

**VILLAGE OF LAURA  
PLANNING AND ZONING CODE**

**TITLE ONE - GENERAL ZONING PROVISIONS**

**CHAPTER 1001. GENERAL PROVISIONS.**

**Section 1001.01. Title.**

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

**Section 1001.02. Authorization.**

This Code is authorized by the provisions of Chapter 713 of the Ohio Revised Code.

**Section 1001.03. Purpose.**

The Zoning Code of the Village of Laura, Ohio is adopted for the general purpose of promoting the public health, safety, comfort, and welfare of the residents of the Village of Laura. The fulfillment of this purpose is to be accomplished by seeking:

- A. To encourage and facilitate orderly, efficient, and appropriate growth and development;
- B. To protect the property rights of all residents by assuring the compatibility of uses and practices within the Village;
- C. To establish population densities to prevent or reduce congestion and to secure economy in the cost of providing water supply and sewer systems, streets, public roads, and highways, fire and police protection, schools, parks and recreation, and other governmental services;
- D. To zone all properties with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the Village;
- E. To provide for the administration and enforcement of this Code, including the provision of penalties for its violation; and

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1001.03

**GENERAL ZONING PROVISIONS**

1. Given the nature and unique character of a village established 200 years ago, it is necessary to place into the zoning code that any dwelling used as a residence by its owners and occupied by that owner, built prior to the new code set forth \_\_\_\_\_, shall be subject to the following:
  - A. Given destruction by fire or natural disaster, that said dwelling or accessory building servicing the same, shall be permitted to be rebuilt as it was and will not be subject to the set back requirements and lot sizes in the new code. This does not include any property used for rental purposes.
  - B. Said dwelling may be rebuilt to same square footage as before and in same place its old foundation was. However, if square footage is to be expanded at that time, new square footage area will be subject to new code as so far as set backs and frontage rules.

- F. For any other purpose provided in this Code, the Ohio Revised Code or under common law rulings.

#### **Section 1001.04. Construction.**

In the construction of this Zoning Code, the rules and definitions contained herein shall be observed and applied, except when the context clearly indicates otherwise. Whenever the requirements of this Zoning Code conflict with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive, or that imposing the higher standard, shall govern.

#### **Section 1001.05. Interpretation.**

- A. For interpretation and application, the provisions of this Zoning Code shall be held to be the minimum requirements, adopted for the promotion of public health, safety and general welfare.
- B. For clarity of interpretation of the context, the following finite definitions of word use are given to apply throughout:
1. Words used in the present tense include future; words used in the singular number include the plural number, and the plural the singular.
  2. The word "shall" is mandatory and not discretionary.
  3. The word "may" is permissive and discretionary.
  4. The word "lot" includes the words "piece", "parcel" and "plot"; the word "building" includes all structures of every kind; and the phrase "used for" includes the phrases "arranged for", "designed for", "intended for", "maintained for" and "occupied for".
  5. All measured distances shall be to the nearest integral foot.
  6. The words "Zoning Code" include all ordinances adopting, amending or supplementing same.
  7. The word "Village" means the Village of Laura, Ohio. The terms "Village Council", "Board of Zoning Appeals" and

"Planning Commission" respectively mean, the Village Council, Board of Zoning Appeals and Village Planning Commission of the Village of Laura.

- C. Whenever reference is made in this Zoning Code to another ordinance, resolution, regulation or publication, it shall be construed to indicate the most recent edition of such material, including all amendments thereto, unless the words express an intention to incorporate such other ordinance or the like into the Zoning Code by reference, in which case the ordinance or the like so incorporated shall be that version or edition of such material in effect at the time this paragraph C of Section 1001.05 was enacted, whichever is then most recent.
- D. Whenever reference is made in this Zoning Code to a word or phrase defined in the Traffic Code of this Village, the meaning of such word or phrase shall be as defined in the Traffic Code, except to the extent an express provision of the Zoning Code provides to the contrary, in which case, the definition in the Zoning Code shall govern.
- E. This Zoning Code is not intended to abrogate any easement, covenant, or any other private agreement, provided that where the regulations of this Zoning Code are more restrictive or impose higher standards or requirements than such easements, covenants, or other private agreements, the requirements of this Zoning Code shall govern.
- F. No building, structure, or use which was not lawfully existing at the time of the adoption of this Zoning Code shall become or be made lawful solely by reason of the adoption of this Zoning Code, and to the extent and in any manner that, such unlawful building, structure, or use is in conflict with the requirements of this Zoning Code, such building, structure, or use remains unlawful hereunder.
- G. The provisions of this Zoning Code are cumulative and additional limitations as to all other laws and ordinances, heretofore passed or which may be passed hereafter, governing any subject matter in this Zoning Code.
- H. Reference to the effective date of this Zoning Code shall mean \_\_\_\_\_ (insert date).

**Section 1001.06. Severability.**

- A. In the event that any section or provision of this Zoning Code is declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the Zoning Code as a whole, or any part thereof, other than the section or provision so declared unconstitutional or invalid.
- B. In the event that a court of competent jurisdiction shall adjudge invalid the application of any provision of this Zoning Code to a particular property, building, structure, or use such judgment shall not affect the application of such provision to any other property, building, structure, or use, not specifically included in such judgment.

**Section 1001.07. Effective Date.**

This Zoning Code shall become effective from and after \_\_\_\_\_.

**CHAPTER 1002. DEFINITIONS**

**Section 1002.01. Accessory Building or Use.**

Any building, use, or structure which is incidental to and serves a principal building or principal use, and is subordinate in area, extent, and purpose to the principal building or use served. The height of any accessory building shall not exceed fifteen (15) feet from the highest point of the roof to adjoining ground level in the absence of authorization as a conditional use. An accessory building or use shall be located on the same zoning lot as the principal building or use with the single exception of such accessory off-street parking facilities as are permitted to be located elsewhere than on the same zoning lot with the building or use served. (See illustration, Zoning Appendix A).

**Section 1002.02. Aquifer.**

A glacial formation, group of glacial formations, or part of a glacial formation that contains enough saturated permeable material to yield significant quantities of water.

**Section 1002.03. Advertising Device.**

Any advertising sign, billboard, statuary or poster panel which directs attention to a business, commodity, service, or entertainment, not exclusively related to the premises where such sign is located or to which it is affixed, but does not include those advertising signs, billboards, or poster panels which direct attention to the business on the premises or to a brand

name of a product or commodity with which the business is specifically identified and which is sold on the premises. (See illustration, Zoning Appendix B).

**Section 1002.04. Air Conditioning System.**

A mechanical system designed to control and maintain the temperature, humidity, movement, and quantity of air in buildings and structures, to secure health and comfort.

**Section 1002.05. Air Condition System, Central.**

An air conditioning system designed and constructed to condition the air throughout a building or structure, or large portion thereof, and is considered an integral part of the mechanical plant or core of such building, and ordinarily includes a central unit containing refrigerant, coils and evaporators, and a system of supply and return air ducts, as distinguished from a window or room model air conditioning unit.

**Section 1002.06. Alley.**

A passage or way, open to public travel, sixteen (16) feet or less in width, which affords generally a secondary means of vehicular access to abutting lots and is not intended for general traffic circulation.

**Section 1002.07. Alteration.**

Any change in size, shape, character, occupancy, or use of a building or structure.

**Section 1002.08. Apartment.**

Any building or structure consisting of one or more rooms comprising a dwelling unit or serving as the home or residence of an individual, family or household.

**Section 1002.09. Apartment Hotel.**

A hotel in which at least ninety percent (90%) of the hotel accommodations are occupied by permanent guests renting on a monthly basis.

**Section 1002.10. Automobile Service Station.**

A building or structure used for the retail sale and dispensing of fuel, lubricants, tires, batteries, accessories, and supplies, including installation and minor services customarily incidental thereto. Facilities for washing and for chassis and gear lubrication of not more than two (2) vehicles are permitted if enclosed in a building.

**Section 1002.11. Awning.**

A roof-like cover which projects from the wall of a building and is supported by cantilevering or bracketing from the face of the building. The bottom most portion of an awning shall be not less than eight (8) feet above a sidewalk or public way.

**Section 1002.12. Basement.**

That portion of a building partly underground, but having less than one-half of its clear height below the average lot grade. For the purpose of this Zoning Code, a basement shall be considered a story under the circumstances established in Section 1002.85.

**Section 1002.13. Block.**

A tract of land bounded by streets (excluding alleys), or by a combination of streets, public parks, and corporate boundary lines of the Village.

**Section 1002.14. Breezeway.**

A roofed, open sided passageway connecting two structures, such as a house and a garage. If the sides are enclosed, the area will no longer be a breezeway but instead shall be deemed part of the principal building.

**Section 1002.15. Building (Completely Enclosed, Detached, Height, Principal, Residential)**

- A. "Building" means any structure built for the support, shelter, or enclosure of persons, animals, chattels, or moveable property of any kind, and which is permanently affixed to the land, and includes those buildings resting on runners or similar supports and not intended for relocation.
- B. "Completely Enclosed Building" means a building separated on all sides from the adjacent open space, or from other buildings or structures, by a permanent roof and by exterior walls or party walls,

pierced only by windows and normal entrance and exit doors.

- C. "Detached Building" means a building surrounded by open space on the same lot as a principal building.
- D. "Building Height" means the vertical distance from the mean elevation of the finished lot grade at the front of the building, opposite the center of the front of the building to the highest point of the underside of the ceiling beams, in the case of a flat roof, to the deck line of a mansard roof, and to the mean level of the underside of the rafters between the eaves and the ridge of the gable or hip roof. (See illustration, Zoning Appendix C).
- E. "Principal Building" means a non-accessory building in which the principal use of the lot on which it is located is conducted. If a building that would otherwise be deemed accessory, under the definition in Section 1001.02, is connected to a principal building by a breezeway or by a common roof, it shall be deemed to have become part of the "Principal Building". (See illustration, Zoning Appendix A).
- F. "Residential Building" means a building which is arranged, designed, used, or intended to be used for residential occupancy by one or more families or persons and which includes, but is not limited to, the following types:
  - 1. Single family dwellings;
  - 2. Two family dwellings;
  - 3. Multiple family dwellings; and
  - 4. Apartment hotels.

#### **Section 1002.15. Bulk.**

The term used to indicate the size and setbacks of buildings or structures and the location of same with respect to one another, and includes the following:

- A. Size and height of building;
- B. Gross floor area of building in relation to lot area (floor area ratio);

- C. All open spaces allocated to the building; and
- D. Amount of lot area provided per dwelling unit.

**Section 1002.17. Canopy.**

A rook-like structure projecting from a wall and supported in whole or in part by vertical supports to the ground and erected primarily to provide shelter from the weather. The bottom most portion of a Canopy shall be not less than eight (8) feet above a sidewalk or public way.

**Section 1002.18. Cellar.**

The occupiable portion of a building partly underground and having one-half or more of its clear height below the average lot grade. For the purpose of this Zoning Code, a cellar shall not be considered a story under Section 1002.85.

**Section 1002.19. Cemetery (Purposes and Functions).**

Shall be any one or more of the permitted uses described in Title Nine which establishes the C Cemetery District. No such uses may be conducted on land within the City of Oakwood unless that land has been placed in the zoning classification of the C Cemetery District.

**Section 1002.20. Child Day Care.**

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

**Section 1002.21. Type B Family Day Care Home.**

A permanent residence of the person who provides child day care for one (1) to six (6) children at one time in which no more than three (3) children are under two (2) years of age at the same time. In counting the number of children under this definition, any under six (6) years of age who are related to the provider and who are on the residential premises of the provider shall be included. This definition is intended to be identical to that set forth in Section 5104.01 of the Ohio Revised Code. It does not include a residence in which all of the children who are being cared for live on the premises and

are siblings of the same immediate family.

**Section 1002.22. Child Day Care Centers.**

Any place in which child day care or publicly funded child day care is provided for thirteen (13) or more children at one time. Those same terms also mean any place (not the permanent residence of the licensee or administrator) in which child day care or publicly funded child day care is provided for seven (7) to twelve (12) children at one time. In counting children under this definition, any children under six (6) years of age who are related to a licensee, administrator, or employee and who are on the premises of the center shall be included. This definition of Child Day Care Center is intended to incorporate all provisions of the definition of such a facility as contained in Section 5104.01 of the Ohio Revised Code.

**Section 1002.23. Clinic; Medical or Dental.**

An organization of specializing physicians or dentists, or both, who have their offices in a common building. A clinic includes laboratory facilities in conjunction with normal diagnostic and treatment services, but shall not include inpatient care.

**Section 1002.24. Conforming Building or Structure.**

Any building or structure which complies with all regulations of this Zoning Code or of any amendment hereto governing bulk for the zoning district in which such building or structure is located.

**Section 1002.25. Curb Level.**

The level of the curb for any building is the level of the established curb in front of such building measured at the center of such front. Where no curb elevation has been established, the mean elevation of the finished lot grade immediately adjacent to a building shall be considered the curb level.

**Section 1002.26. Deck.**

An open sided, above ground level improvement of the surface of a lot without roof which covers the vegetation and the ground with concrete, wood, stone, gravel, or any other non-living building material. A deck is an elevated patio as defined in Section 1002.70.

**Section 1002.27. De Minimis Quantity.**

A specified amount of regulated substances, expressed in gallons and/or pounds, that is excluded from the provisions of the Wellhead Operation District (sometimes referred to as the WO District) and the Well Field Projection Overlay District (sometimes referred to as the WP District) regulations. Any use of regulated substances in excess of the de minimis quantities and not explicitly subject to exclusion is considered a violation of this Zoning Code.

**Section 1002.28. Direct Recharge Area.**

That portion of a drainage basin in which water infiltrating vertically from the surface will intercept the water table.

**Section 1002.29. District.**

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

**Section 1002.30. Drive-In Establishment.**

An establishment of any one or more of the following types:

- A. An establishment which accommodates patrons' automobiles, in which the patrons may watch, purchase, or otherwise transact business without leaving their automobiles;
- B. An establishment which accommodates the patrons' automobiles, in which the patron may purchase any type of food or beverage which is then consumed on the premises, but in the open air or in the automobiles rather than inside the building itself; or
- C. Any establishment of which part of its activity falls within one of the above definitions, even though another portion of its business constitutes a non-drive-in operation.

**Section 1002.31. Dwelling (Attached, Detached, Unit, Single Family, Two Family, Multiple Family).**

- A. "Dwelling" means a building, or portion thereof, but not a mobile home or house trailer, designed or used exclusively for residential occupancy, including single family dwellings, two family dwellings, apartment hotels, dwelling units, and multiple family dwellings, but

not including hotels or rooming houses.

