

CODIFIED ORDINANCES OF NEW LONDON
PART ELEVEN - PLANNING AND ZONING CODE

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CHAPTER 1101
Title; Interpretation and Enactment

1101.01	Title.	1101.04	Separability clause.
1101.02	Purpose.	1101.05	Effective date.
1101.03	Provisions declared to be minimum requirements.		

1101.01 TITLE.

This Part Eleven of the Codified Ordinances shall be known and may be cited as the "Zoning Ordinance" of the Village of New London, Ohio. This Part Eleven and that map which accompanies Village Ordinance 88-30 (dated 1-17-89) amending the original Zoning Ordinance for the Village (dated 7-19-83) shall hereafter be a part of the Comprehensive Zoning Plan. (Ord. 90-01. Passed 3-6-90.)

1101.02 PURPOSE.

This Part Eleven is enacted for the purpose of promoting the public health, safety and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; to regulate the density of population and facilitate adequate and economical provisions for public improvements: all in accordance with a comprehensive plan for the desirable future development of New London; to provide a method of administration and prescribe penalties for the violations of the provisions hereafter described: all as authorized by Ohio R.C. Chapter 713.

(Ord. 90-01. Passed 3-6-90.)

1101.03 PROVISIONS DECLARED TO BE MINIMUM REQUIREMENTS.

In their interpretation and application, the provisions of this Part Eleven shall be held to be minimum requirements, adopted for the promotion of the public health, safety and general welfare. Whenever the requirements of this Zoning Ordinance are at variance with the requirements of any other lawfully adopted rules, regulations, ordinances or resolutions, the most restrictive or that imposing the higher standards shall govern.

(Ord. 90-01. Passed 3-6-90.)

1101.04 SEPARABILITY CLAUSE.

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

(Ord. 90-01. Passed 3-6-90.)

1101.05 EFFECTIVE DATE.

This Ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

(Ord. 90-01. Passed 3-6-90.)

CHAPTER 1105
Districts Established; Purpose; Zoning Map

1105.01 Intent.	1105.04 Amendments.
1105.02 Official Zoning Map.	1105.05 Interpretation of district boundaries.
1105.03 Identification of the Official Zoning Map.	

1105.01 INTENT.

The following Zoning Districts are hereby established for the Village of New London, Ohio. For the interpretation of this Zoning Ordinance, the Zoning Districts have been formulated to realize the general purposes as set forth in Section 1101.02. In addition, the specific purpose of each Zoning District shall be as follows:

(a) "R-1" Residential Districts.

- (1) These districts shall include all types of residential units including apartments, rest homes and nursing homes, assembled by regular or modular construction as defined in Chapter 1133, and "permanently sited manufactured homes" meeting all of the requirements of Ohio R.C. 3781.06 et seq. If residents are located out of reach of Municipal sewer and water service, all regulations of the Huron County Board of Health must be met, as well as any other applicable regulations. Home occupations, not requiring exterior modifications of the residential structure, may be permitted provided the performance standards of Sections 1109.10 and 1113.03 are complied with in all respects.
- (2) No lots within this District may be newly converted to or used for permanent habitation in mobile homes or recreational vehicles, as those terms are defined in Ohio R.C. 4501.01 or tents. For purposes of this section there shall be a rebuttable presumption that occupation for a period of thirty days is permanent habitation.

(b) "R-2" Factory-Built Housing Districts. These Districts shall include all uses permitted in an "R-1" District plus manufactured homes as defined in Ohio R.C. 3781.06, which are not permanently sited, and mobile homes as defined in Ohio R.C. 4501.01.

(c) "R-3" Manufactured Home Parks. These districts are provided for Manufactured Home Parks as defined in Ohio R.C. 3733.01.

(d) "B-C" Business-Commercial Districts. These districts shall accommodate and encourage expansion and renewal in the traditional "center of town" (definition in Chapter 1133) commercial area as well as other specified areas along or adjacent to arterial collector thoroughfares. Stores and offices of all types and their accessory uses including service courts, parking areas, attendant lighting and identification signs are all primary uses in these districts. All outdoor storage of raw materials or products shall be stockpiled in an orderly manner so as not to be objectionable to any neighboring property or such storage shall be adequately screened with well maintained fences and/or landscaping.

(e) "I" Industrial and Manufacturing Districts.

- (1) These districts shall provide lands where manufacturing, processing, warehousing, research and testing, rail, air and truck transportation operations shall be the primary land uses. Such lands shall be located on or adjacent to arterial collector thoroughfares. All outdoor storage of raw materials or products shall be stockpiled in an orderly manner so as not to be objectionable to any neighboring property or such storage shall be adequately screened with well maintained fences and/or landscaping. Residences are not permitted to be constructed hereafter in any "I" District.
- (2) It is the intent of this Zoning Ordinance to encourage the Industrial Development of New London. The Zoning Commissioner shall issue a written report of every permit involving new development or a change of use and shall review the specified and intended use and either issue or deny a Zoning Permit based on the provisions of Sections 1109.03, 1109.10, 1113.07 and 1113.08. Such report shall be sent to the New London Planning and Zoning Commission. (Ord. 2012-30. Passed 9-24-12.)

(f) "F" Flood Plain Districts. For the purpose of protecting lives and property, floodplain districts are hereby created. These districts shall be superimposed over such other Zoning Districts as may be adopted in those areas where a regional flood could be expected to occur on the average of once every 100 years. Such 100 year flood prone areas shall be identified by reference to the Flood Hazard Boundary Map most recently published by the Federal Insurance Administration for the Village of New London, Ohio. All applicable regulations of the regular Zoning Districts shall apply, except that within the "F" District the lowest floor (including basement) of all new construction and substantial improvements shall be elevated at least one (1) foot above the identified base flood level or flood-proofed to the standards set forth in the Flood Proofing Regulations, U.S. Army Engineers, 1972. In addition, no use will be permitted which will adversely affect the efficiency or unduly restrict the capacity of the channels or flood ways of any drainage facility.

(g) Prohibited Uses. The following uses of land are expressly prohibited in the Village of New London in any district:

- (1) Fireworks manufacturing.
- (2) Salvage yards, junk yards or automobile graveyards.
- (3) Paper and pulp manufacturing or processing.
- (4) Hazardous waste disposal facilities or incinerators.
- (5) Leather tanning or processing.

(h) Conditional Uses Allowed. The following conditional uses are allowed in any district upon approval of the Board of Zoning Appeals provided such use is in conformity to the requirements of Section 1129.10.

- (1) Club or lodge.
 - (2) Church.
 - (3) Country club.
 - (4) Cemetery.
 - (5) Community center.
 - (6) Schools.
 - (7) Parks.
 - (8) Library.
 - (9) Nursing home.
 - (10) Hospital.
 - (11) Arena.
 - (12) Theater.
 - (13) Funeral home.
- (Ord. 90-01. Passed 3-6-90.)

(i) A “Governmental Use” shall be allowed in any Use District. For purposes of these Ordinances, a “Governmental Use” is a use of real property which is owned or controlled by any governmental entity or political subdivision of the State of Ohio in a manner deemed necessary by that entity or subdivision to carry out its lawful governmental purposes. A Governmental Use shall cease to exist whenever such real property ceases to be owned or controlled by a governmental entity or political entity, and, in such circumstances, the requirements of the applicable Use District shall pertain to the use of that real property.

(j) Notwithstanding any other provision in these Codified Ordinances to the contrary, any use which is allowed within an R-1, R-2 or R-3 Residential Use District shall also be allowed within a B-C Commercial Use District.
(Ord. 02-10. Passed 8-13-02.)

1105.02 OFFICIAL ZONING MAP.

The districts established in Section 1105.01 are shown on the Official Zoning map, which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this Zoning Ordinance.
(Ord. 90-01. Passed 3-6-90.)

1105.03 IDENTIFICATION OF THE OFFICIAL ZONING MAP.

The Official Zoning Map shall be drawn on a permanent, reproducible material and identified by the signatures of the President of Council and mayor of the Village of New London, Ohio.
(Ord. 90-01. Passed 3-6-90.)

1105.04 AMENDMENTS.

If in accordance with the provisions of this Zoning Ordinance and Ohio R.C. Chapter 713, changes are made in district boundaries or other matters shown on the Official Zoning Map, such changes shall be entered on the Official Zoning Map promptly after the amendments lawful effective date with an entry indicating the ordinance number and date.
(Ord. 90-01. Passed 3-6-90.)

1105.05 INTERPRETATION OF DISTRICT BOUNDARIES.

Where uncertainty exists with respect to the boundary of any of the Zoning Districts shown on the Official Zoning Map, the following rules shall apply:

- (a) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, such lines shall be construed to be said boundaries.
- (b) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (c) Where district boundaries are so indicated that they are approximately parallel to the center lines of streets or the center of right-of-way lines of highways, such boundaries shall be construed as being parallel thereto and at such distance therefrom as indicated on the Official Zoning Map.
- (d) Where a 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.
(Ord. 90-01. Passed 3-6-90.)

**CHAPTER 1109
District Regulations**

1109.01	Compliance with regulations.	1109.07	Private swimming pools.
1109.02	Lot area and width.	1109.08	Temporary buildings.
1109.03	Yard requirements.	1109.09	Parking and storage of certain vehicles.
1109.04	Height requirements.	1109.10	Performance standards.
1109.05	Density requirements.	1109.11	Screening.
1109.06	Conversion of dwellings to more units.	1109.12	Decks.

1109.01 COMPLIANCE WITH REGULATIONS.

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

- (a) No building, structure, or land shall be used or occupied and no building 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 structure shall be erected or altered:
 - (1) To provide for greater height or bulk;
 - (2) To accommodate or house a greater number of families;
 - (3) To occupy a greater percentage of lot area;
 - (4) To have narrower or smaller rear yards, front yards, side yards, or other open spaces;
 than herein required, or in any other manner be contrary to the provisions of this Zoning Ordinance.
- (c) No yard or lot existing at the time of passage of this Zoning Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Zoning Ordinance shall meet at least the minimum requirements set forth herein.
(Ord. 90-01. Passed 3-6-90.)

1109.02 LOT AREA AND WIDTH.

Every lot shall be at least sixty feet in width at the set back line.
(Ord. 90-01. Passed 3-6-90.)

1109.03 YARD REQUIREMENTS.

(a) Front Yard. Every structure shall be set back from the centerline of either adjacent street or road right-of-way, at least forty feet and where parking may be permitted in the front yard of any "BC" or "I" use, this set-back requirement shall be increased to accommodate that parking and any access drives. This requirement shall apply in all districts except that portion of "BC" district traditionally known as the "center of town" where adequate street and sidewalk widths must be maintained.

(b) Sideyards. Every lot shall have one side yard of at least ten feet in width, and a sum of side yards of at least fifteen feet in width, within all districts except the "BC" and "I" districts where there is not a side yard requirement except as described in subsection (g) hereof. Under no circumstances shall any required side yard be less than five feet in width.

(c) Rear Yards. The rear yard of every lot shall not be less than ten feet except in the "BC" or "I" district as described in subsection (g) hereof.

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

(e) Visibility at Corner Lots. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two and a half and ten feet above the center line grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines fifty feet from the point of intersection.

(f) Multi-Family Dwellings. A multi-family dwelling shall be considered as one building for the purpose of determining front, side, and rear yard requirements. A unit shall require one front, one rear, and two side yards as specified for dwellings in the appropriate district.

(g) Non Residential Buildings. Non residential buildings or uses and pads or structures in residential parks for mobile homes shall not be located or conducted closer than forty feet to any lot line of a residential district, except that the minimum yard requirements may be reduced to fifty percent (50%) of the requirement if acceptable landscaping or screening approved by the Zoning Commissioner is provided. Such screening shall be a masonry or solid fence between four and eight 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 feet in width planted with an evergreen hedge or dense planting of evergreen shrubs not less than four feet in height at the time of planting. Either type of screening shall not obscure traffic visibility within fifty feet of an intersection. No industrial use or building shall be located or conducted closer than forty feet to any adjacent residential lot line.
(Ord. 90-01. Passed 3-6-90; Ord. 91-04. Passed 3-4-91.)

(h) Open Structures. Open structures such as porches, 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 yard. However, such open structures shall not be included in main building measurements.

(i) Main Building Sizes. Minimum main building size requirements shall be as follows:

- (1) For main building in (R) Residential Districts, 1,000 square feet.
- (2) For main building in (BC) Business-Commercial Districts, 720 square feet.
- (3) For main buildings in (I) Industrial Districts, 1500 square feet.
(Ord. 90-01. Passed 3-6-90.)
- (4) For permanently sited manufactured homes, 900 square feet.
(Ord. 00-05. Passed 3-14-00.)

(j) Lot Area-Single Family Dwelling. Minimum lot area for a single family dwelling shall be 6,000 square feet, with a frontage of sixty feet.

(k) Lot Area-Two Family Dwelling. Minimum lot area for a two family dwelling shall be 10,000 square feet, with a frontage of sixty feet.

(l) Multiple Dwellings. Not more than one dwelling shall be constructed on any lot within a Residential (R) District, without a variance issued by the Board of Zoning Appeals, subject to the provisions of this section, and Sections 1109.04, 1109.05, 1109.06 and 1113.08.

(m) Lot Area-Multi-Family Dwelling. All multi-family dwellings shall be located on a lot with a minimum area of 10,000 square feet plus an additional 1,000 square feet for each family over two families housed therein.
(Ord. 90-01. Passed 3-6-90.)

1109.04 HEIGHT REQUIREMENTS.

(a) No structures shall be constructed in excess of three stories in height, except where in-structure fire protection is provided.

(b) The height limitations contained in subsection (a) hereof 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 occupance except where the height of such structures will constitute a hazard to the safe landing, and take-off of aircraft at an established airport as determined by FAA regulations.
(Ord. 90-01. Passed 3-6-90.)

1109.05 DENSITY REQUIREMENTS.

The residential density in any "R" District where residences are served by on-site water and sewer services shall not exceed that which is prescribed by the Huron County Board of Health.
(Ord. 90-01. Passed 3-6-90.)

1109.06 CONVERSION OF DWELLINGS TO MORE UNITS.

A residence may be converted to accommodate an increased number of dwelling units providing:

- (a) The yard dimensions still meet the yard dimensions required by the zoning regulations for new structures in that district;
- (b) The conversion is in compliance with all other relevant codes and ordinances.

(Ord. 90-01. Passed 3-6-90.)

1109.07 PRIVATE SWIMMING POOLS.

No private swimming pool or private pond, exclusive of portable swimming pools or ponds with a diameter less than twelve feet or with an area of less than one hundred square feet shall be allowed in any district, except as an accessory use and unless it complies with the following conditions and requirements.

- (a) The pool or pond is not intended for commercial use.
- (b) The pool or pond may not be located closer than ten feet to any property line; and
- (c) The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access by children from the street or from adjacent properties, unless sides of said pool are four feet above grade. Said fence or wall shall not be less than four feet in height and maintained in a good condition with a gate and lock.
- (d) The swimming pool or pond shall be protected by the current provisions of the National Electrical Code, and any revisions or changes to the Code, as may be adopted periodically.
- (e) Private swimming pools or ponds, other than excluded portable swimming pools, shall require a Zoning permit. (Ord. 03-01. Passed 9-23-03.)

1109.08 TEMPORARY BUILDINGS.

Only the temporary buildings, construction trailers, equipment and materials, used in the construction period, may be permitted and shall be removed upon completion of the project. Storage of such facilities or equipment beyond the completion date of the project shall require a zoning permit authorized by the Board of Zoning Appeals. Storage of such facilities or equipment may not continue if the Zoning Permit for the project has expired.

