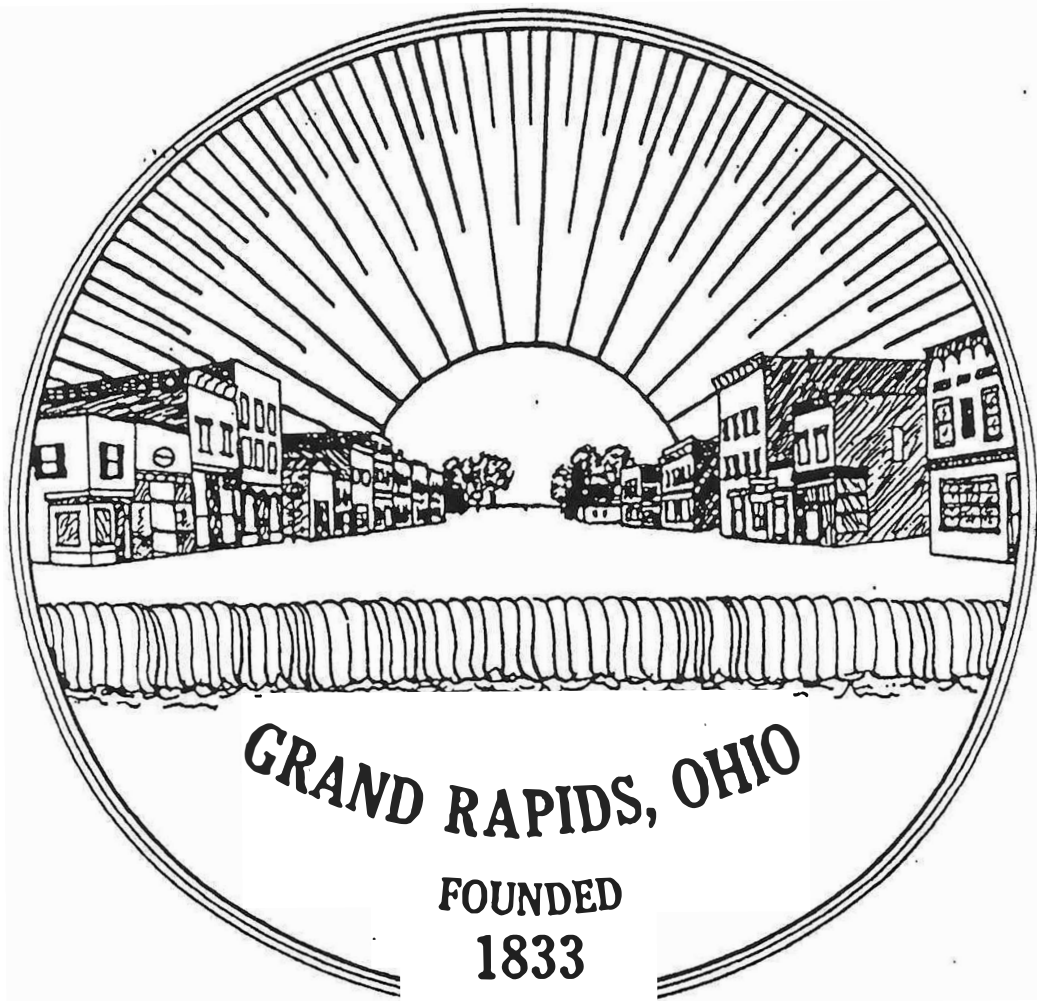


# The Village of Grand Rapids



## Zoning Ordinance



# THE VILLAGE OF GRAND RAPIDS ZONING ORDINANCE

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CODIFIED ORDINANCES OF THE VILLAGE OF GRAND RAPIDS

Part Twelve – Planning and Zoning Code

TITLE SIX – ZONING

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**CHAPTER 1260  
General Provisions and Definitions**

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1260.02	Interpretation; conflicts	1260.04	Definitions

CROSS REFERENCES

- Division of municipal corporations into zones – see Ohio R.C. 713.06
- Restriction in location of buildings and structures – see Ohio R.C. 713.07
- Restrictions on height of buildings and structures – see Ohio R.C. 713.08
- Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and setback building lines – see Ohio R.C. 713.09
- Basis of districting or zoning; classification of buildings and structures – see Ohio R.C. 713.10
- Notice and hearing on zoning regulations – see Ohio R.C. 713.12
- Violations may be enjoined – see Ohio R.C. 713.13

**1260.01 COMPLIANCE REQUIRED**

Except as otherwise provided in this Zoning Code, and except when written permission to do otherwise is obtained from the enforcing officer:

- (a) No Building shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except for a purpose permitted in the district in which the building or land is located.

- (b) No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the yard regulations or height limits herein established for the district in which the building is located.
- (c) The minimum yards, parking spaces and other open spaces required by this Zoning Code for any building hereafter erected shall not be encroached upon or considered as part of the yard, parking space or other open space below the district requirements of this Zoning Code. (Ord. 79-15. Passed 11-12-79.

#### 1260.02 INTERPRETATION: CONFLICTS OF LAWS

In interpreting and applying the provisions of this ordinance they shall be held to the minimum requirements for the promotion of the public health, safety, morals, comfort, and general welfare. It is not intended by this Zoning Code to interfere with, abrogate, or annul any other ordinance, resolution, rules, regulation, or permit previously adopted or issued, and not in conflict with any of the provisions of this Zoning Code relative to the use of buildings, structures or land, nor it is intended by this Zoning Code to interfere with, abrogate or annul any easements, covenants or other agreements between parties, provided, however, that whenever this Zoning Code imposes greater restrictions upon the use of buildings, structures, premises or land, or upon the height of buildings, or requires greater building lines or larger open spaces, than are imposed or required by any other ordinance, resolution, rule, regulation, permit, easement, covenant or agreement, the provisions of this Zoning Code shall control. (Ord. 79-15. Passed 11-12-79)

#### 1260.03 SEPARABILITY

Should any section, clause, or provision of this Zoning Code be declared by a court of competent jurisdiction to be invalid, the same shall not apply to or affect the validity of this Zoning Code as a whole, or any part thereof other than the part so declared to be invalid. (Ord. 79-15. Passed 11-12-79)

#### 1260.04 DEFINITIONS

As used in this Zoning Code, words used in the present tense include the future, the singular number includes the plural, and the plural the singular; the word "building" includes the word "structure," and the word "lot" includes the word "plot"; and the word "shall" is mandatory and not directory. Any word not herein defined shall be construed in its generally accepted sense. In addition, unless otherwise expressly provided in this Zoning Code:

- (1) "Accessory Building" means a subordinate building or portion of a main building, the use of which is incidental to that of the main building
- (2) "Alley" means a public thoroughfare not over twenty feet wide
- (3) "Apartment House." See "multiple dwelling." (Ord. 79-15. Passed 11-12-79)

- (4) "Awning" means any structure made of cloth, wood or metal and having a metal or wooden frame, being attached to a building and projecting over a public right of way. (Ord. 94-12. Passed 4-25-94).
- (5) "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.
- (6) "Boarding house" means a building other than a hotel, where lodging and meals, for five or more persons, are served for compensation.
- (7) "Building" means a structure having a roof supported by walls. When a building is separated by a party wall without an opening, it shall be deemed to be a separate building.
- (8) "Building height" means the vertical distance from the established sidewalk grade at the center of the front of the building, to the highest point of the roof surface of a flat roof, to the deck line of mansard roofs and to the mean height level between eaves and ridge for gabled, hip and gambrel roofs. For a building setback from the street line, "building height" may be measured from the average elevation of the finished grade along the front of the building. (Ord. 79-15. Passed 11-12-79)
- (9) "Canopy" means any structure made of cloth, wood or metal and having a metal or wooden frame, being attached to a building, projecting over a right of way and carried by a frame supported by the building. (Ord. 94-12. Passed 4-25-94)
- (10) "Conditional Use" means a use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Planning Commission. Conditional uses permitted in each district are listed.
- (11) "Conditional use permit" means a permit issued by the Zoning Inspector, upon approval by the Planning Commission, to allow a use, other than a principally permitted use, to be established within a district.
- (12) "Court" means an open, unoccupied, unobstructed space, other than a yard, on the same lot as a building. An inner court is a court surrounded on all sides by walls or by walls and a lot line. An outer court is a court extending to a court or way, or to a front or rear yard.
- (13) "Dwelling" means any house or building or portion thereof designed for or occupied in whole or in part as the home, residence or sleeping place of one or more persons, either permanently or transiently, but not including house trailers or mobile homes.
- (14) "Dwelling, multifamily" means a building or portion thereof designed for or occupied as the home of three or more families or households, living independently of each other, including tenement houses, apartment houses and or apartment hotels.
- (15) "Family" means one or more persons occupying a premises and living as a single household unit, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.
- (16) "Fence" means and includes all structures used as barriers or to demarcate a boundary, but shall not include ornamental structures of less than one foot in height.
- (17) "Garage" means a building or any portion thereof in which one or more motor vehicles are housed, kept or repaired, not including exhibition or show rooms.
- (18) "Garage community" means a series of private garages, one story in height, located jointly on a parcel of land under a single ownership.
- (19) "Home occupation" means an occupation conducted in a dwelling unit.

- (20) "House trailer" means any self-propelled and non-self-propelled vehicle, as designed, constructed, reconstructed or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to indicated utilities, whether resting on wheels, jacks or other temporary foundation and used or so constructed as to permit its being used as a conveyance upon the public streets or highway.
- (21) "Hotel/motel" means a building occupied as the more-or-less temporary abiding place of individuals who are lodged, with or without meals, and in which there are more than five rooms usually occupied, singly, and where no provisions are made for cooking in any individual apartment (room).
- (22) "Lodging house" means a building, other than a hotel, where lodging for five or more persons is provided for compensation.
- (23) "Lot" means a place or parcel of land occupied or to be occupied by one building and its accessory building, including the open space required under this Zoning Code.
- (24) "Lot, corner" means a lot abutting on two or more streets at their intersection, provided that the angle at which the streets intersect does not exceed 135 degrees. A portion of a corner lot that is more than 100 feet from the corner shall be treated as an interior lot.
- (25) "Lot, front, rear and depth of" is defined as follows: The front line of a lot is that boundary line which borders on the right-of-way. In the case of a corner lot, the owner may elect by a statement on his or her plans, either right-of-way boundary line as the front. In the case of a triangular lot, the rear is the boundary line not bordering on the right-of-way. The depth of a lot is the dimension measured from the front of the lot to the entrance rear line of the lot. In the case of an irregularly shaped lot, the mean depth shall be taken.
- (26) "Lot, interior" means a lot the side lines of which do not abut on any street.
- (27) "Lot lines" means the lines bounding a lot, as defined herein. (Ord. 79-15. Passed 11-12-79)
- (28) "Mansard roof" means a roof having two slopes on all sides, with the lower slope steeper than the upper one. (Ord. 94-12 Passed 4-25-94)
- (29) "Mobile home" means any non-self-propelled vehicle designed, constructed, reconstructed or added to, by means of accessories, in such a manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used, or so constructed as to permit it being used, as a conveyance upon the public streets and highways and exceeding a gross weight of 4,500 pounds and an overall length of thirty feet.
- (30) "Mobile home park" means any site or tract of land upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue purposes, including any roadway, building structure, vehicle or enclosure used or intended for use as a part of the facilities of such park.
- (31) "Motel". See "Hotel."
- (32) "Nonconforming use" means a use of a building or land that is not in compliance with the regulations of the use district in which it is located.
- (33) "Parking space, off-street" means an area adequate for parking of 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 area is located totally outside of any street or alley right-of-way.



- (34) "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 curbs, lawn strips, sidewalks, lighting and drainage facilities, and may include special features (required by the topography or treatment) such as grade separation, landscape areas, viaducts, and bridges.
- (35) "Setback line" means the minimum horizontal difference between the lot line and the lot front line of any building or projection thereof, excluding steps and unenclosed porches which do not extend more than ten feet beyond the front wall of a building.
- (36) "Stable" means any building or portion thereof which is used in whole or in part for the care and shelter of horses, cattle or other similar animals, either permanently or transiently.
- (37) "Story" means the portion of a building included between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, then the space between such floor and the ceiling above it.
- (38) "Story, half" means a story which is situated under a sloping roof, the floor area of which does not exceed one-half of the floor area of the floor immediately below it and which does not contain an independent apartment. A half story shall not be counted as a story for the purpose of determining property.
- (39) "Street, public" means a public thoroughfare which has been dedicated or deeded to the public for public use and which affords principal means of access to abutting property.
- (40) "Structural alteration" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.
- (41) "Structure" means anything constructed or erected, the use of which requires a more or less permanent location on the ground or an attachment to something having a firm location on the ground. "Structure" includes buildings, commercial radio, or television towers, sheds, and permanent signs, but excludes fences.
- (42) "Use" means the specific purposes for which land or a building is designated, arranged or intended, or for which it is or may be occupied or maintained.
- (43) "Variance" means a modification of the strict terms of 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.
- (44) "Yard" means an open space unoccupied and unobstructed by any structure or portion of a structure, lying between a structure and adjoining lot lines. (Ord. 79-15. Passed 11-12-79)

**CHAPTER 1264**  
**Administration; Enforcement and Penalty**

1264.01	Planning Commission	1264.06	Procedure and
1264.02	Zoning Inspector		requirements for approval
1264.03	Zoning Certificates		of conditional use permits
1264.04	Procedure and requirements	1264.07	Fees
	for appeals and variances	1264.99	Penalty
1264.05	Appeals Court		

**CROSS REFERENCES**

Division of municipal corporations into zones – see Ohio R.C. 713.06  
Restriction in location of buildings and structures – see Ohio R.C. 713.07  
Restrictions on height of buildings and structures – see Ohio R.C. 713.08  
Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and setback building lines – see Ohio R.C. 713.09  
Administrative board; powers and duties – see Ohio R.C. 713.11  
Violations may be enjoined – see Ohio R.C. 713.13  
Sign fees – see Planning & Zoning 1287.11

**1264.01 PLANNING COMMISSION.**

(A) Establishment and Membership. A Planning Commission, hereinafter referred to as the “Commission,” is hereby established. Such Commission is composed of five members, who serve without compensation. The Mayor is a member of the Commission by virtue of his or her office. A second member must be a member of Council. He or she is elected to the Commission by Council to serve during his or her term as Councilperson. The other three members of the Commission must be residents of the Village who are appointed by the Mayor and confirmed by Council. Initially, the Mayor appoints one member for a term of two years, a second for four years and a third for six years. Thereafter, the Mayor appoints one new citizen member every two years to a six-year term on the Commission. Vacancies shall be filled for unexpired terms only.

Any member of the Commission may be removed for neglect of duty after a public hearing before Council and a resolution adopted by said Council.

(B) Chairperson, Secretary and Meetings.

(1) The Commission shall, within ten days after appointment, meet and organize, electing a chairperson and a Secretary from its membership. All meetings of the Commission

shall be held at the call of the Chairperson and at such times and places as the Commission may determine. Such Chairperson, or his or her absence, the Acting Chairperson, may administer oaths and require the attendance of witnesses. All meetings of the Commission shall be open to the public.

- (2) The Commission shall keep minutes of its proceedings, showing the vote of each member upon every question, or if absent or failing to vote, indicating such fact, and shall also keep records of its examinations and other official actions. Every rule or regulation, every amendment or repeal thereof, and every order, requirement, decision or determination, of the Commission, shall immediately be filed in the office of the Village Clerk and shall be public record. In the performance of its duties, the Commission may incur such expenditures as shall be authorized by Council. The Commission shall adopt its own rules or procedure not in conflict with State Law.