- B. "Attached Dwelling" means one which is joined to another dwelling at one or more sides by a party wall or walls or by some other connection.
- C. "Detached Dwelling" means one which is entirely surrounded by open space on the same lot as another dwelling.
- D. "Dwelling Unit" consists of one or more rooms which are arranged, designed, or used as living quarters for one family only. Individual bathrooms and kitchen facilities shall always be included within such rooms in order to be considered a dwelling unit under this definition.
- E. "Single Family Dwelling" means a building containing one dwelling unit only.
- F. "Two Family Dwelling" means a building containing two dwelling units. For the purposes of this Zoning Code, two single family attached dwellings shall be considered a two family dwelling.
- G. "Multiple Family Dwelling" means a building, or portion thereof, containing three or more dwelling units. For the purposes of this Zoning Code, two family attached dwellings and three or more single family attached dwellings shall be considered a multiple family dwelling.

#### **Section 1002.32. Efficiency Unit.**

A dwelling unit consisting of one principal room exclusive of bathroom, kitchen, hallway, closets, or dining room alcove directly off the principal room, provided such dining room alcove does not exceed 200 square feet in area.

#### **Section 1002.33. Establishment; Business.**

A place of business carrying on operations, the ownership and management of which are separate and distinct from those of any other place of business located on the same zoning lot. Direct access to each business establishment shall be separate and distinct from direct access to any other business establishment. For purposes of this Zoning Code, business establishment includes any activities which require the posting of a state license.

#### **Section 1002.34. Fallout Shelter.**

An accessory building or use designed for the protection of life from radioactive fallout.

#### **Section 1002.35. Family.**

- A. A "family" consists of one or more persons, each related to the other by blood, marriage or adoption, who are living together in the same dwelling unit and are maintaining a common household, but excluding the following groupings:
  - 1. Two or more married couples;
  - 2. Two or more parents (not married to each other and not themselves parents and child) who have their children or stepchildren living with them; and
  - 3. Any such group of persons related to each other if the sole relationships are as first cousins or any more distant degrees of consanguinity.
- B. For purposes of this Zoning Code, a "family" shall also include any domestic servants and any workers on the property to the extent such servants and workers live on the property and meet the definition of "persons employed on the premises" as set forth below in Section 1002.71.
- C. In any event, any two (2) persons with a common household shall be deemed to constitute a "family", even though not related by blood, marriage or adoption in the manner described above; but the limitation to two such persons shall not apply to those deemed to have disabilities under the American With Disabilities Act.

#### **Section 1002.36. Floor Area (Determining Floor Area Ratio).**

For the purposes of determining the floor area ratio, the "floor area" of a building means the sum of the gross horizontal areas of the several floors of the building measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The "floor area" of a building includes basement floor area, elevator shafts, and stairwells at each floor, penthouse, attic space having headroom of seven and one-half (7 ½) feet or more, interior balconies and mezzanines, enclosed porches, floor

area devoted to accessory uses, and floor space used for mechanical equipment (except equipment, open and enclosed, located on the roof). However, any space devoted to off-street parking or loading shall not be included in "floor area". (See illustration, Zoning Appendix D). The "floor area" of structures devoted to bulk storage of materials shall be determined on the basis of height in feet, therefore every ten (10) feet in height equals one (1) floor for purposes of this definition.

**Section 1002.37. Floor Area (Determining Off-Street Parking and Loading Requirements)**

"Floor area", when prescribed as the basis of measurement for off-street parking spaces and loading berths for any use, means the sum of the gross horizontal areas of the several floors of the building, or portion thereof, devoted to such use, including any basement or cellar floor area that is at least seven and one-half (7 ½) feet in height. However, "floor area", for purposes of measurement for off-street parking and loading spaces does not include floor area devoted to off-street parking or loading facilities including its aisles, ramps, and maneuvering space, nor does it include basement or cellar floor area less than seven and one-half (7 ½) feet in height.

**Section 1002.38. Floor Area Ratio.**

The "floor area ratio" (F.A.R.) of the building or buildings on any zoning lot means the floor area of the building or buildings on that zoning lot divided by the area of such zoning lot or, in the case of planned developments, by the net site area. The maximum floor area allowable for the building (total floor area of both principal and accessory buildings) in direct ratio to the gross area of the zoning lot. (See illustration, Zoning Appendix E).

**Section 1002.39. Frontage.**

The length of all the property fronting on one side of a street between the two nearest intersecting streets, measured along the line of the street, or if dead ended, then all of the property abutting on one side between an intersecting street and the dead end of the street.

**Section 1002.40. Frontage; Zoning Lot.**

The length of all the property of such zoning lot fronting on a street, measured between side lot lines.

**Section 1002.41. Garage (Private, Public, or Commercial).**

- A. "Public garage" means an accessory building used for the storage of passenger automobiles and for not more than one (1) truck rated for not over a one-half ( $\frac{1}{2}$ ) ton load carrying capacity, and in which no occupation, business, or service is carried on.
- B. "Public or commercial garage" means a building or part of a building or space used for business or commercial purposes for storage, hire or repair of motor vehicles.

**Section 1002.42. Grade.**

The average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

**Section 1002.43. Guest House.**

A detached accessory building located on the same zoning lot as the principal building and containing living quarters for temporary gratuitous guests, such quarters shall not be occupied by the same person or persons year round nor shall such guest houses be used for rental occupancy.

**Section 1002.44. Guests; Permanent.**

A person who occupies or has the right to occupy a hotel or apartment hotel accommodation as his domicile and place of permanent residence.

**Section 1002.45. Home Occupation.**

- A. Any occupation, activity, or profession carried on by members of the immediate family residing on the premises which is clearly secondary to the use of the dwelling for residential purposes and which, by meeting the performance standards set forth in the remainder of this Chapter and Section 11004.01 of Title Eleven herein, does not change the character of the residential dwelling. It is, however, a form of business, and is allowed in residential districts only because it meets those standards. This definition excludes Child Day Care Centers as defined in Section 1002.22.
- B. A home occupation shall be a permitted use provided that such home occupation complies with all other provisions of this Zoning Code and specifically those provisions set forth in Title Eleven, Section 11004.01 of this Zoning Code.

**Section 1002.46. Hotel.**

An establishment which is open to transient guests, in contradiction to a boarding or rooming house, and is commonly known as a hotel in the community in which it is located and which provides customary hotel services.

**Section 1002.47. Hotel; Apartment.**

A hotel in which at least ninety percent (90%) of the hotel accommodations are available for occupancy by permanent guests renting on a monthly basis.

**Section 1002.48. House Trailer.**

A trailer or other vehicle designed and constructed for living or sleeping purposes, and same shall not be considered a dwelling. The term house trailer includes mobile home.

**Section 1002.49. Incompatible Use.**

A use or service which is incapable of direct association with certain other uses because it is contradictory, incongruous, or discordant.

**Section 1002.50. Kennel.**

A kennel shall be deemed to exist on any zoning lot on which more than a total of four (4) pets (such as cats, dogs, rabbits, and the like) over four (4) months of age are kept. In addition, a kennel shall be deemed to exist on any zoning lot upon which ten (10) or more such pets are being or have been raised or kept for sale during any calendar year, regardless of the age of those pets. Kennels are not included as permitted or accessory uses in any residential zoning districts.

**Section 1002.51. Laboratory; Medical or Dental.**

A building or room in which tests, diagnoses, research, and similar activities in support of medical and dental services take place.

**Section 1002.52. Lodging Room.**

A room rented as sleeping and living quarters, but without cooking facilities and with or without an individual bathroom. In a suite of rooms without

cooking facilities, each room which provides sleeping accommodations shall be counted as one "lodging room" for the purposes of this Zoning Code.

**Section 1002.53. Lot (Record, Zoning, Corner, Interior, Reversed, Corner, Through)**

- A. "Lot" means a zoning lot, except as the context shall indicate a lot of record, in which case a "lot" is a lot of record. A "zoning lot" also means any contiguous lots of record or tracts of land required by this Zoning Code to be combined into such a unit as the site of an existing or proposed structure, and also whether or not the combination was required or was designated in the application for a zoning permit.
- B. "Lot of Record" means a lot which is part of a subdivision, the plat of which has been recorded in the office of the Recorder of Miami County, or means a parcel of land with the deed to which having been recorded in the office of such and have permanent access to a public street, or may abut upon and have access to a private street to the extent a variance is granted for such a private street lot under Title Four of this Zoning Code.
- C. "Zoning Lot or Lots" means one or more contiguous tracts of land located within a single block, which (at the time of application for a zoning permit) is or was designed in that application or accompanying documents by its owner or developer as the tract to be used, developed, or built upon as a unit, under single ownership or control as the site for the structure to be built under that zoning permit. Therefore, zoning lot or lots may or may not coincide with a lot of record. Any division or part of a zoning lot will constitute a subdivision under this definition.
- D. Every zoning lot shall abut upon and have permanent access to a public street or may abut upon and have access to a private street to the extent:
  - 1. Such private street is built or improved to meet Village street specifications;
  - 2. Such private street is subject to a recorded easement providing for access of governmental persons and equipment for the protection of the public peace, health, safety, and welfare and acknowledging the owners of such private street have no obligation for maintenance, snow removal, or traffic regulation

thereon;

3. The fact that such lot abuts upon and has access to such a private street has been approved as a conditional use; or
  4. The zoning lot abutting upon and having access to such a private street constitutes a nonconforming use in that it was in existence prior to this Zoning Code or any amendment thereto.
- E. "Corner Lot" means a lot abutting on two streets at their intersection, where the angle of intersection is not more than 135 degrees. (See illustration, Zoning Appendix F).
- F. "Interior Lot" means a lot other than a corner or reversed corner lot. (See illustration, Zoning Appendix F).
- G. "Reversed Corner Lot" means a corner lot the street side lot line of which is substantially a continuation of the front lot line of the lot to its rear. (See illustration, Zoning Appendix F).
- H. "Through Lot" means a lot having a pair of opposite lot lines along two more or less parallel public streets, excluding alleys. On a through lot both street lines shall be deemed front lot lines (See illustration, Zoning Appendix F) except as follows:
1. For purposes of determining whether or not accessory buildings or uses or other forms of obstruction may be located on a through lot, the owner of that lot may select (by a signed document delivered to the Village) which area is to be his front yard, as long as that area complies with front yard measurements required by the zoning district.
  2. After such selection the opposing yard shall be deemed to be a rear yard for purposes of accessory uses although the yard measurements and setback requirements shall still be established as though it were a front yard.
  3. The surplus portion of the opposing yard shall be deemed to constitute a surplus rear yard as referred to in Section 1002.98(E).

**Section 1002.54. Lot Area; Gross.**

The horizontal area bounded by the front, side, and rear lot lines.

**Section 1002.55. Lot Depth.**

The distance measured in the mean direction of the side lot lines from the midpoint of the street or front lot line to the opposite main rear line of the lot. (See illustration, Zoning Appendix G).

**Section 1002.56. Lot Width.**

The mean width of the lot measured at right angles to its depth. (See illustration, Zoning Appendix G).

**Section 1002.57. Lot Line (Front, Rear, Side).**

- A. "Front Lot Line" means that boundary of a lot which is along a dedicated public street, or which is along an easement or right-of-way for a public or a private street. On a corner lot, the front lot line (and therefore the front yard) shall be deemed to be that which causes the yards and other measurements on the property to be conforming or closest to conforming. The owner of a corner lot, for purposes of selecting a post office address, may select either street as the address of that property but that selection shall not affect which is the front lot line.
- B. "Rear Lot Line" means that lot line which is generally opposing the front lot line. If the rear lot line is less than thirty (30) feet in length, or if the lot comes to a point in the rear, the rear lot line means a line parallel to the front lot line, having a length of not more than one-half ( $\frac{1}{2}$ ) the length of the existing front lot line, but in no case shall the length of such rear lot line be less than thirty (30) feet long, lying wholly within the lot and at the farthest point from the front lot line.
- C. "Side Lot Line" means any boundary of a lot which is not a front lot line or a rear lot line.

**Section 1002.58. Marquee.**

A roof-like structure of a permanent nature which projects from the wall of a building. The bottom most portion of a marquee shall be not less than eight (8) feet above a sidewalk or public way.

**Section 1002.59. Mezzanine.**

An intermediate or fractional story between the floor and ceiling of a main story, used for a purpose accessory to the principal use. Normally, a mezzanine is just above the ground or main floor, extending over only part of the main floor.

**Section 1002.60. Motor Vehicle.**

The definition for motor vehicle shall be the same as defined in Section 4501.01 of the Ohio Revised Code.

**Section 1002.61. Name Plate.**

A sign indicating the name and address of a building, the name of an occupant thereof, or the practice of a permitted occupation therein.

**Section 1002.63. Nonconforming Building or Structure.**

Any building or structure which does not comply with all of the regulations of this Zoning Code or of any amendment hereto for the zoning district in which such building or structure is located.

**Section 1002.64. Nonconforming Use.**

Any use of land, building, or structure, lawful at the time of the enactment of this Zoning Code which does not comply with all of the regulations of this Zoning Code or of any amendment thereto, governing use for the zoning district which such use is located.

**Section 1002.65. Non-Routine Maintenance or Repair.**

Activities necessary not more frequently than every twenty-four (24) months to keep structures and buildings in good repair.

**Section 1002.66. Obstruction.**

An obstacle that tends to block or interfere with the act of walking across the surface of the zoning lot, whether or not the obstacle is attached to the ground.

**Section 1002.67. One Year Capture Area.**

The area around protected public water supply well fields delineated by the one (1) year travel time contour.

#### **Section 1002.68. Oversize Accessory Structure.**

- A. An accessory use structure incidental to a principal permitted use or approved conditional use, on the same zoning lot, having above ground measurements of more than four and one-half (4 ½) feet in any direction, and being less than seventy-five percent (75%) open to light and air passing through it and to view so that one can look through it, from any side and from the top, with every useable level measured separately (but with this percentage test not applying to the top view of the ground floor itself). This section does not apply to vehicles as defined in the Traffic Code of this Village. Whether or not a particular arrangement of materials is attached to the ground or is moveable does not affect its being included in this definition.
- B. On the basis of compelling government interest to provide for automobiles as an essential part of life of a suburban residential community and to preserve and enhance safety, property values, and the general welfare, garages, carports, and special use fences otherwise allowed in this Zoning Code are excluded from this definition.
- C. Satellite television antennas are also excluded from this definition on the basis of a compelling governmental interest to protect the communication of speech, that interest being articulated in an order issued by the Federal Communications Commission entitled "Preemption of Local Zoning of Earth Stations" found at 47 C.F.R. 25.104.

#### **Section 1002.69. Parking Space.**

An accessible area reserved exclusively for storage of one motor vehicle which is located either within a structure or in the open, and complies with the applicable provisions of this Zoning Code.

#### **Section 1002.70. Patio.**

An open-sided, ground level improvement of the surface of a lot without roof which covers the vegetation and ground with concrete, wood, stone, gravel, or any other nonliving building material.