(Ord. 03-01. Passed 9-23-01.)

1109.09 PARKING AND STORAGE OF CERTAIN VEHICLES.

(a) Licensed Vehicles. Open storage of licensed vehicles on Residential property shall be limited to two recreational-type vehicles, including boats, travel trailers and recreational vehicles, in operative condition, per lot. Such storage shall be prohibited from the front yard of any residential dwelling. This section shall not be deemed to limit the number of licensed automobiles, in operative condition, that may be required by the residents of the property.

(Ord. 90-01. Passed 3-6-90.)

(b) Unlicensed Vehicles in Residential Districts. Automobiles, trailers, boats, recreational vehicles or any other vehicle of any kind or type requiring licensing, but without current license plates, being kept or stored in Residential Districts shall be stored in a completely enclosed building, except that one unlicensed automobile, in operative condition, may be kept on the property, if suitably covered or screened when not in use, provided that the current resident of the property is the owner of title to the vehicle.

(c) Unlicensed Vehicles in Non-Residential Districts. Any unlicensed vehicles kept or stored in any "BC" or "I" District for use in the course of business or for spare parts, etc., must be so stored as to not create a public health or safety hazard. Such storage adjoining any Residential District, if not completely enclosed, must be screened in accordance with Section 1109.11. (Ord. 90-01. Passed 3-6-90.)

(d) Junk or Abandoned Vehicles - All Districts. Storage of junk motor vehicles or abandoned vehicles as defined in Ohio R.C. 4513.65 or Section 4513.63, respectively, is expressly prohibited in all districts except as provided in Section 303.10. Furthermore, the Chief of Police and any police officer of the New London Police Department shall have the authority to issue citations (minor misdemeanors) for violations of this section, ten days after service of notice to remove said vehicle upon the property owner. Every day thereafter shall constitute a separate offense. (Ord. 04-22. Passed 11-2-04.)

(e) Safety. No vehicle may be stored in such a manner as to obstruct or prevent access to rear or side yards to emergency vehicles or to create any other public health or safety hazard. (Ord. 90-01. Passed 3-6-90.)

1109.10 PERFORMANCE STANDARDS.

No land or building in any district shall be used or occupied in any manner creating dangerous, injurious, noxious, or otherwise objectionable conditions which could adversely affect the surrounding areas or adjoining premises, except that any use permitted by this Zoning Ordinance may be undertaken and maintained if acceptable measures and safeguards to reduce dangerous and objectionable conditions to acceptable limits as established by the performance requirements in subsections (a) to (j). Such conditions shall be brought to the attention of the Zoning Commissioner. If necessary he shall call upon the proper County, State, or Federal Regulatory Agencies for assessment of the problem situation.

- (a) Fire Hazards. Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire-prevention equipment and by such safety devices as are normally used in the handling of any such material. Such hazards shall be kept removed from adjacent activities to a distance which is compatible with the potential danger involved.
- (b) Radioactivity or Electrical Disturbance. No activity shall emit dangerous radioactivity at any point, or electrical disturbance adversely affecting the operation of any equipment at any point other than that of the creator of such disturbance.
- (c) Noise. All mechanical noise shall be muffled so as not to become objectionable due to intermittence, beat, frequency, or shrillness. Noises may be equal to but shall not exceed the average street traffic noise during such periods that traffic noise exceeds 75 decibels.
- (d) Vibration. No vibration shall be permitted which is discernible without instruments on any adjoining lot or property.
- (e) Air Pollution. No pollution of air by fly-ash, dust, vapors, odors, smoke, or other substances defined as hazardous by the Ohio Environmental Protection Agency shall be permitted which may be harmful to health, animals, vegetation, or other property, or which can cause excessive soiling.

- (f) Glare. No direct or reflected glare shall be permitted which is visible from any property outside an industrial district or from any street.
- (g) Erosion. No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.
- (h) Water Pollution. Water pollution shall be subject to the requirements and regulations established by the Ohio Water Pollution Control Board.
- (i) Enforcement Provisions. The Zoning Commissioner or Board of Zoning Appeals, prior to the issuance of a zoning permit, may require the submission of statements and plans indicating the manner in which dangerous and objectionable elements involved in processing and in equipment operations are to be eliminated or reduced to acceptable limits and tolerances.
- (j) Measurement Procedures. Methods and procedures for the determination of the existence of any dangerous and objectionable elements shall conform to applicable standard measurement procedures published by the American Standards Association, Inc., New York, the Manufacturing Chemists' Association, Inc., Washington, D.C., the United States Bureau of Mines, and the Ohio Water and Air Pollution Control Boards.
(Ord. 90-01. Passed 3-6-90.)

1109.11 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 the Zoning Ordinance. Applicants for a 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 Chapter 1117. The following provisions shall apply with respect to screening:

- (a) Screening shall be provided for one 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.
 - (3) A physical barrier to contain debris and litter.
- (b) Screening may consist of one of the following, or a combination of two or more, as determined by the Zoning 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 plantings;
 - (5) A landscaped mounding.

- (c) Height of screening shall be in accordance with the following:
- (1) Visual screening walls, fences, plantings, or mounds shall be a minimum of 5 1/2 feet high in order to accomplish the desired screening effect, except in required front yards where maximum height shall be not greater than 2 1/2 feet. Plantings shall be a minimum of 4 feet in height at the time of planting.
 - (2) A dense vegetative planting with a minimum height of 4 feet at planting and a mature height of at least 5 1/2 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 feet of dense planting or a solid masonry wall in combination with decorative plantings. The height shall be adequate to absorb noise as determined by the Zoning 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 the efficient flow of vehicles.
(Ord. 90-01. Passed 3-6-90.)

1109.12 DECKS.

The addition of a deck to an existing structure shall require a Zoning permit and shall conform to the Zoning Regulations. (Ord. 96-06. Passed 6-29-96.)

**CHAPTER 1113
General Regulations**

<p>1113.01 Agriculture permitted but limited.</p> <p>1113.02 Setback from drainage ditches.</p> <p>1113.03 Home occupations.</p> <p>1113.04 Business and industrial semi-fireproof building construction.</p> <p>1113.05 Fences.</p>	<p>1113.06 Signs.</p> <p>1113.07 Off street loading requirements.</p> <p>1113.08 Off-street parking requirements.</p> <p>1113.09 Residential parks for manufactured homes. (Repealed)</p> <p>1113.10 Factory built housing.</p> <p>1113.11 Yard maintenance.</p>
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1113.01 AGRICULTURE PERMITTED BUT LIMITED.

No building to house animals, other than domestic pets, shall be erected in any "R" District. A Zoning Permit is not required for a domestic pet structure.

- (a) Farm Livestock. Farm Livestock as defined in Chapter 1133 is not allowed to be kept in any District within the Village, on any lot whose primary use is not agricultural, after the effective date of this Zoning Ordinance. Any such use existing at the time of passage of this Zoning Ordinance shall be allowed to continue as a non-conforming use and is subject to the standards set forth in Section 1109.10 and Chapter 1137.
- (b) Kennels. Kennels as defined in Chapter 1133 are not allowed in any "R" district after the effective date of this Zoning Ordinance. Any such use existing at the time of passage of this Zoning Ordinance shall be allowed to continue as a non-conforming use, and is subject to the standards set forth in Section 1109.10 and Chapter 1137. In addition, no Kennel shall be erected or maintained closer than 100 feet to any residential lot.

(Ord. 90-01. Passed 3-6-90.)

1113.02 SETBACK FROM DRAINAGE DITCHES.

In all districts a setback of twenty feet from the center line of an established drainage ditch shall be provided for all buildings or structures erected along such ditch; however, this dimension may be increased by the Planning and Zoning Commission if the circumstances indicate that the equipment to maintain such drainage course would require a greater width in which to operate.

(Ord. 90-01. Passed 3-6-90.)

1113.03 HOME OCCUPATIONS.

(a) The intent and purpose of the Village in establishing standards for Home Occupations is to keep the uses permitted in "R" Districts basically for Residential use and to limit possibly objectionable uses from encroaching on Residential Districts.

(b) Permitted occupations or professions will be accepted only as incidental and secondary to the use of the dwelling for residential purposes, conducted wholly within a dwelling by members of the resident family, and which do not occupy a floor area greater than one half of the area of the first floor area of the dwelling.

(c) Only one employee, other than members of the immediate resident family may be employed in any Home Occupation without a variance granted by the Board of Zoning Appeals.

(d) No Home Occupation shall be permitted which creates offensive noise, smoke, dust, heat, humidity, glare, electronic interference or otherwise create a nuisance or safety hazard to any adjacent or nearby property.

(e) No sign shall be used in connection with a Home Occupation other than one non-illuminated sign not more than six square feet in area.

(f) Heavy Home Occupations, including, but not limited to: Upholstery, Furniture, Small Appliance or Lawnmower Repair Shops, headquarters ONLY for Plumbing, Heating, Electric, Construction or Painting work and occupations similar in character and intensity of use to the above may be permitted upon the granting of a variance by the Board of Zoning Appeals after determination that the proposed occupation will in no way be a detriment to the existing character of the area in which it is proposed. In such cases a hearing shall be held and abutting property owners notified in accordance with Section 1129.08. Such variance, if granted, shall not permit storage of heavy equipment or heavy equipment vehicles on Residential property. Any storage of parts, equipment etc., used in the course of a heavy occupation shall be under cover or in an enclosed building.

(Ord. 90-01. Passed 3-6-90.)

1113.04 BUSINESS AND INDUSTRIAL SEMI-FIREPROOF BUILDING CONSTRUCTION.

All buildings constructed or erected in a "Business" or "Industrial" District shall comply with all regulations of Bulletin No. 109, Ohio State Building Code, Division of Factory and Building Inspection, Department of Industrial Relations, entitled: "Workshops, Factories, Mercantile and Office Buildings," and other regulations applying to the type of buildings to be constructed. The Zoning Commissioner shall be provided with a copy of the Building Permit issued by the State of Ohio for all buildings greater than 144 square feet in area before any construction is begun.

(Ord. 90-01. Passed 3-6-90.)

1113.05 FENCES.

Fencing (enclosing type) of residential or business properties shall be permitted, provided that the fence extends no nearer to the front street than the front setback required for the district involved, and further provided that the fence does not exceed a height of six feet. The fence may be built on the property line, provided that the property owner has determined the location of the property line and has installed the fence with the smooth side facing the adjacent property. A zoning permit is required. (Ord. 03-01. Passed 9-23-03.)

1113.06 SIGNS.

(a) Signs in "R" Districts - Permit Required. In "R" Districts, no permanent stationary signs shall be permitted except customary professional, rooming or boarding house signs, signs appropriate to public or quasi-public, signs identifying a building or use permitted under this Zoning Ordinance, signs incident to legal process or necessary to the public welfare or signs erected by governmental authority. Such signs shall not be larger than six square feet in area and shall have a minimum setback of at least fifteen feet from the right-of-way of any thoroughfare except as approved by the Board of Zoning Appeals, as required by governmental authority, or as permitted in subsection (b)(3).

(Ord. 90-01. Passed 3-6-90; Ord. 96-06. Passed 6-29-96.)

(b) Signs Permitted in Any District Without Permit. The following signs shall be permitted in any zoning district without a permit.

- (1) One sign advertising the sale, lease, or rental of the premise upon which the sign is located, shall not exceed twenty square feet in area, except in all residential districts where the area of the sign, including add-ons, shall not be more than six square feet and is placed not less than fifteen feet back of the property line. Where the principal building is less than fifteen feet back of the property line, such sign may not be placed more than five feet in front of the principal building.
- (2) One sign pertaining to a home occupation, as defined in Chapter 1133 shall be permitted, provided the sign is not over six square foot in area.
- (3) One bulletin board or sign for churches, libraries, museums, or similar institutions provided it does not exceed fifty square feet in area and is placed not nearer than fifteen feet from the front line, nor eight feet from the side lot line, and does not obstruct the view across the corner of an intersecting street as specified in Section 1109.03(e) and is erected upon the premise of a church or similar institution for the purpose of displaying the name and activities thereof, or the service provided therein.
- (4) One identification placard for multiple-family dwellings if it does not exceed twenty square feet in area and is placed not nearer than fifteen feet from the front line, nor eight feet from the side lot line, and does not obstruct the view across the corner of intersecting streets.
- (5) One or more political or opinion-expressive signs, the total area of which does not exceed six square feet in area.
- (6) One or more garage sale, etc. signs the total area of which does not exceed six square feet in area, provided such signs are placed and removed within twenty-four hours of the sale date.
(Ord. 90-01. Passed 3-6-90; Ord. 00-05. Passed 3-14-00.)
- (7) A Zoning permit shall be required for a permanent detached sign.
(Ord. 96-06. Passed 6-29-96.)

(c) Regulations for Signs in "BC" And "I" Districts. All signs located in non-residential districts except as provided for in subsection (b) hereof shall require a zoning permit. No sign shall be located as to jeopardize the health, safety and well-being of the general public or so located as to create a traffic hazard. Any illuminated sign, lighted with electric lights, including incandescent lamps, neon or other gaseous tubes, shall not contain colors appearing in a traffic control system, where such sign might interfere or be confused with any traffic control system. No sign located in any non-residential district shall extend more than thirty feet above the natural ground level, or exceed fifty square feet in area, unless so approved by the Board of Zoning Appeals, with the exception of non-projecting wall mounted signs and applied lettering which shall be limited by the size of building. All signs located in non-residential districts other than non-projecting wall mounted signs shall have a minimum fifteen foot setback from the right of way from any street or thoroughfare. Any projecting sign in a non-residential district shall extend no more than five feet from the side of any structure and shall be located at least nine feet above the ground level of any sidewalk or fourteen feet above the level of any street or thoroughfare. In any non-residential district a maximum of one sign for each face of the building facing a public or private street or thoroughfare shall be allowed. No sign of any type shall be erected so as to cover the doors or windows of any structure or so as to prevent ingress or egress to any structure from any window, door or fire escape. All signs erected, hung or suspended shall be securely fastened or amply supported vertically and horizontally so as to prevent falling from its own weight or wind pressure and to prevent the same from becoming a hazard to the public welfare. (Ord. 90-01. Passed 3-6-90; Ord. 00-05. Passed 3-14-00.)

(d) Portable and Temporary Signs. All portable and/or temporary signs, other than signs used to announce special public or institutional events (i.e. car wash, bake sale, community service, recreational events etc.), shall require a permit to be issued by the Zoning Commissioner. Such permit may be granted for a period sixty days prior to such event and conditioned further than such sign shall be removed no later than seven days after the event and in no case shall such permit be issued for a period to exceed one year. All such signs must conform to other applicable regulations in this section. Such temporary signs shall include signs announcing the opening of a new business, the erection of a building displaying the name of architect and contractors, or a special sales promotion, etc. (Ord. 90-01. Passed 3-6-90.)

(e) Area Measurement. The surface area of any sign shall be computed as including the entire area within a regular, geometric form or combination of regular, geometric forms comprising all of the available display area of the sign, whether or not a message is included within the entire display area. The entire face of a sign shall be deemed part of the sign, including all of the elements of the matter displayed, whether they be textual, decorative, background, or otherwise; and, if a sign is so constructed that one or more individual messages or decorative elements are affixed to a single structure, the entire face of the structure shall be included in the calculation, and not just the area of the individual messages or decorative elements. Frames, posts and structural members which are not part of the face shall not be included in the computation of surface area unless they do contain or express any message. If a sign has two or more faces, the area of all the faces shall be included in determining the area of the sign. (Ord. 00-05. Passed 3-14-00.)

