

VILLAGE  
OF  
CHIPPEWA LAKE, OHIO

**ZONING CODE**

ORDINANCE NO. 498-00

*[Amended by Ordinances No. 640-07, 654-07, 731-12, 771-14 and  
772-14; Ordinance No. 737-12; Ordinance No. 834-19]*

4/10/2019

**VILLAGE OF CHIPPEWA LAKE  
ZONING ORDINANCE (NO. 498-00 AND AMENDMENTS)**

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ARTICLE 1

TITLE, AUTHORIZATION, PURPOSE, AND ENACTMENT CLAUSE

SECTION 101 SHORT TITLE

This Ordinance shall be known as the Zoning Ordinance of the Village of Chippewa Lake, Ohio.

SECTION 102 AUTHORIZATION

This Ordinance is authorized by the Ohio Constitution and Revised Code.

SECTION 103 PURPOSE

This Ordinance is enacted to promote the public health, safety, convenience, comfort, prosperity, and general welfare by:

- A. Encouraging and facilitating orderly, efficient, and appropriate growth and development.
- B. Establishing population densities to prevent or reduce congestion and to secure economy in the cost of providing water supply and sewage systems, streets and highways, fire and police protection, schools, parks and recreation facilities, and other governmental services.
- C. Securing safety from fires, floods, traffic hazards, and other dangers.
- D. Protecting the tax base.
- E. Fostering well-planned industrial and commercial growth.
- F. Stabilizing and improving property values.
- G. Protecting development from the detrimental effects of incompatible surrounding uses.

SECTION 104 ENACTMENT CLAUSE

Whereas, there has been created under and by virtue of the laws of the State of Ohio, a Village Council for the Village of Chippewa Lake, Ohio and Whereas, said Village Council has submitted to the Village Council of Chippewa Lake, Ohio, a plan for the zoning of the community according to the uses of premises, buildings, and other structures.

Now, Therefore Be It Resolved, that the Zoning Map and Text contained herein is hereby adopted.

SECTION 105 EFFECTIVE DATE

This Ordinance is effective on June 7, 2000.

ARTICLE 2  
INTERPRETATION

SECTION 201            INTERPRETATION OF PROVISIONS

In interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, rules, regulations, or resolution, or by private deed restrictions or covenants, the provisions of this Ordinance shall prevail.

SECTION 202            VALIDITY AND SEPARABILITY

It is hereby declared to be the legislative intent that, if any provision or provisions of this Ordinance, or the application thereof to any zoning lot, building, or other structure, or tract of land, are declared by a Court of competent jurisdiction to be invalid or ineffective in whole or in part, or to be inapplicable to any person or situation, the effect of such decision shall be limited to the provision or provisions which are expressly stated in the decision to be invalid or ineffective to the zoning lot, building, or other structure, or tract of land immediately involved in the controversy. All other provisions of this Ordinance shall continue to be separate and full effective, and the application of any such provision to other persons or situation shall not be affected.

ARTICLE 3  
GENERAL REGULATIONS

SECTION 301        PURPOSE

General regulations apply to all zoning districts. Where requirements of a general regulation and a district regulation differ, the more restrictive requirement shall prevail.

SECTION 302        PERMITTED USES

- A. No building shall be erected, converted, enlarged, reconstructed, or structurally altered, nor shall any building or land be used, designed, or arranged for any purpose other than that specifically permitted in the district in which the building or land is located.
- B. Uses that are omitted from this Ordinance as not being specifically permitted shall be considered prohibited until this Ordinance is amended to specifically include the use.
- C. The Village Council, with the approval of Council, shall have the power to permit any use comparable in character to any of the uses specifically listed under the Permitted Uses Section of any district.

SECTION 303        REGULATION OF LOTS

- A. Lot Area – No parcel of land shall hereafter be so reduced or divided so as to provide less than the minimum lot size required in the zoning district in which such land is situated, except as otherwise permitted in this Ordinance.
- B. Substandard Lots R-3 and R-4 Residential Districts Only
  - 1. A parcel of land that contains no residential structure and that was a lot of record on the plat records of the County Recorder at the time of the adoption of the Ordinance and that fails to meet the size and area requirements of this Ordinance for residential structures, may nevertheless be used as a site for a residence. Such parcel, either alone or when combined or when combined with all or part of an adjoining parcel, shall contain at least four thousand, eight hundred (4,800) square feet of area; it shall have a minimum frontage of sixty (60) feet on a public street; and it shall comply with the front, rear and side yard setbacks otherwise required in that district.
  - 2. When any parcel of land containing a residence complies with the area, setback and frontage requirements of this Ordinance and by virtue of the fact that there are other vacant parcels of land adjacent or adjoining it and standing in common ownership, then such parcel of land and such adjoining or adjacent parcels, or as much land as may be required to meet the current area, setback and frontage provisions of this Ordinance shall be considered to be a single residential lot. No property owner shall sell or convey a parcel of land that is substandard in size and contains a residential structure without also selling or conveying such vacant, adjoining or adjacent parcels of land standing in common ownership, nor shall he sell or convey any part of his property if, by so doing, he reduces the total area, the frontage or the setback lines below those required by the provisions of this Ordinance.

3. Notwithstanding the requirements of Section 303(B)(1), any parcel of land existing on March 7, 1967 may be used for a residence if the owner owns no adjacent land and if the owner has owned no adjacent land for the past twenty-five (25) years. Such lot shall maintain the required front, rear and side yard setbacks to the extent possible, but in no event shall a residence be nearer than two feet (2) to any side or real property line or nearer than fifteen (15) feet to a right-of-way line.
- C. Street Frontage – No principle building shall be erected on a lot that does not abut on at least one (1) street.