#### **Section 1002.71. Persons Employed on the Premises.**

- A. Phrase used in the definition of family under Section 1002.35 hereof

meaning those domestic servants or workers (such as a maid, gardener, cook, chauffeur, butler) who live on the property and whose primary employment is service to the family who resides on the property or maintenance of such premises. For the purpose of this definition, "primary employment" means that the person employed on the premises meets at least two (2) of the following three (3) criteria:

1. The person devotes an average of eighty percent (80%) of his or her working hours per week to such employment over the period of such employment.
  2. The person spends an average of thirty-five (35) hours per week working at such employment over the period of such employment.
  3. The person's average income per week from such employment is more than fifty percent (50%) of the person's average total income per week from employment, business, or any profession over the period of such employment.
- B. For the purposes of subsections 1, 2, and 3 above, the period of employment shall not be greater than fifty-two (52) consecutive weeks. If a person has been employed more than 52 consecutive weeks, then the period of employment shall be the most recent 52 consecutive weeks of employment.
- C. If the person who alleges to be employed on the premises is paying monetary rent in any amount to the owner or occupier of the premises, it will be presumed conclusively that the person's primary employment is elsewhere.

#### **Section 1002.72. Planned Development.**

A tract of land which contains or will contain two or more principal buildings, developed under unit ownership or control, and is based upon a plan which allows for flexibility of design not available under normal zoning district requirements. For the purposes of applying this section of the Zoning Code, when a building is divided into separate parts by unpierced fire walls rated at least two (2) hours fire retardant or party walls rated at least two (2) hours fire retardant, extending from below the lowest floor level in a basement or subbasement up to the roof, each part so completely separated shall be deemed to be an independent, although attached, building. (See

illustration, Zoning Appendix H).

**Section 1002.73. Playhouse.**

An accessory structure designed, intended, and used for the amusement and recreation of children. Such accessory structure shall not be used for living, business, or storage purposes. A playhouse shall be incapable of locking from the inside and shall offer easy access and egress, shall not be more than five (5) feet, six (6) inches in height, shall be no larger than sixty-four (64) square feet in area, and shall be for the exclusive use of the occupants and authorized guests of the premises.

**Section 1002.74. Porch and Open Porch.**

A roofed, open-sided room attached to a principal structure or building. If the sides are enclosed and a common roof is shared, the area will no longer be considered a porch hereunder, but instead shall be deemed part of the principal building or structure.

**Section 1002.75. Potable Water.**

Water that is satisfactory for drinking, culinary, and domestic purposes and meeting current drinking water standards.

**Section 1002.76. Property Lines.**

The lines bounding a lot as defined herein in Section 1002.57.

**Section 1002.77. Protected Public Water Supply.**

A public water system which services at least fifteen (15) service connections used by year round residents or regularly serves at least twenty-five (25) year round residents, and having a one (1) year capture area as defined herein in Section 1002.67 through appropriate hydrologic studies.

**Section 1002.78. Recharge Lagoon.**

A body of water designed and maintained by man to add water to the groundwater at a rate greater than that occurring naturally.

**Section 1002.79. Regulated Substances.**

Chemicals and mixtures of chemicals which are health hazards, except those materials packaged for personal or household use as food or drink for man or other animals are not regulated substances. Regulated substances shall include:

- A. Chemicals for which there is scientific evidence that acute or chronic health effects may result from exposure including carcinogens, toxic and highly toxic agents, reproductive toxins, irritants, corrosives, sensitizers, hepatotoxins, nephrotoxins, neurotoxins, agents which act on the hematopoietic system, and agents which damage the lungs, skin, eyes, or mucous membranes.
- B. Mixtures of chemicals which have been tested as a whole and have been determined to be a health hazard.
- C. Mixtures of chemicals which have not been tested as a whole but which contain any chemical which has been determined to be a health hazard and which compromises one percent (1%) or greater of the composition on a weight per unit weight basis, and mixtures of chemicals which include a carcinogen if the concentration of the carcinogen in the mixture is one tenth of one percent (0.1%) or greater of the composition on a weight per unit weight basis.
- D. Ingredients of mixtures prepared within the WO and WP District in cases where such ingredients are health hazards but comprise less than one tenth of one percent (0.1%) of the mixture on a weight per unit weight basis if carcinogen, or less than one percent (1%) of the mixture on a weight per unit weight basis if non-carcinogenic.
- E. Petroleum and non-solid petroleum derivatives except non-PCB dielectric fluids.

**Section 1002.80. Reservoir Parking.**

Off-street parking spaces allocated to automobiles awaiting entrance to a particular establishment or business.

**Section 1002.81. Setback.**

The minimum horizontal distance between the front line of a building or structure and the front property line.

**Section 1002.82. Shopping Center.**

A grouping of compatible businesses or commercial uses on a single zoning lot, such uses being in single ownership or under unified control.

**Section 1002.83. Shrubbery.**

Perennial woody plants of relatively low stature, typically several stems arising from or near the ground.

**Section 1002.84. Sign (Advertising, Business, Flashing, Gross Area).**

- A. A name, identification, description, display, or illustration which is affixed to, or represented directly or indirectly upon a building, structure, or piece of land and which directs attention to an object, product, place, activity, person, institution, organization, establishment, or business. However, this definition does not include any display of court or public office notices, nor does it include the flat emblem or insignia of a nation, political unit, school, or religious group, nor does it include any property, located immediately adjacent to an athletic field, facing inward toward that field, or, if not facing in that direction, located closer than one hundred fifty (150) feet to the nearest advertising or other reference to a business anywhere on the sign. The term "sign" does not include a sign located completely within an enclosed building or structure unless the context shall so indicate. (See illustration, Zoning Appendix B).
- B. "Advertising Sign" means a sign which directs attention to a business, commodity, service, or entertainment not exclusively related to the premises where such sign is located or to which it is affixed. (See illustration, Zoning Appendix B).
- C. "Business Sign" means a sign which directs attention to a business or profession conducted or to a commodity, service, or entertainment sold or offered upon the premises where such sign is located or to which it is affixed. (See illustration, Zoning Appendix B).
- D. "Flashing Sign" means any illuminated sign on which the artificial light is not maintained stationary or constant in intensity and color at all times when such sign is in use. For the purposes of this Zoning Code, any moving and/or turning, illuminated sign shall be considered a "flashing sign" as herein defined.
- E. "Gross Area" of a sign means the entire area within a single continuous perimeter enclosing the extreme limits of such sign and in

no case passing through or between any adjacent elements of same. However, such perimeter does not include any structural elements lying outside the limits of such sign and not forming an integral part of the display.

**Section 1002.85. Story.**

That part of a building between any floor and the floor next above, and if there is no floor above, then the ceiling above. A basement is a story if its ceiling is over five (5) feet above the level from which the height of the building or structure is measured, or if it is used for business purposes other than educational or training facilities, or if it contains any dwelling units other than one dwelling unit for the caretaker of the premises and other than dwelling units in connection with educational or training facilities.

**Section 1002.86. Street.**

This definition shall be as defined in the Uniform Traffic Code of the Ohio Revised Code.

**Section 1002.87. Structure.**

An assembly of materials forming a construction for occupancy or use including, among others, buildings, stadiums, gospel and circus tents, reviewing stands, platforms, observation towers, radio towers, water tanks, swimming pool and their enclosures, domes (plastic, geodesic, air-supported), open sheds, coal bins, shelters, fences, and display signs. Whether or not a particular arrangement of material is attached to the ground or instead is moveable does not effect it being included in this definition, except for vehicles as defined in the Traffic Code.

**Section 1002.88. Structural Alteration.**

Any change, other than incidental repairs, which would prolong the life of the supporting members of the building, such as the addition, removal, or alteration of bearing walls, columns, beams, girders, or foundations.

**Section 1002.89. Tent.**

Any temporary structure or enclosure, the roof of which or one-half ( $\frac{1}{2}$ ) or more of the sides are constructed of silk, canvas, cotton, fabric, or similar pliable material.

#### **Section 1002.90. Trailer.**

Any vehicle, house car, camp car, or any portable or mobile vehicle on wheels, skids, rollers, or blocks, either self-propelled or propelled by any other means, which is used or designed to be used for residential, living sleeping, hauling, or commercial purposes.

#### **Section 1002.91. Travel Time Contour.**

A locus of points from which water takes an equal amount of time to reach a given designation such as a well or well field.

#### **Section 1002.92. Underground Storage Tank.**

Any one or combination of tanks, including underground pipes connected thereto, which are used to contain an accumulation of regulated substances and the volume of which, including the volume of the underground pipes connected thereto, is ten percent (10%) or more beneath the surface of the ground. Flow-through process tanks and septic tanks approved by the City of Oakwood Health Department or Ohio Environmental Agency, as applicable, are excluded from this definition of underground storage tanks.

#### **Section 1002.93. Use.**

In reference to property, the purpose or activity for which the land or building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

#### **Section 1002.94. Use (Conditional, Permitted, Principal, Transitional).**

- A. "Conditional Use" means a use that because of its unique characteristics cannot be classified as a permitted use in any particular zoning district. After due consideration in each case individually, If certain standards are met, however, the conditional use may be granted.
- B. "Permitted Use" means a use which may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, restrictions, and standards of such district.
- C. "Principal Use" means the main use of land or building as distinguished from a subordinate or accessory use. A "principal use" may be "permitted" or "special".

- D. "Transitional Use" means a use allowed in a residential district along the common boundary with a business district. A "transitional use" shall be authorized by conditional use permit for the dual purpose of satisfying land use need and providing an intermediate or buffer use between the residential use and the more intensive business or commercial use.

**Section 1002.95. Well Field.**

A tract of land that contains one or more wells for supplying water.

**Section 1002.96. Well Field Protection Overlay District.**

A district defined by the one year capture area and depicted on the Official Zoning Map within which through superimposition of a special designation, certain regulations and requirements apply, in addition to those of the underlying zoning district to which designation is added.

**Section 1002.97. Wellhead Operation District.**

A district applied to property owned by the Village of Laura where municipal water supply wells are located.

**Section 1002.98. Yard (Front, Rear, Side, Corner Side, Interior Side, Transitional; Required and Surplus).**

- A. "Yard" means an open space on the same zoning lot with a building or structure, unoccupied and unobstructed from its ground level to the sky, except as expressly permitted by this Zoning Code. (See illustration, Zoning Appendix I).
- B. "Required Front Yard" means a yard extending along the full width of the zoning lot, commencing at and following the contour of its front lot line and extending toward its rear lot line and parallel to the lot depth for the depth or distance specified in the Yard Requirements Section for the zoning district in which such lot is located. Every such required front yard shall have a minimum width of thirty (30) feet.
- C. "Surplus Front Yard" means a yard extending along the full width of the zoning lot, commencing at full depth of the required front yard and extending toward its rear lot line to an imaginary line passing through the nearest point of a building to the front lot line and parallel

to the lot width.

- D. "Required Rear Yard" means a yard extending along the full width of the zoning lot, except for that portion defined as a required or surplus corner side yard, commencing at and following the contour of its rear lot line and extending toward its front lot line and parallel to the lot depth for the depth or distance specified in the Yard Requirements Section for the zoning district in which such lot is located. Every required rear yard shall have a minimum width of thirty (30) feet.
- E. "Surplus Rear Yard" means a yard extending along the full width of the zoning lot, except for that portion defined as a required or surplus corner side yard, commencing at the full depth of the required rear yard and extending toward its front lot line to an imaginary line passing through the nearest point of a building to the rear lot line and parallel to the lot width.
- F. "Required Interior Side Yard" means a yard extending from the end of the required front yard, or existing surplus front yard, to the end of the required rear yard, or existing surplus rear yard, commencing at and following the contour of the side lot line which adjoins another zoning lot and extending toward the opposing side lot line and parallel to the lot width for the depth or distance specified in the Yard Requirements Section for the zoning district in which such lot is located.
- G. "Surplus Interior Side Yard" means a yard extending between the front and rear yards in the same manner as a required interior side yard, commencing at the full extent of said required interior side yard and extending toward the opposing side lot line to the principal building on the zoning lot.
- H. "Required Corner Side Yard" means a yard extending from the end of the required and/or surplus front yard to the rear lot line, adjoining a public street or alley, commencing at and following the contour of the side lot line and extending toward the opposing side lot line and parallel to the lot width for the depth or distance specified in the Yard Requirements Section for the zoning district in which such lot is located.
- I. "Surplus Corner Side Yard" means a yard extending between the required or surplus front yard and rear lot line in the same manner as a required corner side yard, adjoining a public street or alley,

commencing at the full depth of the required corner side yard and in the lot area behind the principal building, extending in the same direction to an imaginary line projected from the adjacent rear corner of the building to the rear lot line and parallel to the side lot line.

- J. "Transitional Yard" means that yard which must be provided on a zoning lot in the B-Business zoning district, which lot adjoins land in a residential zoning district.

#### **Section 1002.99. Zone of Influence.**

A zone delineated by iso-travel time contours around well fields. The zone is calculated on the rate of movement of ground waters in the vicinity of wells with an allowance for the dispersion of a pollutant entering into and moving with the ground water.

#### **Section 1002.100. Zoning District.**

An area or areas within the Village for which the regulations and requirements governing use, lot, and bulk of the buildings and premises are uniform.

#### **Section 1002.101. Zoning Code.**

When used in this Code, it is with specific reference to Ordinance \_\_\_\_\_ passed on \_\_\_\_\_ and as amended by subsequent ordinances.

### **TITLE TWO. ZONING ADMINISTRATION, PERMITS, AND ENFORCEMENT.**

#### **CHAPTER 2001. ADMINISTRATION.**

##### **Section 2001.01. Purpose.**

This Chapter sets forth the powers and duties of the Building Commissioner, Village Planning Commission, and the Board of Zoning Appeals with respect to the administration and enforcement of the provisions of this Zoning Code.

##### **Section 2001.02. General Provisions.**

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

- A. Building Commissioner;
- B. Village Planning Commission;
- C. Board of Zoning Appeals; and
- D. Village Council.

**Section 2001.03. Building Commissioner.**

The Building Commissioner shall be the Village Manager as designated by the Village Council who shall enforce and administer this Zoning Code. The Building Commissioner may be provided with assistance from such other persons as he so authorizes.

**Section 2001.04. Duties of Building Commissioner.**

For purposes of this Zoning Code, the Building Commissioner shall have the following duties:

- A. Issue all zoning permits, as well as make and maintain records thereof.
- B. Issue all certificates of occupancy, as well as make and maintain records thereof.
- C. Conduct inspections of buildings, structures, and uses of land to determine compliance with the regulations of this Zoning Code.
- D. Maintain permanent and current records of this Zoning Code, including, but not limited to, all maps, amendments, nonconformity certificates, conditional uses, variances, appeals, and applications therefore.
- E. Provide and maintain a public information service relative to all matters arising out of this Zoning Code.
- F. Receive, file, and forward to the Village Planning Commission all applications for conditional uses and for amendments to this Zoning Code.
- G. Receive, file, and forward to the Board of Zoning Appeals all applications for appeals, variances, or other matters which the Board

of Zoning Appeals is required to pass under this Zoning Code.