1113.07 OFF STREET LOADING REQUIREMENTS.

In any district, in connection with any building where shipping and receiving is normal operation, there shall be provided and maintained on the same lot at least one off-street loading space for any building having five thousand square feet or

less, plus one such loading space for each additional ten thousand square feet or fraction thereof of gross floor area so used. Each loading space shall not be less than ten feet in width, forty feet in length and fourteen feet in height. Such loading space shall not be located in the required front yard of the lot on which it is located; however, the loading space shall have unrestricted ingress and egress to a public right-of-way. The surface of the loading space and its access drive shall be maintained in dust free condition at all times.

(Ord. 90-01. Passed 3-6-90.)

1113.08 OFF-STREET PARKING REQUIREMENTS.

(a) In all districts in connection with every use, there shall be provided at any time any building, structure or use is erected, developed or is enlarged or increased in capacity, off street parking spaces of at least one hundred eighty square feet for motor vehicles as follows:

- (1) All residential uses - Two for each dwelling unit.
- (2) Rooming or Board house, tourist home, hotel or motel - one for each sleeping room or suite, plus two for the resident family or one for each employee.
- (3) Private club or lodge - one for each five members.
- (4) Church or Temple - one for each five seats in main auditorium.
- (5) School (except high school or college) - one for each ten seats in auditorium or main assembly room, or one for each classroom, whichever is greater.
- (6) College or High School - one for each eight seats in auditorium or three for each classroom, whichever is greater.
- (7) Country club or golf club - one for each five members.
- (8) Community center, library, museum or art gallery - ten plus one additional for each 300 square feet of floor area in excess of 2,000 square feet.
- (9) Hospital, sanitarium, convalescent home, nursing home, home for the aged or similar institution - one for each three beds, plus one for each employee on the maximum working shift.
- (10) Theater or auditorium (except school auditorium), sports arena, stadium or gymnasium - one for each five seats or bench seating spaces.
- (11) Bowling lanes - five for each lane.
- (12) Mortuary for funeral home - one for each thirty square feet of floor space in parlors in individual funeral service rooms.
(Ord. 90-01. Passed 3-6-90.)
- (13) Restaurants, night clubs, cafes or similar eating or recreation or amusement establishments - one for each thirty square feet of floor area designated for service of customers.
(Ord. 05-13. Passed 7-11-05.)
- (14) Assembly or exhibition halls without fixed seats - one for each 100 square feet of gross floor area.
- (15) Retail store or personal service establishment except as otherwise specified within - one for each 100 square feet of gross floor area.
- (16) Furniture or appliance store, hardware store, wholesale establishments machinery or equipment sales and service - two plus one additional each 200 square feet of floor area 1,000 square feet.

- (17) Manufacturing or industrial establishment research or testing laboratory, cremery, bottling plant, warehouse or similar establishment - one for each two employees on the maximum working shift plus space to accommodate all trucks and other vehicles used in connection therewith.
- (b) (1) There shall be adequate provision for ingress and egress to all parking spaces; however, such ingress and egress points be located so as to minimize traffic congestion and avoid undue interference with pedestrian access at street intersections.
- (2) There shall not be more than two vehicular accessways to a single use from any street. In the case of a corner lot, which has less than 100 feet of frontage on either or both streets, only one access point shall be permitted from each street, however, uses on corner lots having more than 100 feet of frontage may be permitted to construct not more than two accessways from each street, but in no case where two accessways are permitted, shall they be closer than thirty feet to the intersection of the right-of-way of the two streets. Such accessways or drive-ways shall not be less than eight feet nor more than twelve feet in width at the sidewalk line for single or two-family residences or not less than fifteen feet or in excess of thirty feet in width for apartment complex's or residential dwellings. (Ord. 90-01. Passed 3-6-90.)
- (c) (1) The off-street parking spaces required by this section may be located in any yard in a "BC" or "I" District however, where parking spaces are developed in the front yard of any lot in a "BC" or "I" District, the provisions of Section 1109.03(a) shall be met.
- (2) Off street parking spaces may be established in any "R" District according to the following restrictions:
- A. "Off-street parking", other than parking upon the access way/driveway to the property established under subsection B. for the parking of licensed automobiles and/or licensed non-commercial trucks owned or operated by residents or guests of the premises only, may be established within any yard of the property, regardless of the building lot line; but, in no case shall front yard parking exceed any one of the following specifications:
1. No more than twenty-five percent (25%) of the front yard area; or
 2. A width of no more than twenty-four feet (24');
 3. A length of no more than twenty-four feet (24');
 4. An area of no more than five hundred seventy-six (576) square feet .
- In addition, the off-street parking shall be constructed so as to come no closer than three (3) feet from the boundary line.
- B. Such off-street parking must be established as a connected addition to an adjacent driveway, as in a "Turnaround" area, and may not be established as a separate parking lot.
- C. Any off-street parking shall be paved with asphalt surface. Parking on non-paved surfaces within the front yard or any side yard shall be prohibited.

- D. Design requirements. Any such off-street parking shall be configured so as to avoid any conflict with the passage of pedestrians along the public right of way such as by the installation of wheel guards, bumper guards, curbing or other means of restraint to prevent such encroachment. Any such off-street parking shall be designed to enable vehicles to enter or leave the property without interfering with the flow of public traffic. Any off-street parking surface shall be graded for property drainage so that water shall not flow onto adjoining property, adjacent sidewalks, or the public streets in a quantity or manner that would be detrimental thereto, or inconvenient to persons using the sidewalk, or a hindrance to vehicular traffic.
- E. Establishment of such an off-street parking area shall not authorize the owner, occupant, or guests of the premises to act in contravention of any other section of the Codified Ordinances, including but not limited to Section 1109.09(a) which prohibits storage of recreational vehicles in the front yard, nor shall it authorize the storage of vehicles upon the off-street parking area by or for the benefit of persons who are not residents or guests of the premises. (Ord. 03-16. Passed 9-23-03.)

(d) Off-street parking areas for more than five vehicles or off-street loading spaces required by this Zoning Ordinance shall be effectively screened on each side which adjoins or faces premises situated in any "R" District or institutional premises, by a masonry wall or solid fence. Such wall or fence shall be not less than four feet or more than six feet in height and shall be maintained in good condition without any advertising thereon. In lieu of such wall or fence, a strip of land not less than fifteen feet in width and landscaped with grass or evergreen ground cover and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four feet nor more than six feet in height may be substituted. All industrial construction must have a fifty foot setback from "R" Districts. No wall, fence or hedge as required by this section shall be located in a required front yard closer to the street line than the building or setback line required in the district in which it is located. Where parking areas are developed in the front yard, even though the property is located in a "BC" or "I" District and the abutting or opposite properties are also in the same district, a fifteen foot strip of land, landscaped with grass or evergreen ground cover and planted with shrubs or trees or both shall be provided between the street line and the parking area.

(e) Any lighting used to illuminate any off-street parking area shall be so arranged as to reflect the direct glare away from adjoining premises in any "R" District and shall be so arranged as to not interfere with traffic on any adjoining street or to be confused with any traffic control lighting.

(f) Nothing in this section shall be construed to prevent the collective provision of off-street parking facilities for two or more buildings or uses of similar character, provided the total of such collect off-street parking facilities shall not be less than the sum of the requirements for the various individual uses computed separately in accordance with the requirements of this Zoning Ordinance. A written agreement between the parties approved by the Solicitor and accepted by the Commission shall be filed with the application for a zoning certificate, stating that the proposed joint parking area will be developed and maintained jointly and by mutual agreement. The location of such joint parking shall conform to the location requirements of this Zoning Ordinance. The required parking facilities may be provided under public sponsorship, by private lease or purchase, or by any other means which will promote orderly development of space, diminish traffic hazards and relieve congestion in the streets. Where such publicly sponsored or other joint parking facilities are existing or planned for construction at the same time a use or uses requiring parking spaces is being developed, no additional parking spaces are required on the same lot as the use being developed, if the number of spaces at the other location is equal to those required by the use and the parking spaces will be within 300 feet of the proposed use. (Ord. 90-01. Passed 3-6-90.)

**1113.09 RESIDENTIAL PARKS FOR MANUFACTURED HOMES.
(REPEALED)**

(EDITOR'S NOTE: Former Section 1113.09 was repealed by Ordinance 00-05, passed March 14, 2000.)

1113.10 FACTORY-BUILT HOUSING.

(a) "Factory-built housing" means and includes both manufactured homes as defined in Ohio R.C. 3781.06, which are not permanently sited, and mobile homes as defined in Ohio R.C. 4501.01.

(b) Factory-built housing may be established:

- (1) As a new use within a factory-built housing district; or
- (2) In any district as a replacement for an existing factory-built housing unit or an existing travel trailer, as that term is defined in Ohio R.C. 4501.01.

and, in either case, shall be established in accordance with the requirements of this section.

(c) Only one factory-built housing unit shall be permitted per recorded Village lot in any use district; and no factory-built housing unit shall be added to a lot where a dwelling already exists.

(d) A zoning permit is required for the new installation or replacement of any factory-built housing unit.

(e) The minimum allowable floor space for any factory-built housing unit shall be as follows:

- (1) For new installation, at least 900 square feet (not including additions, pull-outs, tongue or overhangs);
- (2) For a replacement, no less than the square footage of the unit being replaced.

(f) The factory-built housing unit shall have individual, permanent connections for water, sewer, electric, and other utilities.

(g) The factory-built housing shall be placed on a lot which complies with Sections 1109.03 and 1109.10 of the Codified Ordinances.

- (h) All factory-built housing shall:
- (1) Be placed on a secure, permanent and continuous foundation, located within four inches of the periphery of the unit, and having footers placed below the frost line; in lieu of a permanent foundation, concrete pilings, a minimum of twelve inches in diameter, placed below the frost line may be substituted.
 - (2) Have skirting securely fastened to the periphery of the unit to completely enclose the area between the unit and the ground.
 - (3) Have all wheels, tongues, and axles removed.
 - (4) Be securely anchored and tied down, in accordance with the Defense Civil Preparedness Agency Handbook TR-75, dated February, 1975, or other applicable regulations of the State of Ohio.

(i) In the event an existing use of a factory-built housing unit or an existing travel trailer is discontinued, it may be replaced in accordance with this section, provided that a permit has been requested within ninety days after the discontinuance; and provided that the replacement is made within thirty days from the issuance of the permit.

(j) In the case of special, temporary circumstances, involving health or financial considerations, a thirty day permit for the temporary habitation of factory-built housing may be obtained from the Zoning Commissioner. This temporary permit may be renewed for up to a total period of 180 days, but, in any event, no longer, than the special, temporary circumstances which constitute the basis for the temporary permit. (Ord. 00-05. Passed 3-14-00.)

1113.11 YARD MAINTENANCE.

(a) No furniture (except lawn furniture in good repair), mattresses, household furnishings, rugs, appliances, unused posts, tires, discarded or abandoned machinery, or "Litter" shall be placed or stored outdoors in any yard of any Residential or Commercial Use District within the Village for any period in excess of five (5) days. As used in this section, "Litter" means and includes the following: garbage, waste, peelings of vegetables or fruits, rubbish, ashes, cans, bottles, wire, paper, cartons, boxes, parts of automobiles, wagons, furniture, glass, or oil, of an unsightly or unsanitary nature, or anything else of an unsightly or unsanitary nature.

(b) Exterior property areas of all premises or uses in any Residential or Commercial Use District, including but not limited to fences and driveways, shall be kept free of debris, objects, materials, or conditions that create a health, accident, or fire hazard, or are a public nuisance, or constitute a blighting or deteriorating influence on the neighborhood. (Ord. 03-01. Passed 9-23-03.)

**CHAPTER 1117
Enforcement**

1117.01 Zoning Commissioner.	1117.06 Fee for zoning permits.
1117.02 Zoning permits required.	1117.07 Violations.
1117.03 Submission to State Transportation Director.	1117.08 Inspection.
1117.04 Certificate of occupancy. (Repealed)	1117.09 Correction period.
1117.05 Temporary certificate of occupancy. (Repealed)	1117.99 Penalty.

1117.01 ZONING COMMISSIONER.

(a) The position of Zoning Commissioner is hereby created. A person shall be appointed and serve at the pleasure of the Council of the Village of New London, under the general supervision and direction of the Village Administrator, and shall receive such compensation as the Council may provide.

(b) The Zoning Commissioner shall:

- (1) Issue Zoning Permits when this Zoning Ordinance has been followed, or, refuse same in the event of noncompliance. Applications for zoning permits shall be made available at the Fiscal Officer's office.
- (2) Collect the designated fees for Zoning Permits, Amendments, Appeals, Conditional Uses, and Exceptions; provided, however, that all such fees shall be collected by the Fiscal Officer's office.
- (3) Make and keep records on all applications, issuance and denial of all permits, and on complaints of violations. All such documents shall be maintained by the Fiscal Officer.
- (4) Enforce this Zoning Ordinance and take all necessary steps to remedy any condition found in violation by ordering in writing, the discontinuance of illegal uses or illegal work in progress, and request the Police Chief or Solicitor to commence appropriate legal action when necessary. All correspondence, citations, notices of violations, and other documents and records pertaining to the enforcement of the Zoning Ordinance shall be generated and maintained by the Zoning Commissioner, provided, however, that he may provide fully completed documents to the Fiscal Officer's office for copying and/or mailing.
- (5) Keep the Planning and Zoning Commission advised and make recommendations regarding all matters other than routine duties pertaining to the enforcement of this Zoning Ordinance and to transmit all applications and records pertaining thereto.

- (6) Keep the Board of Zoning Appeals advised of all matters pertaining to and make recommendations regarding Appeals, Variances, Conditional Uses and Exceptions and transmit all applications and records pertaining thereto.
- (7) Provide a monthly report to the Council of the Village of New London regarding activities of this position.
- (8) Refer permits along waterways to the Planning and Zoning Commission.
- (9) Issue Certificate of Occupancy. (Ord. 2012-35. Passed 9-24-12.)

1117.02 ZONING PERMITS REQUIRED.

(a) Buildings. Before constructing, changing the use of, changing the physical shape of, or structurally altering any building, including accessory buildings, or changing the use of any premises, application shall be made to the Zoning Commissioner for a Zoning Permit. The Zoning Permit requirements shall not include interior remodeling if the type of use is not changed and shall not include the non-structural installation or replacement of a roof covering, the non-structural installation or replacement of siding, or general exterior upkeep and maintenance. The application shall include the following information:

- (1) A plot plan drawn to scale showing the exact dimensions of the lot to be built upon;
- (2) The location, dimensions, height and bulk of structures to be erected;
- (3) The intended use;
- (4) The yard, open area and parking dimensions;
- (5) Any other pertinent data as may be necessary to determine and provide for the enforcement of this Zoning Ordinance.

(b) Signs. Before construction or altering any sign or outdoor advertising device requiring a Zoning Permit, a Zoning Permit shall be secured.

(c) Swimming Pools. As described in Section 1109.07 must secure a Zoning Permit.

(d) Time Limitation. Within ten days after receipt of application, the Zoning Commissioner shall issue a Zoning Permit if the application complies with the requirements of this Zoning Ordinance and the application is accompanied by the proper fee. For purposes of this subsection, the ten-day limitation shall begin from the time that the applicant has both (A) paid the necessary fees to the Fiscal Officer and (B) submitted a completed application to the Fiscal Officer or to the Zoning Inspector personally. An application which is submitted to the Fiscal Officer shall then be faxed or sent electronically to the Zoning Commissioner on receipt by the Fiscal Officer.