(C) Duties: For the purposes of this Zoning Code, the Commission shall have the following duties:

- (1) Initiate proposed amendments to this Zoning Code.
- (2) Review all proposed amendments to this Zoning Code and make recommendations to Council.
- (3) Hear and decide appeals where it is alleged that there is an error in any order, requirement, decision, interpretation or determination made by the Zoning Inspector.
- (4) Authorize such variances from the terms of this Zoning Code as will not be contrary to the public interest, where owing to special conditions, a literal enforcement of this Zoning Code will result in unnecessary hardship, and so that the spirit of this Zoning Code shall be observed and substantial justice done.
- (5) Grand conditional use permits.
- (6) Permit a temporary building for business or industry in the R1 or R2 Residence District which is incidental to and necessary for residential development for a period of not more than one year. (Ord. 79-15 Passed 11-12-79)

#### 1264.02 ZONING INSPECTOR.

- (A) Unless otherwise expressly provided in this Zoning Code, this Zoning Code shall be administered and enforced by the Zoning Inspector who is hereby designated the enforcing officer of this Zoning Code. The Zoning Inspector will be appointed by the Mayor with the concurrence of Council. The enforcing officer may be removed from office for neglect of duty after a hearing before the Commission and Council. Such removal and filling the vacancy thereby created shall be made by resolution of the Village Council.
- (B) To be eligible for appointment, the Zoning Inspector shall be well informed on the details of this Zoning Code and be able to read and interpret building plans and specifications, surveys and other documents to the extent necessary to fulfill his or her duties and responsibilities of enforcement. He or she shall be physically capable of making the necessary examinations and inspections of the building site.

- (C) It shall be the duty of the Zoning Inspector to enforce all laws relating to this Zoning Code. It shall be the Zoning Inspector's job to consider the construction, alteration, and/or repair of buildings and structures only as they relate to the enforcement of this Zoning Code.
- (D) It shall be the duty of the Zoning Inspector or a duly appointed assistant to inspect all buildings or structures in the process of construction, as well as the installation on private property of all utilities and other facilities incident thereto, to see that the provisions of law relative to planning and zoning are complied with; to review all applications to determine that all requirements of law are complied with; and to determine the need for conditional use permits and the legality of nonconforming uses.
- (E) The Zoning Inspector shall keep careful and comprehensive records of all applications made and of all permits and zoning certificates issued, inspections made, reports rendered and notices or orders issued. A copy of all zoning certificates issued shall be mailed to the Chairperson of the Planning Commission within one week of issuance.
- (F) Neither the Zoning Inspector nor any person duly appointed as his or her assistant, when acting for the Village in the discharge of his or her duties, shall be deemed to render himself or herself personally liable, and he or she is hereby relieved of all personal liability for any damage that may accrue to persons or property as the result of any such acts performed in the discharge of his or her duties except intentional tortuous conduct. Any suit brought against him or her because of any act performed by him or her in good faith, or any act not constituting an intentional tort, in the enforcement of any provision of this Zoning Code, shall be defended by the Solicitor and if judgment is awarded against him or her he or she shall be indemnified and held harmless for all costs, including reasonable attorney's fees for his or her defense. (Ord. 79-15. Passed 11-12-79.)

### 1264.03 ZONING CERTIFICATES.

- (A) Before proceeding with the erection, relocation, or alteration of any building which activity requires the issuance of a building permit as required in the Building Code of the Village, a zoning certificate for such activity shall be first obtained from the Zoning Inspector by the owner or his agent, which certificate, in such form as may be prescribed by the Zoning Inspector, shall, in substance, certify that such proposed erection, relocation, alteration or other activity complies in all respects with this Zoning Code. No person shall proceed with the erection, relocation, alteration or other activity unless such certificate shall first have been obtained.
- (B) The fee for issuance of a zoning certificate shall be five (\$5.00). Such fee shall be collected at the time the application for the zoning certificate is made.

- (C) Should the Zoning Inspector consider that the work under such permit is proceeding in violation of the provisions of this Zoning Code, it shall be his or her duty to notify the owner or owners, or his or her or their agent, in writing, that the work is being constructed in violation of the zoning certificate and this Zoning Code and that the same must be immediately rectified to conform with such zoning certificate and Code and, if necessary, a stop order may be issued. If the owner or owners neglect to comply with such notice or to make such correction, the Zoning Inspector may revoke such permit, and notice thereof shall be immediately served upon the owner, agent, superintendent or contractor in charge of the work or upon such other person as it can be reasonably assured would deliver the same to the owner. The Zoning Inspector shall also post a copy of said notice on the premises to which the certificate applies. Copies of such notice of revocation shall be delivered forthwith to the Village Solicitor. (Ord. 79-15. Passed 11-12-79.)

#### 1264.04 PROCEDURES AND REQUIREMENTS FOR APPEALS AND VARIANCES.

- (A) Appeals. Appeals to the Commission concerning the interpretation or administration of this Zoning Code may be taken by any person aggrieved or by an office or bureau of Council affected by any decision made by the Zoning Inspector. Such appeal shall be taken within 10 days by filing with the Zoning Inspector, and with the Commission, a notice of appeal. (Ord. 2000-5. Passed 5-8-00.)
- (B) Variances Generally. The Commission may authorize, upon appeal in specific cases, variances from the terms of this Zoning Code when it is alleged that practical difficulties or particular hardships, not intended or not common to other owners of property in the vicinity, will be suffered by the applicant if the strict letter of this Zoning Code is carried out, provided that it is determined that such variance will not be contrary to the public interest.

The following standards shall prevail when considering an application for a variance:

- (1) The applicant's supposed hardship cannot be one of economics alone. For instance, a variance shall not be granted to allow construction of a service station in order that the property owner can sell the land for a higher price that he or she could get with the existing residential zoning.
  - (2) The hardship must result from circumstances affecting a particular and unique piece of property, and not from a general condition throughout the neighborhood.
  - (3) A variance must not alter the essential character of the neighborhood.
  - (4) A hardship must not be contrary to the public interest even if a hardship can be established.
  - (5) A variance must not be contrary to the public interest even if a hardship can be established.
- (C) Applications and Standards for Variances. A variance from the terms of this Zoning Code shall not be granted by the Commission unless and until a written application for the same is submitted to the Zoning Inspector and the Commission containing:

- (1) The name, address and telephone number of the applicant;
- (2) A legal description of the property;
- (3) A description of the nature of the variance requested; and
- (4) A narrative statement demonstrating that the requested variance conforms to the following standards:
  - (A) That special conditions and circumstances exist which are peculiar to the land, structure or building involved, and which are not applicable to other lands, structures or buildings in the same districts;
  - (B) That a literal interpretation of the provisions of this Zoning Code would deprive the applicant of rights commonly enjoyed by other properties in the same district under the terms of this Zoning Code; and
  - (C) That special conditions and circumstances do not result from the actions of the applicant.
- (5) A list of the names and mailing addresses of all property owners within a distance of 200 feet from the lot lines, streets and alleys included, of the lot for which the variance is proposed. (Ord. 2000-5. Passed 5-8-00.)
- (6) A vicinity map to scale showing the property lines, buildings, and other such items as the Zoning Inspector may require. (Ord. 2000-5. Passed 5-8-00.)

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

- (D) Public Hearing and Notice by the Planning Commission: The Commission shall fix a reasonable time for the hearing of the variance or appeal, give due notice thereof to the parties and decide the same within a reasonable time.

The Zoning Inspector shall give at least fifteen days' notice of the time and place of such hearing, published in a newspaper of general circulation in the Village and describing the particular location and the proposed purposes of the variance or appeal. Such notice shall also be given to all property owners within a distance of 200 feet, streets and alleys included, of the lot for which the variance is proposed.

- (E) Action by Planning Commission. The concurring vote of a majority of the Commission shall be necessary to reverse any order, requirement, decision or determination of the Zoning Inspector or to decide in favor of the applicant any matter upon which it is required to pass under this Zoning Code. (Ord. 79-15. Passed 11-12-79.)

## 1264.05 APPEALS TO COURT

Any person or persons jointly or severally aggrieved by a decision of the Commission or Council under this Zoning Code may appeal the decision to the Court of Common Pleas of Wood County as provided in Ohio R.C. Chapter 2506. (Ord. 79-15. Passed 11-12-79.)

## PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS

- (A) In General. The Commission shall have the authority, upon review of particular facts and circumstances, to issue a conditional use permit for a specific property.
- (B) Standards Applicable to All Conditional Uses. The Commission 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 permitted in the zoning district involved;
  - (2) Will be harmonious with and in accordance with the general objectives, or with any specific objective of this Zoning Code;
  - (3) Will be designed, constructed, operated and maintained so as to be harmonious and appropriate in appearance with the existing or extended character of the general vicinity and 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;
  - (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 or property, or to the general welfare, by reason of excessive production of traffic, noise, smoke, fumes, glare, or odors; and
  - (8) Will not result in the destruction, loss, or damage of a natural, scenic or historic feature of major importance.
- (C) Contents of Application for Permit. An application for a conditional use permit shall be filed with the Chairperson of the Commission by at least one owner or lessee of the property for which such conditional use is proposed. At a minimum, the application shall contain the following information:
- (1) The name, address and telephone number of the applicant;
  - (2) A legal description of the property;
  - (3) A description of existing uses;
  - (4) The zoning district
  - (5) A description of the proposed conditional use;
  - (6) A plan of the proposed site for the conditional use showing the location of all buildings, parking areas, yards, signs and such other information as the Commission may require to determine if the proposed conditional use meets the intent and requirements of this Zoning Code; and
  - (7) A narrative statement evaluating the effects on adjoining property; the effect of such elements as noise, glare, odors, fumes and vibration on adjoining property and a discussion of the general compatibility of the use with adjacent and other properties in the district.
  - (8) A list of the names and mailing addresses of all property owners within a distance of 200 feet from the lot lines, streets and alleys included, of the lot for which the variance is

proposed.

- (D) Public Hearing and Notice Requirements. The Commission, by majority vote, shall either approve, approve with supplementary conditions, or disapprove, the application as presented.
- (E) Expiration of Permit. A conditional use permit shall be deemed to authorize only a particular conditional use and said permit shall automatically expire if, for any reason, the conditional use shall cease for more than two years. A property having a conditional use that changes ownership can continue as a conditional use, provided that the property has not ceased as a conditional use for more than two years. (Ord. 79-15. Passed 11-12-79.)

#### 1264.07 FEES.

To partially defray the expenses of advertising, investigation, and consideration, in connection with an application for appeal, variance, conditional use or amendment, a fee of seventy-five (\$75.00) shall be charged by the Zoning Inspector, who shall account for the same to the Village. No fee will be charged if the amendment originates with Council or the Commission. (Ord. 79-15. Passed 11-12-79; Ord. 90-8. Passed 7-23-90.)

#### 1264.99 PENALTY

Any person, firm or corporation who or which violates, disobeys, or omits, neglects or refuses to comply with, or who resists the enforcement of, any of the provisions of this Zoning Code, or who or which misrepresents any statement of fact to obtain a permit under this Zoning Code, shall be subject to a fine of not less than five dollars (\$5.00) nor more than two hundred dollars (\$200.00) for such offense. Each twenty-four hours that any violation of this Zoning Code continues to exist shall constitute and be a separate offense under the terms thereof. (Ord. 79-15. Passed 11-12-79.)



## CHAPTER 1268 Amendments

1268.01	Authority of Council.	1268.05	Hearing, notice and recommendation of Planning Commission.
1268.02	Initiation.	1268.06	Hearing and notice of Council.
1268.03	Applications for Zoning Map Changes	1278.07	Action by Council.
1268.04	Transmittal of resolutions and applications to Planning Commission.		

### CROSS REFERENCES

Division of municipal corporations into zones – see Ohio R.C. 713.06  
Restriction in location of buildings and structures – see Ohio R.C. 713.07  
Restrictions on height of buildings and structures – see Ohio R.C. 713.08  
Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and setback building lines – see Ohio R.C. 713.09  
Basis of districting or zoning; classifications of buildings and structures – see Ohio R.C. 713.10.  
Notice and hearing on zoning regulations – see Ohio R.C. 713.12.  
Violations may be enjoined – see Ohio R.C. 713.13.

#### 1268.01 AUTHORITY OF COUNCIL.

Whenever the public necessity, convenience, general welfare or good zoning practice requires it, Council may, by ordinance, after receipt of a recommendation thereon from the Commission, and subject to procedures provided by law, amend, supplement, change or repeal the regulations, restrictions, and boundaries and classifications of property, set forth in this Zoning Code. (Ord. 79-15. Passed 11-12-79.)

#### 1268.02 INITIATION.

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

- (A) By adoption of a motion by the Commission;
- (B) By adoption of a resolution by Council; or
- (C) By the filing of an application by at least one owner or lessee of property within the area proposed to be changed or affected by said amendment. (Ord. 79-15. Passed 11-12-79.)

### 1268.03 APPLICATIONS FOR ZONING MAP CHANGES

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

- (A) The name, address and telephone number of the applicant;
- (B) The proposed amending ordinance, approved as to form by the Village Solicitor;
- (C) The present use;
- (D) The present zoning district;
- (E) The proposed use;
- (F) The proposed zoning district;
- (G) A vicinity map at a scale approved by the Zoning Inspector showing property lines, thoroughfares, existing and proposed zoning and such other items as the Zoning Inspector may require; and
- (H) A list of the names and mailing addresses of all property owners who are within, contiguous to, or directly across the street from, the parcel proposed to be rezoned, and of others who may have a substantial interest in the case, except that addresses need not be included where more than ten parcels are to be rezoned. (Ord. 79-15. Passed 11-12-79.)

### 1268.04 TRANSMITTAL OF RESOLUTIONS AND APPLICATIONS TO PLANNING COMMISSION

Immediately after the adoption of a resolution by Council or the filing of an application by at least one owner or lessee of property, said resolution or application shall be transmitted to the Commission. (Ord. 79-15. Passed 11-12-79.)

### 1268.05 HEARING, NOTICE AND RECOMMENDATIONS OF PLANNING COMMISSION

- (A) The Commission shall fix a reasonable time for the hearing of the proposed amendment, give due notice to the parties, make its decision within a reasonable time, and give its report and recommendations to Council within thirty days of its consideration.
- (B) Written notice of the hearing by the Commission shall be given to all property owners within a distance of 200 feet, streets and alleys included, of the land proposed to be rezoned or reclassified.
- (C) The concurring vote of a majority of the Commission shall be necessary to recommend that the amendment be granted as presented, to recommend modification of the amendment requested, or to recommend that the amendment be denied. (Ord. 79-15. Passed 11-12-79.)

1268.06 HEARING AND NOTICE OF COUNCIL

- (A) Upon receipt of the recommendation from the Commission, Council shall schedule a public hearing. Notice of the public hearing shall be given by Council by at least one publication in one or more newspapers of general circulation in the Village. Said notice shall be published at least thirty days before the date of the required hearing. The published notice shall set forth the time and place of the public hearing and a summary of the proposed amendment.
- (B) If the proposed amendment intends to rezone or redistrict ten or fewer parcels of land as listed on the tax duplicate, written notice of the hearing shall be mailed by the Clerk of Council, by first-class mail, at least twenty days before the day of the public hearing, to all owners of property within and contiguous to, and directly across the street from, such area proposed to be rezoned or reclassified. These property owners shall be taken from the County Auditor's current tax list or the County Treasurer's mailing list, and any other list or lists that may be specified by Council. The failure to deliver the notice, as provided in this section, shall not invalidate any such amendment. The notice shall contain the same information required of notices published in newspapers as specified above. (Ord. 79-15. Passed 11-12-79.)

1268.07 ACTION BY COUNCIL

Within thirty days after a public hearing, Council shall either adopt or deny the recommendation of the Commission or adopt some modification thereof. In the event that 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 without at least a concurrence (majority) of the elected officials of Council.

In the event that the proposed amendment is denied by Council, the same proposed amendment cannot be resubmitted for one year from the date of denial. (Ord. 79-15. Passed 11-12-79.)