- H. Issue occupancy certificates regulating the use of land for periods not to exceed (10) days for specific purposes such as temporary carnivals, churches, charities, meetings, and the like, which are not detrimental to the public health, safety and welfare of the people of the Village of Laura, provided, however, such uses or any incidental and approved temporary structures are in conformance with all other sections and codes of the Village.
- I. Determine required off-street and accessory parking facilities.
- J. Initiate, direct, and review a study of the provisions of this Zoning Code, and to make reports of his recommendations to the Village Planning Commission not less frequently than once a year.
- K. Review and approve site plans pursuant to this Zoning Code.
- L. Determine the existence of any violation of this Zoning Code and cause such notification, revocation notices, stop orders, or tickets to be issued, or initiate such other administrative or legal action as needed, to address such violations.
- M. To review, approve, and issue all sign permits pursuant to this Zoning Code.
- N. Make recommendations to Village Council pertaining to fees, charges, and administrative expenses for the Schedule of Fees for services and procedures pertaining to this Zoning Code.

#### **Section 2001.05. Village Planning Commission.**

The Commission shall be composed of \_\_\_\_\_ members who reside in the Village of Laura, and shall include the Mayor, (ADD HERE WHAT MEMBERS THE COUNCIL WANTS TO BE INCLUDED), and three (3) additional citizens of the Village of Laura to be appointed by the Mayor. The terms of the citizen members shall be of such length and so arranged that the term of one (1) member will expire every second year.

#### **Section 2001.06. Proceedings of the Village Planning Commission.**

The Planning Commission shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Zoning Code. Commission

meetings shall be held at the call of the Chairman and such other times as the Planning Commission determines. 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 Planning Commission. The presence of \_\_\_\_\_ members of said Planning Commission shall constitute a quorum. The concurring vote of \_\_\_\_\_ members of said Planning Commission shall be necessary to reverse an order, requirement, decision, or determination of the Building Commissioner or the Planning Commission.

#### **Section 2001.07. Duties of the Village Planning Commission.**

For the purposes of this Zoning Code, the Village Planning Commission shall have the following duties:

- A. Recommend the proposed Zoning Code, including text and Official Zoning District Map to the Village Council for formal adoption.
- B. Initiate advisable Official Zoning Map changes, or changes in the text of the Zoning Code where same will promote the best interest of the public in general through recommendation to the Village Council.
- C. Review all proposed amendments to the text of this Zoning Code and the Official Zoning District Map and make recommendations to the Village Council.
- D. Review all conditional uses, variances, and nonconformity uses as identified in the respective zoning districts to the provisions and criteria stated in this Zoning Code.
- E. Carry on a continuous review of the effectiveness and appropriateness of this Zoning Code and recommend such changes or amendments as it feels would be appropriate.

#### **Section 2001.08. Board of Zoning Appeals.**

A Board of Zoning Appeals is hereby created, which shall consist of \_\_\_\_\_ members to be appointed by \_\_\_\_\_, all of whom shall be citizens of the Village of Laura. The term of all members shall be five (5) years and their terms shall be so arranged that the term of one (1) member shall expire each year. Each member shall serve until his successor is

appointed and qualified. Members of the Board shall be removable for nonperformance of duty, misconduct in office, or other reasonable cause by the Mayor upon written charges and after a public hearing has been held regarding such charges, a copy of the charges having been served upon the member so charged at least ten (10) days prior to the hearing either personally or by certified mail, return receipt requested, or by leaving the same at his place of residence. The member shall be given an opportunity to be heard and answer such charges. Vacancies shall be filled by appointment of the Mayor and shall be for the unexpired term.

#### **Section 2001.09. Proceedings of the Board of Zoning Appeals.**

The Board of Zoning Appeals shall adopt rules necessary to the conduct of its affairs in keeping with the provisions of this Zoning Code. 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 examination and other official actions, all of which shall be a public record and be immediately filed in the office of the Board.

#### **Section 2001.10. Duties of the Board of Zoning Appeals.**

For the purposes of this Zoning Code, the Board of Zoning Appeals shall have the following duties:

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

#### **Section 2001.11. Duties of Building Commissioner, Board of Zoning Appeals, Legislative Authority and Courts on Matters of Appeal.**

It is the intent of this Zoning Code that all questions of interpretation and enforcement shall be first presented to the Building Commissioner, and that

such questions shall be presented to the Board of Zoning Appeals only on appeal from the decision of the Building Commissioner, and that recourse from decisions of the Board shall be to the courts as provided by law. It is further the intent of this Zoning Code that the duties of the Village Council shall not include hearing and deciding questions of interpretation and enforcement that may arise in connection with this Zoning Code.

#### **Section 2001.12. Duties of Village Council.**

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

- A. Approve the appointments of the members of the Village Planning Commission.
- B. Approve the appointments of the members of the Board of Zoning Appeals.
- C. Initiate or act upon suggested amendments to the Zoning Code text or Official Zoning District Map. Final action upon suggesting zoning amendments shall be undertaken at a public hearing.
- D. Override a written recommendation of the Village Planning Commission on a text or map amendment provided that such legislative action is passed by a vote of not less than three-quarters (3/4) of the Village Council.
- E. Establish, amend, alter, or change a Schedule of Fees applicable to appeal, variances, conditional use permits, and other administrative procedures pertaining to this Zoning Code after consideration of the recommendation by the Building Commissioner.

#### **Section 2001.13. Schedule of Fees.**

The Village Council shall by Ordinance establish a schedule of fees for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, sign permits, and other procedures and services pertaining to the administration of this Zoning Code after considering the recommendations of the Building Commissioner with respect to actual administrative costs, both direct and indirect. The schedule of fees shall be posted in the office of the Building Commissioner, and may be altered or amended only by the Village Council. Until all such appropriate fees, charges, and expenses are paid in full, no action shall be taken on any

application, appeal, or other administrative procedure.

## **CHAPTER 2002. PERMITS AND ENFORCEMENT.**

### **Section 2002.01. General Provisions.**

This Chapter stipulates the procedures to be followed in obtaining permits, certificates, and other legal or administrative approvals under this Zoning Code.

### **Section 2002.02. 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 Building Commissioner. Zoning permits shall be issued only in conformity with the provisions of this Zoning Code unless the Building Commissioner receives a written order from the Board of Zoning Appeals deciding an appeal, conditional use, or variance as provided by this Zoning Code.

### **Section 2002.03. Contents of Application for Zoning Permit.**

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

- A. Name, address, and telephone number of the applicant;
- B. Legal description of the property;
- C. Existing use;
- D. Proposed use;
- E. Zoning district;
- F. Plans in duplicate meeting the requirements of Section 2002.04 of this Zoning Code;

- G. Off-street parking plan, if applicable;
- H. Location and design of access drives;
- I. Type and number of dwelling units;
- J. If applicable, application for a sign permit or a conditional, nonconforming, or temporary use permit, unless previously submitted in accordance with the provisions of this Zoning Code; and
- K. Such other documentation as may be necessary to determine conformance with, and to provide for the enforcement of, this Zoning Code.

#### **Section 2002.04. Requirements of Plan to Accompany Permit Application.**

Every application for a zoning permit, whether building, use, conditional use, nonconforming use, variance, or otherwise in connection with an improvement to be located on any lot in any district, shall be accompanied by a plan which includes the following requirements:

- A. A plan, in duplicate, of the piece or parcel of land, lots, or blocks, or parts or portions thereof, drawn to scale in ink or in blueprint showing the actual dimensions, as certified by a registered surveyor or a registered professional engineer, registered with the State of Ohio, as a true copy of the piece, parcel, lots, or blocks, or portions thereof, according to the registered or recorded plat of such land and showing the survey of the property and that the lot lines have been marked in a permanent manner on such property as to be easily located.
- B. A plan, in duplicate, drawn to a scale and in such form as may be prescribed by the Building Commissioner, showing the ground area, height and bulk of the proposed building or structure, the building location in relation to the lot lines, the use to be made of the building, structure or land, and such other information as may be required by the Building Commissioner.
- C. The Building Commissioner may waive the certified plan in Subsection A hereof if, in his opinion, such information is unnecessary for proper review and identification.

#### **Section 2002.05. Approval of Zoning Permit Application.**

Within thirty (30) days after the receipt of an application and accompanying materials as required by this Zoning Code, the Building Commissioner shall either approve or disapprove the application in conformance with the provisions of this Zoning Code. All zoning permits shall, however, be conditional upon the commencement of work within one (1) year. One copy of the plans shall be returned to the applicant, after the Building Commissioner shall have marked such copy either as approved or disapproved, and attested to same by his signature on such copy. One copy of the plans, similarly marked, shall be retained by the Building Commissioner. The Building Commissioner shall issue a placard, to be posted in a conspicuous place on the property in question, attesting to the fact that the activity is in conformance with the provisions of this Zoning Code. Any plans which have been marked as disapproved by the Building Commissioner shall be returned accompanied with a written explanation for such disapproval.

#### **Section 2002.06. Expiration of Zoning Permit.**

If the work described in any zoning permit is not commenced within one (1) year from the date of issuance thereof, said permit shall expire. It shall be revoked by the Building Commissioner and written notice thereof shall be given to the persons affected. If the work described in the zoning permit has not been substantially completed within two (2) years of the date of issuance thereof, said permit shall expire and be revoked by the Building Commissioner and written notice thereof shall be given to the persons affected, together with notice that further work as described in the revoked permit shall not proceed unless and until a new zoning permit has been obtained or an extension is granted by the Building Commissioner.

#### **Section 2002.07. Certificate of Occupancy.**

It shall be unlawful to use or occupy or permit the use or occupancy of any building, structure, land, premises, or combination or part thereof, hereafter created, erected, changed, converted, or wholly or partially altered or enlarged in its use or structure, until a certificate of occupancy shall have been issued therefore by the Building Commissioner stating that the proposed use of the building or land conforms to the requirements of this Zoning Code. The issuance of a certificate of occupancy in no way relieves the recipient from compliance with all of the requirements of this Zoning Code.

#### **Section 2002.08. Procedures for Issuance of Certificate of Occupancy.**

- A. Application for Certificate of Occupancy: Every application for a zoning permit shall be deemed to be an application for a certificate of occupancy.
- B. Issuance of Certificate of Occupancy: Upon written request from the owner or tenant, the Building Commissioner shall issue a certificate of occupancy for any building or lot existing at the time of enactment of this Zoning Code, certifying, after inspection, the extent and kind of use made of the building or premises and that such use conforms with the provisions of this Zoning Code. No certificate of occupancy for a building or lot constructed, altered, moved, changed in use or enlarged, after the effective date of this Zoning Code, shall be issued until such improvements have been completed and the building or lot inspected and approved by the Building Commissioner.
- C. Issuance of Temporary Certificate of Occupancy: A temporary certificate of occupancy for purposes of occupancy during completion of construction or alteration may be issued, for a period of not more than six (6) months from the date of issuance, after inspection and approval by the Building Commissioner.
- D. Timing of Issuance of Certificate of Occupancy: A certificate of occupancy or temporary certificate of occupancy shall be issued, or in the event of denial, written notification and explanation of such denial shall be provided, by the Building Commissioner within fourteen (14) days after the Building Commissioner is notified in writing that the building or premises is ready for inspection and occupancy.
- E. Duration of Certificate of Occupancy: A certificate of occupancy shall remain in effect as long as the use of such building or premises is in full conformity with the provisions of this Zoning Code and with any conditions upon which such certificate may have been issued. A temporary certificate of occupancy shall remain in effect for not more than six (6) months from the date of issuance. Upon the serving of notice of any violation of any provision or condition of this Zoning Code or certificate of occupancy, the certificate of occupancy, whether permanent or temporary, shall become null and void and a new certificate of occupancy shall be required for any further use of such building or premises.

**Section 2002.08. Record of Zoning Permits and Certificates of Occupancy.**

The Building Commissioner shall maintain a record of all zoning permits and

certificates of occupancy, and copies shall be furnished, upon request and payment of the established fee, to any person.

**Section 2002.09. Failure to Obtain a Zoning Permit or Certificate of Occupancy.**

The failure to obtain a zoning permit or certificate of occupancy as provided pursuant to this Title shall be a punishable violation of this Zoning Code.

**Section 2002.10. Construction and Use to be as Provided in Applications, Plans, Permits, and Certificates of Occupancy.**

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

**Section 2002.11. Complaints Regarding Violations.**

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

**Section 2002.12. Right of Entry and Inspection of Property.**

The Building Commissioner is authorized to make inspections of properties and buildings in order to inspect and survey the same, at any reasonable hour, for the purpose of administering and enforcing the provisions of this Zoning Code. Prior to seeking entry to any property or building for such inspection or survey, the Building Commissioner shall attempt to obtain the permission of the owner or occupant to enter. If such permission is denied or cannot be obtained, the Building Commissioner shall request the assistance of the Law Director in securing a court order to enter the property or building for inspection or survey.

**Section 2002.13. Stop Work Order.**

Subsequent to his determination that work is being done contrary to this Zoning Code, the Building Commissioner shall issue a written stop work

order and post it on the premises involved. Removal or failure to comply with a stop work order, except by the consent of the Building Commissioner, shall constitute a punishable violation of this Zoning Code.

**Section 2002.14. Notice of Violation.**

Whenever the Building Commissioner or his authorized representative determines that there is a violation of any provision of this Zoning Code, a warning order shall be issued and shall serve as notice of the violation. Such warning order shall meet the following requirements:

- A. In writing;
- B. Identify the violation;
- C. Include a statement of the reason why the order is being issued and refer to the section of this Zoning Code being violated; and
- D. State the time by which the violation shall be corrected.

**Section 2002.15. Service of Notice of Violation.**

Any notice of violation which is issued in compliance with Section 2002.14 shall be served in the following manner:

- A. By personal delivery to the person or persons responsible, or by leaving the notice at the usual place of residence of the owner with a person of suitable age and discretion; or
- B. By certified, return receipt requested, U.S. mail and ordinary mail addressed to the person or persons responsible or the owner at the last known address. Service shall be deemed complete upon depositing such notice of violation with the United States Post Office; or
- C. By posting in a conspicuous place on the premises found to be in violation.

**Section 2002.16. Ticketing Procedure.**

If, upon re-inspection or re-examination following the issuance of a notice of violation, the condition has not been corrected, the person or persons responsible shall be issued a ticket. The issuance and service of the ticket

shall comply with the following provisions:

- A. Be personally served;
- B. Be in writing;
- C. Identify the violation;
- D. State the time, date, and place for appearance in court; and
- E. State the amount of the fine payable in lieu of a court appearance.

If the ticket cannot be served personally, the Building Commissioner shall request that a summons be issued by the Court.

#### **Section 2002.17. Penalties and Fines.**

It shall be unlawful to erect, establish, locate, construct, reconstruct, enlarge, change, convert, move, repair, maintain, or structurally alter any building, structure, or land in violation of any provision of this Zoning Code or any amendment thereto. Any person, firm, or corporation who violates this Zoning Code or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) and in addition shall pay all costs and expenses involved in the action. Each day such violation continues after receipt of a notice of violation 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 separate offenses and suffer the penalties herein provided.