(e) Void Permits. The Zoning Permit shall become void six months after date of issuance unless construction is started. If no construction is started or use changed within six months of date of Permit, a new Permit is required upon application. Once a zoning permit has been issued and outstanding for a period of six months, if, at any time there, is no substantial progress being made in the completion of the project, the Zoning Commissioner may give written notice to the permit holder, whereupon, if thirty days passes without additional substantial progress in connection with the work, the Zoning Commissioner may declare the permit to have expired. A zoning permit shall automatically expire twelve months after any portion of the construction actually commences. (Ord. 2012-35. Passed 9-24-12.)

1117.03 SUBMISSION TO STATE TRANSPORTATION DIRECTOR.

Before any Zoning Permit is issued effecting any land within three hundred feet of a center line of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State Transportation Director, or any land within a radius of five hundred feet from the point of intersection of said center line within a public road or highway, the Zoning Commissioner shall give notice by registered or certified mail to the Transportation Director as required in the Ohio R.C. 5511.01. (Ord. 90-01. Passed 3-6-90.)

1117.04 CERTIFICATE OF OCCUPANCY. (REPEALED)

(EDITOR'S NOTE: Former Section 1117.04 was repealed by Ordinance 03-01, passed September 23, 2003.)

1117.05 TEMPORARY CERTIFICATE OF OCCUPANCY. (REPEALED)

(EDITOR'S NOTE: Former Section 1117.05 was repealed by Ordinance 03-01, passed September 23, 2003.)

1117.06 FEE FOR ZONING PERMITS.

(a) A fee, in accordance with a fee schedule adopted by the New London Village Council, shall accompany each application for a Zoning Permit and shall be deposited with the Fiscal Officer to the credit of the General Fund of the Village of New London. Said fee schedule may be adjusted as necessary by action of Council.

(b) Every Zoning Permit shall state that the building or the proposed use of a building or land complies with all provisions of law. A record of all zoning certificates shall be kept on file in the office of the Zoning Commissioner or his agent, and copies shall be furnished upon request to any person having proprietary or tenant's interest in the building or land affected. (Ord. 2012-35. Passed 9-24-12.)

1117.07 VIOLATIONS.

Buildings or signs erected, altered, moved, razed or converted, or any use of land or premises carried on in violation of any provision of this Zoning Ordinance are declared to be a nuisance per se and shall be subject to the penalties stated in this Zoning Ordinance. Any building or land use activities considered possible violations of the provisions of this ordinance which are observed by the residents of the Village of New London shall be reported to the Zoning Commissioner.
(Ord. 90-01. Passed 3-6-90.)

1117.08 INSPECTION.

The Zoning Commissioner shall inspect each alleged violation and shall, in writing, order correction of all conditions which are found to be in violation of this Zoning Ordinance.
(Ord. 90-01. Passed 3-6-90.)

1117.09 CORRECTION PERIOD.

All violations shall be corrected within a period of ten days after the written order is issued or for a longer period of time if deemed reasonably appropriate in the judgment of the Zoning Commissioner. Any violations not corrected within the specified time period shall be reported to the Solicitor who shall initiate appropriate legal proceedings.
(Ord. 00-05. Passed 3-14-00.)

1117.99 PENALTY.

The owner or owners of any building or premises or part thereof where anything in violation of this Zoning Ordinance shall be placed or shall exist, and any tenant or occupant of such building or premises, and any architect, builder or contractor, or any other person who shall violate any of the provisions of this Zoning Ordinance or fail to comply therewith may for each violation or non-compliance be fined not more than one hundred dollars (\$100.00). Each day, such violation or failure to comply shall exist, shall constitute a separate offense. (Ord. 90-01. Passed 3-6-90.)

CHAPTER 1121
Planning and Zoning Commission

1121.01	Established.	1121.05	Meetings.
1121.02	Composition and appointment.	1121.06	Witnesses.
1121.03	Organization.	1121.07	Powers and duties.
1121.04	Quorum.	1121.08	Zoning upon annexation.

1121.01 ESTABLISHED.

A Planning and Zoning Commission for the Village is hereby created and shall have all the powers and duties prescribed by this Zoning Ordinance.
(Ord. 90-01. Passed 3-6-90.)

1121.02 COMPOSITION AND APPOINTMENT.

The Commission shall consist of five members and include the Mayor, one member of Council and three Village citizen representatives, each appointed by the Mayor as authorized by Ohio R.C. 713.01.
(Ord. 90-01. Passed 3-6-90.)

1121.03 ORGANIZATION.

The Commission shall elect a Chairman and a Vice Chairman from its membership at the first meeting held after January 1 of each year and shall prescribe rules for the conduct of its affairs. A secretary shall be appointed and keep minutes of meeting actions and votes and provide a copy of said minutes to the Village Clerk.
(Ord. 90-01. Passed 3-6-90.)

1121.04 QUORUM.

The Commission shall require a quorum of three members at all of the public meetings and the concurring vote of three members shall be necessary to effect an order.
(Ord. 90-01. Passed 3-6-90.)

1121.05 MEETINGS.

The Planning and Zoning Commission shall meet at the call of the Zoning Commissioner, its Chairman, or two other members, and at such other regular times as may by resolution be determined, but in no case less than once each year. The person(s) requesting the meeting may request the Fiscal Officer to coordinate the scheduling thereof, give notice of the meeting, and publish or distribute any notices legally required. The Zoning Commissioner and the Village Solicitor shall attend meetings of the Commission if so requested.
(Ord. 2012-35. Passed 9-24-12.)

1121.06 WITNESSES.

The Planning and Zoning Commission Chairman, acting Chairman, or Village Solicitor may administer oaths and compel the attendance of witnesses in any matter coming within the review of the Zoning Ordinance.

(Ord. 90-01. Passed 3-6-90.)

1121.07 POWERS AND DUTIES.

The Commission shall submit a plan, including texts and maps representing their recommendation to Village Council for carrying out the powers, purposes and provisions set forth in Ohio R.C. 713.01 through 713.10 inclusive.

- (a) The Commission may within the limits of the monies appropriated by Council for the purpose, employ or contract with such planning consultants and executive and clerical assistance as it deems necessary.
- (b) The Commission shall make use of such information and counsel as is available from appropriate public officials, departments and agencies.
- (c) The Commission may initiate amendments to the Zoning Ordinance.
- (d) The Commission may hold a public hearing on proposed amendments and shall review and make recommendations on amendments to the Village Council.
- (e) The Commission shall review and make recommendations regarding Residential Parks for Mobile Homes proposals to the Village Council.
- (f) Comprehensive Plan.

(Ord. 90-01. Passed 3-6-90.)

1121.08 ZONING UPON ANNEXATION.

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

- (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 Zoning Ordinance most closely resembles the existing uses at the time of the annexation. Such classification shall be recommended to Council by the Planning Commission and shall be approved by Council resolution.
- (b) Any lots, tracts, or areas which are subject to zoning at the time of their annexation shall be classified as being in whichever district established by this Zoning Ordinance most closely resembles the zoning district that existed in the annexation. Such classification shall be recommended to Council by the Planning Commission and shall be approved by Council resolution.
- (c) With respect to any annexation, the Planning Commission shall within ninety days conduct a public hearing on the matter of permanent zoning classification.

(Ord. 90-01. Passed 3-6-90.)

**CHAPTER 1125
Amendments**

1125.01	Procedure by law.	1125.06	Commission recommendations.
1125.02	Initiation of amendment.	1125.07	Council public hearing.
1125.03	Submission to State Transportation Director.	1125.08	Action by Council.
1125.04	Commission public hearing.	1125.09	Referendum.
1125.05	Notice to property owners.	1125.10	Effective date.
		1125.11	Fees.

1125.01 PROCEDURE BY LAW.

The procedure and regulations for amending this Ordinance and make District changes on the Zoning Map shall be in accordance with Ohio R.C. 713.12.
(Ord. 90-01. Passed 3-6-90.)

1125.02 INITIATION OF AMENDMENT.

Amendments or Supplements to the Zoning Ordinance may be initiated by:

- (a) Motion of Planning and Zoning Commission.
- (b) By application of one or more owners or lessees of property within the area to be changed.
- (c) By passage of a Resolution by the Village Council, which resolution shall be certified to the Planning and Zoning Commission.

(Ord. 90-01. Passed 3-6-90.)

1125.03 SUBMISSION TO STATE TRANSPORTATION DIRECTOR.

Before any Amendment is approved effecting any land within three hundred feet of a center line of a proposed new highway or a highway for which changes are proposed as described in the certification to local officials by the State Transportation Director, or any land within a radius of five hundred feet from the point of intersection of said centerline within a public road or highway, the Zoning Commissioner shall give notice by registered or certified mail to the Transportation Director as required in the Ohio R.C. 5511.01.

(Ord. 90-01. Passed 3-6-90.)

1125.04 COMMISSION PUBLIC HEARING.

The Commission may schedule a public hearing not less than thirty days or more than sixty days from the date of receipt. Notice of such hearing shall be published once at least thirty days before the hearing date.

(Ord. 91-04. Passed 3-4-91)

1125.05 NOTICE TO PROPERTY OWNERS.

If the amendment will rezone ten or less parcels of land, written notice of the hearing shall be mailed by the Commission by first class mail at least twenty days before the hearing to all owners of property within and contiguous to and directly across the street or road from such area proposed to be rezoned or redistricted, to such addresses as appear on the County Auditor's current tax list. Notices set forth time and place of hearing, the nature of the proposed amendment or supplement, and a statement that the matter will be referred to Council. The written notice described herein for the meeting of the Planning Commission shall be by postcard; the written notice referenced in Section 1125.07 of the Codified Ordinances shall be by letter.

(Ord. 91-04. Passed 3-4-91; Ord. 00-05. Passed 3-14-00.)

1125.06 COMMISSION RECOMMENDATIONS.

Within fifteen days after the public hearing provided for in Section 1125.04 the Commission shall transmit its recommendations to Council granting, modifying or denying the amendment request.

(Ord. 90-01. Passed 3-6-90; Ord. 00-05. Passed 3-14-00.)

1125.07 COUNCIL PUBLIC HEARING.

Upon receipt of the recommendation from the Commission, Council shall schedule a public hearing within forty-five days, give thirty days public notice by newspaper and inform affected property owners as outlined in Section 1125.05.

(Ord. 90-01. Passed 3-6-90; Ord. 00-05. Passed 3-14-00.)

1125.08 ACTION BY COUNCIL.

Within sixty days after the hearing required by Section 1125.07, the Village Council shall either adopt, modify or deny the recommendation of the Commission. In the event the Village Council denies or modifies the recommendation of the Commission, it must do so by not less than three-fourths of the full membership of 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 an emergency legislation if three-fourths of the members of Council vote to dispense with this rule.

(Ord. 90-01. Passed 3-6-90; Ord. 00-05. Passed 3-14-00.)

1125.09 REFERENDUM.

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

(Ord. 90-01. Passed 3-6-90.)

1125.10 EFFECTIVE DATE.

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

(Ord. 90-01. Passed 3-6-90.)

1125.11 FEES.

Whenever a zoning change is requested by the owner, lessee, or occupant of a property, a fee shall be assessed which is reasonably calculated to cover the out of pocket expenses to be incurred by the Village for investigation, legal notices, postage, etc., attendant to the request. Ordinarily, a nonrefundable fee of fifty dollars (\$50.00) per lot shall be assessed; provided that, where circumstances of the request warrant, that summary be adjusted and provided further that, if actual expenses exceed the amount already on deposit with the Village, the applicant shall be required to pay, reimburse the balance to the Village. (Ord. 00-05. Passed 3-14-00.)

**CHAPTER 1129
Board of Zoning Appeals**

1129.01	Creation of Board of Zoning Appeals.	1129.08	Appeal procedures.
1129.02	Composition and appointment.	1129.09	Interpretation of District Map.
1129.03	Organization.	1129.10	Procedures and requirements for conditional use permits; substantially similar uses; accessory uses.
1129.04	Quorum.		
1129.05	Meetings.		
1129.06	Witnesses.		
1129.07	Powers and duties.		

1129.01 CREATION OF BOARD OF ZONING APPEALS.

A Board of Zoning Appeals is hereby created and shall have all the powers and duties prescribed by Ohio R.C. 713.11 and this Zoning Ordinance.
(Ord. 90-01. Passed 3-6-90.)

1129.02 COMPOSITION AND APPOINTMENT.

The Board of Zoning Appeals shall consist of five members appointed by the Council.
(Ord. 90-01. Passed 3-6-90.)

1129.03 ORGANIZATION.

The Board of Zoning Appeals shall elect a Chairman, and Vice Chairman, prescribe rules for the conduct of its affairs and appoint a Secretary who shall record Board action and votes and provide a copy of the minutes of each meeting to the Village Clerk.
(Ord. 90-01. Passed 3-6-90.)

1129.04 QUORUM.

The Board of Zoning Appeals shall require a quorum of three members at all of its meetings which shall be public, and the concurring vote of three members shall be necessary to affect any order.
(Ord. 90-01. Passed 3-6-90.)

1129.05 MEETINGS.

The Board of Zoning Appeals shall meet at the call of the Zoning Commissioner, its Chairman or two other members, and at such other regular times as it may by resolution be determined, but in no case less than once each year. The person(s) requesting the meeting may request the Fiscal Officer to coordinate the scheduling thereof, give notice of the meeting, and publish or distribute any notices legally required. The Village Solicitor and Zoning Commissioner shall attend a meeting of the Board if requested to do so. (Ord. 2012-35. Passed 9-24-12.)

1129.06 WITNESSES.

The Board of Zoning Appeals chairman, acting chairman or Village Solicitor may administer oaths and compel the attendance of witnesses in any matter coming within the review of this Zoning Ordinance.

(a) Attendance of Applicant Required. An applicant, the applicant's attorney, or agent of the applicant shall attend the meeting. The Board will dismiss, without hearing, an application if the applicant, his attorney, or his agent does not attend. If the applicant, his attorney or agent is not in attendance, the Board may move to consider the case in those circumstances where a dismissal without hearing would constitute a hardship for the surrounding property owners or other interested individuals. (Ord. 90-01. Passed 3-6-90.)

1129.07 POWERS AND DUTIES.

(a) Appeals shall be heard and decided where it is alleged there is error in any order, requirements, decision or determination made by the Zoning Commissioner in the enforcement of this Zoning Ordinance.

(b) Appeals may be taken by any person, firm or corporation, or by any officer or board of the Village of New London, deeming himself or those to be adversely effected by the decision of the Zoning Commissioner respecting the interpretation of the Zoning Ordinance. Appeal shall be made no later than twenty calendar days after the date of the grievance.

(c) An appeal shall stay all proceedings in furtherance of the action appealed from, unless the Zoning Commissioner, whose decision is being appealed, shall certify to the Board of Zoning Appeals after the notice of appeal has been filed, that by reasons of facts stated in the certificate, a stay would, in his opinion, cause "imminent" peril to life or property. In such case, proceeding shall not be stayed by other than a restraining order granted by the Board of Appeals or by a Court having lawful jurisdiction.