**CHAPTER 1272**  
**Districts Generally and Zoning Map**

- |         |   |         |   |
|---------|---|---------|---|
| 1272.01 | Establishment of Districts;<br>Zoning Map; zoning of<br>annexed territory | 1272.03 | Interpretation of district<br>boundaries. |
| 1272.02 | Zoning of newly subdivided<br>land.                                       |         |   |

**CROSS REFERENCES**

Division of municipal corporations into zones – see Ohio R.C. 713.06  
Restriction in location of buildings and structures – see Ohio R.C. 713.07  
Restrictions on height of buildings and structures – see Ohio R.C. 713.08  
Restrictions on bulk and location of buildings and structures, percentage of lot occupancy  
and setback building lines – see Ohio R.C. 713.09  
Basis of districting or zoning; classification of buildings and structures – see Ohio R.C.  
713.10  
Notice and hearing on zoning regulations – see Ohio R.C. 713.12  
Violations may be enjoined – see Ohio R.C. 713.13  
Applications for Zoning Map Changes – see P. & Z. 1268.03

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**1272.01 ESTABLISHMENT OF DISTRICTS; ZONING MAP; ZONING OF ANNEXED  
TERRITORY**

- (A) In order to regulate and district the location of trades and industries and the location of buildings erected or altered for specific uses, the Village is hereby divided into eight use districts, as follows:
- (1) Agriculture District
  - (2) Residence District, R1
  - (3) Residence District, R1a
  - (4) Residence District, R2
  - (5) Mobile Home Park District
  - (6) Commercial District
  - (7) Central Business District
  - (8) Industrial Park
- (B) The boundaries of such districts are shown upon the map attached to original ordinance 79-15, passed November 12, 1979, and hereby made a part hereof by reference, which map is designated as the "Use District Map" or the "Zoning Map," and the same shall be as much a part of this Zoning Code as if the matters and things set forth thereon were fully described herein.

- (C) Except as otherwise provided in this Zoning Code, no building shall be erected or structurally altered, nor shall any building or premises be used for any purpose other than that which is permitted in the use district in which such building or premises are located.
- (D) Any territory embraced within any future enlargement of the corporate limits of the Village shall be deemed in the Agricultural District thereof until otherwise classified by Council. (Ord. 79-15. Passed 11-12-79.)

#### 1272.02 ZONING OF NEWLY SUBDIVIDED LAND

Whenever any owner or owners of land classified by this Zoning Code as Agricultural shall have platted the same into lots and blocks not of record at the time of the passage of this Zoning Code, or shall thereafter replat the same, any part of which shall be for a purpose other than that permitted in the Agricultural District, said owner or owners shall immediately apply to the Planning Commission to have said land rezoned according to the procedure set forth in Chapter 1268. (Ord. 79-15. Passed 11-12-79.)

#### 1272.03 INTERPRETATION OF DISTRICT BOUNDARIES

When uncertainty exists with respect to boundaries of the various districts as described herein or as indicated on the Zoning Map, the following rules shall apply;

- (A) District boundary lines are either the centerline of railroads, bridges, highways, streets, alleys or easements, or boundary lines of sections, quarter sections, tracts, subdivisions, lots or such lines extended, unless otherwise indicated.
- (B) In areas not subdivided into lots and blocks, wherever a district is indicated as a strip adjacent to and paralleling a street or highway, the depth of such strip shall be 200 feet measured at right angles from the street or highway line, and the length of frontage shall be the entire tract of land along such highway, unless otherwise indicated. (Ord. 79-15. Passed 11-12-79.)

**CHAPTER 1276**  
**Administration; Enforcement and Penalty**

1276.01	Agriculture District.	1276.06	Commercial District.
1276.02	R1 Residence District.	1276.07	Central Business District.
1276.03	R1a Residence District.	1276.08	Industrial District.
1276.04	R2 Residence District.	1276.09	Nonconforming uses.
1276.05	Mobile Home Park District.		

**CROSS REFERENCES**

Division of municipal corporations into zones – see Ohio R.C. 713.06  
Restriction in location of buildings and structures – see Ohio R.C. 713.07  
Restrictions on height of buildings and structures – see Ohio R.C. 713.08  
Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and setback building lines – see Ohio R.C. 713.09  
Basis of districting or zoning; classification of buildings and structures – see Ohio R.C. 713.10  
Notice and hearing on zoning regulations – see Ohio R.C. 713.12  
Violations may be enjoined – see Ohio R.C. 713.13  
Proximity of nonresidential buildings to residential districts – see P. & Z. 1280.07

**1276.01      AGRICULTURE DISTRICT**

In the Agricultural District, all buildings and premises, except as otherwise provided in this Zoning Code, may be used for any of the following uses:

- (A) Raising of Crops.
- (B) Grazing of farm animals.
- (C) Horticulture and truck gardening. (Ord. 79-15. Passed 11-12-79.)

**1276.02      R1 RESIDENCE DISTRICT**

In the R1 Residence District, no building or premises, except as otherwise provided in this Zoning Code, shall be erected, altered or used except for one or more of the following uses.

- (A) Permitted Uses. Permitted are as follows:
  - (1) One-family dwellings.
  - (2) Two-family dwellings.

- (3) Churches.
  - (4) Schools.
  - (5) Libraries.
  - (6) Municipal community buildings, parks and playgrounds.
  - (7) Accessory buildings, including a private garage, a private swimming pool, a tennis court. A private garage may exceed a three-vehicle capacity provided the area of the lot whereon such private garage is to be located shall contain not less than 3,000 square feet for each vehicle stored.
  - (8) Professional and semiprofessional occupations where a part of the property is occupied as a residence by such professional or semiprofessional, provided that:
    - (a) There is no selling of a commodity.
    - (b) There is no audible sound at the outside of the building.
    - (c) There is no nameplate exceeding one square foot in the area
    - (d) There is no outside employee except the resident plus one additional full or part-time employee.
- (B) Conditional Uses. Subject to the procedure of approval provided in Section 1264.06, home occupations shall be a conditional use in the R1 District, provided that:
- (1) Such occupation is conducted wholly within the dwelling or an accessory building.
  - (2) Floor area devoted to such use does not exceed twenty-five percent of the total ground area occupied by buildings on the lot.
  - (3) Such use is not objectionable to adjoining properties due to noise, lighting, hours of operation, traffic generated or hazardous or noxious processes.
  - (4) There is no nameplate exceeding one square foot in the area.
- (A)
- (C) Signs Advertising Lease, Hire, or Sale. No sign exceeding eight square feet in area pertaining to the lease, hire or sale of a building or premises shall be permitted in the R1 District. (Ord. 79-15. Passed 11-12-79.)

1276.03 R1a RESIDENCE DISTRICT

In the R1A residence District, no building or premises, except as otherwise provided in this Zoning Code, shall be erected, altered or used except for one or more of the following uses.

- (A) Permitted Uses. Permitted uses are as follows:
- (1) One-family dwellings.
  - (2) Two-family dwellings.
  - (3) Churches.
  - (4) Schools.
  - (5) Libraries
  - (6) Municipal Community buildings, parks, and playgrounds.
  - (7) Accessory buildings, including a private garage, a private swimming pool, a tennis court. A private garage may exceed a three-vehicle capacity provided the area of the lot whereon such private garage is to be located shall contain not less than 3,000 square feet for each vehicle stored.

- (8) Professional and semiprofessional occupations are a part of the property is occupied as a residence by such professional or semiprofessional, provided that:
  - (a) There is no selling of a commodity.
  - (b) There is no audible sound at the outside of the building.
  - (c) There is no nameplate exceeding one square foot in the area.
  - (d) There is no outside employee except the resident plus one additional full or part-time employee.
  
- (B) Conditional Uses. Subject to the procedure of approval provided in Section 1264.06, home occupations shall be a conditional use in the R1a District, provided that:
  - (1) Such occupation is conducted wholly within the dwelling or an accessory building.
  - (2) Floor area devoted to such use does not exceed twenty-five percent of the total ground area occupied by buildings on the lot.
  - (3) Such use is not objectionable to adjoining properties due to noise, lighting, hours of operations, traffic generated or hazardous or noxious processes.
  - (4) There is no nameplate exceeding one square foot in the area.
  
- (C) Signs Advertising Lease, Hire or Sale. No sign exceeding eight square feet in area pertaining to the lease, hire or sale of a building or premises shall be permitted in the R1a District. (Ord. 79-15. Passed 11-12-79.)

1276.04            R2 RESIDENCE DISTRICT

In the R2 Residence District, no building or premises, except as otherwise provided in this Zoning Code, shall be erected, altered, or used except for one or more of the following uses.

- (A) Permitted Uses. Permitted uses are as follows:
  - (1) Multiple Dwellings.
  - (2) Hotels, including accessory service therein; restaurants and such facilities as are required for the operation of a hotel or apartment house, or for the use or entertainment of guests or tenants of the hotel or apartment house, when conducted and entered only from within the building, provided that no window or display sign is used to advertise such use.
  - (3) Garage Community.
  - (4) Hospitals and Clinics.
  - (5) Accessory buildings and uses customarily incident to any of the above uses when located on the same lot and when not involving the conduct of a business.
  - (6) Institutions of an educational or philanthropic nature other than correctional institutions.
  - (7) Social and fraternal organizations.
  
- (B) Conditional Uses. Conditional uses in the R2 District are the same as in the R1 District and are subject to the same conditions and procedures.
  
- (C) Signs & Advertising Lease, Hire or Sale. NO sign exceeding eight square feet in area pertaining to the lease, hire or sale of a building or premises shall be permitted in the R2 District. (Ord. 79-15. Passed 11-12-79; Ord. 83-2. Passed 3-14-83.)



1276.05

MOBILE HOME PARK DISTRICT

Mobile home parks shall be located only in the Mobile Home Park District. Mobile home parks shall meet the requirements of the rules adopted by the Ohio Public Health Council pursuant to the Ohio R.C. 3733.02.

1276.06

COMMERCIAL DISTRICT

In the Commercial District, all buildings and premises may be used for the following uses: (Ord. 2000-5. Passed 5-8-00.)

- (A) Permitted Uses. Permitted uses are as follows:
- Food sales, including supermarkets
  - Barber and Beauty Shops.
  - Dry cleaning and laundry establishments.
  - Drug sales.
  - Hardware sales.
  - Variety stores.
  - Clothing and apparel stores.
  - Shoe repair shops.
  - Florist shops.
  - Eating and drinking establishments.
  - Appliance stores.
  - Furniture stores.
  - Jewelry and gift stores.
  - Shoe sales.
  - Banks, savings or loan businesses.
  - Sales and distribution offices.
  - Newspaper, printing, and reproduction services.
  - Offices, including business, dental and medical.
  - Bowling alleys.
  - Skating rinks, indoor.
  - Theatres.
  - Drive-in banks.
  - Motels.
  - Funeral homes.
  - Automobile, automobile parts, farm implement sales and services.
  - Commercial parking lots.
  - Bakery.
  - Gas Stations.
- Any other retail business, service or public utility not involving manufacturing on the premises, except of products the major portion of which is to be sold at retail at that location by the manufacturer to the consumer, and provided that not more than five operators should be employed in such manufacture.

- (B) Conditional Uses. Any commercial building that is determined not to be injurious, noxious or offensive to a surrounding neighborhood by reason of the emission of odors, fumes, dust, smoke, vibrations, noise or lighting, shall be a conditional use in the Commercial District, subject to the approval of the Planning Commission.

All businesses within the Commercial District must meet the standards for safety, air and water pollution established by the State. (Ord. 79-15. Passed 11-12-79; Ord. 83-2. Passed 3-14-83.)

#### 1276.07 CENTRAL BUSINESS DISTRICT

- (A) The principal uses permitted in the Central Business District are:
- (1) Offices.
  - (2) Hotels.
  - (3) Establishments selling goods and services at retail and whose operations are conducted entirely within an enclosed building.
  - (4) Restaurants.
  - (5) Theaters and other places of amusement conducted entirely within an enclosed building and that are not detrimental to the neighborhood.
  - (6) Banks and other financial institutions.
  - (7) Residences above the ground level.
  - (8) Gas stations.
- (B) Access to parking facilities shall be only from the rear and side alleys. (Ord. 79-15. Passed 11-12-79.)

#### 1276.08 INDUSTRIAL DISTRICT

The Industrial District is established to accommodate industrial uses in the fields of manufacturing, processing, wholesaling and distributing. Due to continuing advancement in industrial plant design and technology, it is not practical to say which industries shall be compatible with the Village, except by performance standards.

All industries must meet the standards for safety, air and water pollution established by the State.

- (A) Permitted Uses. Permitted uses are as follows:
- (1) Railroad Facilities.
  - (2) Utility Substations.
  - (3) Storage of petroleum products, chemical and gas under pressure.
  - (4) Manufacturing.
- (B) Conditional Uses. Conditional uses are as follows:
- (1) Any industrial building that is determined not to be injurious, noxious or offensive to the surrounding neighborhood by reason of the emission of odors, fumes, dust, smoke, vibrations, noise or lighting, as approved by the Planning Commission.

- (2) All uses permitted in the Commercial District. (Ord. 79-15. Passed 11-12-79; Ord. 83-2. Passed 3-14-83; Ord. 90-8. Passed 7-23-90.)

## 1276.09 NONCONFORMING DISTRICT

Where, at the time of the adoption of this Zoning Code, lawful uses of land or building exist which would not be permitted by the provisions of this Zoning Code, the uses may be continued as long as they remain otherwise lawful, provided that;

- (A) No such nonconforming uses of buildings shall be enlarged or increased, nor extended, to occupy a greater area of land than was occupied on the effective date of this Zoning Code or of any relevant amendment thereof.
- (B) Any building or structure devoted to a nonconforming use which may be destroyed or damaged by fire or otherwise to the extent of fifty percent or more of its value shall not be repaired or rebuilt, nor shall another building or structure be erected on the premises, except in conformity with the provisions of this Zoning Code.
- (C) If any nonconforming uses of land are discontinued or abandoned for more than two years (except when governmental action impedes access to the premises), any subsequent use of such land shall conform to the provisions of this Zoning Code relevant to the district in which such land is located.
- (D) Whenever a nonconforming use has been changed to a use of a higher classification or to a conforming use, such a use cannot thereafter be changed to one of a lower classification or back to a nonconforming use.
- (E) Any use which is permitted as a conditional use in a district under the terms of this Zoning Code shall not be deemed a nonconforming use in such district, but shall be considered a conforming one.
- (F) A complete record of the location, nature and extent of a nonconforming use shall be made and kept by the Zoning Inspector. (Ord. 79-15. Passed 11-12-79.)

## CHAPTER 1280 Lot Coverage and Setback Lines

1280.01	In the R1 District	1280.06	In the Industrial District
1280.02	In the R2 District	1280.07	Proximity of nonresidential buildings to residential districts.
1280.03	In the Agricultural District		
1280.04	In the Commercial District		
1280.05	In the Central Business District; Awnings and canopies		

### CROSS REFERENCES

Division of municipal corporations into zones – see Ohio R.C. 713.06  
Restriction in location of buildings and structures – see Ohio R.C. 713.07  
Restrictions on height of buildings and structures – see Ohio R.C. 713.08  
Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and setback building lines – see Ohio R.C. 713.09  
Basis of districting or zoning; classification of buildings and structures – see Ohio R.C. 713.10  
Notice and hearing on zoning regulations – see Ohio R.C. 713.12  
Violations may be enjoined – see Ohio R.C. 713.13

### 1280.01      IN THE R1 DISTRICT

In the R1 Residence District the total area of the buildings shall not exceed twenty-five percent of the lot area. No building shall be nearer than five feet from an adjoining lot line. In the R1 District, no building shall be nearer than ten feet from the right of way of a side street, and the front of the building shall conform to the established setback line, provided that in plats for future development, setback lines shall be forty feet from the right of way. (Ord. 79-15. Passed 11-12-79.)