#### **Section 2002.18. Additional Remedies.**

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

### **TITLE THREE. NONCONFORMITIES.**

## **CHAPTER 3001. NONCONFORMING USES; LAND, BUILDINGS OR STRUCTURES**

### **Section 3001.01. Purpose.**

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

### **Section 3001.02. Uses under Conditional Use Provisions Not Non-Conforming Use.**

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

### **Section 3001.03. Incompatibility of Nonconformities.**

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

### **Section 3001.04. Nonconformities of Actual Construction.**

Nothing in this Zoning Code shall be deemed to require a change in the plans, construction, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of this Code, or any amendments thereto, and upon which actual building construction has been carried on diligently. Actual construction for purposes herein is 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 3001.05. Single Nonconforming Lots of Record.**

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

#### **Section 3001.06. Nonconforming Multiple Lots of Record.**

If two or more lots, or a combination thereof, with continuous footage in single ownership are of record at the time of adoption or amendment of this Zoning Code, and if all or part of the lots with no buildings or structures do not meet the requirements established for lot width or area, the lands involved shall be considered to be an undivided lot for the purposes of this Code, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width or area requirements established by this Zoning Code.

#### **Section 3001.07. Nonconforming Uses of Land.**

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

- A. No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Code.
- B. No such nonconforming uses shall be moved in whole or part to any portion of the lot other than that occupied by such uses at the effective date of adoption or amendment of this Zoning Code.
- C. If any such nonconforming uses of land are discontinued or abandoned for more than two (2) years, except when government action impedes access to the premises, any subsequent use of such land shall conform to the regulations specified by this Zoning Code for the district in which such land is located.
- D. No additional structure or building not conforming to the requirements of this Code shall be erected in connection with such nonconforming use of land.

**Section 3001.08. Nonconforming Structures or Buildings.**

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

- A. No such nonconforming building or structure may be enlarged or altered in a way which increases its nonconformity, but any structure or building or portion thereof may be altered to decrease its nonconformity.
- B. Should such nonconforming structure or building be destroyed by any means, it shall not be reconstructed except in conformity with the regulations of this Zoning Code. This provision shall not apply to owner occupied and used residential dwellings.
- C. Should such nonconforming structure or building be moved for any reason, it shall thereafter conform to the regulations for the district in which it is located after it is moved.
- D. Given the unique nature and character of the Village, when a principal or accessory building or structure of a residential dwelling which is

used and occupied solely by the owner as a residence, is destroyed by fire or other natural disaster, a principal or accessory building shall be permitted to be rebuilt upon the old foundation with the same square footage although such building or structure may be a nonconforming building or structure as defined herein. However, if the dwelling is not the principal residence of the owner or if square footage of new building or structure is altered, then such building or structure shall be in conformity with the applicable provisions of this Zoning Code and shall not be considered a permissible nonconforming use, building or structure.

#### **Section 3001.09. Certificates for Nonconforming Uses, Buildings or Structures.**

The Building Commissioner may upon his own initiative, or shall upon the request of any owner of a lot, structure, or building, issue a certificate for any lot, structure, building, use of land, or use of structure or building, that certifies that the lot, building, or use is a valid nonconforming use. The certificate shall specify the reason why the use is a nonconforming use, including a description of the extent and kind of use made of the property in question, the portion of the building or structure of land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect owners of land or buildings that are or become nonconforming. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Building Commissioner, who shall maintain as a public record a file of all such certificates.

### **CHAPTER 3002. TERMINATION OF NONCONFORMING USES**

#### **Section 3002.01. Termination of Nonconforming Use by Discontinuance.**

When any nonconforming use is discontinued or abandoned for more than two (2) years, any new use shall not thereafter be used except in conformity with the regulations of the district in which it is located, and the nonconforming use may not thereafter be resumed. The intent to continue a nonconforming use shall not be evidence of its continuance.

#### **Section 3002.02. Termination of Nonconforming Use of Building or Structure by Damage or Destruction.**

In the event that any nonconforming building or structure is destroyed by any means to the extent of more than fifty percent (50%) of the cost of replacement of such structure, exclusive of foundation, it shall not be

rebuilt, restored, or reoccupied for any use unless it conforms to all regulations of this Zoning Code. When such nonconforming structure is damaged or destroyed to the extent of fifty percent (50%) or less of the replacement cost, no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Zoning Code and the following conditions:

- A. A Zoning Certificate pertaining to such restoration shall be applied for and issued within one (1) year of such destruction, and rebuilding shall be diligently pursued to completion.
- B. Such restoration shall not cause a new nonconformity, nor shall it increase the degree of noncompliance or nonconformance existing prior to such damage or destruction.
- C. This provision shall not apply to owner used and occupied residential dwellings.

#### **Section 3002.03. Repairs and Maintenance.**

Ordinary repairs or maintenance may be performed on non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when the building or structure became nonconforming shall not be increased. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official. Where appropriate, a zoning permit for such activities shall be required.

### **TITLE FOUR. PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES.**

#### **CHAPTER 4001. JURISDICTION AND PROCEDURES FOR APPEALS AND VARIANCES.**

##### **Section 4001.01. General.**

Appeals and variances shall conform to the procedures and requirements set forth in this Title of this Zoning Code for the Village of Laura. The Board of Zoning Appeals shall have jurisdiction relative to appeals and variances.

##### **Section 4001.02. Appeals.**

Appeals to the Board of Zoning Appeals concerning interpretation or administration of this Zoning Code may be taken by any person aggrieved or by any officer or bureau of the legislative authority of the Village affected by any decision of the Building Commissioner. Such appeal shall be taken within twenty (20) days after the decision by filing, with the Board of Zoning Appeals, a notice of appeal specifying the grounds upon which the appeal is being taken. A copy of the notice of appeal shall be provided to the Building Commissioner. The Building Commissioner shall transmit to the Board of Zoning Appeals all the papers constituting the record upon which the action appealed from was taken within ten (10) days of receipt of the notice of appeal.

#### **Section 4001.03. Stay of Proceedings.**

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Commissioner from whom the appeal is taken certifies to the Board of Zoning Appeals after the notice of appeal is filed, that by reason of facts stated in the application, a stay would, in his opinion, cause imminent peril of life or 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 Building Commissioner from whom the appeal is taken.

#### **Section 4001.04. Variances.**

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

#### **Section 4001.05. Public Hearing by Board of Zoning Appeals.**

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

#### **Section 4001.06. Notice of Public Hearing; Generally.**

Before conducting the public hearing required in Section 4001.05, notice of such hearing shall be given in one or more newspapers of general circulation in the Village at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the public hearing and the nature of the proposed appeal or variance.

**Section 4001.07. Notice of Public Hearing to Parties in Interest.**

Before conducting the public hearing required in Section 4001.05, written notice of such hearing shall be mailed by the Chairman of the Board of Zoning Appeals, by certified first class U.S. mail, return receipt requested, at least ten (10) days before the date of the hearing to all parties in interest. The notice shall contain the same information as required of notices published under Section 4001.06.

**Section 4001.08. Action by Board of Zoning Appeals.**

Within thirty (30) days after the public hearing required in Section 4001.05, the Board of Zoning Appeals shall either approve, approve with supplementary conditions, or disapprove the request for appeal or variance. The Board of Zoning Appeals shall further make a finding in writing the specific reasons such appeal or variance was approved, disapproved or approved with supplementary conditions. Appeals from the Board of Zoning Appeals' decision shall be made in accordance with the Ohio Revised Code.

**CHAPTER 4002. SPECIAL PROCEDURES FOR VARIANCE.**

**Section 4002.01. Application and Standards for Variance.**

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

- A. Name, address, and telephone number of applicant;
- B. Legal description of property;
- C. Description or nature of variance requested;
- D. A fee as established by the Village Council; and
- E. Narrative statements establishing and substantiating that the variance

conforms to the following standards:

1. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Zoning Code on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare;
2. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district in which the premises is located;
3. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought, which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Code would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance, there must be deprivation of beneficial use of land or building;
4. There must be proof of hardship created by the strict application of this Code. It is not sufficient proof of hardship to show that greater profit would result if the variance were granted. Furthermore, the hardship complained of cannot be self-created nor can it be established on this basis by one who purchases with or without knowledge of the restrictions, it must result from the application of this Zoning Code, it must be suffered directly by the property in question, and evidence of variances granted under similar circumstances need not be considered;
5. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish the purpose;
6. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public streets, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area; and

7. The granting of the variance requested will not confer on the applicant any special privilege that is denied by this Code to other lands, buildings, or structures in the same district.

#### **Section 4002.02. Additional Conditions and Safeguards.**

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

#### **Section 4002.03. Term of Variance.**

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

#### **Section 4002.04. Authorized Variances.**

Variances from the regulations of this Zoning Code shall not be granted unless the Board makes specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Sections 4002.01 and 4002.02, if applicable, have been met by the applicant.

### **TITLE FIVE - PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USE; ACCESSORY USE**

#### **CHAPTER 5001. CONDITIONAL USES.**

##### **Section 5001.01. Purpose.**

The provisions of this Chapter inclusive of this Zoning Code apply to the location and maintenance of any and all conditional uses. To help foster the development of new and unique uses in a reasonable and equitable manner while safeguarding both the property rights of all individuals and the health, safety and general welfare of the community, it is recognized that this Code should provide for more detailed evaluation of each use conditionally permissible in a specific district with respect to such considerations as

location, design, size, method of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of Chapter 5001 of this Zoning Code.

#### **Section 5001.02. Contents of Conditional Use Permit Application.**

Any owner, or agent thereof, of property for which a conditional use is proposed shall make an application for a conditional use permit by filing it with the Building Commissioner, who shall within seven (7) days transmit it to the Board of Zoning Appeals. Such application at a minimum shall contain the following information:

- A. Name, address, and telephone number of the applicant;
- B. Legal description of the property;
- C. Zoning district;
- D. Description of existing use;
- E. A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board may require;
- F. A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibrations;
- G. A list containing the names and mailing addresses of all owners of property within five hundred (500) feet of the property for which a conditional use permit is being requested;
- H. The fee as established by the Village Council; and
- I. A narrative addressing each of the applicable standards contained in Section 5001.03 of this Zoning Code.

#### **Section 5001.03. General Standards for All Conditional Uses.**

In addition to the specific requirements for conditionally permitted uses as specified in Section 5001.04, the Board of Zoning Appeals 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 meets the following provisions:

- A. Will be in accordance with general objectives, or with any specific objectives, of the Village's comprehensive plan and Zoning Code;
- B. 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;
- C. Will not be hazardous or disturbing to existing or future neighboring uses;
- D. 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 use shall be able to provide adequately any such services;
- E. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- F. Will not involve uses, activities, processes, materials, equipment, and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;
- G. Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
- H. Will not result in the destruction, loss, or damages, of a natural scenic, or historical feature of major importance.

#### **Section 5001.04. Specific Standards for Conditional Uses.**

The following are specific conditional use standards and requirements for those uses conditionally permitted in this Zoning Code as provided for in Section 5001.03 and the Schedule of District Regulations for the zoning

district involved. Nothing in this Section shall prohibit the Board of Zoning Appeals from prescribing supplementary conditions and safeguards in addition to these requirements in accordance with this Title.

THIS SECTION IS DESIGNATED FOR SPECIFIC STANDARDS AND REQUIREMENTS OF CONDITIONAL USES SUCH AS CHURCHES, KENNELS, CHILD DAY CARE, FUNERAL HOMES, ROOMING HOUSES, ADULT ENTERTAINMENT, ETC.

THIS SECTION MUST BE FACT SPECIFIC TO THE VILLAGE OF LAURA AND THE ZONING DISTRICTS WHICH ARE PRESENT THEREIN THEREFORE THE COUNCIL MUST DECIDE WHAT USES THEY WISH TO INCLUDE HERE SO THAT REQUIREMENTS CAN BE SET FORTH.

#### **Section 5001.05. Public Hearing.**

The Board of Zoning Appeals shall hold a public hearing within thirty (30) days after it receives an application for a conditional use permit submitted by an applicant through the Building Commissioner.

#### **Section 5001.06. Notice of Public Hearing; Generally.**

Before conducting the public hearing required in Section 5001.05, notice of such hearing shall be given in one (1) or more newspapers of general circulation in the Village of Laura at least ten (10) days before the date of said hearing. The notice shall set forth the time and place of the hearing, and shall provide a summary explanation of the conditional use proposed.

#### **Section 5001.07. Notice of Public Hearing to Parties in Interest.**

Before conducting the public hearing required in Section 5001.05, written notice of such hearing shall be sent by certified first class U.S. mail, return receipt requested, by the Chairman of the Board of Zoning Appeals at least ten (10) days prior to the date of the hearing to all parties in interest, to include all property owners listed in the application. The notice shall contain the same information as required in Section 5001.06 of this Chapter.

#### **Section 5001.08. Action by Board of Zoning Appeals.**

Within thirty (30) days after the date of the public hearing required in Section 5001.05, the Board shall take one (1) of the following actions:

- A. Approve issuance of the conditional use permit by making an

affirmative finding in writing that the proposed conditional use is to be located in a district wherein such use may be conditionally permitted, that all conditions for approval of such use in such district have been met, and that such use will neither result in significant negative impacts upon nor conflict with surrounding uses. Such written finding may also prescribe supplementary conditions and safeguards as specified in Section 5001.09. Upon making an affirmative finding, the Board of Zoning Appeals shall direct the Building Commissioner to issue a conditional use permit for such use which shall list all conditions and safeguards specified by the Board for approval;

- B. Make a written finding that the application is deficient in information or is in need of modification and is being returned to the applicant. Such finding shall specify the information and/or modifications which are deemed necessary; or
- C. Make a written finding that the application is denied. Such finding shall specify the reasons for disapproval.
- D. If an application is disapproved by the Board of Zoning Appeals, the applicant may seek relief through the Court of Common Pleas as provided in the Ohio Revised Code.

#### **Section 5001.09. Supplementary Conditions and Safeguards.**

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

#### **Section 5001.10. Expiration of Conditional Use Permit.**

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

### **CHAPTER 5002. PROCEDURES AND REQUIREMENTS FOR SUBSTANTIALLY SIMILAR USE.**

#### **Section 5002.01. Purpose and Determination.**

Where a specific use is proposed that is not listed or provided for in this Zoning Code or Schedule of District Regulations, the Board of Zoning Appeals may make a determination, upon appeal and by the standards set for in Section 5002.04, that the proposed use is substantially similar to a specific use that is listed or provided for in this Zoning Code. If the Board finds that a use is substantially similar to a specific use listed in this Code, the substantially similar use is deemed to be a substantially similar permitted use in those districts where the specific use is a permitted use, and a substantially similar conditional use in those districts where the specific use is a conditionally permitted use.

#### **Section 5002.02. Procedure for Determination.**

In formulating a determination that a proposed use is a substantially similar use, the Board of Zoning Appeals shall follow the procedures relating to appeals and variances as specified in Title Four of this Zoning Code. Upon making a determination that a proposed use is a substantially similar use, the Board of Zoning Appeals shall notify the Building Commissioner and Village Planning Commission of its decision and shall include in its written findings the reasoning upon which the decision is based.

#### **Section 5002.03. Remedy by Application for Amendment.**

If the Board of Zoning Appeals determines that a proposed use is not substantially similar, such determination shall not be appealable to the Village Council, but remedy may be sought by the applicant through the submission of an application for amendment as prescribed in Title Six of this Zoning Code.