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

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

- (1) Name, address, and phone number of applicant(s);
- (2) Legal description of property;
- (3) Description or nature of variance requested;
- (4) A fee as established by ordinance;
- (5) Narrative statements establishing and substantiating that the variance conforms to the following standards:
 - A. The granting of the variance shall be in accord with the general purpose and intent of the regulations imposed by this Zoning Ordinance on the district in which it is located, and shall not be injurious to the area or otherwise detrimental to the public welfare.
 - B. The granting of the variance will not permit the establishment of any use which is not otherwise permitted in the district.
 - C. There must exist special circumstances or conditions, fully described in the findings, applicable to the land or buildings for which the variance is sought which are peculiar to such land or buildings and do not apply generally to land or buildings in the area, and which are such that the strict application of the provisions of this Zoning Ordinance would deprive the applicant of the reasonable use of such land or building. Mere loss in value shall not justify a variance; there must be deprivation of beneficial use of land.
 - D. There must be proof of hardship created by the strict application of this Zoning Ordinance. It is not sufficient proof of hardship to show that greater profit would result in 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 Ordinance; it must be suffered directly by the property in question; and evidence of variances granted under similar circumstances need not be considered.
 - E. The granting of the variance is necessary for the reasonable use of the land or building, and the variance as granted is the minimum variance that will accomplish this purpose.
 - F. The proposed variance will not impair an adequate supply of light and air to adjacent property, substantially increase the congestion in the public street, increase the danger of fire, endanger the public safety, or substantially diminish or impair property values of the adjacent area.

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

(f) In addition the Board of Zoning Appeals may permit such modification as may be necessary to secure the appropriate improvement of a parcel of land that is too small to be appropriately improved without such modification provided the parcel was separately owned at the time of passage of this Zoning Ordinance or is adjacent to buildings that do not conform to the general restrictions applicable to their location. Requirements of subsection (e)(5)A. to C. must be applied.

(g) In granting variances, exceptions or conditional uses, the Board may impose such conditions as it may deem necessary to protect the public health, safety and welfare and to further the purpose and intent of this Zoning Ordinance. Those conditions shall be made a part of and be attached to the required Zoning Permit.

(h) The Board shall hear and determine all conditional use applications which possess unique or special characteristics relating to location, design, size, traffic generation and methods of operation, except for Industrial Districts which are provided for in Section 1105.01(e). Conditional uses although often desirable, will more intensely affect the surrounding area in which they are located, than the permitted uses of such districts. Since this is the case, the Board shall approve an application for a Conditional Use only when the following conditions are met:

- (1) The Conditional Use is in general accord with the New London Village Comprehensive Zoning Plan.
- (2) The proposed development will be in keeping with the existing land use character and physical development potential of the area and will not be of substantial detriment to the public interest, to the property, to other property values or improvements.
- (3) If necessary, to accommodate certain projects, special conditions may require a greater amount of open space, entrance or exit drives, special lighting, noise control requirements, and fencing and landscaping.

(Ord. 90-01. Passed 3-6-90.)

1129.08 APPEAL PROCEDURES.

Recommended action regarding Appeals, Variances/Exceptions and Conditional Uses in the proper order.

- (a) Applicant files correct form along with applicable fee with the Zoning Commissioner.
- (b) Zoning Commissioner transmits all relevant information to the Board of Zoning Appeals.
- (c) The Board of Zoning Appeals schedules a public hearing within twenty days of filing of appeal.
- (d) Written notice shall be sent at least ten days before the hearing to all parties affected.
- (e) Notice shall be published in a newspaper of general circulation at least ten days before the hearing.

- (f) The Board of Zoning Appeals hold public hearing; hearing may be recessed and continued if necessary, by public announcement at the hearing.
- (g) The Board of Zoning Appeals shall render a decision within twenty days of hearing.
- (h) In the event either party to the appeal is not in agreement with the "Board" decision, they may file a further appeal, in writing to Council.
- (i) Council shall schedule a public hearing within twenty days of receipt of appeal.
- (j) Council shall render their decision within twenty days of the public hearing.
- (k) In the event either party to the appeal is not in agreement of the Council's decision, they may pursue further appeal to the court system.
- (l) A stay of all proceedings shall be in effect during the appeal process thru subsection (j) hereof. However, a further stay shall only be granted by a court order, of the appeal proceeds to subsection (k) hereof.
- (m) No order of the Board of Zoning Appeals granting a variance shall be valid for a period longer than twelve months from the date of such order unless the building permit or zoning approval is obtained within such period, and the erection or alteration of a building is started or the use is commenced within such period.
- (n) Variances from the regulations of this Zoning Ordinance shall not be granted unless the Board make specific findings of fact, based directly on the particular evidence presented to it, which support conclusions that the standards and conditions imposed in Section 1129.07(e), if applicable, have been met by the applicant. Variances may be granted as guided by the following:
 - (1) To permit any yard or setback less than yard or setback required by the applicable regulations.
 - (2) To permit the use of a lot or lots for a use otherwise prohibited solely because of the insufficient area or width of the lot or lots, but generally the respective area and width of the lot or lots should not be less than eighty percent (80%) of the required area and width.
 - (3) To permit the same off-street parking facility to qualify as required facilities for two or more uses, provided that substantial use of such facility by each user does not take place at approximately the same hours of the same days of the week.
 - (4) To reduce the applicable off-street parking or loading facilities require, but generally by not more than thirty percent (30%) of the required facilities.
 - (5) To allow for the deferment of required parking facilities for a reasonable period of time, such period of time to be specified in the variance.
 - (6) To increase the maximum distance that required parking spaces are permitted to be located from the use served, but generally not more than forty percent (40%).

- (7) To increase the maximum allowable size or area of signs on a lot, but generally by not more than twenty-five percent (25%).
- (8) To increase the maximum gross floor area of any use so limited by the applicable regulations, but generally not more than twenty-five percent (25%).
(Ord. 90-01. Passed 3-6-90.)

1129.09 INTERPRETATION OF DISTRICT MAP.

Where the street or lot layout actually on the ground, or as recorded, differs from the street and lot lines as shown on the Zoning Map, the Board of Zoning Appeals, after notice to the owners of the property and after public hearing, shall interpret the map in such a way as to carry out the intent and purpose of this Zoning Ordinance. In case of any questions as to the location of any boundary line between zoning districts, a request for interpretation of the Zoning District may be made to the Board of Zoning Appeals and a determination shall be made by said Board. (Ord. 90-01. Passed 3-6-90.)

1129.10 PROCEDURES AND REQUIREMENTS FOR CONDITIONAL USE PERMITS; SUBSTANTIALLY SIMILAR USES; ACCESSORY USES.

(a) Regulation of Conditional Uses. The provisions of subsections (a) to (j) inclusive of this Zoning Ordinance apply to the location and maintenance of any and all conditional uses.

(b) Purpose. In recent years, the characteristics and impacts of an ever-increasing number of new and unique uses, together with the broadening of numerous conventional uses, have fostered the development of more flexible regulations designed to accommodate these activities in a reasonable and equitable manner, while safeguarding both the property rights of all individuals and the health, safety, and general welfare of the community. Towards these ends, it is recognized that this Zoning Ordinance 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(s) of operation, intensity of use, public facilities requirements, and traffic generation. Accordingly, conditional use permits shall conform to the procedures and requirements of subsections (c) to (j) hereof.

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

- (1) Name, address and phone number of the applicant;
- (2) Legal description of the property;
- (3) Zoning district;
- (4) Description of existing use;
- (5) Description of proposed conditional use;

- (6) A plan of the proposed site for the conditional use showing the location of all buildings, parking and loading areas, streets and traffic access, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, and such other information as the Board of Zoning Appeals may require;
- (7) A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent properties and with the comprehensive plan, to include an evaluation of the effects on adjoining properties of such elements as traffic circulation, noise, glare, odor, fumes, and vibration;
- (8) A list containing the names and mailing addresses of all owners of property within five hundred feet of the property in question;
- (9) A fee as established by ordinance;
- (10) A narrative addressing each of the applicable criteria contained in subsection (d) hereof.

(d) General Standards For All Conditional Uses. In addition to the specific requirements for conditionally permitted uses, the Board shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- (1) Is in fact a conditional use as established under the provisions of Chapter 1105 and appears on the Schedule of District Regulations adopted for the zoning district involved;
- (2) Will be in accordance with the general objectives, or with any specific objective, of the Village's comprehensive plan and/or the Zoning Ordinance;
- (3) Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;
- (4) Will not be hazardous or disturbing to existing or future neighboring uses;
- (5) Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- (6) Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;
- (7) Will not involve uses, activities, processes, materials, equipment and conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors;

- (8) Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares;
- (9) Will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

(e) Specific Criteria For Conditional Uses. The following are specific conditional use criteria and requirements for those uses conditionally permitted in this Zoning Ordinance as provided for in Section 1129.07(h). 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 Section 1129.07(g).

(f) Procedure and Requirements to Determine That A Use Is Substantially Similar.

- (1) Where a specific use is proposed that is not listed or provided for in this Zoning Ordinance, the Board of Zoning Appeals may make a determination, upon appeal, that the proposed use is substantially similar to a specific use that is listed or provided for in this Zoning Ordinance. If the Board finds that a use is substantially similar to a specific use listed in this Zoning Ordinance, 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.
- (2) In formulating a determination that a proposed use is a substantially similar use, the Board shall follow the procedures relating to appeals and variances as specified in Sections 1129.07 and 1129.08. Upon making a determination that a proposed use is substantially similar, the Board shall notify the Council of its decision and shall include in its written findings the reasoning upon which the decision is based. Unless the decision is rejected within thirty days of its receipt by the Council, such substantially similar use determination by the Board shall become effective.

(g) 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 appealed to the Council, but remedy may be sought by the appellant through the submission of an application for amendment as prescribed in Chapter 1121.

(h) Standards For Consideration Of Substantially Similar Uses. The following standards shall be considered by the Board when making a determination that a use is substantially similar to a permitted or a conditional use within a specific district:

- (1) The compatibility of the proposed use with the general use classification system as specified in this Zoning Ordinance.

- (2) The nature, predominant characteristics, and intensity of the proposed use in relation to those uses specified by this Zoning Ordinance as being permitted, or in the case of a conditional use, conditionally permitted, in that district.
- (3) The size, dimensional requirements, parking requirements, traffic generation potential, and other regulatory considerations normally associated with uses as specified in this Zoning Ordinance.

(i) Effect of Determination That A Use Is Substantially Similar. Should a use be determined to be substantially similar to a specific permitted or conditionally permitted use provided for in this Zoning Ordinance, it shall then be permitted in the same manner under the same conditions and procedures as the use is permitted to which it has been found to be substantially similar.

(j) Record of Substantially Similar Uses. The Zoning 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 Zoning Ordinance, the use unlisted in the Zoning Ordinance about which the determination of substantial similarity was made, and the dates of any actions thereupon by the Board of Zoning Appeals or the Council. This record shall also contain the same information for all uses which have been determined not to be substantially similar. The Zoning Commissioner shall consult this record in the process of issuing future permits.

(Ord. 90-01. Passed 3-6-90.)

CHAPTER 1133
Definitions

1133.01 Interpretation of terms or words.

1133.02 Definitions.

1133.01 INTERPRETATION OF TERMS OR WORDS.

For the purpose of this Zoning Ordinance certain terms or words used herein shall be interpreted as follows:

- (a) The word "person" includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual.
- (b) The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
- (c) The word "shall" is a mandatory requirement, the word "may" is a permissive requirement, and the word "should" is a preferred requirement.
- (d) The words "used" or "occupied" include the words "intended, designed, or arranged to be used or occupied".
- (e) The word "lot" includes the words "plot" or "parcel".

(Ord. 90-01. Passed 3-6-90.)

1133.02 DEFINITIONS.

(1) "Accessory use (or structure)" means a use, object, or structure constructed or installed on, above, or below the surface of a parcel, which is located on the same lot as a principal use, object, or structure, and which is subordinate to or serves the principal use, object, or structure, is subordinate in area to the principal use, object, or structure, and is customarily incidental to the principal use, object, or structure. Among other things "Accessory Use" includes anything of a subordinate nature attached to or disattached from a principal structure or use, such as fences, walls, sheds, garages, parking places, decks, poles, poster panels, and billboards. Notwithstanding the foregoing, neither a manufactured home (whether or not permanently sited), nor a mobile home, nor a trailer shall be used as an accessory use. Except as otherwise required in this Zoning Ordinance, an accessory use shall be a permitted use.

(Ord. 04-07. Passed 5-20-04.)

(2) "Agriculture" means the use of land for farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture, and animal and poultry husbandry and the necessary accessory uses for packing, treating, or storing the produce, provided, however that:

- A. The operation of any such accessory uses shall be secondary to that of normal agricultural activities; and
- B. The above uses shall not include the feeding or sheltering of animals or poultry in penned enclosures within 100 feet of any residential zoning district. Agriculture does not include the feeding of garbage to animals or the operation or maintenance of a commercial stockyard or feedyard.

(3) "Alterations, structural" means any change in the supporting members of a building such as bearing walls, columns, beams, or girder, including razing of a structure.

(4) "Automotive repair" means the repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting, and steam cleaning of vehicles.

(5) "Automotive wrecking" means the dismantling or wrecking of used motor vehicles, mobile homes, trailers, or the storage, sale or dumping of dismantled, obsolete or wrecked vehicles or their parts.

(6) "Basement" means a story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.

(7) "Board" means the New London Board of Zoning Appeals.

(8) "Building" means any structure designed or intended for the support, enclosure, shelter, or protection of persons, animals, chattels, or property.

(9) "Building accessory" means a subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.

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

(11) "Building, principal" means a building in which is conducted the main or principal use of the lot on which said building is situated.

(12) "Business/Commercial use" means Business/Commercial uses which shall include any profit making activity which renders goods or services and which generally require location on or near main thoroughfares and/or their intersections. Separate buildings that serve as institutional offices of a charitable, philanthropic, or religious or educational nature are also included in this classification.

(13) "Cemetery" means land used or intended to be used for the burial of the human or animal dead and dedicated for cemetery purposes, including crematories, mausoleums, and mortuaries if operated in connection with and within the boundaries of such cemetery.

(14) "Center-of-town" means the "traditional" center-of-town is defined as that part of the Village bounded on the North by North Railroad Street and Akron Street; on the West by Clinton Street; on the South by Prospect Street and on the East by James Street. The boundaries are formed by extensions along these lines parallel to Route 162-East and West and Route 60 North and South.

(15) "Child day-care center" means any place in which child day-care is provided, with or without compensation, for 13 or more children at any one time, or any place that is not the permanent residence of the licensee or administrator in which child day-care is provided, with or without compensation, for 7 to 12 children at any one time. In counting children for the purposes of this definition, any children under 6 years of age who are related to a licensee, administrator, or employee and who are on the premises shall be counted.

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

(17) "Commission" means the New London Planning and Zoning Commission.

(18) "Commissioner" means the New London Zoning Commissioner.

(19) "Comprehensive Zoning Plan" means a plan, or any portion thereof, adopted by the Planning Commission and the legislative authority of the Village of New London showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thoroughfares, parks, schools, and other community facilities. This plan established the goals, objectives, and policies of the community.

(20) "Conditional Use" means a use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals.

(21) "Conditional Use Permit" means a permit issued by the Zoning Commissioner upon approval by the Board of Zoning Appeals to allow a use other than a principally permitted use to be established within the district.

(22) Corner lot: (see Lot Types)

(23) "Density" means a unit of measurement expressing the number of dwelling units per acre of land.