## SECTION 304 GENERAL REGULATION OF YARDS

- A. Open Area – Except as herein provided, every yard shall be open and unobstructed and shall not be reduced or diminished in area so as to be smaller than prescribed by this Ordinance. No required yard or other open space around one building shall be considered as a yard or open space for any other building, and no required yard or other required open space on an adjoining lot shall be considered as providing the yard or open space on the lot whereon a building is to be created or established.
- B. Yard Measurements
1. The minimum front yard depth shall be measured on the perpendicular from the street right-of-way line to the building setback line. All front and side street yards shall be measured from the right-of-way lines so established.
  2. The minimum side yard width and rear yard depth shall be measured on the perpendicular from the lot lines to the nearest point of any structure on the lot.
- C. Visibility at Intersections – On a corner lot in any district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of two-and-one-half (2-1/2) and ten (10) feet above the center line grades of the intersecting streets in the area bounded by the right-of-way lines of such corner lots and a line joining points along said street lines twenty-five (25) feet from the point of intersection.
- D. Fence, Hedge, and Walls – In all districts, fences and walls may be constructed to a maximum height of six (6) feet in any required side or rear yard, and to a height of four (4) feet in any required yard abutting a street. Fences or walls required to surround and enclose public utility installations are not limited as to height in any zoning district. Village Council may require higher fences or walls in a commercial or industrial district in cases where such higher screening is necessary. Fences may be placed on the lot line. If deed restrictions for any individual property within the Village limits fences on the property, the deed restriction shall apply. This sub-section does not alter or affect any such deed restrictions.
- E. Accessory Buildings – Detached garages or other accessory buildings shall be located at least two (2) feet from side and rear property lines, and no closer to the road than the main residence, and no closer to any existing building than four (4) feet. Detached garages or other accessory buildings shall not be more than one story with a maximum wall height of

ten (10) feet and a maximum total height of sixteen (16) feet at the highest point of the roof.

- F. Temporary Structures. Temporary structures include, but are not limited to, tubular framed structures with a covering such as canvas, fabric, polyethylene, or woven tarp-like material, portable garages, car canopies, sheds, shelters, and similar structures. They will be governed by the following regulations:
1. A permit must be obtained before installation of any such temporary structure. Application will be made to the Zoning Inspector and include size, dimensions, a lot placement diagram and a statement of the length of time the structure will be erected and in use.
  2. Temporary structures may only be erected for a maximum period of six (6) months and only one (1) application for temporary structure is permitted per residence per year.
  3. Temporary Structures must be secured and anchored to the ground through guy wires or rope attached to stakes or other comparable grounding materials.
  4. Temporary structures may only be located in side or rear yards.
  5. For fire and safety reasons the placement of temporary structures must be at least five feet (5') from side and rear property lines and no closer than five feet (5') to any other structure.
  6. Such temporary structures may not be used in connection with any business or commercial activity.

## SECTION 305 BUILDING HEIGHT

No structure shall be erected, converted, enlarged, reconstructed, or structurally altered to exceed the height limit hereinafter established for the zoning district in which the structure is located, except that:

- A. Roof structures for the housing of elevators, stairways, tanks, ventilating fans, or similar equipment required to operate and maintain the building, and fire and parapet walls, skylights, towers, chimneys, smokestacks, or similar structures may be erected to exceed not more than fifteen (15) feet in height the limits of the zoning district in which it is located; provided that such structure shall not have a total area greater than twenty percent (20%) of the roof area of the building and shall not be used for any residential purposes.
- B. Radio, television, and similar aerials, or masts and flagpoles may be erected to exceed not more than fifteen (15) feet in height the limits of the zoning district in which it is located.
- C. Churches and temples may be erected to a height not to exceed seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is located.

## SECTION 306 GENERAL REGULATIONS OF STRUCTURES AND CONSTRUCTION

- A. Required Compliance – No building shall be erected, converted, enlarged, reconstructed, or structurally altered to: (1) exceed the maximum height; (2) accommodate a prohibited

use or house a greater number of families; or (3) have narrower or smaller rear, front, or side yards, than are specified herein for the district in which such building is located.

- B. Principle Residence – No more than one (1) principle residence shall be permitted on any one lot unless otherwise specifically stated in this Ordinance.
- C. Buildings Under Construction Prior To The Ordinance – Nothing in this Ordinance shall be deemed to require any change in the plans, construction, or designated uses of any building upon which actual construction was lawfully begun prior to the adoption of this Ordinance and provided further that such building shall be completed within one (1) year from the date of passage of this Ordinance.
- D. Temporary Buildings – Temporary buildings or uses for purposes incidental to construction work shall be permitted provided such buildings or uses shall not be continued as permanent structures.
- E. Grading and Seeding – Proper grading and seeding from the street pavement shall be required of all residential, commercial and industrial lots. In the case of a grade of greater than one (1) foot for twenty-five (25) feet of distance from existing pavement, a suitable drain shall be provided, subject to approval by the proper Village authority.
- F. Temporary Parking
  - 1. Immediate off-street parking facilities shall be installed within 24 hours after foundation or footer digging has been completed.
  - 2. Temporary parking facilities shall not require hard surface of permanent material, but may consist of gravel, stone or other suitable material that may be later used as base of a permanent driveway, or may be later removed.
  - 3. Such temporary parking facilities may be located at any suitable place within the side-line and back-line set back of the property, not to interfere with the natural drainage and injurious to adjacent property owners.
- G. Completion of Construction - Unless written permission is given by the Zoning Inspector or Village Council, every construction job or project must be completed within one (1) year of the date of commencement of the same, whether or not a Zoning Permit is required for the project.

## SECTION 307            SITE PLAN REVIEW AND CONFORMANCE

- A. Review of Site Plan – All commercial and industrial uses and all conditionally permitted uses shall require review and approval of the site plans by Village Council. Village Council shall approve the site plan if it is consistent with the purposes and general requirements of this Ordinance, and that the specific requirements set forth in Article 4 and the following general standards will be met. Village Council may seek expert advice or cause special studies to be made. The cost of securing such advice or studies shall be borne by the applicant, which sum shall be on deposit with the Village Clerk upon request of Village Council.