#### **Section 5002.04. Standards for Determination of Substantially Similar Uses.**

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

- A. The compatibility of the proposed use with the general use classifications system as specified in this Zoning Code;
- B. The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Code as being permitted, or in the case of a conditional use, conditionally permitted, in that district; and

- C. The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Code.

#### **Section 5002.05. Effect of Determination of Substantially Similar Use.**

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

#### **Section 5002.06. Record of Substantially Similar Uses.**

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

### **CHAPTER 5003. REGULATION OF ACCESSORY USES.**

#### **Section 5003.01. Purpose.**

It is the purpose of this Chapter of the Zoning Code to regulate accessory uses in order to promote the public health, safety, and welfare. It is the intent of the Sections herein to permit such uses to be established and maintained in a manner which makes them compatible with principal uses and harmonious with the uses upon adjacent properties. The definition of "accessory use" shall be that definition provided in Section 1002.01 of this Zoning Code.

#### **Section 5003.02. General Requirements.**

Except as otherwise provided in this Zoning Code, an accessory use or structure shall be permitted in association with a principal use or structure provided the following provisions apply:

- A. It shall be thirty-five percent (35%) or less of the gross floor area of the principal use or building, except where additional space is needed

to comply with off-street parking requirements;

- B. It shall not contain or be used as a dwelling unit;
- C. It shall not exceed eighteen (18) feet in height;
- D. It shall met all yard requirements of the principal use; and
- E. It shall not be maintained or constructed in the front yard area.

## **TITLE SIX. AMENDMENTS.**

### **CHAPTER 6001. PROCEDURES.**

#### **Section 6001.01. General.**

Whenever the public necessity, convenience, general welfare, or good zoning practices require, the 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 classifications of property.

#### **Section 6001.02. Initiation of Zoning Amendments.**

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

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

#### **Section 6001.03. Contents of Application for Zoning Map Amendment.**

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

- A. Name, address, and telephone number of the applicant;

- B. The proposed amending ordinance, approved as to form by the Village Legal Advisor;
- C. A statement of the reason for the proposed amendment;
- D. Present use;
- E. Present zoning district;
- F. Proposed use;
- G. Proposed zoning district;
- H. A vicinity map at a scale approved by the Building Commissioner showing property lines, thoroughfares, existing and proposed zoning, and such other items as the Building Commissioner may require;
- I. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the lot proposed to be rezoned and any others that may have a substantial interest in the amendment;
- J. A statement on the ways in which the proposed amendment relates to the comprehensive plan; and
- K. A fee as established by the Village Council.

**Section 6001.04. Contents of Application for Zoning Text Amendment.**

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

- A. Name, address, and telephone number of the applicant;
- B. The proposed amending ordinance, approved as to form by the Village Legal Advisor;
- C. A statement of the reason for the proposed amendment;
- D. A statement explaining the ways in which the proposed amendment relates to the comprehensive plan; and

E. A fee as established by the Village Council.

**Section 6001.05. Transmittal to Village Planning Commission.**

Immediately after the adoption of a resolution by the Village Council or the filing of an application by at least one (1) owner or lessee of property, said resolution or application shall be transmitted to the Village Planning Commission.

**Section 6001.06. Recommendation by Village Planning Commission.**

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

**Section 6001.07. Public Hearing by Village Council.**

Upon receipt of the recommendation from the Village Planning Commission, the Village Council shall schedule a hearing within forty (40) days from the receipt of the recommendation.

**Section 6001.08. Notice of Public Hearing; Generally.**

Notice of the public hearing required in Section 6001.07 shall be given by the Village Council by at least one (1) publication in one (1) or more newspapers of general circulation in the Village of Laura. Said notice shall be published at least thirty (30) days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.

**Section 6001.09. Notice of Public Hearing to Property Owners and Parties in Interest.**

If the proposed amendment intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of the Village Council, by first class certified U.S. mail, return receipt requested, at least twenty (20) days before the

date of the public hearing to all owners of property within, contiguous to, and directly across the street from such area proposed to be rezoned or redistricted to the addresses of such owners appearing on the County Auditor's current tax list or the Treasurer's mailing list, and to such other parties in interest as may be specified by the Village Council. The notice shall contain the same information as specified and required of notices published under Section 6001.08.

#### **Section 6001.10. Action by Village Council.**

Within thirty (30) days after the public hearing required in Section 6001.07, the Village Council shall either adopt or deny the recommendation of the Village Planning Commission or adopt some modification thereof. In the event the Village Council denies or modifies the recommendation of the Village Planning Commission, it must do so by not less than three-fourths (3/4) vote of the full membership of the 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 become emergency legislation if three-fourths (3/4) of the members of the Village Council vote to dispense with this rule.

#### **Section 6001.11. Effective Date.**

Such amendment adopted by the Village Council shall become effective thirty (30) days after the date of such adoption.

#### **Section 6001.12. Annexation.**

All land annexed to the Village subsequent to the adoption of this Zoning Code shall remain subject to the previous County or Township zoning district regulations until such time as the Official Zoning Map is amended according to the provisions of this Chapter. All land annexed to the Village which, prior to annexation, is not subject to the County or Township zoning shall remain unzoned until the Official Zoning Map is amended according to the provisions of this Chapter.

### **TITLE SEVEN - ESTABLISHMENT OF DISTRICTS**

#### **CHAPTER 7001. GENERAL PROVISIONS**

##### **Section 7001.01. Purpose.**

The purpose of this Title is to establish zoning districts in order to realize the

general purposes set forth in this Zoning Code, to provide for orderly growth and development, and to protect the property rights of all individuals by assuring the compatibility of uses and practices within districts.

#### **Section 7001.02. Establishment of Districts.**

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

- R-1 Single Family Residential District
- R-2 Single Family/Two Family Residential District
- R-5 Multifamily District
- C-B Commercial Business District
- I-G General Industrial Light District
- N-B Neighborhood Business District
- C Cemetery District
- W-O Wellhead Operation District
- W-P Wellfield Protection Overlay District

THERE MAY BE MORE TO BE ADDED, THE COUNCIL WILL NEED TO DETERMINE WHICH ONES

Nothing in this Title shall be construed to require the actual location of any district on the Official Zoning Map, as it is the intent of this Code to provide the flexibility of its administration to allow future expansion and emendation.

#### **Section 7001.03. Zoning District Map.**

The districts established in Section 7001.02, as shown on the Official Zoning Map, together with all data, references, explanatory materials and notations thereon, are hereby officially adopted as part of this Zoning Code and hereby incorporated by reference herein, thereby having the same force and effect as if herein fully described at length in writing.

#### **Section 7001.04. Zoning Map Legend.**

There shall be provided on the Official Zoning Map a legend which shall list the name of each zoning district and indicate the symbol for that district. A color, combination of colors, or black and white patterns may be used in place of symbols to identify the respective zoning districts in such legend. In addition to such legend, the Official Zoning Map shall provide sufficient space for any amendments thereto.

#### **Section 7001.05. Identification of Official Zoning Map.**

The Official Zoning Map shall be properly identified by the signature of the Mayor as attested by the Clerk of the Village Council, and bearing the official seal. The Map shall be maintained by the Building Commissioner and shall remain on file in the Office of the Clerk. The Official Zoning Map shall control whenever there is an apparent conflict between the district boundaries as shown on the Map and the descriptions as found in the text of this Code. The Official Zoning Map shall be a reproducible document, and copies shall be made available to the public upon request and upon payment of a fee as established by the Village Council. Not later than January 30th of each year, the Map shall be recertified by the Mayor and attested by the Clerk.

#### **Section 7001.06. Interpretation of District Boundaries.**

The following rules shall be used to determine the precise location of any zoning district boundary unless such boundary is specifically indicated on the Official Zoning Map:

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

jurisdiction of the Village unless otherwise indicated.

- F. Where district boundaries are so indicated that they follow or approximately follow the limits of any municipal corporation, such boundaries shall be construed as following such limits.
- G. Whenever a street, alley, or other public way is vacated by official Village Council action, the zoning district adjoining each side of such street, alley, or public way shall automatically be extended to the center of such vacation, and all areas within that vacation shall thenceforth be subject to all regulations appropriate to the respective extended districts.

All questions or disputes concerning the exact location of zoning district boundaries shall be interpreted by the Building Commissioner.

#### **Section 7001.07. Zoning upon Annexation.**

The following regulations shall apply to any areas annexed to the Village of Laura:

- A. If any lots, tracts, or lands are not subject to zoning at the time of their annexation, they shall be classified into whichever districts established by this Code most closely resembles the existing uses at the time of the annexation. Such classification shall be recommended to the Village Council by the Village Planning Commission and shall be approved by Village Council resolution.
- B. Any lots, tracts, or lands which are subject to zoning at the time of their annexation shall be classified as being in whichever district established by this Code most closely resembles the zoning district that existed in the annexation. Such classification shall be recommended to the Village Council by the Village Planning Commission and shall be approved by Village Council resolution.
- C. With respect to any annexation, the Village Planning Commission shall within ninety (90) days conduct a public hearing on the matter of permanent zoning classification.

#### **Section 7001.08. Zoning Map Amendments.**

Within fifteen (15) days of the effective date of any change of a zoning district classification or boundary, the Building Commissioner shall amend

the Official Zoning Map to reflect such change, and shall note the effective date of such change, together with appropriate reference to the resolution authorizing such change. The Official Zoning Map shall then be signed by the Mayor of the Village and attested to by the Clerk of the Village Council.

## **TITLE EIGHT - DISTRICT REGULATIONS.**

### **CHAPTER 8001. GENERAL REGULATIONS.**

#### **Section 8001.01. Compliance with Regulations.**

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

- A. 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 in conformity with all of the regulations herein specified for the district in which it is located.
- B. No building or other structures shall be erected or altered:
  - 1. To provide for greater bulk or height,
  - 2. To accommodate or house a greater number of families,
  - 3. To occupy a greater percentage of lot area, or
  - 4. To have narrower or smaller front yards, rear yards, side yards, or other open spaces,

than herein required, or in any other manner which is contrary to the provisions of this Zoning Code.

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

#### **Section 8001.02. 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 Zoning Code and as otherwise herein provided.

**Section 8001.03. Identification of the Official Schedule of District Regulations.**

The Official Schedule of District Regulations shall be identified by the signature of the Mayor of the Village of Laura.

**CHAPTER 8002. GENERAL USE CLASSIFICATIONS**

**Section 8002.01. Purpose.**

For the purpose of this Zoning Code, the general use classifications established in this Chapter shall be used to classify those uses that will be permitted, conditionally permitted, regulated, or prohibited either specifically or by omission, and in making a determination that a use not listed is substantially similar.

**Section 8002.02. Use Classifications.**

Category	Description of Use Classification
1.	Residential uses are places where persons live or reside and are associated with dwellings as defined in this Zoning Code.

THIS NEEDS TO BE COMPLETED BY THE COUNCIL AS TO THE SPECIFIC USES WHICH THEY WANT OR DESIRE IN THEIR COMMUNITY.

**TITLE NINE - OFFICIAL SCHEDULE OF DISTRICT REGULATIONS**

**CHAPTER 9001. R-1 SINGLE FAMILY RESIDENTIAL DISTRICT**

**Section 9001.01. Permitted Uses.**

- A. Single family dwellings.
- B. Accessory buildings incidental to principal uses.
- C. Governmentally owned and operated parks and recreational facilities.
- D. Home occupations conducted by resident owner.

- E. Churches and other buildings for purposes of religious worship.

**Section 9001.02. Requirements for Permitted Uses.**

A. Lot Requirements:

- ORD. NO 998
1. Minimum lot area: 20,000 square feet.
  2. Minimum frontage: <sup>80</sup>~~150~~ square feet.

B. Yard Requirements:

1. Front yard depth: 40 feet.
2. Rear yard depth: 50 feet.
3. Side yard depth: 15 feet.

C. Structural and Building Requirements:

1. Maximum building height: 35 feet.
2. Floor area of dwelling unit: 12,000 square feet.

D. Off-street Parking Requirements:

1. Two (2) spaces per dwelling unit.

E. Sidewalk and Curb Requirements:

1. All sidewalks and curbs shall be furnished with all weather hard surface material of Portland cement.

**Section 9001.03. Permitted Accessory Uses.**

- A. Private garage for storage of motor vehicle of resident.
- B. Home occupations and buildings for use in conducting home occupation.
- C. Swimming pools for use by residents and guests of residents only provided that the swimming pool meets the requirements and standards as specifically set forth in Chapter 11003 of this Zoning

Code.

- D. Buildings for storage of items used to maintain residence.
- E. All accessory use buildings or structures shall be located at least five (5) feet from all lot lines and shall not be located in the front yard as defined herein.

## **CHAPTER 9002. SINGLE FAMILY/TWO FAMILY RESIDENTIAL DISTRICT.**

### **Section 9002.01. Permitted Uses.**

- A. Single family dwellings.
- B. Two family dwellings.
- C. Accessory buildings incidental to principal use.
- D. Home occupations conducted by resident owner.
- E. Churches and other buildings used for religious purposes.
- F. Governmentally owned and operated parks and recreational facilities.

### **Section 9002.02. Requirements for Permitted Uses.**

- A. Lot Requirements:
  - 1. Lot area: 20,000 square feet.
  - 2. Frontage: 140 feet.
- B. Yard Requirements:
  - 1. Front yard depth: 40 feet.
  - 2. Rear yard depth: 50 feet.
  - 3. Side yard depth: 15 feet.
- C. Structural or Building Requirements:
  - 1. Maximum building height: 35 feet.

2. Floor area of dwelling unit: 1,000 square feet.
- D. Off-street Parking Requirements:
  1. Two (2) spaces per dwelling unit.
- E. Sidewalk and Curb Requirements:
  1. All sidewalks and curbs shall be furnished with all weather hard surface material of Portland cement.

**Section 9002.03. Permitted Accessory Uses.**

- A. Private garage for storage of motor vehicle of resident.
- B. Home occupations and buildings for use in conducting home occupation.
- C. Swimming pools for use by residents and guests of residents only provided that the swimming pool meets the requirements and standards specifically set forth in Chapter 11003 of this Zoning Code.
- D. Buildings for storage of items used to maintain residence.
- E. All accessory use buildings or structures shall be located at least five (5) feet from all lot lines and shall not be located in the front yard as defined herein.