### 1280.02      IN THE R2 DISTRICT

In the R2 Residence District the total area of buildings shall not exceed fifty percent of the lot area. No building shall be nearer than five feet from the adjoining lot line. A building shall set back from the street the average distance of other buildings on the street, but in no case less than twenty-five feet. On corner lots no building shall be nearer than ten feet from the right of way of the side street. Parking for multiple dwellings of one and one-half motor vehicles per unit shall be provided to the rear of the setback line. (Ord. 79-15. Passed 11-12-79.)

**1280.03        IN THE AGRICULTURAL DISTRICT**

In the Agricultural District setback and side lines shall conform to those in the R1 District.

**1280.04        IN THE COMMERCIAL DISTRICT**

In the Commercial District buildings shall set back from the street to conform to the present building lines as established by the existing buildings now erected thereon, provided that where no setback lines have been established the same shall be a minimum of twenty-five feet from the right of way. In no case shall the setback line be less than twenty-five feet. (Ord. 79-15. Passed 11-12-79.)

**1280.05        IN THE CENTRAL BUSINESS DISTRICT; AWNINGS AND CANOPIES**

In the Central Business District, there shall be no front, side or rear yard requirements. Canopies or awnings supported by a building may project over the public right of way not closer than three feet to that portion of the right of way dedicated to vehicular traffic, upon approval of the height and design by the Village Administrator and under the terms and conditions established by said Village Administrator. (Ord. 94-12. Passed 4-25-94.)

**1280.06        IN THE INDUSTRIAL DISTRICT**

- (A) Industrial District coverage shall conform to the Ohio Basic Building Code, but in no event shall it be less than fifty feet from the right of way.
- (B) In the Industrial District, allowance shall be made for parking of all of the employees' automobiles off the street or highway. (Ord. 79-15. Passed 11-12-79.)

**1280.07        PROXIMITY OF NONRESIDENTIAL BUILDINGS TO RESIDENTIAL BUILDINGS**

Nonresidential buildings or uses shall not be located or constructed closer than forty feet from any lot line of a residential district. If screening is provided and approved by the Zoning Inspector the minimum yard requirements may be reduced to fifty percent of the requirements that are otherwise applicable. (Ord. 79-15. Passed 11-12-79.)

## CHAPTER 1284 Signs

1284.01	Definitions.	1284.08	Signs in the Commercial District.
1284.02	Purpose.		
1284.03	General requirements	1284.09	Signs in the Industrial District.
1284.04	Safety, maintenance and removal		
1284.05	Design Standards	1284.10	Existing signs, signs advertising nonresident Businesses prohibited.
1284.06	Signs in Agricultural and Residential Districts.		
1284.07	Signs in the Central Business District	1284.11	Fee schedule.

### CROSS REFERENCES

Division of municipal corporations into zones – see Ohio R.C. 713.06  
Restriction in location of buildings and structures – see Ohio R.C. 713.07  
Restrictions on height of buildings and structures – see Ohio R.C. 713.08  
Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and setback building lines – see Ohio R.C. 713.09  
Basis of districting or zoning; classification of buildings and structures – see Ohio R.C. 713.10  
Notice and hearing on zoning regulations – see Ohio R.C. 713.12  
Violations may be enjoined – see Ohio R.C. 713.13  
Traffic control devices – see TRAF. Ch. 414

### 1284.01      DEFINITIONS

As used in this chapter:

- (A) “Building frontage” means the building side or sides which face upon a public street or parking area between such building and the street where access to the building is provided from such frontage. If a building is curved or triangular, the building frontage shall be the shortest distance between the points on the outside extremity of the building measured parallel to the public street or parking area upon which the building fronts.
- (B) “Parcel of property” and “parcel” mean any separate parcel of property as shown on the latest available County Tax Map, provided that when structures on separate parcels are abutting and/or have common walls, such parcels shall be considered as one parcel of property, and provided, further, that where one tenant, business or enterprise occupies two

or more contiguous parcels, it shall be considered as one parcel of property.

“Principal Street” means that single public street which provides the most access and/or the predominant business exposure for a particular business.

- (D) “Shopping center” means a group of at least three businesses which function as an integral unit on a single parcel or on contiguous parcels under the same ownership and which utilize common off-street parking and access.
- (E) “Sign” means any name, identification, description, illustration, symbol, statue or device, illuminated or non-illuminated, which is visible from any public place or is located on private property and exposed to public view from outside the property where it is located and which directs attention to a product, service, place, activity, person, institution, business or solicitation, or any emblem, painting, banner, pennant, placard or temporary sign designed to advertise, identify or convey information, including any landscaping wherein letters or numbers are used for the purpose of directing the public’s attention to a product or location. For the purpose of removal, signs shall also include all sign structures.

The word “sign” does not include a flag, pennant, insignia or temporary sign of any nation, state, city, or other political unit, or of any educational, charitable, philanthropic, civic, professional or religious organization, or advertising a campaign, drive, movement or event; commemorative plaques approved by Council; any nameplate sign in residential areas; any board, sign or surface used to display any official notices issued or posted by any court or public officer in the performance of a public duty; window displays; signs within a stadium, shopping center, residential complex, arena or other use, which cannot be viewed from any public street; any signs for control of traffic and other regulatory purposes, governmental identification signs, street signs, warning signs, railroad crossing signs and signs of public service companies for the purpose of public safety. All signs excluded herein shall meet any applicable building or structural requirements.

The following are types of signs:

- (1) “Advertising sign” means a billboard, as defined herein.
- (2) “Billboard” means any sign painted on or affixed to any structure or erected as free-standing sign, which advertises a person, product or service not located on the same parcel of record as the sign. This definition shall not include subdivision tract directional signs, but does include poster panels.
- (3) “Bulletin Board” means a structure containing a surface upon which is displayed the name of a religious institution, school, library, auditorium, stadium, athletic field or area of similar use, for the announcement of services or activities to be held therein or at some other place.
- (4) “Business sign” means a sign which directs attention to a business commodity, service, industry or other activity which is sold, offered or conducted on the premises upon which such sign is located or to which it is affixed or which displays the identifying name and address of a future comparable business or industrial establishment.
- (5) “Canopy, awning or marquee sign” means a sign that is mounted on, painted on or attached to a canopy, awning, or marquee.

- (6) "Construction sign" means a sign indicating the names of architects, engineers, contractors, owners and similar persons involved in a design and construction of a structure or project.
- (7) "Directional sign" means a sign without advertising directing vehicular or pedestrian movement onto a premise.
- (8) "Flashing sign" means a sign which contains or is illuminated by lights which are intermittently on and off, scintillate, move, change color, or appear to change color, change in intensity, or create the illusion of flashing in any manner such as by rotating a light source.
- (9) "Free standing sign" means a sign suspended or supported by one or more uprights, braces, poles or other similar structural components when utilizing earth, rock, the ground, or any foundation set in the ground, as a primary holding base and not attached to or enclosed by any building.
- (10) "Gateway" means a sign placed by the City on a thoroughfare within 1,000 feet of the Village limits noting the Village boundary.
- (11) "Good condition" refers to a sign that is maintained so as to be readable, structurally sound, mechanically working as it was designed to do, with no chipping, fading or other maladies and having an overall appearance similar to the original state of the sign.
- (12) "Ground sign" means a sign placed upon a foundation or a slab or placed upon or attached to an ornamental wall and not supported by any uprights, braces, poles or other similar structural components taller than three feet.
- (13) "Illuminated sign" means a sign that is lighted by an artificial light source.
- (14) "Moving sign" means any sign which, in whole or in part, rotates, revolves, oscillates, tilts or otherwise is in motion at any time. This includes indexing multi prism units whose speed exceeds one complete revolution in less than twenty seconds.
- (15) "Nonconforming sign" means a sign which has been issued a valid permit at the time it was erected but does not now accord or comply with the requirements of this chapter and was made nonconforming by annexation, rezoning or ordinance amendment.
- (16) "On-site sign" and "accessory sign" mean a business sign as defined herein.
- (17) "Portable sign" and "movable sign" mean any sign which is not permanently affixed to the ground or a building in accordance with the provisions of the County Building Code or any sign which is intended to be movable or capable of being moved from place to place, whether or not wheels or other special supports are provided. This definition includes searchlights.
- (18) "Poster panel" means an advertising structure on which posters are displayed. See Billboard.
- (19) "Projection sign" means a sign suspended from or supported by a building, structure, or building column and extending horizontally there from more than twelve inches.
- (20) "Real estate sign" means a sign pertaining to the sale or lease of the lot or tract of land on which the sign is located or to the sale or lease of one or more structures or a portion thereof located on such lot or tract of land.
- (21) "Roof sign" means any sign which is erected over the roof or parapet above the roofline and/or which receives any or all of its support from the roof structure.
- (22) "Temporary sign" means a banner, pennant, poster display or illustration which is affixed to or painted upon or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, person, institution, organization or business, and which is constructed of cloth,



canvas, plastic sheet, cardboard or other like materials, and which is intended to be displayed for a limited period of time, such as a grand opening.

- (23) "Wall sign" means a sign which is affixed, painted on or attached to the wall of a building or other wall or structure and which extends not more than twelve inches from the face of the fence of wall.
  - (24) "Warning sign" means any sign indicating danger or a situation which is potentially dangerous.
  - (25) "Window sign" means any sign printed on, painted on, attached to, glued on or otherwise affixed to or behind a window and designed to be viewed from adjoining streets, walkways, malls or parking lots available for public use.
- (F) "Sign area" means the entire area within a single contiguous perimeter enclosing the extreme limits of writing, presentation, emblem or any other figure of similar character, together with any frame or other material or color forming an integral part of the display or used to differentiate such sign from the background against which it is placed. In the case of a double-faced sign, where both faces are on opposite sides of a single flat surface, the area formula shall apply to the dimensions of one side only. The area of a sign having more than two display surfaces shall be computed as the total of the exposed exterior display surface areas. In the event a sign is of irregular shape, calculations of sign area shall be made by superimposing a single imaginary regular geometric figure, i.e. a square, rectangle, triangle, trapezoid, circle or ellipse, large enough to enclose the entire sign, over the sign and measuring the appropriate dimensions and making the necessary calculations. The necessary supports or uprights, on which such sign is placed, not being advertising matter, shall not be included in the computation of surface area.
- (G) "Sign face" means the surface of the sign upon, against or through which the message of the sign is exhibited.
- (H) "Sign height" shall be measured from the lowest horizontal surface grade immediately within ten feet of the base of the sign to the top of its highest element, including any structure element.
- (I) "Sign structure" means the supports, uprights, bracing, poles or framework for signs.
- (J) "Street frontage" means the linear frontage of a parcel of property abutting the principal street. (Ord. 79-15. Passed 11-12-79.)

## 1284.02 PURPOSE

The purpose of this chapter is to provide minimum standards to safeguard life, health, property, and the public welfare by regulating and controlling the placement, size, quality of materials, construction, illumination, location and maintenance of all signs and sign structures. Specific safety and structural requirements and administrative provisions related to sign erection and sign permits are contained in this Zoning Code and in the Ohio Basic Building Code. (Ord. 79-15.

Passed 11-12-79.)

1284.03 GENERAL REQUIREMENTS

- (A) Compliance Required. All signs shall be painted, placed, pasted, posted, printed, tacked, fastened, constructed, erected and maintained as provided in this chapter.
- (B) Building Permit Required. No permanent sign shall be erected, constructed, painted or printed without a permit being first obtained therefor from the Zoning Inspector. The application for the permit shall set forth the location at which the sign is proposed to be erected, the advertising structure or surface, the dimensions, shape, materials of construction for the sign, the type of sign, and where applicable, the method of any sign illumination. For off-premises signs, the application shall be accompanied by the written consent of the property owner or his or her authorized agent.
- (C) Erection in or over Rights of Way. No sign shall be placed within or over any public right of way, nor shall any sign structure, in whole or in part, be placed within or over any public right of way, except publicly-owned signs and banners specifically exempted by the Village Administrator for special occasions, festivals or celebrations.
- (D) Directional Public Service Signs. Church, school, service club, museum, library and public signs not on the premises of the institution are included under directional signs.
- (E) Directional Signs. The Village shall permit one double-faced permanent directional sign per vehicular entrance, not exceeding three square feet in area each, in addition to signs permitted elsewhere in this chapter, upon condition that signs are needed for traffic safety.
- (F) Flashing Signs. Flashing signs are not permitted except for public service time and temperature signs which are only permitted in commercial zones.
- (G) Temporary Signs. Banners, pennants, portable signs, flags, captive balloons and other temporary signs are not permitted, except that, subject to the issuance of a temporary permit and payment of a fee as set forth in Section 1284.11 to the Village Zoning Department, any or all of the above may be authorized by the Village Administrator or his or her designate for a period not to exceed thirty days for the purpose of a grand opening of a business. No flashing signs are permitted under this subsection.
- (H) Portable or Movable Signs. No portable or movable signs shall be permitted except as provided in subsection (g) hereof.
- (I) Paper or Cloth Signs. Paper, cloth, or similar temporary signs are not permitted on the exterior of any building unless they are placed within a glassed showcase or a permanent framed area designed for that purpose or as provided in subsection (g) hereof.
- (J) Lighting. Lighting used for illumination of any sign is permitted only when such lighting is installed on private property and is hooded or shielded so that the light source is not visible within 200 feet of the sign from public streets, alleys or highways or any residentially zoned property, including hotel or motel guest rooms. Lighting intensity shall conform to the following table:

Illumination Levels  
(Foot candles)

<u>Illuminated Sign Type</u>	<u>Central</u>	<u>Commercial &amp; Industrial</u>
Floodlighted, indirectly illuminated signs	50	25
All other signs	25	10

- (K) Construction Signs. Up to two construction signs, not exceeding thirty-two square feet in area, shall be permitted on a parcel of property during construction of a building on the parcel, except as otherwise provided in this chapter.
- (L) Gateway Signs. A permit may be granted by the Village Administrator or his or her designate allowing identification of the Village boundary showing the name of the community and the names of the various nonprofit, civic organizations, such as the Chamber of Commerce, provided that the overall size of the sign, including riders, is not larger than 100 square feet.
- (M) Political Signs. Political signs, posters and other like devices are permitted as regulated herein:
- (1) Candidates for political office, or their duly authorized committee chairpersons, and chairpersons of political committees, whether in support of, or in opposition to, a political issue, such candidate for office or such issue is for determination by a Municipal, County, State or Federal election, may erect and display political signs, posters and other devices in any part of the City, provided that no political sign, poster or other like device shall be displayed in the City prior to thirty days immediately preceding any general primary or special election nor after ten days next following such general, primary or special election.
  - (2) The Zoning Inspector is hereby charged with the responsibility for the administration and enforcement of this subsection. The Zoning Inspector shall, between thirty days immediately preceding any general, primary or special election and ten days next following the general, primary or special election, survey all zoning areas to insure compliance with this subsection.
  - (3) A poster or like device to be displayed in any zoning area under this section shall not be included in the calculation on the total signage for a lot or parcel.
  - (4) The Zoning Inspector shall take the necessary steps to prosecute any violations of this subsection.
- (N) Projections from Buildings, Walls, etc. No attached sign, building sign or wall sign shall project more than twelve inches from the building face, canopy face or wall upon which it is displayed. If the projection is greater and if advertising is carried on this face, the edge of the sign shall be included in the permitted sign area.

- (O) Signs Facing Residentially Zoned Property. No directly illuminated signs shall be permitted within 100 feet of an facing residentially zoned property. Further, illuminated signs in institutional, commercial, or industrial zones shall be adequately screened with fencing, shrubbery, or vegetation so as not to be visible from adjoining residentially zoned property.
- (P) Billboards. Billboards are prohibited in all zoning districts.
- (Q) Moving Signs. Moving signs are prohibited in all zoning districts, except arms on clock faces and indexing multi prism units not covered in Section 1284.01(e)(14).
- (R) Miscellaneous Signs. No signs shall be permitted which emit audible sound, odor or visible matter. (Ord. 79-15. Passed 11-12-79.)