The formal application submitted shall include the following:

1. The site plan shall be drawn to a legible scale, shall show topographical features of the lot, building placement, and activity area, and shall include a circulation and parking plan, planting and landscape plan, and façade drawings. A description of the proposed development or operation shall be provided in sufficient detail to indicate possible emission of energy or matter beyond the lot lines, with plans for the handling of any excesses thereof.
2. The site plan shall show that a proper relationship will exist between thoroughfares, service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety on both public and private lands.
3. All the development features including the principle buildings, open spaces, service roads, driveways, and parking areas shall be so located and related as to minimize the possibility of adverse effects upon adjacent development.
4. The architectural design of buildings shall be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, materials, line and pattern, and character.
5. Building location and placement shall be developed with consideration given to minimizing removal of trees and change of topography.
6. Maximum possible visual and auditory privacy for surrounding properties and occupants shall be provided through good design and use of proper building materials and landscaping.
7. In large parking areas, visual relief shall be provided through the use of trees planted and landscaped dividers, islands, and walkways.
8. Screening of parking areas and service areas from surrounding properties shall be provided through landscaping and/or ornamental walls or fences where necessary to promote harmony with adjacent development.
9. On-site traffic circulation shall be designed to make possible adequate fire and police protection.
10. In the case of industrial uses, adequate provision shall be made for the disposal of industrial wastes. Waste containing poisonous, corrosive, flammable or explosive solids, oils, liquids or gases shall not be discharged into the sanitary sewer. Waste areas shall be adequately screened by solid fencing capable of being secured against unauthorized entry.
11. Parking and loading provisions shall meet the requirements of Article 5.
12. Grading and surface drainage provisions shall be designed to minimize adverse effects of abutting properties, streams, and public streets and to minimize the possibility of erosion. Village Council may require that such grading plans be

reviewed by the Village Engineer with any costs borne by the developer. The costs of any unusual means necessary to alleviate surface drainage problems on adjacent property due to the development shall be borne by the developer of the property causing the problem.

13. The design and construction standards of all private streets, driveways, and parking areas shall conform to the provisions of the Village subdivision regulations.

B. Procedure – Applications for site plan review shall be submitted to the Zoning Inspector for review by the Village Council. Site plans shall be reviewed by the Village Council at one or more of its public meetings. Within 25 days after the first meeting at which the site plan is reviewed, the Village Council shall approve, approve with modifications, or disapprove the site plan.

C. Conformance With Site Plan

1. The use, placement, and dimensions of all buildings, driveways, sidewalks, parking areas, truck loading and unloading areas, curb cuts, traffic control devices, activity areas, and the installation of landscaping, fences, and walls shall conform to the approved site plan. No injurious or offensive effects shall result from the development or operation; and control of effects such as noise, smoke, dust, fumes, odors, electrical interferences, storage and disposal of waste, shall meet accepted current standards, where such standards are in effect.

2. A performance bond or other financial guarantee shall be placed on deposit with the Village Clerk to insure that the landscaping be installed, that the hard surfacing of the private drives and parking areas be installed, and that the surface water drainage be installed, all in conformance with approved plans. Such bond or guarantee shall be in an amount equal to the cost of construction of the improvements based on an estimate approved by the Village Council and shall be for a period not to exceed one (1) year and providing for the complete construction of the improvements within that period.

## SECTION 308 ANNEXATION

A. On Application of Citizens

Upon receipt of written notice of the filing a citizen's annexation petition pursuant to Ohio Revised Code Section 709.03, the Clerk of Council shall refer said notice to the Village Council. Within sixty (60) days from receipt of the notice, the Village Council will transmit its recommendation with regard to the proposed annexation to Council. The Village Council will include in its recommendation the zoning district to be assigned to the area proposed to be annexed.

At the next regular or special session of Council after the expiration of sixty (60) days from the date of filing of the petition and other materials with the Village Clerk as required by O.R.C. Section 709.03, Council shall review the recommendations of the Village Council and the materials filed with the Clerk in regard to the proposed annexation. Council shall then accept or reject the petition for annexation by resolution or ordinance.



B. On Application of the Village

Upon Application of any interested party, Village Council may determine whether or not to begin Annexation proceedings as provided by law and may initiate such proceedings if desired.

SECTION 309 ESTABLISHMENT OF DISTRICTS

For the purpose of promoting the public health, safety, morals, convenience, comfort, prosperity, and general welfare of the Village of Chippewa Lake, the following zoning districts are hereby established:

R-1	<b><u>SINGLE FAMILY</u></b> RESIDENTIAL DISTRICT	ZONE 1
R-2	<b><u>MULTI-FAMILY</u></b> RESIDENTIAL DISTRICT	ZONE 2
R-31	<b><u>LOW DENSITY</u></b> RESIDENTIAL DISTRICT	ZONE 3
R-4	<b><u>MEDIUM DENSITY</u></b> RESIDENTIAL DISTRICT	ZONE 4
C-1	<b><u>LOCAL COMMERCIAL</u></b> DISTRICT	ZONE 5
I-1	<b><u>LIGHT INDUSTRIAL</u></b> DISTRICT	ZONE 6
P-1	<b><u>PARKS &amp; RECREATION</u></b> DISTRICT	ZONE 7

SECTION 310 ZONING DISTRICTS MAPS

Zoning districts established in Section 309 are bounded and defined as shown on a map entitled (Zoning Districts Map of Chippewa Lake, Ohio) and said map with all the notations, references, and other pertinent material shown thereon are hereby declared as part of the Ordinance.

SECTION 311 INTERPRETATION OF DISTRICT BOUNDARIES

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

A. Where Boundaries Approximately Follow Streets

Where zoning district boundaries are indicated as approximately following the center lines of streets, such lines shall be construed to be the zoning district boundaries.

B. Where Boundaries Approximately Follow Lot Lines

Where zoning district boundaries are indicated as approximately following lot lines, these lot lines shall be construed to be the zoning district boundaries.

C. Where Boundaries Parallel Street Lines

Where zoning district boundaries are indicated as approximately parallel to the center lines of streets, such district boundaries shall be construed as being parallel to such lines.

SECTION 312 SWIMMING POOLS

All public or private, commercial or family, in ground swimming pools containing four (4) feet of water or more in depth which is in the nature of a permanent pool requiring a permanent foundation, shall require a zoning permit and building permit for construction and be further subject to the following regulations:

- A. Such swimming pools shall not be located in front or side yards and shall be located at least ten feet (10') from side and rear property lines.
- B. Construction, plumbing, electrical requirements, inspection and safety facilities shall be regulated by the Village in the same manner as any other structure is regulated by the Village.
- C. Such pools shall be completely surrounded by a fence of wall not less than four (4) feet in height; such fence shall be constructed so as to have no openings, holes, or gaps larger than three (3) inches in any dimension, except with suitable locking devices to prevent intrusion.
- D. An accessory building may be incorporated in or as part of any pool enclosure provided that no permits are necessary for any such accessory building which is one hundred (100) square feet in area or less.