- A. Gross Density - the number of dwelling units per acre of the total land to be developed.
- B. Net Density - the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

(24) "Density bonus" means an increase in the number of allowable dwelling units per acre granted for some specific reason, such as the provision of lower-income housing, as provided for in the zoning regulations.

(25) "District" means a part, zone, or geographic area within the Municipality within which certain zoning or development regulations apply.

(26) "Domestic pet" means any animal normally sold in a pet store or kennel. Including but not limited to dogs, cats, rabbits, hamsters, gerbils, birds, etc. When any of these types of animals are raised for production purposes or for resale, this becomes a commercial enterprise and the Zoning Ordinance will be appropriately applied.

(27) "Drainage ditch or watercourse" means a natural or artificial watercourse of perceptible extent, with bed and banks to confine and conduct continuously or periodically flowing water.

(28) "Dwelling" means any building or structure (except a house trailer or manufactured home as defined by Ohio R.C. 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.

(29) "Dwelling unit" means space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.

(30) "Dwelling, single family" means a dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.

(31) "Dwelling, two-family" means a dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.

(32) "Dwelling, multi-family" means a dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing.

(33) "Dwelling, rooming house (boarding house, lodging house, dormitory)" means a dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.

(34) "Easements" means authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.

(35) "Essential services" means the erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, of underground gas, electrical, steam or water transmission, or distribution systems, collection, communication, supply or disposal systems or sites, including poles, wires,

mains, drains, sewers, pipes, traffic signals, hydrants, or other similar equipment and accessories in connection therewith which are reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies or for the public health or safety or general welfare, but not including buildings.

(36) EDITOR'S NOTE: Former subsection (36) was repealed by Ordinance 00-05, passed March 14, 2000.

(37) "Family" means a person living alone, or two or more persons living together as a single housekeeping unit in a dwelling unit, as distinguished from a group occupying a rooming house, motel or hotel, dormitory, fraternity or sorority house, provided, however, that "family" shall not include more than four persons unrelated to each other by blood, marriage or legal adoption, except for Class I type B group residential facilities.

(38) "Farm livestock" means all animals normally used in the production of food or food products such as eggs, milk, meat, etc. Specifically cattle, horses, sheep, swine, poultry, and rabbits used for production purposes; and others as determined by order of the Board of Zoning Appeals.

(39) "Feedlot/feedyard" means a relatively small, confined land area for fattening or temporarily holding cattle for shipment.

(40) "Flood plain" means that land, including the flood fringe and the floodway, subject to inundation by the regional flood.

(41) "Flood, regional" means large floods which have previously occurred or which may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred year recurrence interval flood.

(42) "Floor area of a residential building" means the sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential uses.

(43) "Floor area, usable" means measurement of usable floor area which shall be the sum of the horizontal areas of the several floors of the building.

(44) "Garages, private" means a detached accessory building or portion of a principal building for the parking or temporary storage of vehicles.

(45) "Group residential facility" means a group residential facility is a community residential facility, licensed and/or approved and regulated by the State of Ohio, which provides rehabilitative or habilitative services. There are two classes of group residential facilities.

- A. Class I: Any state, federal, or locally approved dwelling or place used as a foster home for children or adults (not including nursing homes) or as a home for the care or rehabilitation of dependent or predelinquent children, for the physically handicapped or disabled, or for those with mental illness or developmental disabilities. A Class I Type A group residential facility contains six or more residents, exclusive of staff. A Class I Type B group residential facility contains five or less residents, exclusive of staff.
- B. Class II: Any state, federal, or locally approved dwelling or place used as a home for juvenile offenders; a halfway house providing residential care or rehabilitation for adult offenders in lieu of institutional sentencing; a halfway house providing residence for persons leaving correctional institutions; and residential rehabilitation centers for alcohol and drug abusers, provided that detoxification is expressly prohibited on such premises. A Class II Type A group residential facility contains six or more residents, exclusive of staff. A Class II Type B group residential facility contains five or less residents, exclusive of staff.

(46) "Historic area" means a district or zone designated by a local authority, state or federal government within which the buildings, structures, appurtenances and places are of basic and vital importance because of their association with history, or because of their unique architectural style and scale, including materials, proportion, form and architectural detail, or because of their being a part of or related to a square, park, or area the design or general arrangement of which should be preserved and/or developed according to a fixed plan based on cultural, historical or architectural motives or purposes.

(47) "Home occupation" means an accessory use which is an activity, profession, occupation, service, craft, or revenue enhancing hobby which is clearly incidental and subordinate to the use of the premises as a dwelling, and is conducted entirely within the dwelling unit, or elsewhere on the premises by conditional use permit, without any significant adverse effect upon the surrounding neighborhood.

(48) "Hotel or motel and apartment hotel" means a building in which lodging or boarding and lodging are provided and offered to the public for compensation. As such it is open to the public in contradistinction to a boarding house, rooming house, lodging house, or dormitory which is herein separately defined.

(49) "Junk buildings, junk shops, junk yards" means any land, property, structure, building, or combination of the same, on which junk is sorted or processed.

(50) "Kennel" means any commercial enterprise in which four or more domesticated animals more than four months of age are housed, groomed, bred, boarded, trained or sold.

(51) "Loading space, off-street" means space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space in computation of required off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

(52) "Location map" (See Vicinity Map)

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

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of complete lots of record, of complete lots of record and portions of lots of records, or of portions of lots of record.

(54) "Lot coverage" means the ration of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.

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

(56) "Lot, minimum area of". The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.

(57) "Lot measurements". A lot shall be measured as follows:

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

(58) "Lot of record" means a lot which is part of a subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

(59) "Lot types". Terminology used in this Zoning Ordinance with reference to corner lots, interior lots and through lots is as follows:

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

(60) "Major thoroughfare plan" means the portion of comprehensive plan adopted by the Village Planning Commission indicating the general location recommended for arterial, collector, and local thoroughfares within the appropriate jurisdiction.

(61) "Maintenance and storage facilities" means land, buildings, and structures devoted primarily to the maintenance and storage of equipment and material.

(62) EDITOR'S NOTE: Former subsection (62) was repealed by Ordinance 00-05, passed March 14, 2000.

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

(64) "Manufacturing, light" means manufacturing or other industrial uses which are usually controlled operations; relatively clean, quiet, and free of objectionable or hazardous elements such as smoke, noise, odor, or dust; operating and storing within enclosed structures; and generating little industrial traffic and no nuisance.

(65) "Manufacturing, extractive" means any mining, quarrying, excavating processing, storing, separating, cleaning, or marketing of any mineral natural resource.

(66) "Nonconformities" means lots, uses of land, structures, and uses of structures and land in combination lawfully existing at the time of enactment of this Zoning Ordinance or its amendments which do not conform to the regulations of the district or zone in which they are situated, and are therefore incompatible.

(67) "Nursery, nursing home" means a home or facility for the care and treatment of babies, children, pensioners, or elderly people.

(68) "Nursery, plant materials" means land, building, structure or combination thereof for the storage, cultivation, transplanting of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping.

(69) "Open spaces" means an area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Planning Commission deems permissive. Streets, parking areas, structures for habitation, and the like shall not be included.

(70) "Parking space, off-street" means an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, which shall be located totally outside of any street or alley right-of-way.

(71) "Performance bond or surety bond" means an agreement by a subdivider or developer with the Village for the amount of the estimated construction cost guaranteeing the completion of physical improvements according to plans and specifications within the time prescribed by the subdivider's agreement.

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

(73) "Primary use". The primary use of a lot shall be defined as the use or purpose which comprises more than one half of the available land and/or floor area of structures on said lot.

(74) "Professional activities" means the use of offices and related spaces for such professional services as are provided by medical practitioners, lawyers, architects, and engineers, and similar professions.

(75) "Public service facility" means the erection, construction, alteration, operation, or maintenance of buildings, power plants, or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility, by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewage services.

(76) "Public uses" means public parks, schools, administrative and cultural buildings and structures, not including public and land or buildings devoted solely to the storage and maintenance of equipment and materials and public service facilities.

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

(78) "Quasipublic use" means churches, sunday schools, parochial schools, colleges, hospitals, and other facilities of an educational, religious, charitable, philanthropic, or non-profit nature.

(79) "Recreation camp/campgrounds" means area of land on which three or more travel trailers, campers, tents, or other similar temporary recreational structures are regularly accommodated with or without charge, including any building, structure or fixture of equipment that is used or intended to be used in connection with providing such accommodations.

(80) "Recreation facilities" means public or private facilities that may be classified as either "extensive" or "intensive" depending upon the scope of services offered and the extent of use. Extensive facilities generally require and utilize considerable areas of land and include, but need not be limited to hunting, fishing, and riding clubs and parks. Intensive facilities generally requires less land (used more intensively) and include, but need not be limited to, miniature golf courses, amusement parks, stadiums, and bowling alleys.

(81) "Research activities" means research, development, and testing related to such fields as chemical, pharmaceutical, medical, electrical, transportation, and engineering. All research, testing, and development shall be carried on within entirely enclosed buildings, and no noise, smoke, glare, vibration, or odor shall be detected outside of said building.

(82) "Roadside stand" means a temporary structure designed or used for the display or sale of agricultural and related products.

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

(84) "Satellite dish antenna". "Dish-type Satellite Signal-Receiving Antennas", "earth stations" or "ground stations," whether functioning as part of a basic service system, direct broadcast satellite system, or multi-points distribution service system means one, or a combination of two or more of the following:

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

(85) "Seat". For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four lineal inches or benches, pews, or space for loose chairs.

(86) "Setback line" means a line established by the Zoning Ordinance, generally parallel with and measures from the lot line, defining the limits of a yard in which no building or structure may be located above ground, except as may be provided in said code.

(87) "Sewers, central or group" means an approved sewage disposal system which provides a collection network and disposal system and central sewage treatment facility for a single development, community, or region.

(88) "Sewers, on-site" means a septic tank or similar installation on an individual lot which utilizes an aerobic bacteriological process or equally satisfactory process for the elimination of sewage and provides for the proper and safe disposal of the effluent, subject to the approval of health and sanitation officials having jurisdiction.

(89) "Sidewalk" means that portion of the road right-of-way outside the roadway, which is improved for the use of pedestrian traffic.

(90) "Sign" means any visual communication display, object, device, graphic, structure, or part, situated indoors or outdoors, or attached to, painted on, or displayed from a building or structure, in order to direct or attract attention to, or to announce or promote, an object, person, service, product, event, location, organization or the like, by means of letters, words, designs, colors, symbols, fixtures, images or illuminations.

- A. Sign, In-Premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
- B. Sign, Off-Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
- C. Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
- D. Sign, Lighting Device: Any light; string of lights, or group of lights located or arranged so as to cast illumination on a sign.
- E. Sign, Projecting: Any sign which projects from the exterior of a building.

(91) "Story" means that part of a building between the surface of a floor and the ceiling immediately above. (See Basement)

(92) "Structure" means anything constructed or erected, the use of which requires location on the ground, or attachment to something having a fixed location on the ground. Among other things, structures include buildings, factory built housing, walls, fences and billboards.

(93) "Subdivision" means the division of a lot, tract, or parcel into two or more lots, tracts, or parcels or other divisions of land for sale, development, or lease.

(94) "Supply yards" means a commercial establishment storing and offering for sale building supplies, steel supplies, coal, heavy equipment, feed and grain, and similar goods.

(95) "Swimming pool" means a pool or open tank obtaining at least 1.5 feet of water at any point and maintained by the owner or manager.

- A. Private: Exclusively used without paying an additional charge for admission by the residents and guests of a single household, a multifamily development, or a community, the members and guests of a club, or the patrons of a motel or hotel; an accessory use.
- B. Community: Operated with a charge for admission; a primary use.

(96) "Thoroughfare, street, or road" means the full width between property line bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:

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

- D. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
- E. Dead-end Street: A street temporarily having only one outlet for vehicular traffic and intended to be extended or continued in the future.
- F. Local Street: A street primarily for providing access to residential or other abutting property.

(97) "Through Lot": (See Lot Types)

(98) "Transportation, Director of" means the Director of the Ohio Department of Transportation.

(99) "Use" means the specific purposes for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.

(100) "Variance" means a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

(101) "Veterinary animal hospital or clinic" means a place used for the care, grooming, diagnosis, and treatment of sick, ailing, infirm, or injured animals, and those who are in need of medical or surgical attention, and may include overnight accommodations on the premises for the treatment, observation and/or recuperation. It may also include boarding that is incidental to the primary activity.

(102) "Vicinity map" means a drawing located on the plat which sets forth by dimensions or other means, the relationship of the proposed subdivision or use to other nearby lots, developments or landmarks and community facilities and services within the general area in order to better locate and orient the area in question.

(103) "Walkway" means a public way, four feet or more in width, for pedestrian use only, whether along the side of a road or not. (See Sidewalk)

(104) "Yard" means a required open space other than a court unoccupied and unobstructed by any structure or portion of a structure from three feet above the general ground level of the graded lot upward; provided, accessories, ornaments, and furniture may be permitted in any yard, subject to height limitations and requirements limiting obstruction of visibility.

- A. Yard, Front: A yard extending between side lot lines across the front of a lot and from the front lot line to the front of the principal building.
- B. Yard, Rear: A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principal building.

- C. Yard, Side: A yard extending from the principal building to the side lot line on both sides of the principal building between the lines establishing the front and rear yards.

(105) "Zoning Commissioner" means the person designated by Council to administer and enforce zoning regulations and related ordinances. This person may also be known as the Zoning Inspector.

(106) "Zoning Permit" means a document issued by the Zoning Commissioner authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

(Ord. 90-01. Passed 3-6-90.)

**CHAPTER 1137
Nonconformities**

<p>1137.01 Purpose.</p> <p>1137.02 Uses under conditional use provisions not nonconforming uses.</p> <p>1137.03 Incompatibility of non-conformities.</p> <p>1137.04 Avoidance of undue hardship.</p> <p>1137.05 Certificates for nonconforming uses.</p> <p>1137.06 Substitution of nonconforming uses.</p> <p>1137.07 Single nonconforming lots of records.</p>	<p>1137.08 Nonconforming lots of record in combination.</p> <p>1137.09 Nonconforming uses of land.</p> <p>1137.10 Nonconforming structures.</p> <p>1137.11 Nonconforming uses of structures or of structures and land in combination.</p> <p>1137.12 Termination of nonconforming uses.</p> <p>1137.13 Repairs and maintenance.</p>
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1137.01 PURPOSE.

Within the districts established by this Zoning Ordinance, 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 Ordinance was passed or amended, but which would be prohibited, regulated, or restricted under the terms of this Zoning Ordinance. 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 Ordinance shall be construed to require any change in the layout, plans, construction, size or use of any lot, structure, or structure and land in combination, for which a zoning permit became effective prior to the effective date of this Zoning Ordinance, or any amendment thereto. Nevertheless, while it is the intent of this Zoning Ordinance that such nonconformities be allowed to continue until removed, they should not be encouraged to survive. Therefore, no nonconformity may be moved, extended, altered, expanded, or used as grounds for any other use(s) or structure(s) prohibited elsewhere in the district without the approval of the Board of Zoning Appeals, except as otherwise specifically provided for in this Zoning Ordinance. (Ord. 90-01. Passed 3-6-90.)

1137.02 USES UNDER CONDITIONAL USE PROVISIONS NOT NON-CONFORMING USES.

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

(Ord. 90-01. Passed 3-6-90.)

1137.03 INCOMPATIBILITY OF NONCONFORMITIES.

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

(Ord. 90-01. Passed 3-6-90.)