#### 1284.04 Safety, Maintenance, and Removal

- (A) Applicable Standards. Every sign and all parts, portions, units and materials comprising the same, together with the electrical supply, the frame and the background, supports or anchorage thereof, shall be manufactured, fabricated, assembled, constructed and erected in compliance with all applicable rules, regulations or other limitations imposed by Village, County State of Federal agencies. In cases where there is conflict between agency rules, the more restrictive shall apply.
- (B) Materials of Construction. Only those materials of construction approved by the County Building and Zoning Inspection Department as complying with standard engineering practices shall be used in the manufacture and erection of signs.
- (C) Maintenance. Every sign, including, but not limited to, those signs for which permits are required or for which no permits or permit fees are required, shall be maintained in a safe and good condition at all times, including the repair or replacement of the sign. The County Building and Zoning Inspector shall require compliance with all standards of this Zoning Code. If the sign is not made to comply with adequate safety and maintenance requirements, the County Building and Zoning Inspector shall require its removal in accordance with this section.
- (D) Obsolescence. Signs pertaining to occupants or enterprises who or that are no longer using the premises to which the sign relates shall be removed by the holder of the permit or the owner of the premises within sixty days after the premises have been vacated. Painted wall signs shall be removed within sixty days. Permitted temporary signs, such as construction signs, shall be removed within fourteen days following the occurrence or completion of the event or other purpose served by the sign. In the case of construction signs, issuance of a certificate of occupancy shall be deemed completion of the event in the case of new buildings.
- (E) Removal and Disposal. The County Building and Zoning Inspector shall cause to be removed any sign that is not properly maintained in accordance with subsection (c) hereof or which is hazardous as defined in subsection (f) hereof which is obsolete under

subsection (d) hereof.

- (1) The County Building and Zoning Inspector shall prepare a notice to the owner of any such sign and/or the occupant of the premises on which any such sign is located, which notice shall describe the sign, specify the violation involved and state that if the sign is not removed or the violation is not corrected within ten days, the sign shall be removed in accordance with the provisions of this section.
- (2) All notices by the County Building Inspector under this section shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail or the last date of notice of delivery of the certified mail by the postal authorities.
- (3) Notwithstanding the above, in cases of emergency, presenting and imminent danger to the public safety, the County Building and Zoning Inspector may cause the immediate removal of a dangerous or defective sign, or correction of the danger or defect, without notice to the owner of the sign and/or the occupant of the premises upon which the sign is located.
- (4) Any sign removed by the County Building and Zoning Inspector pursuant to the provisions of this section shall become the property of the Village and may be disposed of in any manner deemed appropriate by the Village. The cost of removal of the sign by the Village shall be considered a debt owed to the Village by the owner of the sign and/or the owner of the property and may be recovered in an appropriate court action by the Village. The cost of removal shall include any and all incidental expenses incurred by the Village in connection with the removal of the sign.

(F) Hazardous Signs. No sign shall be erected at or near any intersection of any streets or thoroughfares, streets or alleys, or streets and railways, in such a manner as to obstruct free and clear vision, or at any location where, by reason of position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device. Use of the words "stop," "look," "danger" or any other word, phrase or symbol, in such a manner as to interfere with, mislead or confuse traffic, is similarly prohibited. (Ord. 79-15. Passed 11-12-79.)

#### 1284.05 DESIGN STANDARDS

The following general design standards shall apply in all districts as applicable unless specifically modified elsewhere in this chapter.

- (A) Awning and Canopy Signs. Awning and canopy signs shall:
- (1) Be attached flat to the surface thereof;
  - (2) Not be illuminated;
  - (3) Indicate only the name, address and telephone number of the building or occupant, the principal uses of the premises and official design trademarks, and may identify products or services sold on the premises where the sign is located.
- (B) Marquee Signs. Marquee Signs shall:
- (1) Be attached to the top or face thereof;
  - (2) Not extend more than four feet above the marquee;

- (3) Not extend below the marquee except in shopping centers and in compliance with paragraph (b)(4) hereof;
  - (4) Not extend beyond the limits of the marquee horizontally;
  - (5) Identify only the name, address and telephone number of the building or occupant, the principal uses of the premises and official design trademarks, and may identify products or services sold on the premises where the sign is located.
- (C) Wall Signs. Wall signs shall only identify the name, address and telephone number of the building or occupant, the principal uses of the premises and official design trademarks, and may identify products or services sold on the premises where the sign is located.
- (D) Free-Standing and Ground Signs. Free-standing and ground signs shall;
- (1) Identify only the name, address and telephone number of the building or occupant, the principal uses of the premises and official design trademarks, and may identify products or services sold on the premises where the sign is located;
  - (2) Be located in a separate area which may be landscaped and which shall protect the sign foundation from vehicle encroachment;
  - (3) Be located only in zones where they are expressly permitted; and
  - (4) Be located only in the center eighty percent of the property frontage, and no closer than five feet from a side property line. On a corner lot, the eighty percent may be measured from the corner to one side line or from the respective side lines and around the corner, at the option of the owner.

Setback distance shall be adequate so as to allow a clear view of oncoming pedestrian or vehicular traffic for vehicles entering or leaving the owner's or adjacent owner's property. In no case shall the sign be less than two feet inside the front property line.

- (E) Attached and Projecting Signs. Attached and projecting signs shall:
- (1) Not be less than nine feet nor more than fifteen feet above a sidewalk.
  - (2) Not be less than sixteen feet nor more than twenty feet above a driveway.
  - (3) Identify only the name, address and telephone number of the building or occupant, the principal uses of the premises and official design trademarks, and may identify products or services sold on the premises where the sign is located.
- (F) Roof Signs. Roof signs are prohibited in all zoning districts.
- (G) Shopping Center Signs.
- (1) For buildings in a shopping center, the sign area allocated to each building or business within a building shall be based on building frontage.
  - (2) Signs are calculated from one building or business frontage, even if unused, and shall not be allocated to another building or business unless a master signing plan is submitted for all signs in the shopping center and approved by the Planning Commission.
  - (3) Where property or buildings are divided by sale or lease, signs which are no longer conforming shall be eliminated.
  - (4) The Planning Commission may approve, by special permit, the installation of a nonconforming sign to provide uniform signage among contiguous commercial developments in a shopping center, or in a multiple use commercial buildings, where a majority of the existing businesses have nonconforming signs, provided, however,

that such sign shall be substantially similar in size, type and location to the existing nonconforming signs in the development or building.

(5) A business or group of businesses which do not front a public street shall be permitted:

- (a) A single composite sign, equal in area to one-half square foot per linear foot of the building face, to be erected adjacent to the nearest public street. The area allocation for the sign shall be as set forth in paragraph (g)(1) hereof. The sign shall further conform to the requirements of the appropriate zone classification.
- (b) Individual wall, canopy or attached signs as allowed in the various zoning districts for purposes of business identification.

(H) Subdivision Signs.

- (1) In the case of the simultaneous offering for sale or lease of a group of five or more new buildings or improved lots which are under a single ownership and within the final plat of a single subdivision, signs as set forth in paragraph (h)(2) hereof shall be permitted, subject to issuance of a permit. Only subdivision directional signs, as defined herein, shall be permitted in locations other than within the subdivision site boundaries. Subdivision signs shall advertise only the sale of buildings or lots within the City.
- (2) One on-site business sign and two off-site subdivision directional signs shall be permitted subject to the following provisions:
  - (a) The signs may be single or double-faced. For V-shaped signs, all display surfaces shall be included in the aggregate permitted sign area.
  - (b) Neither the horizontal nor the vertical dimensions of an on-site business sign shall exceed twenty-five feet, including supporting structures. The total area of the sign face shall not exceed 200 square feet per side.
  - (c) The maximum area of any face of a subdivision directional sign shall be thirty-two square feet. For the purposes of this section, a subdivision directional sign is one which informs the viewer as to the route or change of travel in order to arrive at the subdivision site. This type of sign shall display only necessary travel directions, the name of the land development, and the name and/or any characteristic trademark or insignia of the developer.
  - (d) There shall be no additions, tags, streamers, devices, display boards or appurtenances added to the sign unless otherwise authorized by the County Building and Zoning Inspector.
  - (e) Such signs may be established along any highway, street or thoroughfare, except those streets declared as scenic by Council.
  - (f) Such signs may be maintained until building permits have been issued for eighty percent of the lots in the subdivision. All signs erected pursuant to this subsection shall be removed within fourteen days thereafter.
  - (g) Plantings, structures, and combinations thereof designed to permanently identify and characterize a development or subdivision shall not be subject to paragraph (h)(2)F hereof, provided that no other commercial information is attached or included.
- (3) Prior to erecting any subdivision or subdivision directional sign authorized by this subsection, a permit must be issued by the Zoning Inspector. The applicant shall file a written statement from the property owner, authorizing erection of the sign and access to the property by the applicant or the City to remove the sign.

- (4) During the sale of a house in a subdivision, one feature sign and one model home sign identifying the particular model, not exceeding two feet by three feet in size, plus three flags on each lot on which a model home is located and which fronts on an interior road in the subdivision, shall be permitted. Such signs shall not exceed four feet in overall height and shall not be located closer than ten feet from any property line.
- (5) Signs permitted by this subsection may be lighted per Section 1284.03(j), provided they do not violate other provisions of this chapter. (Ord. 94-84. Passed 7-9-84.)

#### 1284.06 SIGNS IN AGRICULTUREAL AND RESIDENTIAL DISTRICT

- (A) Agricultural and Single-Family Residential Districts. Only the following signs shall be allowed in Agricultural and R1a Residence Districts, and in any other single-family residential district now existing or hereafter adopted;
- (1) Real estate signs. One temporary unlighted single or double-faced, free-standing sign not more than six square feet in area, pertaining only to the sale or lease of the property or premises upon which it is displayed, shall be permitted. The sign shall not be located closer than ten feet to any property line. No building permit is required.
  - (2) Trespassing and solicitation signs. Signs not more than one square foot in area, prohibiting trespassing or solicitation, shall be permitted. No building permit is required.
  - (3) Civic signs. Churches, libraries, cemeteries, funeral homes, clubs or lodges shall be allowed free-standing, building or wall signs, provided that such signs do not exceed twenty-four square feet in area. Such signs shall not project above the top of a building face or wall and may be illuminated.
  - (4) Bulletin board signs. In addition to the signs allowed under paragraph (a) (3) hereof, churches, schools, athletic fields, libraries and cultural uses are permitted to have one bulletin board sign which shall not exceed twenty-four square feet in area and may be illuminated.
  - (5) Business signs. In the case of a produce stand, mineral extraction facility or kennel, one business sign, which may be lighted when in use per Section 1284.03(j) and which shall not exceed fifty square feet, shall be permitted.
  - (6) Political signs. Political signs shall be permitted per the provisions of Section 1284.03(m).
  - (7) Rooming house signs. One single-faced window sign, no greater than three square feet in area, describing a permitted rooming house or home occupation, shall be permitted. No building permit is required.
  - (8) Construction signs. One sign per lot, not to exceed twenty square feet in aggregate area, shall be permitted.
  - (9) Subdivision signs. Subdivision signs shall be permitted per the provisions of Section 1284.05(h).
- (B) Multifamily Residential District. Only the following signs shall be allowed in the R2 Residence District and in any other multifamily residential district now existing or hereafter adopted:
- (1) All signs permitted in subsection (a) hereof, except for those referred to in paragraphs (a)(5) and (7) hereof.



- (2) One nameplate sign attached to the building, not exceeding one square foot per dwelling unit and in no case exceeding thirty-two square feet, identifying only the name of the developer or builder. No building permit is required.
  - (3) One unlighted retail or sale information sign per street frontage, attached to the building face on the basis of one square foot per unit, but not to exceed fifteen square feet of total sign area. No building permit is required.
- (C) Mobile Home Park District. Only the following signs shall be allowed in Mobile Home Park District:
- (1) All signs permitted in subsection (a) hereof, except for those referred to in paragraphs (a)(5) and (7) hereof.
  - (2) One nameplate sign attached to the building, not exceeding thirty-two square feet, identifying only the name and address of an apartment or condominium project and the name of the developer or builder. No building permit is required. (Ord. 79-15. Passed 11-12-79.)

## 1284.07 SIGNS IN THE CENTRAL BUSINESS DISTRICT

Signs in the Central Business District shall comply with the following specifications and conditions.

- (A) Free-Standing Signs. A sign which is supported by one or more columns or poles, uprights or braces in or upon the ground and not attached to any building shall be permitted, provided that:
- (1) The bottom of the sign is a minimum of nine feet above the sidewalk.
  - (2) The sign does not project past the curb or over the street.
  - (3) The sign has an aggregate total face area not exceeding ten square feet.
- Projecting Signs. A sign which projects from the exterior of a building shall be permitted, provided that::
- (1) The sign does not project more than six feet from the face of the building.
  - (2) The top of the sign does not exceed fifteen feet above the sidewalk or extend above the floor line, whichever is lower.
  - (3) The bottom of the sign is a minimum of nine feet above the sidewalk or finished grade.
  - (4) Signs extending in a public driveway or alley shall have a minimum clearance of fourteen feet from the bottom of the sign to the driveway or alley below.
- (C) Wall Signs. A sign which is in any manner affixed to any exterior wall of a building shall be permitted, provided that:
- (1) The sign has an aggregate total face area of not more than two square feet per linear foot of frontage.
  - (2) The sign does not project more than twelve inches from the face of the building.
- (D) Illuminated Signs. Light sources to illuminate signs shall be reflected and shielded and shall not be of excessive brightness or cause glare hazardous to pedestrians or automobile drivers or to be objectionable to adjacent residential districts. The colors red or green, either in direct illumination or reflection shall not be used in such a manner as to interfere with the sight lines of a traffic signal.
- (E) Number of Signs Limited. No business may erect or maintain more than three on-premises signs or other advertising or identifying devices, except as otherwise herein expressly authorized. Additional signs which are single-face wall signs projecting not more than six inches from the wall to which they are attached and containing no more than one and one-half square feet of area, shall be allowed, provided they are;
- (1) Window decals.

- (2) "Vacancy" and "No Vacancy" signs
  - (3) "Open" and "Closed" signs and signs giving hours of business.
  - (4) Entrance and exit signs.
  - (5) Office signs.
  - (6) Signs giving parking instructions.
- (F) Temporary Signs. Any sign, not permanently installed, to be displayed for a maximum of thirty days, shall be permitted, provided that it falls within the guidelines contained herein. (Ord. 79-15. Passed 11-12-79.)

#### 1284.08 SIGNS IN THE COMMERCIAL DISTRICT

All guidelines set forth for signs located in the Central Business District shall apply in the Commercial District, with the following variations permitted:

- (A) Free Standing Signs.
  - (1) The sign has an aggregate total face area not to exceed twenty square feet.
  - (2) The sign is set back at least one-half of the depth of the required front and side yards.
- (B) Projecting Signs. The bottom of the sign is a minimum of nine feet above the sidewalk, unless it is installed in a non-traffic area, in which case, no minimum shall be applicable.
- (C) Ground Signs. A type of free-standing sign which is constructed directly on the ground shall be permitted, provided that:
  - (1) The sign has an aggregate total face area not exceeding thirty-two square feet.
  - (2) The sign is set back at least one-half of the depth of the required front and side yards.
  - (3) The top of the sign shall not be more than six feet above the ground. (Ord. 79-15. Passed 11-12-79.)