SECTION 313 NUISANCES

- A. No weeds, underbrush or unsightly brush shall be permitted to grow or remain anywhere upon any lots whatsoever and no unsightly objects or nuisance buildings shall be allowed, placed or suffered to remain anywhere thereon. Violators of any of these conditions will be notified by certified mail to correct such conditions. If such notice is unheeded, the Village will correct the existing conditions and bill the owner accordingly and such charges, if left unpaid, will be affixed to their tax duplicates.
- B. All garbage, rubbish and refuse must be removed from the premises at least once a week.
- C. No poultry or livestock is to be kept on said premises. No nuisances, or unsightly objects shall be permitted, erected, or placed or suffered to remain on said premises, nor shall the premises be used in any way or for any purpose that may endanger the health or unreasonably disturb the peace and quiet of any occupants of adjoining premises.

SECTION 314 DRIVEWAYS AND PARKING PADS *[Revised by Ordinance No. 776-15, 5/11/2015]*

- A. Driveways and parking pads may be of aggregate surfaces, asphalt, paver bricks, concrete or grassy pavers for the purpose of off-street parking and/or leading to a house and/or garage. Driveways shall have a minimum length of thirty five (35) feet, except driveways leading to a house or garage, which may not be less than twenty (20) feet. Driveways shall have a minimum of ten (10) feet in width. Driveways and parking pads shall be maintained to be free of trash and debris.
- B. Driveways and parking pads may be composed of the following:
  - 1. Concrete - shall have compacted stone fill of two (2) to four (4) inches thick and concrete not less than four (4) inches thick.

2. Asphalt - shall have a compacted stone fill of two (2) inches thick and have at least a two (2) inch asphalt base material and at least two (2) inches asphalt top material.
  3. Road-type Paver Bricks – shall be specifically manufactured for driveways and parking pads and shall be installed according to manufacturer’s specifications and instructions. A copy of such must be supplied to the Zoning Inspector.
  4. Aggregate Surfaces - must have the sod layer removed from the area and a compacted base of one and one-half (1 1/2) inch stone, three (3) inches thick with a compacted top layer of one (1) inch material two (2) inches thick. Aggregate surfaces must be maintained so that within the boundaries of the driveway or parking pad no earth or soil can be exposed. Any vegetation shall be confined to the crown and shoulders. The crown shall be considered the center twenty (20) percent of the width running the entire length. The shoulders shall be considered the outside edges running the entire length not to exceed ten (10%) of the total width. Vegetation shall not exceed the maximum height allowed under the maintenance code for lawn areas. On any driveway that is more than one lane wide, the additional lanes of said driveway shall be treated as two or more driveways abutting each other along their length. Aggregate surfaces may not be expanded in any direction from the size they have lawfully existed without proper installation and permits. They shall also have permanently installed edging approved by the Zoning Inspector such as but not limited to concrete, paving bricks, cut stone or landscape timbers. Edging must be at minimum level with the aggregate material it contains.
  5. Grassy Pavers – such as but not limited to Permeable Interlocking Concrete Pavers (PICP) and Plastic Reinforcing Grid (PRG) that are specifically manufactured for driveways and parking pads must be installed and maintained according to manufacturer’s specifications and instructions. A copy of such shall be supplied to the Zoning Inspector.
- C. Concrete, Asphalt, Paver Bricks, Aggregate surfaces and grassy pavers used for driveways and parking pads are required to have a Zoning Permit and inspections prior to construction and upon completion.
- D. Parking Pads shall consist of an aggregate surface, asphalt, paver brick, concrete or grassy pavers and can be located in the front, side or rear yard of a property. A parking pad which is located in the front yard will be included in the calculation of percentage of coverage of driveways.
- E. Location, setbacks and area requirements shall be as follows:
1. Permitted front yard parking areas including driveways and parking pads shall not exceed forty (40) percent of the front yard of a lot.
  2. Corner lots shall have only one access from the roadway.
  3. Driveways and Parking pads shall be no closer than two (2) feet from a side or rear property line.

4. Extensions to an existing driveway entering from the roadway must have the curb cut to allow access and culvert pipe, if needed.
  5. The area of pre-existing sidewalk which falls into the extension area of a driveway, must be removed and replaced with compacted stone and a minimum of six (6) inches of concrete.
- F. No motor vehicle shall be parked on any front yard, rear yard, side yard or vacant land in the Village except on a driveway or a parking pad.

Temporary parking for special occasions, including but not limited to parties, family gatherings or Holidays shall be allowed on yards and vacant land with the permission of the current property owner.

Parking on areas other than a driveway or a parking pad is not to be as a normal parking spot.

Any damage done to the property or the underlying utilities, because it was used as a parking area or the passage of a vehicle gaining access, shall be repaired promptly at the expense of the current owner of the property.

- G. Culvert pipes shall be whatever is required for proper drainage, but not less than eight (8) inches in diameter and extend one (1) foot beyond the edges of the driveway to be connected to an existing storm line, ditch or capped off on each end for future connection. This culvert pipe should be placed two (2) feet from the property line into the village right of way.
- H. Driveways shall be located according to the applicable district requirement.
- I. Common driveways serving two or more dwellings shall not be permitted, unless specifically permitted under the applicable district regulations.

#### SECTION 315 FLOOD PLAINS

The Village of Chippewa Lake is known to be subject to flooding from Chippewa Lake, Chippewa Inlet and Craggy Creek. The Village has complied with the requirements of the Federal Flood Insurance Program as outlined in Resolution #241 (9/21/74) and #242 (12/16/74) and as these resolutions may be subsequently amended or supplemented.

NOTE: See Ordinance Number 596-04, "Special Purpose Flood Damage Reduction Ordinance," and any amendments to it for specific requirements for development in the Flood Plain. A Flood Plain Development Permit is required.

#### SECTION 316 DUMPSTERS *(Added 11/09/09 by Ordinance 685-09)*

- A. **PERMIT REQUIRED FOR ANY DUMPSTER.** Any person, firm or corporation who desires to have a dumpster located upon any property in the Village of Chippewa Lake shall make application to the Zoning Inspector, prior to placement of the dumpster, for a permit seeking approval for the location of such dumpster. The application shall be in the form and manner prescribed by the Village of Chippewa Lake. The applicant shall pay the filing fee established by the Village Council at the time the application is submitted. The Zoning Inspector will review the application

materials and, if appropriate, issue a permit for use of the dumpster and the time the dumpster will be allowed in place. If a permit is denied, the applicant may appeal to the Village Council within five (5) days of the decision and Village Council will decide whether the permit should be allowed or not, and under what conditions, at its next regular meeting.