1137.04 AVOIDANCE OF UNDUE HARDSHIP.

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

(Ord. 90-01. Passed 3-6-90.)

1137.05 CERTIFICATES FOR NONCONFORMING USES.

The Zoning Commissioner may upon his own initiative, or shall upon the request of any owner, issue a certificate for any lot, structure, use of land, use of structure, or use of land and structure in combination, that certifies that the lot, structure 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 structure or land used for the nonconforming use, and the extent that dimensional requirements are nonconforming. The purpose of this section is to protect the owners of lands or structures that are or become nonconforming. No fee shall be charged for such a certificate. One copy of the certificate shall be returned to the owner and one copy shall be retained by the Zoning Commissioner, who shall maintain as a public record a file of all such certificates.

(Ord. 90-01. Passed 3-6-90.)

1137.06 SUBSTITUTION OF NONCONFORMING USES.

So long as no structural alterations are made, except as required by enforcement of other codes or ordinances, any nonconforming use may, upon appeal to and approval by the Board of Zoning Appeals, be changed to another nonconforming use of the same classification or of a less intensive classification, or the Board shall find that the use proposed for substitution is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board may require that additional conditions and safeguards are met, which requirements shall pertain as stipulated conditions to the approval of such change, and failure to meet such conditions shall be considered a punishable violation of this Zoning Ordinance. Whenever a nonconforming use has been changed to a less intensive use or becomes a nonconforming use, such use shall not thereafter be changed to a more intensive use. (Ord. 90-01. Passed 3-6-90.)

1137.07 SINGLE NON-CONFORMING 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 Ordinance, notwithstanding limitations imposed by other provisions of this Zoning Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in Chapter 1113 other than lot area or lot width shall be obtained only through action of the Board of Zoning Appeals as provided in Chapter 1129. (Ord. 90-01. Passed 3-6-90.)

1137.08 NON CONFORMING LOTS OF RECORD IN COMBINATION.

If two or more or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Zoning Ordinance, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Zoning Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Zoning Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Zoning Ordinance. (Ord. 90-01. Passed 3-6-90.)

1137.09 NONCONFORMING USES OF LAND.

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

- (a) No such nonconforming uses shall be enlarged or increased, nor extended to occupy a greater area of land than was occupied at the effective date of adoption or amendment of this Zoning Ordinance;

- (b) No such nonconforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of adoption or amendment of this Zoning Ordinance;
- (c) If any such nonconforming uses of land are discontinued or abandoned for more than two 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 Ordinance for the district in which such land is located;
- (d) No additional structure not conforming to the requirements of this Zoning Ordinance shall be erected in connection with such nonconforming use of land.

(Ord. 90-01. Passed 3-6-90.)

1137.10 NONCONFORMING STRUCTURES.

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

- (a) No such nonconforming structure may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be altered to decrease its nonconformity;
- (b) Should such nonconforming structure or nonconforming portion of a structure be demolished or destroyed by any means, it shall not be reconstructed except in conformity with the provisions of this Zoning Ordinance;
- (c) Should such structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

(Ord. 90-01. Passed 3-6-90.)

1137.11 NONCONFORMING USES OF STRUCTURES OR OF STRUCTURES AND LAND IN COMBINATION.

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

- (a) No existing structure devoted to a use not permitted by this Zoning Ordinance in the district in which it is located shall be enlarged, extended, constructed, reconstructed, moved, or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- (b) Any nonconforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such use at the time of adoption or amendment of this Zoning Ordinance, but no such use shall be extended to occupy any land outside such building;

- (c) If no structural alterations are made, any nonconforming use of a structure or structure and land in combination, may, upon appeal to the Board of Zoning Appeals, be changed to another nonconforming use provided that the Board of Zoning Appeals shall find that the proposed use is equally appropriate or more appropriate to the district than the existing nonconforming use. In permitting such change, the Board of Zoning Appeals may require appropriate conditions and safeguards in accord with other provisions of this Zoning Ordinance;
- (d) Any structure, or structure and land in combination, in or on which a nonconforming use is superseded by a permitted use, shall thereafter conform to the regulations for the district, and the nonconforming use may not thereafter be resumed;
- (e) When a nonconforming use of a structure, or structure and land in combinations, is discontinued or abandoned for more than two years (except when government action impedes access to the premises), the structure, or structure and land in combination, shall not thereafter be used except in conformity with the regulations of the district in which it is located;
- (f) Where nonconforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the nonconforming status of the land.

(Ord. 90-01. Passed 3-6-90.)

1137.12 TERMINATION OF NONCONFORMING USES.

(a) Termination of Use Through Discontinuance. When any nonconforming use is discontinued or abandoned for more than two 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.

(b) Termination of Use by Damage or Destruction. In the event that any nonconforming building or structure is destroyed by any means to the extent of more than sixty percent (60%) 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 Ordinance. When such a nonconforming structure is damaged or destroyed to the extent of sixty percent (60%) or less of the replacement cost no repairs or rebuilding shall be permitted except in conformity with all applicable regulations of this Zoning Ordinance and the following conditions:

- (1) A Zoning Certificate pertaining to such restoration shall be applied for and issued within one year of such destruction, and rebuilding shall be diligently pursued to completion.
- (2) Such restoration shall not cause a new nonconformity, nor shall it increase the degree of nonconformance or noncompliance existing prior to such damage or destruction.
- (3) The above limits as to percentage of destruction may be relaxed in the determination of granting such certificate for residential dwellings only; upon application to the Board of Appeals; which will make the determination.

(Ord. 90-01. Passed 3-6-90.)

1137.13 REPAIRS AND MAINTENANCE.

On any nonconforming structure or portion of a structure containing a nonconforming use, work may be done on ordinary repairs, or on repair or replacement of non-bearing walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it 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 building permit for such activities shall be required.
(Ord. 90-01. Passed 3-6-90.)

**CHAPTER 1141
Special Regulations**

1141.01 General.

1141.02 Satellite dish antennas. (Repealed)

1141.03 Adult entertainment facilities.

1141.01 GENERAL.

It is the purpose of these special regulations to promote the public health, safety, and welfare and to establish regulations affecting uses and practices which, were they to be established and maintained without any guidance or restriction or control, tend to result in dangerous situations threatening the safety of citizens, to contribute to circumstances undermining the morals of the youth of the community, or to generate conflicts in uses or practices upsetting the harmony of the community and impinging upon the property rights of others.
(Ord. 90-01. Passed 3-6-90.)

1141.02 SATELLITE DISH ANTENNAS. (REPEALED)

(EDITOR'S NOTE: Former Section 1141.02 was repealed by Ordinance 03-01, passed September 23, 2003.)

1141.03 ADULT ENTERTAINMENT FACILITIES.

Adult entertainment facilities shall be permitted uses within the Village, but only in accordance with the following specifications:

- (a) Adult entertainment facilities shall only be operated within "I" Industrial and manufacturing districts.
- (b) No adult entertainment facility shall be located within a one-quarter mile radius of any of the following:
 - (1) Any residential district;
 - (2) Any public, private, governmental, or commercial library, educational institution, park, recreational facility, religious place of worship, child day care facility, playground, or swimming pool;

- (3) Any tavern, bar, or other establishment, which serves beer or other intoxicating liquors for consumption on the premises;
- (4) Any other adult entertainment facility.
- (c) All building openings, entries, windows, and doors of adult entertainment facilities shall be located, covered, or serviced in such a manner as to prevent view into the interior from public or semi-public areas, sidewalks, or streets.
- (d) No screens, loudspeakers, or sound equipment shall be used for adult entertainment facilities that can be seen, heard, or otherwise discerned by the general public from public or semi-public areas.
- (e) For purposes of this section:
 - (1) An adult entertainment facility means any facility where a significant portion of its function, entertainment, or use is as an “adult book store” and/or an “adult motion picture theater” and/or as an “adult only entertainment establishment” and/or as an “adult cabaret”, as that term is defined in Section 533.16 of the Codified Ordinances.
 - (2) “Adult book store” means an establishment that uses five percent (5%) or more of its retail selling area for the purpose of sale, rental, display, or viewing of books, magazines and other printed material, film, tapes and video cassettes, or any other visual representations, which are distinguished by their emphasis on adult material.
 - (3) “Adult motion picture theater” means an enclosed motion picture theater which regularly uses five percent (5%) or more of its total viewing time for presenting material distinguished by an emphasis on matter depicting, describing, or related to adult material.
 - (4) “Adult only entertainment establishment” means an establishment which provides adult material, or persons totally nude, topless or bottomless, strippers, male or female impersonators, or similar entertainment which constitutes adult material.
 - (5) “Adult material” means any book, magazine, newspaper, pamphlet, poster, print, figure, image, description, motion picture, film, act, conversation, performance, phonographic record, tape, cassette, compact disk, or other thing capable of arousing sexual interest through sight, sound, or touch, and which cannot lawfully be viewed or purchased by anyone under eighteen years of age. (Ord. 00-05. Passed 3-14-00.)

CHAPTER 1143
Property Maintenance and Minimum Standards

<p>1143.01 Title.</p> <p>1143.02 Purpose.</p> <p>1143.03 Scope.</p> <p>1143.04 Conflicts of laws.</p> <p>1143.05 Separability.</p> <p>1143.06 Danger to health, safety, morals or welfare.</p> <p>1143.07 Definitions.</p> <p>1143.08 Inspections; authority of Zoning Inspector.</p> <p>1143.09 Right of entry.</p> <p>1143.10 Notice of violations.</p> <p>1143.11 Emergency cases.</p> <p>1143.12 Right of appeal.</p> <p>1143.13 Maintenance responsibilities of owner and occupant.</p> <p>1143.14 Leasing for residential occupancy; restrictions.</p> <p>1143.15 Habitable floor area standards.</p>	<p>1143.16 Required dwelling unit facilities.</p> <p>1143.17 Plumbing.</p> <p>1143.18 Heating capacity.</p> <p>1143.19 Electrical facilities required.</p> <p>1143.20 General maintenance requirements.</p> <p>1143.21 Maintenance of foundations.</p> <p>1143.22 Maintenance of roofs, gutters and downspouts.</p> <p>1143.23 Maintenance of exteriors of occupied structures and secondary or appurtenant structures.</p> <p>1143.24 Infestation of pests.</p> <p>1143.25 Exterior property areas.</p> <p>1143.99 Penalty.</p>
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1143.01 TITLE.

The provisions of this Chapter of these Codified Ordinances shall be known and referred to as "The Property Maintenance Code" and shall be referred to throughout this Chapter as "this Code." (Ord. 2010-21. Passed 9-27-10.)

1143.02 PURPOSE.

Within the scope of this Code, as hereinafter set forth, the purpose of this Code is to establish minimum standards necessary to make all residential and nonresidential structures safe, sanitary, free from fire and health hazards, fit for human habitation and beneficial to the public welfare; to establish minimum standards governing the maintenance of structures in such condition as will not constitute a blighting or deteriorating influence on the neighborhood and the community; to protect property values and to maintain the character and appearance of the community and the neighborhoods within the community; to fix responsibilities on owners and occupants of structures with respect to sanitation, repair and maintenance; to establish additional standards for multiple dwellings; to authorize the inspection of structures; to establish enforcement procedures; to authorize the vacation or condemnation of structures unsafe or unfit for human habitation; and to affix penalties for violations.
(Ord. 2010-21. Passed 9-27-10.)

1143.03 SCOPE.

The provisions of this Code shall be supplementary to all other provisions of the ordinances of the Village relating to the zoning, construction, use and maintenance of properties and buildings and shall apply to all buildings or portions thereof.
(Ord. 2010-21. Passed 9-27-10.)

1143.04 CONFLICTS OF LAWS.

(a) In the event of conflict between any provision of this Code, including any rules and regulations adopted pursuant to this Code, and any provision of the ordinances of the Village, including any rules and regulations adopted pursuant to such ordinances, the more restrictive provision shall prevail.

(b) In the event of conflict between any provision of this Code, including any rules and regulations adopted pursuant to this Code, and any provision of State or federal law, including any rules and regulations adopted pursuant to such laws, the State or federal law shall prevail. It is not intended by the adoption of this Code to conflict with any provision of the Residential Building Code of Ohio for One-, Two-, and Three-Family Dwellings; and, in the event of a clear conflict with the same, the Residential Building Code of Ohio for One-, Two-, and Three-Family Dwellings shall prevail. (Ord. 2010-21. Passed 9-27-10.)

1143.05 SEPARABILITY.

Sections and subsections of this Code and the several parts and provisions thereof are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any such section, subsection, part or provision thereof to be unconstitutional, void or ineffective for any cause shall not affect nor render invalid any other such section, subsection, part or provision thereof. (Ord. 2010-21. Passed 9-27-10.)

1143.06 DANGER TO HEALTH, SAFETY, MORALS OR WELFARE.

The failure of any building to conform to the requirements of this Code shall be deemed to be an imminent threat to the health, safety, morals or welfare to the inhabitants of the Village.
(Ord. 2010-21. Passed 9-27-10.)

1143.07 DEFINITIONS.

As used in this Chapter, the words set forth below shall have the following meanings:

- (a) "Approved" means approved by the Zoning Inspector.
- (b) "Basement" means a portion of a building partly or entirely underground whose ceiling or under part of the floor above is four feet or less above the average finished grade elevation.
- (c) "Board" means the Board of Zoning Appeals.
- (d) " Dwelling " means a building or structure, or part thereof, that is used or designed or intended to be used for residential purposes.
- (e) " Dwelling structure " means a building or structure, or part thereof, that is used or designed or intended to be used for a residential purposes. " Dwelling structure " is synonymous with the term " residential structure ."
- (f) " Dwelling unit " means a group of rooms arranged, maintained or designed to be occupied by a single family and which consists o a complete bathroom with toilet, lavatory and tub or shower facility; at least one complete kitchen or kitchenette with approved cooking, refrigeration and sink facilities; and approved living and sleeping facilities; all of which facilities are in contiguous rooms and are used exclusively by such family and by any authorized persons occupying such dwelling unit with the family. The words dwelling unit, apartment and suite shall be considered to be synonymous.
- (g) " Family " means any number of individuals regularly living, cooking and eating together on the premises as a single housekeeping unit, as distinguished from a group occupying a rooming house, motel, hotel, dormitory or fraternity or sorority house.
- (h) " Habitable floor area " means the floor area in any room in any dwelling, dwelling structure or multiple dwelling, which floor area is required to be contained within such dwelling, dwelling structure or multiple dwelling, or any part thereof, in order to meet the minimum requirements of this Code.
- (i) " Habitable room " means a room or enclosed floor space used or intended to be used for living, sleeping or eating purposes, excluding bathrooms, toilet rooms, laundries, pantries, dressing rooms, storage spaces, foyers, hallways, utility rooms, heater rooms, boiler rooms, basement recreation rooms and areas used for kitchen purposes. Wherever living, sleeping or eating space is included in a room or area also used for kitchen purposes, the Zoning Inspector shall determine the portion of the floor area used for kitchen purposes and such portion, so determined, shall not constitute habitable floor area in determining the habitable floor area of a dwelling unit.
- (j) " Nonresidential structure " means a building or part of a building used for purposes other than residential purposes.
- (k) " Occupant " means a person living, sleeping, cooking, eating or conducting business in, or having actual possession of, a unit or room within a structure.
- (l) " Occupied structure " means all structures, both residential and nonresidential, excluding secondary or appurtenant structures.
- (m) " Operator " means a person who has the charge, care or control of a structure.