#### 1284.09 SIGNS IN THE INDUSTRIAL DISTRICT

All guidelines set forth for signs located in the Commercial District shall apply in the Industrial District, with the following variations permitted:

- (A) Free-Standing Signs.
  - (1) The sign has an aggregate total face area not exceeding thirty-two square feet.
  - (2) The sign is set back at least one-half of the depth of the required front and side yards.
- (B) Projecting Signs. The bottom of the sign is a minimum of nine feet above the sidewalk, unless it is installed in a non-traffic area, in which case no minimum shall be applicable.
- (C) Ground Signs. A type of free-standing sign which is constructed directly on the ground shall be permitted, provided that:
  - (1) The sign has an aggregate total face area not exceeding thirty-two square feet.
  - (2) The sign is set back at least one-half of the depth of the required front and side yards.
  - (3) The top of the sign shall not be more than six feet above the ground. (Ord. 79-15. Passed 11-12-79.)

1284.10 EXISTING SIGNS; SIGNS ADVERTISING NONRESIDENCE  
BUSINESSES PROHIBITED.

All signs, billboards or other advertising or identifying devices existing at the time this Zoning Code becomes effective, shall be permitted to remain and advertise the existing business of the owner or lessee. When either the presently existing structural portion thereof is replaced or requires replacement to the extent of at least fifty-percent thereof, or whenever the same shall be removed or abandoned, all of the requirements and restrictions contained herein shall apply in the zoning districts.

No sign advertising any business, not principally located in the Village or locally oriented, will be permitted, and such signs shall be removed within one year next following the effective date of this Zoning Ordinance. (Ord. 79-15. Passed 11-12-79.)

1284.11 FEE SCHEDULE

Sign fees shall be as follows:

- (A) Building Permits. The fee for a sign permit for the erection of any permanent sign shall be thirty dollars (\$30.00).
- (B) Grand Opening Portable or Temporary Signs. The fee for grand opening portable or temporary signs shall be thirty dollars (\$30.00) for each thirty days that such signs are permitted.
- (C) Subdivision Signs. The fee for a permit for the erection of a subdivision or subdivision directional sign shall be fifty dollars (\$50.00). (Ord. 79-15. Passed 11-12-79.)

## CHAPTER 1288 OFF-STREET PARKING AND LOADING

### 1288.01 General Requirements

#### CROSS REFERENCES

Division of municipal corporations into zones – see Ohio R.C. 713.06  
Restriction in location of buildings and structures – see Ohio R.C. 713.07  
Restrictions on height of buildings and structures – see Ohio R.C. 713.08  
Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and setback building lines – see Ohio R.C. 713.09  
Basis of districting or zoning; classification of buildings and structures – see Ohio R.C. 713.10  
Notice and hearing on zoning regulations – see Ohio R.C. 713.12  
Violations may be enjoined – see Ohio R.C. 713.13  
Parking Generally – see TRAF. CH 452

### 1288.01 GENERAL REQUIREMENTS

In all districts except the Central Business District, unless otherwise noted herein, there shall be provided at such time as any use is made of land, or any building is constructed or enlarged, off-street parking as designated in this section.

- (A) Each required off-street parking space for passenger vehicles, except in R1, R1a, and R2 Districts, shall have a minimum area of 180 square feet, exclusive of aisles or drives, and shall be designed for adequate ingress and egress. In R1 and R2 Districts, each required off-street parking space for passenger vehicles shall have a minimum area of 180 square feet, which area may be part of a driveway.
- (B) Each required truck loading space shall be a minimum of ten feet wide, forty feet deep and fifteen feet high.
- (C) No off-street parking or loading space shall be placed within a required front yard, except within a driveway located within an R1 District. No recreational vehicle shall be parked within a front yard for a period exceeding seven days
  - (1) Recreational vehicles parked or stored in any area other than an approved mobile home park shall not have fixed connections to electricity, water, gas, or sanitary sewer facilities.
  - (2) For the purposes of this subsection, the side yard adjoining the side street shall be considered a front yard in the case of a corner lot.

- (D) Off-street parking or loading areas in any district shall comply with the following:
- (1) Recreational vehicles parked or stored in any area other than an approved mobile home park shall not have fixed connections to electricity, water, gas, or sanitary sewer facilities.
  - (2) They shall be no closer than five feet to any lot line for any other type of structure.
  - (3) Where a rear lot line abuts a dedicated alley, off-street parking or loading areas may extend to the rear lot line.
  - (4) Driveways may be placed no closer than the formula outlined above in paragraphs (d)(1), (2) and (3) hereof.
- (E) Special parking provisions shall be applicable as follows:
- (1) The parking of a disabled vehicle within a residential district for a period of more than one week shall be prohibited, except that such a vehicle may be parked or stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith when such a vehicle is so parked or stored.
  - (2) All parking or loading spaces required herein shall be provided on the same lot as the building or use served, except as modified in paragraphs (e)(3) and (4) hereof.
  - (3) Not more than fifty percent of the parking spaces required for theatres, bowling alleys, dance halls, nightclubs, or cafes, and up to 100 percent of the parking spaces required for a church or school auditorium, may be provided and used jointly by banks, offices, retail stores, repair shops, service establishments and other similar uses not normally open, used or operated during the same hours as the theaters, bowling alleys, etc. However, written agreement therefore should be properly executed and filed as specified in paragraph (e)(4) hereof and such spaces shall be located not more than 300 feet from the started use.
  - (4) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, a written agreement, approved as to form by the Village Solicitor, assuring their retention for parking purposes, shall be executed by the owners and filed with the application for a zoning permit.
- (F) In any district, except the Central Business District, there shall be provided, at the time of construction or alteration of any building or use, off-street parking spaces as follows:

(1) Single –family dwelling, two for each dwelling unit.		
(2) Two-family dwellings, two for each dwelling unit.		
(3) Multifamily dwellings, as follows:		
<u>Number of Dwelling Units</u>	<u>Spaces Per Unit</u>	<u>Minimum Number of Spaces Required</u>
0 -12	3.00	none
13 – 24	2.75	39
25 – 36	2.50	69
37 – 48	2.25	93
49 – 60	2.00	110

61 – 72	1.75	122
73 and over	1.50	128

Housing for the elderly, when in a Federally assisted project for the same, three-fourths of a space for each bedroom or sleeping room.

- (4) Rooming or boarding house, one for each bedroom or sleeping room.
- (5) Hotel or motel, one for each bedroom or sleeping room.
- (6) Hospital, nursing home, sanitarium, convalescent home, home for the aged, etc., one for each three beds.
- (7) Theater or auditorium (except school auditorium), arena, stadium, etc., one for each four sets or seating spaces.
- (8) Church or temple, one for each four seats in main auditorium.
- (9) School (except high school or college), one for each ten seats in the main auditorium, or one for each classroom, whichever is greater.
- (10) High school or college, one for each eight seats in main auditorium, or three for each classroom, whichever is greater.
- (11) Community center, library, museum, ten spaces plus one for each 300 square feet of floor area in excess of 2,000 square feet, excluding floor area for stacks and book processing functions in libraries.
- (12) Golf or country clubs, lodges, private clubs, one for each five members or one for each 150 square feet of floor area.
- (13) Bowling alley, five for each lane plus one for each 150 square feet of floor area in a restaurant or bar area within a structure.
- (14) Mortuary or funeral home, one for each fifty square feet of floor area in slumber rooms, parlors or service rooms.
- (15) Restaurant (including drive-in services), bar, nightclub, dance hall, or other similar places of recreation or entertainment, assembly or exhibit hall, fifteen for the first 1000 square feet of floor area, except in the Central Business District.
- (16) Business or professional office, bank or financial institution, medical or dental clinic, one for each 200 square feet of gross floor area, except in the Central Business District.
- (17) Retail sales or service establishment, except as otherwise specified herein, one for each 150 square feet of gross floor area, except in the Central Business District.
- (18) Furniture or appliance store, hardware store, wholesale establishment, machinery or equipment sales or service, repair service, two plus one for each 250 square feet over 1000 square feet of floor area, except in the Central Business District.
- (19) Manufacturing or industrial establishment, research or testing laboratory, printing or publishing plant, construction or contractor, bakery, dairy processing, bottling plant, warehouse, and similar establishments, one for each employee on the peak shift.
- (20) Any project built in phases over a period of time shall conform to the maximum parking requirements of each phase as constructed. Such parking requirements shall be constructed before any such phase of construction is approved. (Ord 79-15. Passed 11-12-79).

## CHAPTER 1292 Supplemental Regulations

1292.01 Swimming Pools

1292.02 Fences

### CROSS REFERENCES

Division of municipal corporations into zones – see Ohio R.C. 713.06  
Restriction in location of buildings and structures – see Ohio R.C. 713.07  
Restrictions on height of buildings and structures – see Ohio R.C. 713.08  
Restrictions on bulk and location of buildings and structures, percentage of lot occupancy and setback building lines – see Ohio R.C. 713.09  
Basis of districting or zoning; classification of buildings and structures – see Ohio R.C. 713.10  
Notice and hearing on zoning regulations – see Ohio R.C. 713.12  
Violations may be enjoined – see Ohio R.C. 713.13  
Electric and barbed wire fences – see GEN. OFF. 660.12  
Nonconforming uses – see P.& Z. 1276.09

### 1292.01 SWIMMING POOLS

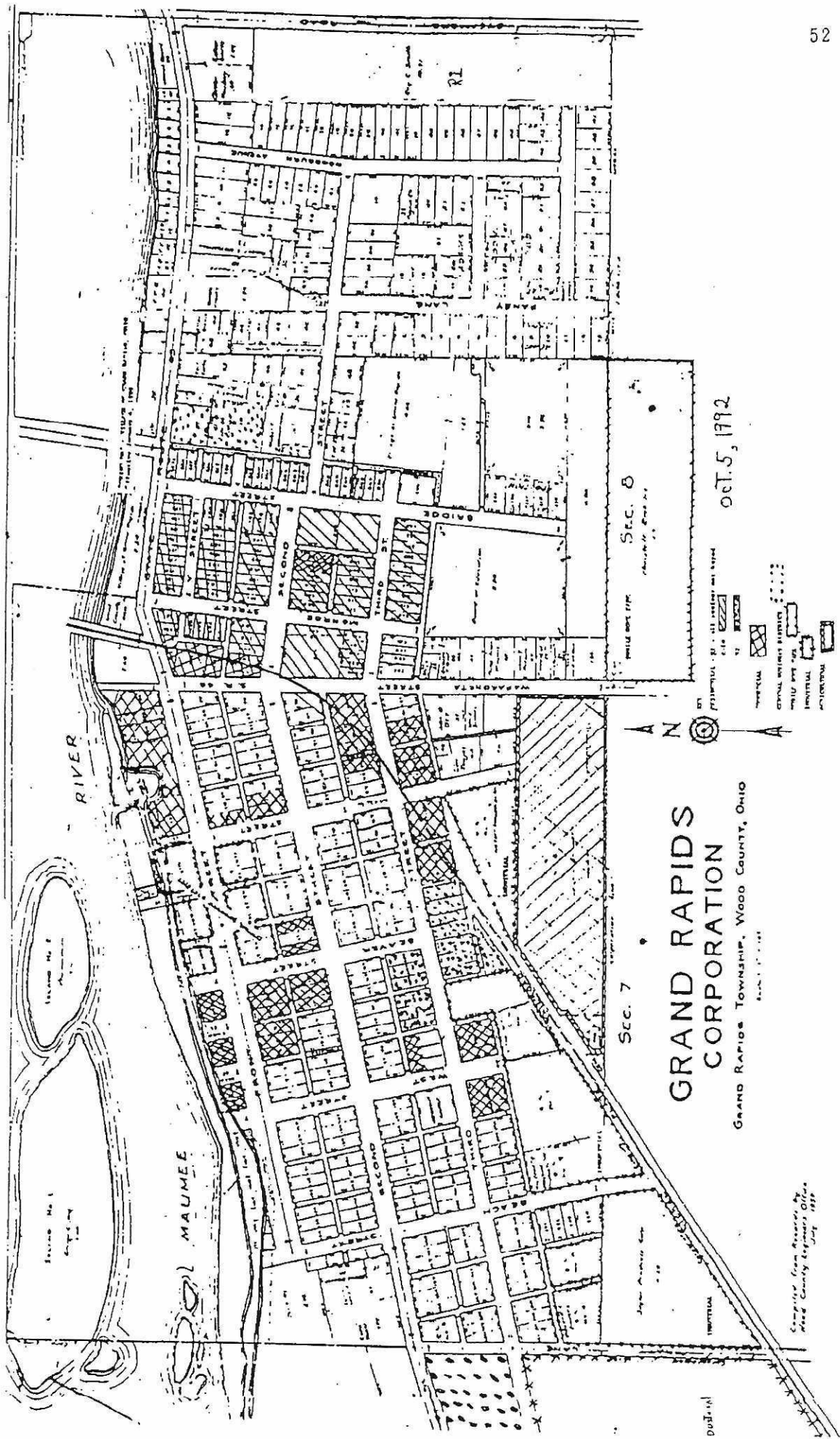
- (A) Private Pools . No private swimming pool, exclusive of portable swimming pools with a diameter of less than twelve feet or with an area of less than 100 square feet, shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements.
- (1) The pool is intended and is to be used solely for the enjoyment of the occupants or the principal use of the property on which it is located.
  - (2) 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. Said wall or fence shall be not less than forty-two inches in height and maintained in good condition with a gate and lock.
  - (3) The pool is not to be located in the front yard of the property.
- (B) Public Pools. Public pools are permitted in commercial and residential districts. Pool and accessory structures shall not be closer than fifty feet to any property line. (Ord. 79-15. Passed 11-12-79.)

### 1292.02 FENCES

In any front yard, no fence or wall shall be permitted which materially impedes vision across such yard above a height of forty-two inches. See Section 660.12 of these Codified Ordinances for further requirements and regulations pertaining to fences. (Ord. 79-15. Passed 11-12-79).







OCT. 5, 1892

SEC. 7

# GRAND RAPIDS CORPORATION

GRAND RAPIDS TOWNSHIP, WOOD COUNTY, OHIO

Compiled from Records by  
Wood County Engineer's Office  
July 1892

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12

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COMBINATION  
BARRACKS

COMBINATION  
BARRACKS

## ZONING CODE INDEX

EDITOR'S NOTE: References are to individual chapters, sections and subsections. As additional aids for locating material, users are directed to:

- (a) The Table of Contents preceding the Code, and the sectional analyses preceding each chapter.
- (b) The cross references to related material following the chapter analysis.

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ORDINANCE OF THE VILLAGE OF GRAND RAPIDS, OHIO

AN ORDINANCE TO ENACT AND AMEND THE ZONING ORDINANCE NUMBER 79-15 SECTION 4DA, SECTION 4F, SECTION 4HA, and SECTION 12 THEREOF.

Be it ordained by the Council of the Village of Grand Rapids, State of Ohio, the majority of all the members elected thereto concurring:

SECTION 1. That Section 4DA, Section 4F, Section 4HA, and Section 12 of Ordinance Number 79-15 be enacted and amended to read as follows:

SECTION 4. USE DISTRICTS

D. Residence District - R2

In the R2 Residence District no building or premises except as otherwise provided in the Ordinance shall be erected, altered or used except for one or more of the listed uses.

A. Uses Permitted.

1. Multiple dwellings.
2. Hotels, including accessory service therein; restaurants and such facilities as are required for the operation of a hotel or apartment house, or for the use or entertainment of guests or tenants of the hotel or apartment house, when conducted and entered only from within the building, provided no window or display sign is used to advertise such use.
3. Garage community.
4. Hospitals and clinics.
5. Accessory buildings and uses customarily incident to any of the above uses when located on the same lot and not involving the conduct of a business.
6. Institutions of an educational or philanthropic nature other than correctional institutions.
7. Social and fraternal organizations.