- B. **NEW HOUSE CONSTRUCTION SITES.** At new house construction sites, dumpsters are not to remain on the property for more than nine (9) months from the date the zoning permit for the new house construction is issued without prior approval of Village Council and, in any event, not to exceed a period reasonably necessary to complete the construction. Dumpsters must be removed from all residential premises after construction is complete or a certificate of occupancy\ has been issued, whichever is earlier.
- C. **OTHER SITES IN RESIDENTIAL DISTRICTS.** For existing buildings, dumpsters may be located on-site for no more than three (3) months in any one year period. If additional time is necessary, written request should be made to Village Council for Approval. The dumpster must be located on gravel or paved surface existing as driveway area out of the Village Right-of-Way. If this requirement cannot be met due to lot size, existing structures or other conditions warranting a deviation from this location requirement, the Zoning Inspector may grant a reasonable deviation from the requirement as a condition of the permit.
- D. **PERMITTED DUMPSTER USES IN RESIDENTIAL DISTRICTS.** Dumpsters will only be permitted for remodeling, renovation or expansion work. No trash, yard waste, garbage, building construction debris, trees or limbs may be brought from other property or premises to a dumpster located on residential premises.
- E. **DUMPSTER SET BACKS.** All dumpsters shall be set back a minimum of five (5) feet from all property lines. If this requirement cannot be met due to lot size, existing structures or other conditions warranting a deviation from this set back minimum, Village Council may grant a reasonable deviation from this requirement upon application.
- F. **EMERGENCY PLACEMENT.** In the event of a true emergency such as a house fire, flood or other casualty requiring immediate clean-up, a dumpster may be placed on property in the Village provided a permit is applied for within five (5) business days of placement. If the application is denied, the dumpster will be immediately removed.
- G. **COMMERCIAL AND INDUSTRIAL DUMPSTERS.** In the C-1 Commercial District and the I-1 Light Industrial District, all dumpsters must also be enclosed in a gated fence no less than one foot (1') higher than the top of the dumpster so as to conceal the dumpster from view.

**SECTION 317**                    **DECKS** *(Added November 14, 2011 by Ordinance 727-11)*

Decks are permitted in all Districts within the Village with the following requirements:

- A. Decks less than three (3) feet in height, from ground elevation, shall be set back twenty (20) feet from the front lot line and two (2) from the side and rear lot lines of the property.
- B. Decks over three (3) feet in height on residential structures shall be twenty (20) feet from the front lot line and ten (10) feet from the side and rear lot lines of the property. Any decks constructed in non-residential districts for non-residential properties shall comply with the front, side and rear set backs for structures in the district in which they are located.

**SECTION 318**                    **INTERNET GAMING CAFES, GAME PARLORS, SWEEPSTAKES CAFES, AND ELECTRONIC GAMING LOCATIONS.**  
*(Added November 14, 2011 by Ordinance 727-11)*

- A. Internet gaming cafes, game parlors, sweepstakes cafes and electronic gaming locations are prohibited in all districts of the Village and are defined any premises upon which computerized sweepstakes or gambling devices are located for the use or entertainment of the public, whether or not such premises has other business purposes of any nature.
- B. “Computerized Sweepstakes or Gambling Devices” are defined as any computer machine, game or apparatus which, upon the insertion of a coin, token, access number, code, magnetic card, or similar object, or upon the payment or exchange of anything of value, provides a product or service, which may be operated by the public generally for use as a contest of skill, entertainment or amusement, whether or not registering a score, and which provides the user with a chance to win anything of value or which is a gambling device as it is defined by §2915.01(F) of the Ohio Revised Code. Provided, machines designated for use by the Ohio State Lottery Commission are not considered computerized sweepstakes or gambling devices under this Section.

## ARTICLE 4

### DISTRICT REGULATIONS

#### SECTION 401R-1 SINGLE-FAMILY RESIDENTIAL DISTRICT

##### SECTION 401.1 PURPOSE

This district is established to provide for single-family residential uses at a density in conformance with existing development of the Village. This is the density intended to prevent: (1) excessive demands on sewerage and water systems; (2) congestion of traffic on streets and highways; (3) inadequate access to buildings and facilities by fire fighting and other safety personnel.

##### SECTION 401.2 USES

- A. Permitted Uses
  - 1. Single-family dwelling.
  - 2. Accessory buildings incidental to the principle use which do not include any activity conducted as a business.
  - 3. Parking as regulated by Section 401.6 and Article 5.
  - 4. Signs as regulated by Article 6.
- B. Conditionally Permitted Uses –Village Council may issue Conditional Zoning Certificates for the following uses under Article 7 of this Zoning Code.
  - 1. Park, playground, or golf course, excluding miniature golf courses and commercial amusement parks.
  - 2. Cemetery.
  - 3. Church and other buildings for the purpose of religious Worship.
  - 4. Home occupation.

SECTION 401.3 AREA AND HEIGHT REGULATIONS

- A. Minimum Lot Area – Three thousand, three hundred seventy-five (3,375) square feet
- B. Minimum Lot Frontage at Street Right-of-Way – Forty-five (45) feet.
- C. Minimum Front Yard Depth – Twenty (20) feet. Corner lots shall maintain the required front yard setback from both streets.
- D. Minimum Side Yard Depth – Minimum of ten (10) feet from one side line and minimum of five (5) feet from the other side line, at the architectural line.
- E. Minimum Rear Yard Depth – Ten (10) feet.
- F. Maximum Building Height – Thirty (30) feet.

SECTION 401.4 UNSEWERED AREAS

The regulations for lot area in Section 401.3 are established for areas with central sewer and central water service. In areas without central sewer service the minimum lot area and the lot width requirements of the Medina County Health Department shall apply.

SECTION 401.5 MINIMUM LIVING SPACE AREA

Total minimum living space floor area for each residence shall be One Thousand Three Hundred Fifty (1,350) square feet, not including porches, decks, or patio areas.

