by private funds.

Section 1025.02 Location

Adult entertainment facilities, adult mini-motion picture theaters, adult motion picture theaters and adult entertainment facilities of any kind or type are prohibited in the Village of Utica. Violation of this zoning regulation shall be subject to the enforcement articles and penalties outlined in the zoning regulations of the Village of Utica.

Section 1025.03 Unlawful Exhibition or Display of Harmful Material to Juveniles

No person having custody, control, or supervision, or any business or commercial establishment or premises, with knowledge of the character of the material involved, shall do or cause to have done any of the following:

- 1) Allow, permit, or fail to prevent any juvenile who is not accompanied by a parent or lawful guardian to enter or remain on premises if in that part of the premises where the juvenile is or may be allowed, permitted, or invited as part of the general public or otherwise, there is visibly displayed all or any part of any book, magazine, newspaper, or other form of any material which is either of the following: harmful to juveniles, when taken as a whole; or contains on its cover, package, wrapping, or within the advertisements therefore, depictions or photographs of sexually explicit nudity, sexual activity, sadomasochistic sexual abuse, or lewd exhibition of the genitals.
- 2) Visibly display, exhibit, or otherwise expose to review, all or any part of such material in any business or commercial establishment where juveniles, as part of the general public or otherwise, are, or will probably be, exposed to view all or any part of such material from any public or private place.
- 3) Hire, employ, or otherwise place, supervise, control, or allow in any business or commercial establishment or other place, any juvenile under circumstances which would cause, lead, or allow such juvenile to engage in the business or activity of selling, distributing, disseminating, or otherwise dealing or handling such material, either to or for adults or juveniles.

Section 1025.04 Violation and Penalty

Whoever violates any provisions of this article shall be guilty of a misdemeanor of the first degree.

Section 1025.05 Adult Entertainment Facilities – Prohibited

All of the above subjects or establishments listed in Section 1024 shall be prohibited within the border and boundaries of Village of Utica, Licking County, Ohio.

PROPOSED CHANGES TO SEPTEMBER 14TH
DRAFT OF ZONING ORDINANCE

ARTICLE VI:

- 1) Page 40, Section 603.02, add at end of first paragraph, "if other than initiated by 602-1 or 2."
- 2) Page 41, Section 606, add at end of first sentence, "amendment application, motion by Planning Commission, or the resolution by Village Council, the Planning Commission ... "
- 3) Page 41, Section 606, #2, end of sentence change "Board" to "Commission."
- 4) Page 42, Section 608, change Clerk-Treasurer to Treasurer, and at end of sentence "or in such other office or place as is designated by the legislative authority."
- 5) Page 42, Section 609, add at end of sentence "in accordance with Section 608."
- 6) Page 42, Section 610, add at beginning of paragraph "If the ordinance, measure, or regulation intends to re-zone or re-district ten or less parcels of land, as listed on the tax duplicate, written." Change Section 608 at end of paragraph to 609.
- 7) Article VIII, Page 45, Section 805, add "single" to second sentence "density single, two."
- 8) Page 46, Section 806, change Section 808 to "Sections 807 and 808."
- 9) Page 46, add Section 807, Professional-Research-Office District (PRO). From this point forward in Article VIII, Section numbers will be changed by one digit.
- 10) Article IX, Section 904.2, change first sentence "township" to "village," map number and date of revision.
- 11) Section 904.4, change map number and date of revision, "Licking County" to "Village of Utica" and "Regulations" to "Ordinance."
- 12) Section 904.6, change "Licking. County" to "Village of Utica."
- 13) Section 904.8, change "Licking County Planning Commission" to "Village of Utica"
- 14) Section 904.9, change "Licking County" to "Village of Utica."
- 15) Section 904.10, change Section 915.3 to 904.3, and "Licking County Subdivision Regulations to "Village of Utica Ordinances."
- 16) Section 909, add "Parking" definition.
- 17) Section 910, add #33 -General or local retail stores or shops. Change Article 6 to 5, under Conditionally Permitted Uses. Add "Parking" definition.
- 18) Section 911, add at beginning of sentence, "With respect to ... " Add "Parking" definition.
- 19) Article X, Section 1003, add at end of sentence, "within 60 days of completion of work."