SECTION 4. USE DISTRICTS

F. Commercial District

In the Commercial District, all buildings and premises except as otherwise provided in this Ordinance, may be for the following listed uses:

A. Uses Permitted

- Food sales, including supermarkets
- Barber and beauty shops
- Dry cleaning and laundry establishments
- Drug sales
- Hardware sales
- Variety stores
- Clothing and apparel stores
- Shoe repair shops
- Florist shops
- Eating and drinking establishments
- Appliance stores
- Furniture stores
- Jewelry and gift stores
- Shoes sales
- Banks, savings or loan businesses
- Sales and distribution offices
- Offices - business, dental and medical
- Bowling Alleys
- Skating rinks, indoor
- Theaters
- Drive-in banks
- Motels
- Funeral homes
- Automobile, automobile parts
- Commercial parking lots
- Bakery
- Gas stations

Any other retail business, service or public utility not involving manufacturing on the premises except of products the major portion of which are to be sold at retail at that location by the manufacturer to the consumer, and provided that not more than five operators should be employed in such manufacture.

All businesses within the Commercial District must meet the standards for safety, air, and water pollution as established by the State of Ohio.

SECTION 4. USE DISTRICTS

H. Industrial District

A. Uses permitted

1. Railroad facilities
2. Utility substations
3. Storage of petroleum products, chemicals and gas under pressure.
4. Manufacturing

SECTION 12. FEES

To partially defray the expenses of advertising, investigating, and considering an appeal, variance, conditional use or amendment or use charge, a fee of Twenty-five Dollars (\$25.00) shall be charged by the enforcing officer, who shall account for the same to the Village of Grand Rapids.

No fee will be charged if the amendment originates with the Village Council or Commission.

SECTION 2. In all other instances, Ordinance Number 79-15 shall remain in full force and effect except as changed or amended herein.

SECTION 3. This ordinance shall become effective from and after its passage at the earliest period allowed by law.

Passed:

March 14, 1983  
Date

Harry Jeffers  
Mayor

Attest:

"Carpenter" Coyle  
Clerk

1st

1/10/83

Exhibit for Ordinance No# 2000-5

Section 1264.04 PROCEDURE AND REQUIREMENTS FOR APPEALS & VARIANCES

- (a) Appeals. Appeals to the Commission concerning the interpretation or administration of this Zoning Code may be taken by any person aggrieved or by an officer or bureau of Council affected by any decision made by the Zoning Inspector. Such appeal shall be taken within 10 days by filing with the Zoning Inspector, and with the Commission, a notice of appeal.

An appeal stays all proceedings in furtherance of the action appealed from unless the Zoning Inspector certifies to the Commission, after the notice of appeal has been filed with him or her, that an emergency exists and that such emergency requires that such proceedings not be stayed, in which case such proceedings shall not be stayed otherwise than by a restraining order issued by a court of record upon application therefore, with notice to the Zoning Inspector, upon due cause being shown therefore.

- (c) Applications and Standards for Variances

Add Item:

- (5) A list of the names and mailing addresses of all property owners within a distance of 200 feet from the lot lines, streets and alleys included, of the lot for which the variance is proposed.

Add Item:

- (6) A vicinity map to scale showing the property lines, buildings, and other such items as the Zoning Inspector may require.

Section 1264.06 PROCEDURE AND REQUIREMENTS FOR APPROVAL OF CONDITIONAL USE PERMITS.

- (c) Contents of Application for Permit

Add Item:

- (8) A list of the names and mailing addresses of all property owners within a distance of 200 feet from the lot lines, streets and alleys included, of the lot for which the variance is proposed.

Section 1276.06 COMMERCIAL DISTRICT

In the Commercial District, all buildings and premises may be used for the following uses:

Section 1268.03 APPLICATIONS FOR ZONING MAP CHANGES.

- (h) A list of the names and mailing addresses of all property owners within a distance of 200 feet from the lot lines, streets and alleys included, of the lot for which the variance is proposed, except that addresses need not be included where more than ten parcels are to be rezoned. (Ord. 79-15. Passed 11-12-79)

Section 1276.07 CENTRAL BUSINESS DISTRICT

- Delete (7) Residences Above Ground Level
- (8) Gas Stations

Add (c) Conditional Uses:

- (1) Residences above Ground Level

Section 1280.01 IN THE R1 DISTRICT

In the R1 Residence District the total area of buildings shall not exceed twenty-five percent of the lot area. No building shall be nearer than five feet from an adjoining lot line. In the R1 District, no building shall be nearer than ten feet from the right-of-way of a side street or alley and the front of the building shall conform to the established setback line, provided that in plats for future development, setback lines shall be forty feet from the right-

of-way. Maximum height of buildings shall be 35 feet.

#### Section 1280.02 IN THE R2 DISTRICT

In the R2 Residence District the total area of buildings shall not exceed fifty percent of the lot area. No building shall be nearer than five feet from an adjoining lot line. A building shall be setback from the street the average distance of other buildings on the street, but in no case less than twenty-five feet. On corner lots, no building shall be nearer than ten feet from the right-of-way of a side street or alley. Parking for multiple dwellings of one and one-half motor vehicles per unit shall be provided to the rear of the setback line. Maximum height of buildings shall be 40 feet.

#### Section 1280.04 IN THE COMMERCIAL DISTRICT.

In the Commercial District buildings shall set back from the street to conform to the present building lines as established by the existing buildings now erected thereon, provided that where no setback lines have been established the same shall be a minimum of twenty-five feet from the right of way. In no case shall the setback line be less than twenty-five feet. The side and rear lot line setback shall be 10 feet. Maximum height of buildings shall be 45 feet.

#### Section 1280.05 IN THE CENTRAL BUSINESS DISTRICT; AWNINGS AND CANOPIES.

In the Central Business District, there shall be no front, side or rear yard requirements. Canopies or awnings supported by a building may project over the public right of way not closer than three feet to that portion of the right of way dedicated to vehicular traffic, upon approval of the height and design by the Village Administrator and under the terms and conditions established by said Village Administrator. There shall be a 10 foot rear lot line setback. Maximum height of buildings shall be 45 feet.

#### Section 1280.06 IN THE INDUSTRIAL DISTRICT.

- (a) Industrial District coverage shall conform to the Ohio Basic Building Code, but in no event shall it be less than fifty feet from the right of way. The side and rear lot line setback shall be 10 feet. Maximum height of buildings shall be 45 feet.

Add: Section 1280.08 FLOOD DAMAGE PREVENTION

The Zoning Inspector shall review all zoning permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood hazard area, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must follow the regulations of the Flood Damage Prevention Ordinance No 89-15 Passed May 8, 1989.

Section 1284.07 SIGNS IN THE CENTRAL BUSINESS DISTRICT

- (a) Free-Standing Signs A sign which is supported by one or more columns or poles, uprights or braces in or upon the ground and not attached to any building shall be permitted, provided that:
  - (1) The sign has an aggregate total face area not exceeding ten square feet.
  - (2) The sign is not located on or within 2 feet of any public street, alley, or sidewalk.
- (b) Projecting Signs A sign which projects from the exterior of a building shall be permitted, provided that:
  - (1) The sign does not project more than six feet from the face of the building.

1284.08 SIGNS IN THE COMMERCIAL DISTRICT

- (b) Projecting Signs The bottom of the sign is a minimum of nine feet above the private sidewalk, unless it is installed in a non-traffic area, in which case, no minimum shall be applicable.

#### 1284.09 SIGNS IN THE INDUSTRIAL DISTRICT

- (b) Projecting Signs The bottom of the sign is a minimum of nine feet above the private sidewalk, unless it is installed in a non-traffic area, in which case, no minimum shall be applicable.

#### 1288.01 General Requirements

In R1 and R1A Districts where a professional or semi-professional occupation is part of the property, there shall be two off-street parking spaces provided in addition to all other parking requirements.

Exhibit for Ordinance No # 2000-11

SECTION 1284.03      GENERAL REQUIREMENTS

Amend (c.) Erection in or Over Right-of-Way to read as follows:

No sign shall be placed within or over any public right-of-way, nor shall any sign structure, in whole or in part, be placed within or over any public right-of-way, except publicly-owned signs and banners specifically exempted by the Village Administrator for special occasions, festivals or celebrations. (exceptions - see 1284.07)

SECTION 1284.07      SIGNS IN THE CENTRAL BUSINESS DISTRICT

Amend (b.) Projecting Signs to read as follows:

A sign which projects from the exterior of a building shall be permitted, provided that:

1. The sign does not project more than 6' from the face of the building.
2. The top of the sign does not exceed 15' above the sidewalk or extend above the floor line, whichever is lower.
3. The bottom of the sign is a minimum of nine feet above the sidewalk or finished grade.
4. The sign has an aggregate total face area of not more than 15 square feet.
5. The Village of Grand Rapids shall be an additional insured for an amount established by the Village Administrator on the liability policy of the property owner. The Village shall be provided a copy of the policy at each renewal.



AN ORDINANCE MAKING CERTAIN TECHNICAL AMENDMENTS  
TO CERTAIN SECTIONS OF CHAPTER 1260 OF THE CODIFIED  
ORDINANCES OF THE VILLAGE OF GRAND RAPIDS

WHEREAS, It is deemed to be in the best interest of the citizens of the Village of Grand Rapids to amend certain sections of the zoning code.

NOW THEREFORE, be it ordained by the Council of the Village of Grand Rapids, Wood County, State of Ohio:

SECTION 1: That Section 1260.04 (35) is hereby amended to read as follows:  
"Setback line" means the minimum horizontal difference between the lot line and the lot front line of any building or projection thereof, excluding steps which do not extend more than four feet beyond the front wall of the building.

SECTION 2: That Section 1260.01 (a) and (b) are hereby amended to read as follows:

- (a) No building or structure shall be erected, converted, enlarged, reconstructed, moved or structurally altered, nor shall any building or land be used, except for a purpose permitted in the district in which the building or land is located.
- (b) No building or structure shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the yard regulations or height limits herein established for the district in which the building is located.

SECTION 3: That Section 1264.03 (a) is hereby amended to read as follows:

- (a) Before proceeding with the erection, relocation, or alteration of any building or structure, a zoning certificate for such activity shall be first obtained from the Zoning Inspector by the owner or his or her agent, which certificate, in such form as may be prescribed by the Zoning Inspector, shall in substance, certify that such proposed erection relocation, alteration, or other activity complies in all respects with this zoning code. No person shall proceed with the erection, relocation, alteration, or other activity unless such certificate shall first have been obtained.

SECTION 4: That Section 1288.01 (a) is hereby amended to read as follows:

- (a) Each required off-street parking space for passenger vehicles, except in R1, R1a and R2 Districts, shall have a minimum area of 180 square feet, exclusive of aisles or drives, and shall be designed for adequate ingress and egress. In R1 and R2 Districts, each required off-street parking space for passenger vehicles shall have a minimum area of 180 square feet, which area may be part of a driveway.

In R1 & R1A Districts where a professional or semi-professional occupation is part of the property, there shall be two off-street parking spaces provided in addition to all other parking requirements.

SECTION 5: This ordinance shall take effect at the earliest time permitted by law.

Passed: 4-29-2002

Ordinance No. 2002-11Passed 11-25-2002

**ORDINANCE ADOPTING CHAPTER 1286 OF THE CODIFIED  
ORDINANCES OF THE VILLAGE OF GRAND RAPIDS,  
RELATING TO WIRELESS AND CELLULAR TELECOMMUNICATIONS  
TOWERS AND FACILITIES.**

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF  
GRAND RAPIDS, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That Chapter 1286 of the Codified Ordinances of the Village of Grand Rapids, relating to wireless and cellular communications towers and facilities is hereby adopted in accordance with exhibit "A" attached hereto and made a part hereof.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: 11-25-2002

Judy Keifer  
Mayor

Attest:

Ronald Eley  
Village Clerk

**ORDINANCE 2002-11**  
**“EXHIBIT A”**

**CHAPTER 1286**

**WIRELESS & CELLULAR TELECOMMUNICATIONS TOWERS & FACILITIES**

**1286.01 PURPOSES, DEFINITIONS & EFFECT**

(A) *Purpose:* It is the purpose of the regulations contained in this subchapter entitled Wireless & Cellular Telecommunications Towers & Facilities, to:

- (1) Accommodate the need for cellular or wireless communications towers and facilities for the provision of personal wireless services while regulating their location and number in the Village.
- (2) Minimize adverse visual effects of communications towers and support structures through proper siting, design, and screening.
- (3) Avoid potential damage to adjacent properties from communications towers and support structure failure; and
- (4) Encourage the joint use of tall structures and any new and existing communications towers and support structures to reduce the number of such structures needed in the future.

(B) *Definitions:* As used in this section, the following terms shall have the meanings indicated:

**ALTERNATIVE TOWER STRUCTURE:** Simulated trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

**ANTENNA:** Any exterior apparatus designed for telephonic, radio or television communications through the sending, relaying and/or receiving of electromagnetic waves; including but not limited to directional antennas, such as panels, microwave dishes and satellite dishes, and omnidirectional antennas, such as whips.

**CELLULAR COMMUNICATIONS SERVICES:** Personal communications accessed by means of cellular equipment services.

**CLEAR AND CONVINCING EVIDENCE:** The measure of proof which will produce a firm belief as to the assertion sought to be established.

**CO-LOCATION:** The process of providing space for more than one user on a

tower or facility.

**CELLULAR OR WIRELESS COMMUNICATIONS SUPPORT STRUCTURE:**

Any building or structure, including equipment shelter, guy wire anchors, accessory to and necessary for the proper functioning of the cellular or wireless communications antenna or tower.

**HEIGHT:** When referring to a tower or other structure, the distance measured from ground level to the highest point on the tower or other structure even if said highest point is an antenna.

**PERSONAL WIRELESS SERVICES:** Commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, including cellular services.

**TALL STRUCTURES:** Any structure or building, including but not limited to, smoke stacks, water towers, buildings over 45' in height, antenna support structures of other cellular or wireless communication companies, and other communication towers.

**TOWER:** Any free standing structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes, but is not limited to, radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, monopoles, and alternative tower structures.

**WIRELESS AND CELLULAR TELECOMMUNICATION EQUIPMENT:**

Antennas and satellite dishes, etc., which are used for transmitting, receiving or relaying communications signals, except as regulation of such equipment has been preempted by the Telecommunications Act of 1996.

**WIRELESS AND CELLULAR TELECOMMUNICATIONS FACILITIES:** Any cable, wires, lines, wave guides, support structure, antennas and any other equipment or facilities associated with the transmission or reception of communications, as authorized by the Federal Communications Commission. However, the term Wireless Telecommunications Facilities shall not include:

- (1) Any satellite earth station antenna 4' or less in diameter, regardless of zoning category subject to Chapter 1286.10..
- (2) Antennas used by amateur radio operators are excluded from this definition.

(C) *Effect on other zoning regulations:* The provision of any other zoning regulation of these Codified Ordinances notwithstanding, the provisions of this subchapter shall apply to all wireless and cellular telecommunications towers and facilities and shall supersede any contrary zoning regulation, including but not limited to, zoning

regulations related to essential services, public utilities and height restrictions, modifications and exceptions.

## **1286.02 GENERAL REQUIREMENTS**

- (A) Wireless and cellular telecommunication towers and facilities are permitted uses in industrial zoned districts contingent upon a number of requirements being met. These criteria are in place in an attempt to minimize adverse health, safety, public welfare or visual impacts through buffering, siting, design and construction, and reduction of the need for new towers.
- (B) Application procedure as outlined in 1286.06 is required.
- (C) Registration of wireless and cellular telecommunication towers and facilities is required by 1286.07.
- (D) Shared usage of towers and transmission facilities is encouraged, and towers shall be designed to be buildable up to the maximum height permitted by this legislation, and shall be constructed in such a way as to permit at least two other telecommunications providers to co-locate their telecommunications facilities thereon when and if built to the maximum height permitted by this legislation. Appropriate shared parking and access must be provided for co-located facilities on one tower.
- (E) All wireless and cellular telecommunication facilities must be co-located with existing facilities except where the applicant can demonstrate by clear and convincing evidence that its facilities cannot be located on any other existing communication tower, building or structure in the geographic area to be served, and that all reasonable means have been undertaken to avoid any undue impact caused by the "clustering" of towers within an area. The applicant must send a certified mail announcement to all other owners of existing towers and tall structure owners in the geographic area to be served stating their siting needs and/or sharing capabilities. In determining whether a facility can or cannot be located on another communication tower, building, or structure, the Village shall consider the space available on an existing structure, the technological practicality of the co-location, the financial feasibility of the co-location, and such other factors as the Village deems appropriate.
- (F) Federal Aviation Administration regulations shall be met and requirements presented to the Village prior to facility approval.
- (G) The owner of any tower or facility shall indemnify and hold the Village harmless against any and all claims, demands, suits, causes of action or judgment arising from any injury, including death or damage caused by the construction and operation of the tower or facility.