SECTION 401.6 PARKING AND DRIVEWAYS

- A. Each dwelling shall have off-street parking for at least two (2) automobiles in a garage or on a driveway or parking pad.
- B. All new dwellings or new garages shall be constructed in accordance with Section 314 of this Ordinance.
- C. All new driveways and parking pads shall be constructed in accordance with the Requirements of Section 314 of this Ordinance for driveways.
- D. No new driveway or parking pad shall be located in front of any dwelling unless it is leading to a garage, and no new driveway or parking pad shall be closer than two (2) feet to any rear or side lot line.
- E. Driveways shall have a minimum length of thirty-five (35) feet, except driveways leading to a garage, that may not be less than twenty (20) feet.

SECTION 401.7 DECKS

- A. Decks less than three (3) feet in height, from ground elevation, should be set back twenty (20) feet from front lot line and two (2) feet from side and rear lot lines.
- B. Decks over three (3) feet in height must conform to set backs in Section 401.3.

SECTION 401.8 SPECIAL PROPERTY

This lot contains one (1) parcel of property consisting of 1.719 acres, the use of which is limited by deed restriction to a single one-family dwelling. The property has been developed accordingly. It is the intent of the Village Council to preserve the deed restrictions applicable to the property by creating this special zoning section of this article for the property. Village Council does not intend to abandon or alter any of the deed restrictions that apply to the property. This property also includes a small non-buildable portion of the adjacent lot on the northwest side of that parcel.

SECTION 402

R-2 MULTI-FAMILY RESIDENTIAL DISTRICT

SECTION 402.1 PURPOSE

The R-2 Multi-Family residential District contains the properties known as Blocks C and D. It is acknowledged that these properties are unique in the Village and have a history of use for purposes other than single-family residences. In contrast to the rest of the Village, that has been limited to single-family residential development or open park and recreational areas, this District was originally used for a hotel and had several other later uses including a nursing home, although no structure has existed on these properties since 1978.

Following the Decision of the Ninth District Court of Appeals of Ohio in Casper vs. The Village of Chippewa-on-the-Lake.

Case Numbers 1112 and 1116, it has become necessary for the Village Council to rezone these properties.

Village Council has determined that it is not advisable and may not be legally defensible to limit future development of the entire Village to single-family dwellings. Therefore, the R-2 District is created where multi-family dwellings will be permitted. This is consistent with the now completely residential character of the Village, but also recognizes the unique history of use of these parcels. That history is precedent for permitting future residential development of this District along less restrictive lines than the remainder of the residential portion of the Village, that is limited to single-family dwellings.

SECTION 402.2 USES

- A. Permitted Uses
  - 1. Single-Family Dwellings.



2. Two-Family Dwellings.
3. Multi-Family Dwellings.
4. Accessory buildings incidental to the principle use that do not include any activity conducted as a separate business.
5. Parking and loading as regulated by this Article and Article 5.
6. Signs as regulated by Article 6.

B. Conditionally Permitted Uses –Village Council may issue Conditional Zoning Certificates for the following uses under Article 7 of this Zoning Code.

1. Park, playground, or golf course, excluding miniature golf courses and commercial amusement parks;
2. Cemetery;
3. Church and other buildings for the purpose of religious Worship; and
4. Home occupation.

**SECTION 402.3 AREA, HEIGHT AND MINIMUM FLOOR REGULATIONS FOR SINGLE-FAMILY DWELLINGS.**

Area, height and minimum floor regulations for single-family dwellings are the same as single-family residential district R-1, as found in Section 401 of this Article.

**SECTION 402.4 AREA AND HEIGHT REGULATIONS FOR TWO-FAMILY DWELLINGS.**

- A. Minimum Lot Area – Seven thousand, five hundred (7,500) square feet.
- B. Minimum Lot Width at Building Setback Line – Seventy-five (75) feet.
- C. Minimum Lot Frontage at Street Right-of-Way – Seventy-five (75) feet.
- D. Minimum Front Yard Depth – Twenty (20) feet.
- E. Minimum Side Yard Depth – Ten (10) feet.
- F. Minimum Rear Yard Depth – Ten (10) feet.
- G. Maximum Building Height – Thirty (30) feet.
- H. Street Access for all two-family dwellings constructed in this District shall be from Bungalow Bay Boulevard only.
- I. Minimum Total Living Space of one thousand, three hundred fifty (1,350) square feet per family unit, not including porches, decks or patio areas.

SECTION 402.5 AREA AND HEIGHT REGULATIONS FOR MULTI-FAMILY DWELLINGS  
(Greater than two families)

- A. Minimum Lot Area – Four thousand, five hundred (4,500) square feet per single-family unit.
- B. Minimum Front Yard Depth – Twenty (20) feet (whether structure is principle residence or accessory building).
- C. Minimum Side Yard Depth – Ten (10) feet.
- D. Minimum Rear Yard Depth – Ten (10) feet.
- E. Maximum Building Height – Thirty (30) feet.
- F. No more than a total of eleven (11) single-family units may be contained in all of the multi-family buildings constructed in this District. One multi-family building is permitted containing no more than six (6) single-family units and one additional multi-family building is permitted containing no more than five (5) single-family units, or any combination of buildings providing a lesser number of units per building is permitted. Each such multi-family building shall comply with all of the other requirements of the section.
- G. No more than a total of eight (8) single-family units from all multi-family buildings constructed in this District may have street access from Bungalow Bay Boulevard and no units shall have street access from Beachside Boulevard.
- H. Minimum total living space of one thousand, three hundred fifty (1,350) square feet per family unit, not including porches, decks or patio areas.

SECTION 402.6 PARKING AND DRIVEWAYS

- A. Requirements for Single-Family Dwellings
  - 1. Each dwelling shall have off-street parking for at least two (2) automobiles in a garage.
  - 2. Driveways and parking pas shall be constructed in accordance with Section 314 of this Code.
  - 3. No new driveway shall be located in front of any dwelling, unless it is leading to a garage. No new driveway shall be closer than two (2) feet from any rear or side lot lines.
- B. Two-Family and Multi-Family
  - 1. Each dwelling shall have off-street parking for at least two (2) automobiles in a garage, per family unit.
  - 2. Driveways and parking pas shall be constructed in accordance with Section 314 of this Code.

3. No new driveway shall be located in front of any dwelling, unless it is leading to a garage. No new driveway shall be closer than two (2) feet from any rear or side lot lines.