- (n) "Owner" means the owner or owners of premises, including the holder of title thereto subject to contract of purchase, a vendee in possession, or mortgagee or receiver in possession, a lessee or joint lessees of the whole thereof, or an agent or any other person, firm, corporation or fiduciary directly in control of the premises. The person who signs the application for a certificate of occupancy for any premises shall be deemed prima-facie to be the owner of such premises.
- (o) "Person" means any individual, firm, partnership, association, corporation, company, organization or association of any kind.
- (p) "Premises" means a lot, parcel or plot of land, including the buildings or structures thereon.
- (q) "Rental property" means a lot, parcel of plot of land, including the buildings or structures thereon.
- (r) "Secondary or appurtenant structure" means a structure, the use of which is incidental or accessory to that of the main building, and which is attached to the main building or located on the same premises therewith.
- (s) "Supply or supplied" means paid for, furnished, provided by, or under the control of, an owner or operator. (Ord. 2010-21. Passed 9-27-10.)

1143.08 INSPECTIONS; AUTHORITY OF ZONING INSPECTOR.

The Zoning Inspector is hereby authorized to make or cause to be made inspections of all structures or premises used for residential or nonresidential purposes, and of all secondary or appurtenant structures, to determine whether such structures or premises conform to the provisions of this Code. (Ord. 2010-21. Passed 9-27-10.)

1143.09 RIGHT OF ENTRY.

Upon presentation of proper credentials, the Zoning Inspector may enter, with permission of the occupant, at reasonable times, or at such other times as may be necessary in an emergency, any dwelling, building, structure or premises in the Village to perform any duty imposed on him or her by this Code, provided, however, that if the occupant refuses permission to enter, no entry shall be made without first obtaining a warrant. (Ord. 2010-21. Passed 9-27-10.)

1143.10 NOTICE OF VIOLATIONS.

(a) Whenever the Zoning Inspector finds any structure or premises, or any part thereof, to be in violation of the provisions of this Code, the Zoning Inspector shall give or cause to be given or mailed to the owner, agent or operator of such structure or premises a written notice stating the violation, which notice shall order the owner, agent or operator, within a stated reasonable time, to repair, improve or demolish the structure or premises concerned. In determining the amount of time in which remedial action must be completed, the Zoning Inspector shall consider all of the attendant circumstances, including the urgency of the threat to safety and the anticipated costs.

(b) Whenever the owner, agent, occupant or operator of a structure or premises fails, neglects or refuses to comply with any notice of the Zoning Inspector or any notice to demolish and/or vacate a structure or part thereof, issued in accordance with the provisions of this Code, the Zoning Inspector may request the Solicitor or Prosecutor to institute legal proceedings or to take such other action as may be necessary to vacate the premises and abate the nuisance. The Zoning Inspector shall further give notice informing the owner, agent or operator of a structure or premises of such determination and action.

(c) The owner or owners of any property as to which such an order or notice to repair, improve, demolish or vacate has been issued shall not sell or enter into an agreement to sell or lease such property for longer than one year unless such order of the Zoning Inspector has been disclosed and displayed to the prospective purchaser or lessee, of unless or until the owner or owners has received notice from the Zoning Inspector of satisfactory compliance with such order or notice from the Zoning Inspector or other duly constituted authority that such order has been withdrawn or cancelled.

(d) If the person to whom a notice of violation is addressed cannot be found within Huron County after a reasonable and diligent search, then notice shall be sent by registered mail to the last known address of such person, and warning of the existence of such notice shall be posted in a conspicuous place on the structure or premises to which it relates. No person shall remove or deface such warning notice without written permission from the Zoning Inspector. Such mailing and posting shall be deemed legal service of notice. Service of a summons and complaint shall be delivered by either personal service or by certified mail, and shall be served in accordance with Rule 4.1 of Ohio Rules of Civil Procedure.
(Ord. 2010-21. Passed 9-27-10.)

1143.11 EMERGENCY CASES.

(a) Whenever, in the opinion of the Zoning Inspector, the condition of a structure or premises, or any part thereof, constitutes an immediate hazard to human life or health, he or she shall declare a case of emergency and shall order immediate vacation of the structure or premises, or any part thereof. Such notice shall be served in the manner provided in Section 1143.10 but shall require immediate compliance.

(b) Whenever the Zoning Inspector orders a structure or premises, or any part thereof, to be vacated, he or she shall cause to be posted at each entrance to such structure or premises, or any part thereof, a placard warning of the existence of such vacation order. No person shall deface or remove such placard until the repairs or demolition is completed without the written permission of the Zoning Inspector. No person shall enter or use any structure or premises so placarded except for the purpose of making the required repairs or demolishing the structure or premises. (Ord. 2010-21. Passed 9-27-10.)

1143.12 RIGHT OF APPEAL.

The owner, lessee, agent, or operator of any structure or premises shall have the right to appeal from any order of, or written notice issued by, the Zoning Inspector to the Board of Zoning Appeals. The Board's authority shall include the right to grant additional time, not to exceed one year, to complete remedial actions.
(Ord. 2010-21. Passed 9-27-10.)

1143.13 MAINTENANCE RESPONSIBILITIES OF OWNER AND OCCUPANT.

(a) The owner of every residential and nonresidential structure shall be responsible for the maintenance thereof in good repair and safe condition as required by the terms of this Code. The owner shall also be responsible for maintaining in a clean and sanitary condition the shared or common areas of the premises.

(b) The occupant of a structure or premises shall be responsible for maintaining in a clean and sanitary condition that part of the structure or premises which he or she occupies and controls. In addition, such occupant shall be responsible for maintaining in good and safe working order the equipment and appliances which he or she owns.
(Ord. 2010-21. Passed 9-27-10.)

1143.14 LEASING FOR RESIDENTIAL OCCUPANCY; RESTRICTIONS.

No owner, operator or agent shall rent or lease, or offer for rental or lease, any residential or nonresidential structure, or any part thereof, which does not comply with the provisions of this Code. (Ord. 2010-21. Passed 9-27-10.)

1143.15 HABITABLE FLOOR AREA STANDARDS.

(a) Floor area in any dwelling or part thereof shall be considered as constituting the habitable floor area, unless such floor area meets at least the following minimum standards:

In a one-floor, single-family dwelling, or in the first floor area of any other dwelling, the clear ceiling height shall be not less than seven feet, six inches.

In the second floor area and a clear ceiling height of not less than five feet in the remaining one-third of such floor area shall be required.

No portion of any room which is less than seven feet in width shall be included in determining the habitable floor area.

(b) Every dwelling unit shall contain at least 150 square feet of habitable floor area for the first occupant thereof and at least 100 additional square feet of habitable floor area for every additional occupant thereof, but in no case shall any dwelling unit contain less than the minimum number of square feet of habitable floor area as required by other provisions of this Code.

(c) Every room used for sleeping purposes shall contain not less than 100 square feet of habitable floor area if used for one occupant and not less than fifty square feet of habitable floor per occupant if used by more than one occupant.
(Ord. 2010-21. Passed 9-27-10.)

1143.16 REQUIRED DWELLING UNIT FACILITIES.

(a) Every dwelling unit shall be provided with not less than the following sanitary facilities contained within a room, which shall afford privacy to any occupant thereof:

- (1) A water closet.
- (2) A bathtub or shower.
- (3) A lavatory.

(b) Every dwelling unit shall be provided with at least one complete kitchen or kitchenette with approved cooking, refrigeration and sink facilities. No such kitchen facilities shall be placed within any water closet compartment or within any bathroom.
(Ord. 2010-21. Passed 9-27-10.)

1143.17 PLUMBING.

(a) All plumbing fixtures in a dwelling structure shall be supplied with running water.

(b) Every dwelling unit shall have an approved supply of running hot water properly connected to all plumbing fixtures normally requiring hot water.

(c) All plumbing fixtures in a dwelling structure shall be so designed and installed as to prevent contamination of water supply system.

(d) All plumbing fixtures in a dwelling structure shall be connected to a public sanitary sewer or approved septic system.
(Ord. 2010-21. Passed 9-27-10.)

1143.18 HEATING CAPACITY.

Every dwelling unit shall be provided with approved heating facilities capable of maintaining an average temperature of sixty-five degrees Fahrenheit in all habitable rooms, kitchens, bathrooms and water closet compartments when the outdoor temperature is minus five degrees Fahrenheit, without forcing the facilities to operate in excess of their design capacity.
(Ord. 2010-21. Passed 9-27-10.)

1143.19 ELECTRICAL FACILITIES REQUIRED.

Every dwelling structure and secondary or appurtenant structure shall be provided with approved electrical service, outlets, and fixtures, which shall be installed and maintained so as to be free of any potential source of ignition of combustible material or any potential source of electrical hazard. Such facilities shall be approved as being adequate to supply the requirements of lighting, appliances and equipment of the structure concerned.
(Ord. 2010-21. Passed 9-27-10.)

1143.20 GENERAL MAINTENANCE REQUIREMENTS.

(a) All structures and all parts thereof, both exterior and interior, shall be maintained in good repair and shall be capable of performing the function for which such structure, or any part or feature thereof, was designed for or intended to be used.

(b) All equipment and facilities appurtenant to an occupied structure shall be maintained in good and safe working order.
(Ord. 2010-21. Passed 9-27-10.)

1143.21 MAINTENANCE OF FOUNDATIONS.

(a) All foundations of every structure shall be maintained structurally sound and in good repair. All foundation walls shall be maintained so as to carry the safe design and operating dead and live loads and shall be maintained plumb and free from open cracks and breaks.

(b) All foundations of every occupied structure shall be maintained in such condition as to prevent the accumulation of moisture within the space enclosed within such foundation.

(c) All openings into the foundations of every structure shall be protected against the entrance of rodents.

(Ord. 2010-21. Passed 9-27-10.)

1143.22 MAINTENANCE OF ROOFS, GUTTERS AND DOWNSPOUTS.

All roofs of occupied structures shall be maintained weather tight and shall be equipped with gutters and downspouts, which shall be connected to a public storm sewer unless an alternative point of discharge has been approved by the Zoning Inspector.

(Ord. 2010-21. Passed 9-27-10.)

1143.23 MAINTENANCE OF EXTERIORS OF OCCUPIED STRUCTURES AND SECONDARY OR APPURTENANT STRUCTURES.

(a) All exterior parts of every occupied structure, including exterior walls, parapet walls, decorative additions, chimneys and all other exterior structures, either above or below the roof line, shall be maintained in a safe condition, weather tight and so as to resist decay or deterioration from any cause.

(b) Any occupied structure or secondary or appurtenant structure whose exterior surface is bare, deteriorated, ramshackle, tumble-down, decaying, disintegrating or in poor repair must be repaired or razed.

(c) All buckled, rotted or decayed walls, doors, windows, porches, floors, steps, railings, trim and their missing members must be replaced and put in good condition.

(d) All exterior wood or exterior unfinished surfaces must be sealed and painted, or the surface covered with another approved protective coating or treated to prevent rot and decay. All exterior walls and surfaces must be properly protected against the weather where such are defective or lack weather protection, including lack of paint or surface covering, or when they have weathered due to lack of proper protective covering.

(e) Any occupied structure or secondary or appurtenant structure whose exterior surface is deteriorated, decaying or disintegrating, or whose exterior surface has weathered with dirt and grime or been impaired through peeling or flaking of the paint or other protective coating, shall be repaired or repainted or resurfaced.

(Ord. 2010-21. Passed 9-27-10.)

1143.24 INFESTATION OF PESTS.

All structures and the premises thereof shall be maintained free from sources of breeding, harborage and infestation by insects, vermin or rodents.

(Ord. 2010-21. Passed 9-27-10.)

1143.25 EXTERIOR PROPERTY AREAS.

No owner or operator of any premises shall maintain or permit to be maintained at or on the exterior property areas of such premises any condition which deteriorates or debases the appearance of the neighborhood, reduces property values in the neighborhood, adversely alters the appearance and general character of the neighborhood, creates a fire, safety or health hazard, or is a public nuisance, including, but not limited to, the following:

- (a) Fences, walls or structures which are broken, dilapidated or with graffiti;
- (b) Out of use or non-useable appliances, dilapidated automobiles or automobile parts, broken, dilapidated or unusable furniture, mattresses or other household furnishings, plastic materials, paints, miscellaneous coverings and/or any other materials that are not stored in a garage or other suitable structure in a lawful manner, consistent with all regulations where it is not visible from the street or other public or private property.
(Ord. 2010-21. Passed 9-27-10.)

1143.99 PENALTY.

Whoever violates any of the provisions of this Code, or any rule or regulation promulgated thereunder, fails to comply therewith or with any written notice or written order issued thereunder, or interferes with, obstructs or hinders any person authorized to inspect while such person is lawfully making an inspection is guilty of one of the following:

- (a) If the offender previously has not been convicted of or pleaded guilty to a violation of any provision of this property maintenance code for which no penalty is otherwise provided, a misdemeanor of the fourth degree.
- (b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one violation of this property maintenance code, a misdemeanor of the third degree.
- (c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of this property maintenance code, a misdemeanor of the second degree.
(Ord. 2010-21. Passed 9-27-10.)

TITLE THREE - Zoning

Chap. 1155. Acceptance of Plats, Allotments or Subdivisions

CHAPTER 1155

Acceptance of Plats, Allotments or Subdivisions

1155.01 Requirements.

CROSS REFERENCES

Plat and subdivision defined - see Ohio R.C. 711.001

Plat and contents - see Ohio R.C. 711.01 et seq.

Plat acknowledgement and recording - see Ohio R.C. 711.06

1155.01 REQUIREMENTS.

(a) No allotment, subdivision, or plat, shall be approved or accepted, or the dedication of streets, alleys, and public grounds therein accepted, until the following provisions hereinafter set forth have been duly complied with.

(b) Before the allotment, plat, or subdivision shall be approved and the dedication of the streets, alleys, or public grounds therein accepted by the Village, the owner of such allotment, plat or subdivision, shall do the following:

- (1) Construct therein, grading, sanitary, and storm sewers, water lines, and paving consisting of, six inches of concrete over a solid base; or at least two inches of a bituminous mixture, commonly known as blacktop, applied in two layers, water bound, dusted, and rolled, over a properly prepared aggregate base having a thickness of at least six inches all to be approved by Council.
- (2) Install the water lines therein or deposit with the Clerk of the Village, a sum of money equal to the cost of said water lines, said cost to be estimated by Council.

- (3) In lieu of the construction of all other improvements above mentioned, except the water lines, the owner of such allotment, plat, or subdivision, shall deposit with the Clerk, a sum of money equal to the cost of said improvements or shall deposit with the Clerk, a corporate Surety Bond for the faithful performance of the construction of said improvements. The Surety Company, the amount of the Bond, terms and conditions to be approved by Council.
- (4) Not less than three percent (3%) of the total area of each allotment, plat, or subdivision, shall be dedicated for park purposes. The three percent (3%) as herein mentioned, shall be exclusive of streets, alleys, and public grounds. However, when in the opinion of Council of New London, said three percent (3%) is too small for park purposes, then Council may waive the park dedication requirement.

(c) All allotments, plats, or subdivisions herein presented for acceptance by the Village shall first be approved by Council.

(d) Each plat presented to Council, dedicating streets, alleys, and public grounds, must be accompanied by a certificate of title or abstract of title, showing the ownership of said lands in said plat.

(e) All plats shall be prepared in accordance with the manner of recognized engineering standards and upon acceptance, the original tracing, after being duly recorded, shall be placed on file with the Village Clerk.