### **1286.03 APPLICATION PROCEDURE**

(A) Any person or company intending to apply for the placement or operation of a cellular or wireless communications tower or facility within the Village shall first schedule a pre-application conference with the Zoning Inspector. At the conference, the prospective applicant must present to the Zoning Inspector any proposed locations for siting of towers and equipment. The information should identify possible locations, tower and tall structure heights, and the possibility of co-location.

(B) The purpose of the pre-application conference will be to generally evaluate the impact on adjacent areas and neighborhoods, discuss co-location, identify suitable sites that minimize any negative impact on surrounding areas.

(C) Upon the completion of the pre-application conference, an application may be filed with the Zoning Inspector. The applicant must comply with the requirements of this chapter.

(D) A \$250 application/registration fee will be charged for each new cellular or wireless telecommunication tower or facility. This fee shall be in addition to the applicable building permit fees. A \$150 application fee will be charged for facility that co-locate with an existing facility.

(E) The applicant may be asked to review plans with the Council Safety Committee within the Village to consider any requests the Village may have to ensure public safety.

### **1286.04 WIRELESS AND CELLULAR TELECOMMUNICATION TOWERS AND FACILITIES STRUCTURAL REQUIREMENTS**

No wireless or cellular telecommunication tower and/or facility shall be designed and/or sited such that it poses a potential hazard to nearby improvements or surrounding properties. The structural integrity of towers and facilities must meet the applicable Ohio Base Building Code and American National Standards Institute/Electronic Industry Association, Section 222-F.

### **1286.05 ZONING DISTRICTS AND LOCATIONS WHERE WIRELESS AND CELLULAR TELECOMMUNICATION TOWERS AND FACILITIES ARE PERMITTED**

(A) *PERMITTED*: Towers and facilities are a permitted use in Industrial District and subject to the provisions of 1286.09.

(B) *SPECIAL EXCEPTIONS*: Wireless and cellular telecommunication facilities to be attached to a structure shall be permitted in all zoning districts subject to the provisions of 1286.10. (see definitions)

(D) *Village Council Approval:* Towers and facilities located on publicly owned property are permitted subject to the provisions of 1286.11.

## **1286.06 APPLICATION REQUIREMENTS**

An applicant proposing to construct a new tower must submit an improvement plan in accordance with applicable zoning district requirements. In addition to a plan indicating compliance with the zoning district, the plan must include:

(A) The location of all existing facilities and towers owned or used by the applicant within the Village and  $\frac{1}{4}$  mile outside the Village limits. Provide the following information for each existing facility:

- (1) Type and height of the tower and facilities at each location.
- (2) The accessory equipment and/or building located at each site.
- (3) The ground network and associated land lines utilized by each tower.

(B) The general location of planned future towers and facilities.

(C) For each proposed tower location shown on the plan, there must be a schedule showing:

- (1) Type and height of the tower and facility at each location.
- (2) The type of accessory equipment located or proposed on each tower.
- (3) Type, size and location of any support structure accessory to the tower is being submitted.
- (4) The ground network and associated land lines, if any, utilized by each site.
- (5) A site plan showing the parcel on which any existing tower is located.
- (6) Detailed drawing of screening plan and related landscaping design standards.

(D) Copies of certified mail announcements to all other owners of towers and tall structures must be attached to the application. See 1286.02(D)(E) herein.

(E) Notification from the FFA describing any requirements to be set forth on the tower and its location.

**1286.07 REGISTRATION RENEWAL OF WIRELESS AND CELLULAR TELECOMMUNICATIONS FACILITIES, CARRIERS AND PROVIDERS**

(A) All registrations of wireless and cellular telecommunications facilities within the Village, and which are used to provide any telecommunications services for a fee are required to be renewed by the owner and/or equipment owner. The renewal forms shall be provided by the Village. A fee of \$150 plus \$1 for each foot of tower height shall be charged for the registration.

(B) Each owner shall inform the Village within 60 days of any changes to the information set forth in the registration form.

(C) Wireless telecommunications towers and facilities registration must be renewed on an annual basis, at the beginning of each year. The renewal must be accompanied by the fee, which is \$150.00 plus \$1 for each foot of tower height. The telecommunications tower or facility owner/operator must submit the registration renewal to the Zoning Inspector of the Village by February 1 of each year.

(D) A late fee of \$25 shall be charged for each month the registration renewal and accompanying fee is not received by the Village.

**1286.08 EXISTING WIRELESS AND CELLULAR TELECOMMUNICATION TOWERS AND FACILITIES**

Existing wireless and cellular telecommunication towers and facilities which do not comply with the conditions of this Ordinance at the time of its adoption, shall be classified as non-conforming. However, the owner and/or operator must comply with any registration requirements set forth in this Ordinance. Future co-location of facilities on existing towers and changes to the towers or facilities must comply with requirements of this Ordinance.

**1286.09 DESIGN STANDARDS FOR WIRELESS AND CELLULAR TELECOMMUNICATIONS TOWERS AND FACILITIES.**

(A) All communication towers, support structures, and associated facilities shall be enclosed within a minimum six foot high chain link fence or approved barrier and a continuous evergreen hedge a minimum of 30" in height on the outside of the fence or barrier. Applicant is responsible for installation and maintenance of the fence or barrier and hedge.

(B) Proof shall be provided by the applicant in a form satisfactory to the Zoning Inspector that the proposed installation has been approved by and will be operated in



compliance with all agencies and governmental entities having jurisdiction, including, but not limited to, the Ohio Department of Transportation, the Federal Aviation Administration, the Federal Communications Commission or the successors to their respective functions.

(C) Lights, beacons or strobes of any kind shall not be permitted on any tower, antenna, or facilities unless required by the Federal Aviation Administration. Any such requirements must be presented to the Zoning Inspector prior to the Village approval of the facility. Furthermore, telecommunication towers which would require special painting or lighting by the FAA regulations are discouraged.

(D) Setback requirements. All communication towers, support structures, associated facilities, and required fence/barrier shall be located no closer than 250 feet from any residential zoning district line, and no closer than 100 feet to a public street right-of-way and no closer to any property lines than 25% of the height of the proposed tower unless a variance is granted by the Planning Commission.

(E) The minimum size of a parcel on which a tower is located shall be one acre and no more than one tower may be located on a parcel. Parcel means a separate tract of land as determined by the Wood County Auditor's Office.

(F) No advertisement of any kind shall be installed on telecommunication towers and/or facilities.

(G) The towers shall be painted a non-contrasting gray or similar color minimizing their visibility, unless otherwise required by the Federal Communications Commission or Federal Aviation Administration. When permitted as a special exception, the Planning Commission may require an alternative tower structure to blend into the existing environment. The towers and accessory structures shall be well maintained.

(H) Towers shall be 200 feet or less in height.

#### **1286.10 DESIGN STANDARDS FOR WIRELESS AND CELLULAR TELECOMMUNICATIONS FACILITIES AS ATTACHMENTS TO EXISTING STRUCTURES.**

Telecommunication facilities on existing structures are permitted in all districts as specified in 1286.05, subject to the following standards:

(A) Existing tall structures include water towers, smoke stacks, buildings, lighting standards or other structures.

(B) Telecommunication facilities on existing structures must be aesthetically and architecturally compatible with the surrounding environment.

(C) The maximum height of such telecommunication facilities shall not exceed the lesser of 25 feet above the height of the structure or 25% of the height of the structure on which it is located. If located on a building, all attempts should be made to set back the facility from the exterior wall of the building.

**1286.11 STANDARDS FOR WIRELESS AND CELLULAR TOWERS AND FACILITIES ON PUBLICALLY OWNED PROPERTY.**

(A) Towers and facilities may be permitted on any Village owned property subject to the following:

- (1) The property must be leased from the Village at its sole discretion.
- (2) The maximum height and design of any tower and/or facility on Village property shall be determined by the Planning Commission and approved by Village Council.
- (3) All design standards in 1286.09 and 1286.10 shall apply to towers and facilities under this subsection except for the setback requirements in 1286.09(D).

(B) Towers and facilities may be permitted on any other publicly owned property subject to the following:

- (1) A special exception must be approved by the Planning Commission for any publicly owned property located in a district in which towers and/or facilities are not a principally permitted use.
- (2) The maximum height of any tower and/or facility shall not exceed 200' in height.
- (3) All design standards in 1286.09 and 1286.10 shall apply to towers and facilities under this section except for setback requirements in 1286.09(D).

**1286.12 REMOVAL OF ABANDONED WIRELESS AND TELECOMMUNICATION TOWERS AND FACILITIES.**

(A) All wireless and cellular telecommunication towers and facilities shall be removed within six months after they are no longer used or in the event that it is proven that the towers cause a health hazard. A telecommunication tower and/or facility shall be considered abandoned if non-operational for six consecutive months. All owners or operators of such towers or facilities shall notify the Zoning Inspector in writing of the date upon which such towers or facilities are no longer used.

(B) Wireless and cellular telecommunication towers and facilities which are not

removed within six months after they are abandoned are hereby declared to be a public nuisance which shall be abated by removal of such tower and/or facilities.

(C) The Zoning Inspector shall serve written notice on the owner or operator of the tower and/or facilities and the lessee and/or owner of the property upon which such tower and facilities are located ordering removal of the tower and/or facilities and reinstate the entire site to its prior state at the expense of the owner within 120 days of the receipt of the notice.

(D) In the event that the tower and/or facilities are not removed within 120 days after the written notice, then the Zoning Inspector is authorized and directed to abate such public nuisance by causing the removal of the tower and/or facilities and reinstate the entire site to its prior state at the expense of the owner or lessee of the tower, facilities, or property.

(E) The cost of removal of the tower and/or facilities by the Village shall be certified to the Wood County Auditor as a lien for assessment and collection against the real property upon which the tower and/or facilities were located in the same manner as general taxes and returned to the Village's general fund.

#### **1286.13 PENALTY**

Any person, firm, or corporation, violating any of the provisions of this chapter, or any amendment or supplement thereof, shall be deemed guilty of a misdemeanor and, upon conviction thereof, in a court of competent jurisdiction, shall be fined not more than \$100. Each and every day during which such violation, illegal location, erection, construction, reconstruction, enlargement, change, maintenance, or use continues shall be deemed a separate offense.

**WIRELESS AND CELLULAR TELECOMMUNICATIONS  
TOWERS & FACILITIES APPLICATION**

Pursuant to Section 1286.06 of the Village of Grand Rapids' Zoning Ordinance, all Wireless and Cellular Telecommunications carriers and service providers that offer to provide any telecommunications services for a fee directly to the public, either within the Village of Grand Rapids or outside the corporate limits from telecommunications facilities within the Village, shall attend a pre-application conference and prepare an application.

Is this a request for: (Please check the following)

- Construction of a new telecommunication tower.
- Co-Location of telecommunications facility on existing tower.
- Telecommunications facility attachment to existing structure.

**a. SITE INFORMATION**

Telecommunication Company (Service Provider)	Name of Office or Authorized Agent
Address	Title
City, State, Zip	Phone/Fax/E-mail
Address where Telecommunications Facility is located	

Size of Parcel	Zoning of Parcel	Distance from Closest Residential Land Use/District
_____ acre of sq. ft.		_____ Lineal Feet

**b. ATTACHMENTS:**

Plan requirements for the construction of a new Wireless/Cellular Telecommunications Tower and for the Co-location of Telecommunications Equipment is set forth in Section 1286.07 of the Grand Rapids Zoning

Ordinance. In addition, all registrants shall attach the following information to the Wireless/Cellular Telecommunications Application:

1. A description of the telecommunication services that the registrant intends to offer or provide to persons, firms, businesses or institutions within the Village.
2. Information sufficient to determine that the applicant has applied for and received any construction permit, operating license or other approvals required by the Federal Communications Commission (FCC) to provide telecommunications services or facilities within the Village.
3. For any telecommunications facilities which are co-located, provided information as to the names of other service providers located on the tower, and the expiration date of the lease for co-location.

c. FEES:

Application Fee: Each application shall be accompanied by the following fee:

Co-located facility:	\$150.00
Telecommunication Tower	\$250.00

_____	_____	_____
Amount Paid	Date	Received by

d. CERTIFICATION:

I certify that the following information, including any attachments is correct to the best of my knowledge. I understand that knowingly falsifying this information may be grounds for the denial of this application.

_____	_____
Printed Name & Title	Signature

**CERTIFICATION:**

I certify that the following information, including any attachments is correct to the best of my knowledge. I understand that knowingly falsifying this information may be grounds for the denial of this application.

\_\_\_\_\_  
Printed Name & Title

\_\_\_\_\_  
Signature

-----  
FOR VILLAGE USE ONLY:

\_\_\_\_\_  
Amount Paid

\_\_\_\_\_  
Date

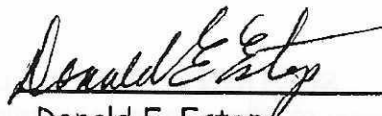
\_\_\_\_\_  
Received by

## Certificate of Posting

I, Donald E. Estep, Clerk of Council of the Village of Grand Rapids, Ohio, do hereby certify that there is no newspaper printed in said municipality, and that the publication of the foregoing ordinance was duly made by posting a true copy thereof at five of the most public places in said corporation, as determined by the Council, as follows:

Mid-American Banking Co.  
Rapids Pharmacy  
Grand Rapids *MEATS + GROCERY*  
Grand Rapids Library  
Village Administrative Offices

Each for a period of fifteen days commencing on the 11<sup>TH</sup> day  
of DECEMBER, 200.

  
\_\_\_\_\_  
Donald E. Estep  
Clerk of Council of the  
Village of Grand Rapids, Ohio

01-15-03

Date

RECORD OF ORDINANCES

0189

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2007-3

Passed 03-26 2007  
YEAR

AN ORDINANCE AMENDING SECTION 1280.01 OF THE CODIFIED ORDINANCES OF GRAND RAPIDS, OHIO.

WHEREAS, it is deemed to be in the best interest of the citizens of the Village of Grand Rapids to modify the setback requirements for R1 Residence District.

NOW THEREFORE be it ordained by the Council of the Village of Grand Rapids, State of Ohio:

SECTION 1: That section 1280.01 of the Codified Ordinances as enacted by Ordinance No 79-15 passed on the 12<sup>th</sup> day of November 1979, is hereby amended to read as follows:

In the R1 Residence District the total area of buildings shall not exceed twenty-five percent of the lot area. No building shall be nearer than five feet from an adjoining lot line. In the R1 District, no building shall be nearer than ten feet from the right of way of a side street, and the front of the building shall conform to the established setback line, but in no case less than twenty-five feet, provided that in plats for future development, setback lines shall be forty feet from the right of way.

SECTION 2: That this ordinance is hereby declared to be an emergency measure, the emergency being the immediate necessity to provide for the proper setback requirements for the safety of the inhabitants of the Village of Grand Rapids Ohio; wherefore, this ordinance shall take effect and be in force from and after the passage of this ordinance.

Passed: 03-26 2007

Judy Keifer  
Judy Keifer, Mayor

Attest:

Don Estep  
Don Estep, Fiscal Officer