**CHAPTER 9003. MULTIFAMILY DWELLINGS**

**Section 9003.01. Permitted Uses.**

- A. Multifamily Dwellings

**Section 9003.02. Requirements for Permitted Uses.**

COUNCIL NEEDS TO DECIDE WHAT REQUIREMENTS SUCH AS LOT REQUIREMENTS, OFF-STREET PARKING, ETC. THAT SHALL BE USED FOR MULTIFAMILY DWELLINGS

**CHAPTER 9004. C-B COMMERCIAL BUSINESS AND I-G INDUSTRIAL (LIGHT) DISTRICTS.**

#### **Section 9004.01. Permitted Uses.**

- A. Retail sales and services including any local convenience retail and/or service uses including grocery or other small food stores, hardware, florist shops, books and stationery stores, gift shops, hobby shops, shoe repair, candy and ice cream stores, drug stores, barber shops, beauty shops, bakery shops, and the like which supply commodities or perform services primarily of the personal and convenience nature.
- B. Instructional and commercial studios.
- C. Offices of doctors, dentists, chiropractors, and the like.
- D. Auto service stations.
- E. Veterinarian offices and clinics.
- F. Restaurants.
- G. Tool and die shops, machine shops, wrought iron works and the like, but specifically excluding drop hammers.
- H. Business and industrial service facilities.
- I. Printing, publishing, binding, and typesetting shops.
- J. Office building of the professional, executive, and/or administrative nature.
- K. Warehouses and distribution firms.
- L. Wholesale sales facilities.
- M. Manufacturing or other light industrial uses which are usually controlled operations, relatively clean, quiet and free from objectionable or hazardous elements such as smoke, dust, noise, or odor, operated and stored within enclosed structures and generate little industrial traffic and no nuisances.
- N. Towing of vehicles and temporary storage of same.

#### **Section 9004.02. Requirements for Permitted Uses.**

A. Lot Requirements:

1. Lot area: 20,000 square feet.
2. Lot width:
  - a. Fronting on arterial street: 120 feet.
  - b. Fronting on other street: 100 feet.

B. Yard Requirements:

1. Front yard:
  - a. Fronting on arterial street: 50 feet.
  - b. Fronting on other street: 35 feet.
2. Side yard: 15 feet.
3. Rear yard: 50 feet.

C. Lot Coverage:

1. Principal building may cover only fifty percent (50%) of the total area of the lot.

D. Off-street Parking Requirements:

1. Parking spaces ample to accommodate employees, customers and loading requirements of particular business as determined by the Building Commissioner.

E. Sidewalk and Curb Requirements:

1. All sidewalks and curbs shall be furnished with all weather hard surface material of Portland cement.

**TITLE TEN - SUPPLEMENTARY DISTRICT REQUIREMENTS**

**CHAPTER 10001. GENERAL SUPPLEMENTARY DISTRICT REQUIREMENTS**

**Section 10001.01. Purpose.**

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

**Section 10001.02. Conversion of Dwellings to More than One Unit.**

A residential dwelling may not be converted to accommodate an increased number of dwelling units unless all of the following conditions are met:

- A. The conversion is in compliance with all local codes and ordinances, and any applicable State or Federal regulations;
- B. The district within which the residence is located is so regulated as to allow such an increase in dwelling units;
- C. The yard dimensions still meet the yard dimensions required by the zoning regulations for structures in that district;
- D. The lot area per family equals the lot area requirements for structures in that district;
- E. The floor area per dwelling unit is not reduced to less than that which is required for that district; and
- F. The conversion is in compliance with all other relevant codes and regulations of this Zoning Code.

**Section 10001.03. Principal Building Per Lot.**

No more than one (1) principal building or structure may be constructed upon any one (1) lot for the purposes of this Zoning Code.

**Section 10001.04. Reduction of Area or Space.**

No lot, yard, parking area, or other space shall be reduced in area or dimension if such reduction has the effect of making the lot, yard, parking area, or other space less than the minimum required by this Zoning Code. Furthermore, any lot, yard, parking area, or other space which is already less than required minimum shall not be further reduced. However, nothing in this Section shall be interpreted to limit the power of the Board of Zoning Appeals in the granting of variances under this Zoning Code.

#### **Section 10001.05. Construction in Easements.**

Easements for installation, operation, and maintenance of utilities and drainage facilities are reserved as shown on each district when recorded or otherwise recorded or established. Within these easements, no permanent building or structure shall be placed or permitted which may damage or which may interfere with the installation, operation, and maintenance of such utilities or which may change the normal direction of flow of drainage channels within the easement. The easement area of each lot, and any improvements within it, shall be maintained continuously by the owner of the lot, except for those improvements for which a public authority or utility is responsible.

#### **Section 10001.06. Parking and Storage of Vehicles and Trailers.**

No commercial or recreational vehicle, camping vehicle, motor home, or utility trailer shall be parked or stored in a front yard of any residential, industrial, or commercial lot. No motor vehicles, trailers, camping vehicles, recreational vehicles, or motor homes of any type without current license and registration shall be parked or stored on any residential, industrial or commercial property other than in a completely enclosed building. A maximum of one (1) boat or one unoccupied recreational vehicle may be stored in the rear yard of any residential, industrial, or commercial zoned lot provided that such boat or recreational vehicle maintains its ability to be mobile at all times and is not used on the premises for sleeping, living, or other housekeeping purposes.

#### **Section 10001.07. Junk.**

The accumulation or storage of junk, junk vehicles, disabled or inoperative machinery or equipment, vehicles or machinery parts, rags, or any other discarded objects or debris defined as junk in the Ohio Revised Code shall be prohibited in any district in order to protect residents from conditions conducive to the infestation and breeding of vermin, insects, and rodents.

#### **Section 10001.08. Setback Requirements for Buildings on Corner Lots.**

The principal building and its accessory structures or buildings located on any corner lot 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 buildings or structures are located.

#### **Section 10001.09. Fence and Wall Restrictions in Front Yards.**

In any required front yard, no fence or wall shall be permitted which materially impedes vision across such yard above the height of two and one-half (2 ½) feet, and no hedge or other vegetation shall be permitted which materially impedes vision across such yard between the height of two and one-half (2 ½) feet and ten (10) feet.

#### **Section 10001.10. Yard Requirements for Multifamily Dwellings.**

Multifamily 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 dwellings 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 10001.11. Side and Rear Yard Requirements for Nonresidential Uses Abutting Residential Districts.**

Nonresidential buildings or uses shall not be located or constructed closer than forty (40) feet to any lot line of a residential district, except that the minimum yard requirements may be reduced by fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Building Commissioner is provided. Such screening shall be a masonry wall or solid fence between four (4) feet 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 twenty (20) feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting. Neither type of screening shall obscure traffic visibility.

#### **Section 10001.12. Architectural Projections.**

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

#### **Section 10001.13. Exceptions to Height Regulations.**

The height limitations contained in the District Regulations do not apply to spires, belfries, cupolas, antennas, water tanks, ventilators, chimneys or other appurtenances usually required to be placed above the roof level and not intended for human occupancy except where the height of such

structures shall constitute a hazard.

#### **Section 10001.14. Visibility of Traffic at Intersections.**

On a corner lot at the intersection of two streets in any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede the vision materially between a height of two and one-half (2 ½) feet 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 lot and a line joining points along said street lines fifty (50) feet from the point of intersection. On a corner lot at the intersection of two alleys, or at the intersection of an alley and a street, within any district, nothing shall be installed, erected, placed, planted, or allowed to grow in such manner as to impede the vision materially between a height of two and one-half (2 ½) feet and ten (10) feet above the center line grades of the intersecting alleys, or of the intersecting alley and street, in the area bounded by the right-of-way lines of such corner lot and line joining points along said alley lines, or alley and street lines, twenty-five (25) feet from the point of intersection.

#### **Section 10001.15. Objectionable, Noxious, or Dangerous Uses, Practices or Conditions.**

No land, building, or structure in any district shall be occupied or used in any manner which creates or contributes to the existence of conditions which are dangerous, injurious, harmful, noxious, objectionable, or which may otherwise adversely affect the surrounding areas or adjoining premises. Specifically, the occupation or use of any land, structure, or building in any district shall be a punishable violation of this Zoning Code if one or more of the following conditions is found to exist at any time:

- A. The use or storage of flammable, explosive, or chemical substances is not adequately protected by fire-fighting and fire-protection equipment or by such safety devices as are normally required for such activities;
- B. Activities involving the use and storage of flammable, explosive, or chemical substances are not removed from adjacent facilities or activities to a distance compatible with the potential danger involved;
- C. Radioactivity or air pollution is present in violation of the regulations of the Ohio Environmental Protection Agency;

- D. Hazardous or chemical wastes are present in violation of the regulations of the Ohio Environmental Protection Agency;
- E. Objectionable noise as determined by the Building Commissioner due to volume, frequency or beat present;
- F. Vibration discernable by the Building Commissioner without instruments is present on an adjoining lot or property;
- G. Erosion caused by wind or water is carrying objectionable substances onto any adjacent lot or property; or
- H. Water pollution or contamination is present in violation of the regulations of the Ohio Environmental Protection Agency.

#### **Section 10001.16. Temporary Uses.**

The following regulations are necessary to govern certain uses which are of a non-permanent nature. For such uses requiring temporary zoning permits, at least seven (7) days before the instigation of such use an application for a zoning permit shall be made to the Building Commissioner, which shall contain a graphic description of the property to be used, a description of the proposed use, and a site plan, with sufficient information to determine the yard, setback, parking, and sanitary facility requirements for the proposed temporary use. The following uses are deemed to be temporary uses and shall be subject to the specified regulations and time limits which follow, as well as the regulations of any district in which they are located:

LIST ITEMS WHICH WILL BE CONSIDERED TEMPORARY USES SUCH AS FACILITIES FOR USE DURING CONSTRUCTION, GARAGE SALES, SIDEWALK SALES OF BUSINESSES, ETC.

ONCE ITEMS ARE DETERMINED THEN SPECIFIC REGULATIONS CAN BE PROMULGATED THAT RELATE TO EACH ITEM OF TEMPORARY USE.

#### **Section 10001.17. Screening.**

Screening or buffering in compliance with the provisions of this Section shall be provided for any permitted or conditionally permitted non-residential uses which abut any residential district, in addition to setback and yard requirements provided elsewhere in this Zoning Code. Applicants for zoning permit may request a variance from yard or setback requirements in conjunction with a plan for screening, which the Board of Zoning Appeals

may consider by weighing the relationship of the proposed screening plan and the requested dimensional variance with respect to their joint impact upon neighboring properties. Such requested variance for a conditionally permitted use shall be incorporated in the conditional use procedure specified in Title Five of this Zoning Code. The following provisions shall apply with respect to screening.

- A. Screening shall be provided for one (1) or more of the following purposes:
  - 1. A visual barrier to partially or completely obstruct the view of structures or activities;
  - 2. An acoustic screen to aid in absorbing or deflecting noise; and/or
  - 3. A physical barrier to contain debris and litter.
- B. Screening may consist of one (1) of the following, or a combination of two (2) or more, as determined by the Building Commissioner or Board of Zoning Appeals, in the event of an appeal, variance, or conditional use:
  - 1. A solid masonry wall;
  - 2. A solidly constructed decorative fence;
  - 3. A louvered fence;
  - 4. A dense vegetative planting; and/or
  - 5. A landscaped mounding.
- C. Height and requirements of screening shall be in accordance with the following:
  - 1. Visual screening walls, fences, plantings, or mounds shall be a minimum of five and one-half (5 ½) feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than two and one-half (2 ½) feet. Plantings shall be a minimum of four (4) feet in height at the time of planting.

2. A dense vegetative planting with a minimum height of four (4) feet at planting and a mature height of at least five and one-half (5 ½) feet or greater, or a solidly constructed decorative fence, shall be permanently maintained along the mutual boundary of an accessory parking area and adjacent land zoned for residential uses, except for the portion of such boundary located within a required front yard.
- D. Screening for purposes of absorbing or deflecting noise shall have a depth of at least fifteen (15) feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by the Building Commissioner in relation to the nature of the use.
  - E. Whenever required screening is adjacent to parking areas or driveways, such screening shall be protected by bumper blocks, posts, or curbing to avoid damage by vehicles.
  - F. All screening shall be trimmed, maintained in good condition, and free of advertising or other signs, except for directional signs and other signs for efficient flow of vehicles.

#### **Section 10001.18. Prohibited Uses Within Any District.**

The following uses shall be deemed to be prohibited uses within any district of the Village of Laura: concrete mixing plants, chemical manufacture and storage, fertilizer manufacturing and storage, garbage and refuse reduction or transfer, sanitary landfill, incinerators, glue manufacturing, auto body repair shops, rubber processing or manufacturing, any storage or manufacturing of hazardous materials, lock and storage units, pawn shops, semi-trailer storage, motor pools, billboards, junkyards, storage facility for recreational vehicles, campers, or boats, recycling plants, centers or collection points, kennel facilities for pets, recreational vehicle parks, and pool and billiard halls.

#### **Section 10001.19. Prohibited Uses Within R-1 and R-2 Residential Districts.**

The following uses shall be deemed to be prohibited uses within R-1 and R-2 Residential Districts of the Village of Laura: auto repair garages and radio, television or other transmission towers and related station facilities.

COUNCIL SHOULD REVIEW TO SEE IF THERE ARE ANY MORE ITEMS WHICH THEY WISH TO BE CONSIDERED AS PROHIBITED USES IN

## **RESIDENTIAL DISTRICTS.**

### **Section 10001.20. Prohibited Uses and Restrictive Uses Within Multifamily Dwelling District.**

The following restrictions shall apply to all lots, structures, or buildings located within the Multifamily Dwelling District in the Village of Laura:

- A. The facility shall not be used to house more residents than can be housed therein consistent with health, safety and welfare of residents thereof.
- B. Every room occupied for sleeping purposes within the dwelling unit shall contain a minimum of eighty (80) square feet of habitable floor area for one (1) occupant, and when occupied by more than one (1) person, shall contain at least sixty (60) square feet of habitable floor area for each occupant. Living rooms, dining rooms, and kitchens shall not be considered when determining the floor area ratio for sleeping purposes per occupant.
- C. No exterior alterations of the structure or building shall be made which departs from the residential character of the building or structure within the district and exteriors shall be compatible in design with the surrounding areas.
- D. Projected traffic volume shall not be significantly greater in volume than would otherwise normally occur in the neighborhood in which it is located.
- E. All dwelling units shall be provided with sufficient storage areas so that no accumulation occurs outside of any building or structure.
- F. No owner of a multifamily dwelling unit shall allow any condition to exist which would be considered a nuisance or health hazard to the surrounding area within the district.

## **TITLE ELEVEN - SPECIAL REGULATIONS**

### **CHAPTER 11001. REGULATION OF TOWERS, RADIO, TELEVISION, TELECOMMUNICATION, TRANSMISSION LINES (69,000 VOLTS AND OVER).**

#### **Section 110001.01. Purpose.**

It is the purpose of this Chapter to regulate the location and construction of towers for radio, television, telecommunication, and transmission lines within the Village of Laura in order to protect the public health, safety, and welfare of the residents, particularly with respect to the maintenance of utility easements and fire safety accesses, the prevention of accumulation of noxious weeds and debris, and the reasonable accommodation of the aesthetic concerns of neighboring property owners.

#### **Section 110001.02. Zoning Permit Required.**

No person, firm, or corporation shall undertake the construction, erection or installation of any tower without a zoning permit issued in accordance with the provisions of this Zoning Code. In addition to any of the requirements for a zoning permit listed elsewhere in this Zoning Code, the application for such permit shall include the following:

- A. A description of the type of tower proposed;
- B. A plot plan of the lots, premises, or parcel of land showing the location of the proposed tower and all other buildings thereon;
- C. Plans depicting the specifications and elevations of the proposed location, to include adequate screening and landscaping;
- D. Details of the method of assembly and construction of the proposed tower; and
- E. A fee as required by the Village Council for the review of the plans and specifications and the inspection of construction.