SECTION 402.7 DECKS

- A. Decks less than three (3) feet in height, from ground elevation, should be set back twenty (20) feet from front lot line and two (2) feet from side and rear lot lines.
- B. Decks over three (3) feet in height must conform to setbacks in Section 402.4.

SECTION 404

R-4 MEDIUM DENSITY RESIDENTIAL DISTRICT

SECTION 404.1 PURPOSE

It is recognized by the Council of Chippewa Lake Village that the original land development of this community was designed as a summer resort and that residential building lots with forty (40) foot frontage was then adequate for the usage planned. It is further recognized and stated by the Council of Chippewa Lake Village that in consideration of the present and future intent to secure improved appropriate use of land in developing a full residential community, the perpetuation of small lot sizes is not desirable. Therefore, the R-4 district requires realistic and reasonable improvements deemed necessary to secure the most appropriate use of previously platted land. The R-4 provisions are hereby deemed reasonable and consistent with former requirements concerned mainly with forty (40) foot building lots. The R-4 district is intended for use in the historic core area of the Village; the R-3 district is intended for residential development in subsequently-annexed areas.

SECTION 404.2 USES

- A. Permitted Uses
  1. Single-family dwelling.
  2. Accessory buildings incidental to the principal use that do not include any activity conducted as a separate business.
  3. Parking and loading as regulated by Article 5.
  4. Signs as regulated by Article 6.
- B. Conditionally Permitted Uses - Village Council may issue Conditional Zoning Certificates for the following uses under Article 7 of this Zoning Code:

1. Park, playground, or golf course, excluding miniature golf courses and commercial amusement parks;
2. Cemetery;
3. Church and other buildings for the purpose of religious Worship; and
4. Home occupation.

SECTION 404.3 AREA AND HEIGHT REGULATIONS

- A. Minimum Lot Area – Four thousand, eight hundred (4,800) square feet.
- B. Minimum Lot Width at Building Setback Line – Sixty (60) feet.
- C. Minimum Lot Frontage at Street Right-of-Way – Sixty (60) feet.
- D. Minimum Front Yard Depth – Twenty (20) feet. Corner lots shall maintain the front yard setback on one side and a twelve (12) foot side yard setback on the other street frontage.
- E. Minimum Side Yard Depth – Minimum of ten (10) feet from one side line and minimum of five (5) feet from the other side line, at the architectural line.
- F. Minimum Rear Yard Depth – Ten (10) feet.
- G. Maximum Building Height – Thirty (30) feet.

SECTION 404.4 MINIMUM LIVING SPACE AREA

Total minimum living space floor area for each residence shall be One Thousand Three Hundred Fifty (1,350) square feet, not including porches, decks, or patio areas.

SECTION 404.5 PARKING AND DRIVEWAYS

- A. Each dwelling shall have off-street parking for at least two (2) automobiles in a garage or on a driveway or parking pad.
- B. All new dwellings or new garages shall have a driveway constructed in accordance with Section 314 of this Ordinance.
- C. All new driveways and parking pads shall be constructed in accordance with the Requirements of Section 314 of this Ordinance for driveways.
- D. No new driveway or parking pad shall be located in front of any dwelling, unless it is leading to a garage, and no new driveway or parking pad shall be closer than two (2) feet to any rear or side lot line.
- E. Driveways shall have a minimum length of thirty-five (35) feet, except driveways leading to a garage, which may not be less than twenty (20) feet.

## SECTION 405

### C-1 LOCAL COMMERCIAL DISTRICT

#### SECTION 405.1 PURPOSE

A. The purpose of this district is to:

1. Accommodate multi-purpose and retail business development, free from any heavy industrial activities.
2. Encourage integrated groupings of stores that will provide for retail convenience goods and provide personal services.
3. Prevent commercial intrusion into established residential areas.
4. Discourage the strip pattern of commercial development that has historically occurred in developing areas.

#### SECTION 405.2 USES

Permitted Uses:

1. All uses allowed in the R-1 Single-Family Residential District and the R-4 Medium Density Residential District, subject to all the terms, conditions and requirements set forth in this Code for those uses.
2. Other uses authorized by Village Council which are conditionally permitted uses in Section 405.3 hereof.

#### SECTION 405.3 CONDITIONALLY PERMITTED USES

Village Council may authorize the issuance of Conditional Zoning Certificates for the uses listed herein, subject to Article 7:

- A. Churches and other buildings for the purpose of religious worship.
- B. Government-owned and/or operated buildings and facilities.
- C. Clubs, lodges, fraternal, charitable, or social organizations.
- D. Drive-in, fast-food and take-out restaurant.
- E. Gasoline service stations and repair shops.
- F. Nursing homes.
- G. Establishments engaged primarily in the fields of finance, insurance and real estate.
- H. Establishments engaged in providing a variety of service to individuals and business establishments, such as:
  1. Personal services such as barber shops and beauty shops, tailor, shoe repair, laundries and dry cleaning.
  2. Medical and other health services.
  3. Engineering and architectural services.

4. Legal services.
  5. Non-profit professional and charitable organizations.
  6. Funeral homes.
- I. Establishments engaged in retail trade such as:
    1. Drug store.
    2. Florist shop.
    3. Antique store.
    4. Restaurant.
    5. Food store including supermarkets.
    6. Hardware store.
    7. Pet shop.
  - J. Businesses not listed but found by Village Council to comply with purpose clause of the C-1 Commercial District.
  - K. Signs subject to the minimum provisions of Article 6 hereof.
  - L. Parking and loading regulated by Article 5.
  - M. Accessory uses clearly incidental to the principle uses permitted on the same premises.

#### SECTION 405.4 AREA AND HEIGHT REGULATIONS

- A. Minimum lot width at building set-back line – One hundred (100) feet.
- B. Minimum lot frontage at street right-of-way – One hundred (100) feet.
- C. Minimum front yard depth – Fifty (50) feet. A landscaped strip with a minimum width of ten (10) feet shall be maintained adjacent to the street right-of-way.
- D. Minimum side yard depth – Twenty (20) feet.
- E. Minimum rear yard depth – Thirty (30) feet.
- F. Maximum building height – Thirty-five (35) feet.