#### **Section 11001.03. Requirements for Zoning Permit.**

No zoning permit shall be issued for the installation, erection or construction of any tower for radio, television, telecommunications or other like structure unless the following provisions are met:

- A. Evidence shall be submitted that such facilities are in compliance with all applicable local, state and federal regulations;
- B. Minimum lot area shall be adequate for the use contemplated;
- C. Maximum height of any tower shall be no higher than the distance between such structure and any lot line of the parcel or tract upon

which the tower is to be located;

- D. Minimum distance of any guy anchorages from an adjoining lot line shall be at least thirty (30) feet;
- E. Adequate fencing and landscaping screening shall be provided for all storage areas, treatment areas, guy anchorages, high voltage or other danger producing equipment or structures;
- F. The proposed use does not have an unduly adverse effect on the general plan for development of the district within which the proposed tower will be located;
- G. The proposed use will not adversely affect the general health, safety, and welfare of the residents in the area; and
- H. There is a public necessity for the proposed use, building, structure, or facility at the location selected.

## **CHAPTER 11002. ADULT ENTERTAINMENT FACILITY.**

### **Section 11002.01. Purpose.**

It is the purpose of this Chapter to regulate the location and use of adult entertainment facilities in order to protect the public health, safety and welfare, to promote property values of the neighboring area, and to promote the general plan of development for the Village of Laura.

### **Section 11002.02. Conditional Use Permit Required.**

No person, firm, or corporation shall undertake to conduct a business or enterprise relating to adult entertainment without a conditional use permit issued in accordance with the provisions of this Zoning Code. In addition to any of the requirements for a conditional use permit listed elsewhere in this Zoning Code, the application for such permit shall include the following:

- A. A description of the type of adult entertainment facility proposed;
- B. A plot plan of the lots, premises, or parcel of land showing the location of the proposed adult entertainment facility and all other buildings thereon;
- C. Plans depicting the specifications and elevations of the proposed

location, to include adequate screening and landscaping;

- D. Details of the method of business and/or enterprise to be conducted within the proposed adult entertainment facility; and
- E. A fee as required by the Village Council for the review of the plans and specifications and the inspection of the facility.

**Section 11002.03. Requirements for Conditional Use Permit.**

No conditional use permit shall be issued for the operation of an adult entertainment facility unless the following provisions are met. This Section shall not be deemed to limit the Board of Zoning Appeals in proscribing any additional condition which it deems necessary in the public interest and to promote the general health, safety and welfare of the residents of the Village of Laura.

- A. The proposed facility must be at least two thousand (2,000) feet of any area zoned as residential use and cannot be located within any residentially zoned district;
- B. The proposed facility must be at least twenty-five hundred (2,500) feet radius from any school, library, recreational park, or church, whether public or private, which school, library, recreational park, or church is attended by person under the age of eighteen (18) years of age;
- C. The proposed facility must be at least twenty-five hundred (2,500) feet radius of any other established adult entertainment facility;
- D. Advertisements, displays or other promotional materials of the proposed facility shall not be shown or exhibited so as to be visible to the public from any sidewalk, walkway, or other public or private area;
- E. All buildings, doorways, and entry windows of the proposed facility shall be located, covered, or screened in such a manner as to prevent view into the interior from any public or private area;
- F. No employee, owner, or patron of such proposed facility shall conduct themselves outside of the confines of the structure or building in such a manner which is distracting, distasteful, and/or detrimental to adjacent businesses, residents or public in general; and

- G. No screens, loudspeakers, or sound equipment shall be used for adult entertainment purposes by the proposed facility that can be seen or discerned by the general public.

### **CHAPTER 11003. PRIVATE SWIMMING POOLS.**

#### **Section 11003.01. Requirements for Accessory Use.**

No private swimming pool, exclusive of portable swimming pools with a diameter less than twelve (12) feet or with an area of less than one (100) square feet, shall be allowed in any residential district or commercial district except as an accessory use, and shall comply with the following requirements:

- A. The pool is intended to be used and is used solely for the enjoyment of the occupants of the lot on which it is located and their guests;
- B. The pool may be located anywhere on the lot except in required front yards, provided that it shall not be located closer than fifteen (15) feet from all lot lines or easements; and
- C. The swimming pool or the entire property on which the pool is located, shall be fenced in such a manner as to prevent uncontrolled access by persons from the street and from adjacent properties. No such fence shall be less than five (5) feet in height and it shall be maintained in good condition with a gate and lock.

### **CHAPTER 11004. HOME OCCUPATIONS.**

#### **Section 11004.01. General Provisions and Permitted Use.**

A home occupation shall be a permitted use if it complies with the following requirements:

- A. The home occupation must be considered customary and traditional, and incidental to the primary use of the premises as a residence;
- B. No internal or external alterations, construction, or reconstruction of the premises to accommodate the use shall be permitted;
- C. The home occupation shall be of the nature of personal or professional services only. Such personal services shall include: dressmaking, millinery, sewing, weaving, tailoring, ironing, washing,

custom home furnishings, carpentry, furniture making and repair, and the like. Such professional services shall include: law, medicine, architecture, engineering, planning, real estate, insurance agent, photography, electronic repair, and the like;

- D. No person who is not a resident of the premises may participate in the home occupation as an employee or volunteer;
- E. The hours of operation of any home occupation shall be limited from 7:00 a.m. to 8:00 p.m.;
- F. All home occupations shall be limited to one (1) sign and such sign will not be of a size or nature out of character with the district. Any sign to be displayed at a residence with a home occupation must be approved and permitted by the Building Commissioner prior to installation in compliance with this Zoning Code;
- G. There shall be no outside storage of any kind related to the use and all home occupations must be conducted within a completely enclosed building on the residential premises. No display of products may be visible from the street;
- H. Not more than twenty-five (25%) of the gross floor area of the dwelling shall be devoted to the use;
- I. No additional parking demand shall be created by the use; and
- J. No equipment, process, materials, or chemicals shall be used which create offensive noise, vibration, smoke, dust, odor, heat, radiation, or electrical disturbances to the surrounding area within the district which the premises are located.

## **CHAPTER 11005. OFF STREET PARKING.**

### **Section 11005.01. General Parking Requirements.**

In all districts, at any time any building, structure, or use of land is erected, enlarged, increased in capacity, or use, there shall be provided for every use off-street parking spaces for vehicles in accordance with the provisions of this Chapter of the Zoning Code.

### **Section 11005.02. Parking Plan Requirements.**

A parking plan shall be required for all uses except for single or two family residential uses. A parking plan shall be submitted to the Building Commissioner as a part of the application for a zoning permit. The plan shall show the lot lines of the property, parking spaces, access driveways, circulation patterns, drainage and construction plans, boundary walls, fences, and screening plans, as appropriate.

### **Section 11005.03. Off-Street Parking Design Standards.**

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

- A. **Parking Area Dimensions:** Each off-street parking space shall have an area of not less than 162 square feet exclusive of access drives or aisles, and shall be of usable space and condition.
- B. **Access:** There shall be adequate provision for ingress and egress to all parking spaces. Where the lot or parking spaces do not provide direct access to a public street or alley, an access drive shall be provided at the minimum width of eighteen (18) feet for all uses, with a dedicated easement of access. Where the lot or parking spaces do provide direct access to a public street or alley, the access shall be in such a manner that any vehicle leaving or entering the parking area from or into a public street or alley shall be traveling in a forward motion.
- C. **Setbacks:** The location of off-street parking facilities for more than five (5) vehicles may be located in required yards as specified elsewhere in this Zoning Code notwithstanding the requirements set forth in the Schedules of District Regulations and Supplementary or Special Regulations for dimensional requirements. However, in no case, shall the parking area be located closer than three (3) feet to any street or alley.
- D. **Screening:** Screening shall be provided on each side of the parking area for off-street parking of more than five (5) vehicles that abuts a residential area. Screening shall be provided in accordance with Section 10001.17 of this Zoning Code.
- E. **Paving:** All required parking spaces, except for uses which said parking area is at least 1000 feet from any residential area, together with driveways and other circulation areas, shall be hard-surfaced

with a pavement having an asphalt or concrete binder. Where paving is not required, proper dust control measures shall be undertaken and maintained.

- F. Drainage: All parking spaces, together with driveways, aisles, and other circulation areas shall be graded and drained as so to dispose of surface water which might accumulate within or upon such area, and shall be designed to prevent the excess drainage of surface water onto adjacent properties, walkways, or onto the public streets. Adequate arrangements shall be made to insure acceptable diversion to an adequate storm water drainage system.
- G. Barriers: Wherever a parking lot extends to a property line, fencing, wheel stops, curbs, or other suitable barriers shall be provided in order to prevent any part of a parked vehicle from extending beyond the property line.
- H. Visibility: Access of driveways to parking areas shall be located in such a way that any vehicle entering or leaving such parking area shall be clearly visible for a reasonable distance by any pedestrian or motorist approaching the access or driveway from a public or private street or alley.
- I. Marking: All parking areas for more than five (5) spaces shall be marked with paint lines, curb stones, or some other manner approved by the Building Commissioner, and shall be maintained in a clearly visible condition.
- J. Maintenance: Any owner of property used for a parking area shall maintain such area in good condition without holes and free from dust, trash, or other debris.
- K. Signs: Where necessary due to multiple curb cuts, the entrances, exits, and the intended circulation pattern of any parking area shall be clearly marked.

#### **Section 11005.04. Parking Space Requirements.**

For the purposes of this Zoning Code, the following parking space requirements shall apply and the number of parking spaces required for uses not specifically mentioned shall be determined by the Board of Zoning Appeals following the "substantially similar use" procedure as specified in Chapter 5002 of this Zoning Code.

A. Residential Uses:

1. Single family and two-family dwellings shall be required to provide two parking spaces per unit.
2. Multifamily dwellings shall be required to provide two parking spaces for each unit.

B. Business Uses:

THE COUNCIL OR COMMITTEE WILL HAVE TO DETERMINE WHAT BUSINESS USES ARE PRESENT AND WHAT BUSINESS USES THEY WISH TO SPECIFICALLY LIST PARKING REQUIREMENTS RELATED THERETO.

**CHAPTER 11006. SIGNS**

**Section 11006.01. General Provisions.**

The purpose of this Chapter is to promote and protect the public health, welfare, and safety by regulation existing and proposed outdoor advertising, outdoor advertising signs, and outdoor signs of all types. It is intended to protect the property values, create a more visually attractive economic and business climate, enhance and protect the physical appearance of the community and preserve the scenic and natural beauty of the area. It is further intended to enhance community development by permitting signs which are compatible with their surroundings.

**Section 11006.02. Governmental Signs Excluded.**

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

**Section 11006.03. General Requirements for All Signs and Districts.**

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

- A. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity, and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light. In no event shall an illuminated sign or lighting device be placed or directed to as

permit the illuminations therefrom to be directed or beamed upon a public thoroughfare, highway, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

- B. No sign shall employ any parts or elements which revolve, rotate, whirl, spin, or otherwise make use of motion to attract attention.
- C. All wiring, fittings, and materials used in the construction, connection, and operation of any electrically illuminated sign shall be in accordance with the provisions of the local electrical code in effect, if any.
- D. No projecting signs shall be erected or maintained from the front or face of a building a distance of more than two (2) feet.
- E. No portable or temporary sign shall be placed on the front or face of a building or on any premises, except as provided for in this Chapter of the Zoning Code.
- F. No sign erected or maintained in a window of a building, visible from any public or private street or highway, shall occupy more than twenty-five percent (25%) of the window.
- G. All signs hung and erected shall be plainly marked with the name and telephone number of the person or firm responsible for maintaining the sign.
- H. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same shall, upon receipt of written notice from the Building Commissioner, proceed at once to put such sign in a safe and secure condition or to remove the sign.
- I. No sign shall be placed in any public right-of-way except government signs.
- J. No advertising signs shall be attached to or supported by a tree, utility pole, trash receptacle, vending machine, or public shelter.
- K. No sign shall contain words, images, or graphic illustrations of an obscene or indecent nature.
- L. No vehicle or trailer may be parked on any business premise or lot or

public street or alley for the purpose of advertising a business, product, service, event, object, location, organization, or the like.

**Section 11006.04. Permit Required.**

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

**Section 11006.05. Signs Permitted in All Districts Not Requiring a Sign Permit.**

The following signs shall not be required to obtain a sign permit prior to erection, construction, or display provided that such sign complies with the regulations of this Zoning Code:

- A. Signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed twelve (12) square feet in area, except in all residential districts where the area of the sign shall not be more than six (6) square feet in area.
- B. Professional name plates not to exceed four (4) square feet in area.
- C. Signs denoting the name and address of the occupants of the premises not to exceed two (2) square feet in area.
- D. Temporary signs announcing a special public or institutional event or the construction of a building shall be permissive for up to thirty (30) days provided such temporary sign complies with the regulations of this Zoning Code.

**Section 11006.06. Signs Permitted in Any District Requiring a Sign Permit.**

The following signs shall be required to obtain a sign permit prior to erection, construction, or display provided that such sign complies with the regulations of this Zoning Code:

- A. Signs or bulletin boards customarily incidental to places of worship, libraries, museums, social clubs, or societies, which signs or bulletin boards shall not exceed fifteen (15) square feet in area and which shall be located on the premises of such institution.
- B. Any sign advertising a commercial enterprise, including any home occupation and real estate developers, in a district zoned residential shall not exceed six (6) square feet in area and shall advertise only the names of the owners, trade names, products sold, or business or activity conducted on the premises which such sign is located.
- C. Any sign advertising a commercial enterprise in a district zoned commercial, business or industrial shall not exceed fifteen (15) square feet in area and shall advertise only the names of the owners, trade names, products sold, or business or activity conducted on the premises which such sign is located.

#### **Section 11006.07. Political Signs.**

No political sign shall be posted in any place or in any manner that is destructive to public property upon posting or removal. No political sign shall be posted in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than sixty (60) days prior to an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within two (2) weeks following election day.

#### **Section 11006.08. Sign Setback Requirements.**

All signs of any kind, where permitted or not required to be permitted, shall be set back from the established right-of-way line of any thoroughfare at least ten (10) feet.

#### **Section 11006.09. Maintenance.**

All signs shall be maintained in a safe and sound structural condition at all times and shall be presentable to the public. The Building Commissioner shall remove any sign which is found to be unsafe or a nuisance within ten

(10) days of issuing a notification to the owner or lessee of the property upon which sign is located.

**Section 11006.10. Violations.**

In the event any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Chapter of the Zoning Code, the Building Commissioner shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Zoning Code. Failure to comply with any of the provisions of this Chapter shall be deemed a violation and shall be punishable under Chapter Two of this Zoning Code. Political signs posted in violation of this Chapter are subject to removal by the Building Commissioner five (5) days after written notice of violation of this Chapter has been given.