#### SECTION 405.5 SIDE YARD EMERGENCY VEHICLE ACCESS

- A. At least one side yard setback must be left free and open for emergency vehicle access. This access cannot be obstructed by landscape material such as shrubs, trees, etc.

#### SECTION 405.6 BUILDING DESIGN AND GUIDELINES

- A. Purpose – To direct basic building criteria/materials and size in the C-1 District so as to protect and preserve the appearance, character and value of adjacent properties, and thereby promote the general welfare by providing guidelines for new construction.

- B. Setting – Buildings shall be engineered as part of and integral with the site rather than an appearance of being simply “placed” on the site. Structures should be designed to reinforce the natural character of the terrain (e.g. flat terrain – a building with strong horizontal lines).
- C. Placement – Buildings must be oriented with the front façade facing the primary highway unless access to a rear service road is available and should be located on the site in juxtaposition to parking areas in order to reduce the amount of glare and radiated heat, and provide for adequate storm water retention. Building locations should also reflect the location of imposed access driveways and yard requirements. Visual orientation to the main building entrance should be maintained, and the location of service access drive should be subtly evident from the entrance drive.

#### SECTION 405.7 MATERIALS

White style is subjective, there are certain regulations that are more precise and can help achieve the Village’s goal of an overall quality development. These criteria include but are not limited to:

- A. No exposed concrete or cinder block on the front or sides of any building (except split face or other special “architecturally patterned” block) or through-the-wall block.
- B. No exposed unstained woods including pressure-treated “green” lumber.
- C. All windows should have the same sill level and be the same height. Window styles should not be mixed.
- D. No exposed steel nails shall be used on any wood surface that will rust and cause streaking and staining of the façade.
- E. No similar but non-matching materials such as brick (size, color, texture, etc.), window treatments (type, spacing, etc.), wall lighting (color, intensity, uniformity, etc.), roofing (color, type material, etc.).
- F. No scrap or salvaged materials showing different degrees of “aging” or “weathering” shall be placed on the visible building façade unless there are sufficient amounts to complete the entire project.
- G. No unpaved parking areas or access driveways will be allowed – paving will be required to the building setback line, with all areas positively drained.
- H. Changes in the roof elevation should be accompanied with a corresponding change in an offset in the location of the building face.

#### SECTION 405.8 BUILDING SIZE

Minimum of one thousand, eight hundred (1,800) square feet. Pre-engineered or manufactured buildings must be on a concrete or masonry foundation.

SECTION 405.9 OUTDOOR DISPLAY AREA

Merchandise to be sold at retail on the premises may be displayed out-of-doors subject to review and approval by Village Council. No such display area shall be within fifty (50) feet of any Residential District or within thirty-five (35) feet of the edge of the pavement roadway abutting the commercial property. Display areas shall be screened from abutting residential uses by a solid fence or wall six (6) feet in height (more or less, as determined by Village Council). No merchandise so displayed in an out-of-doors setting and offered for sale shall project above the fence or wall, with the exception of vehicles and mechanical equipment.

SECTION 405.10 OUTDOOR STORAGE

Outdoor storage may be permitted, provided that the area used for storage is located in the remaining rear yard, within the commercial boundaries of the property, and is completely screened from adjoining properties by a solid fence or wall six (6) feet in height. No materials shall be stored in such a manner as to project above the wall, with the exception of vehicle and mechanical equipment.

SECTION 405.11 DRIVEWAYS

At all points of access from a public right-of-way (R.O.W.), unobstructed cross visibility shall be maintained between heights of three (3) feet and six (6) feet above the level of the driveway, eight (8) feet above the surface of the driveway where semi-trailers enter or exit, and up to ten (10) feet from the edge of the access drive.

SECTION 405.12 ACCESS DRIVEWAYS

Lots existing on the effective date of this amendment shall be permitted one (1) access driveway except as otherwise provided in this resolution.

- A. Lots exceeding three hundred fifty (350) feet in width shall be permitted one (1) additional access driveway for every three hundred (300) feet or fraction thereof, of lot width greater than three hundred fifty (350) feet.
- B. When two (2) or more substandard lots under the same ownership are adjacent to one another, the lots shall be treated as one lot and only one access driveway shall be permitted.

SECTION 405.13 PARKING AND LOADING STANDARDS

- A. Parking subject to the minimum provisions of Article 5 hereof.
- B. Physically challenged (handicapped) spaces shall comply with the ADA (Americans With Disabilities Act.)
- C. Standard parking spaces shall be at least ten (10) feet wide by nineteen (19) feet long, exclusive of access drives or aisles.
- D. All driveways, customer parking areas, and all non-customer parking areas shall be paved.



- E. Spaces for businesses not listed within the conditionally permitted uses will be recommended by Village Council.
- F. Loading areas shall be provided according to need. No loading dock, ramp or other loading facility shall face, or be oriented toward, or located on the front of the building, or project in any minimum required yard.

#### SECTION 405.14 NUISANCES

All C-1 commercial properties are included within and governed by the rules set forth in Section 313 of the Village Zoning Book.

#### SECTION 405.15 ZONING DEPTH OF COMMERCIAL BOUNDARIES

Governed by Article 3, Section 309, 310, and 311 A, B, and C.

#### SECTION 405.16 PERMIT REQUIRED

Any structural alteration to any commercial or retail building or structure shall require a permit from the Village Zoning Inspector.

SECTION 406 The "I-1 LIGHT INDUSTRIAL DISTRICT" was eliminated by Ordinance 737-12, effective November 12, 2012

### SECTION 407

#### P-1 PARKS AND RECREATION DISTRICT

##### SECTION 407.1 PURPOSE

It is recognized by the Village Council that when the area that contains the Village was subdivided, a number of parcels of land were set aside exclusively for parks and recreational purposes. This use has been assured by restrictive covenants contained in the early conveyances of these properties. The Village Council acknowledges that these restrictions have not been abandoned by the benefited property owners and remain in full force and effect.

To preserve the character of these parcels in accordance with their deed restrictions and this original plan, the P-1 Parks and Recreation District is created that contains these properties. This zoning restriction is intended to be compatible and in accord with the deed restrictions that also limit the use of these properties. It is the intent of the Village Council not to alter or abandon any of the specific deed restrictions that apply to these properties.

##### SECTION 407.2 PERMITTED USES

- A. Parks and recreation, subject further to all of the deed restrictions and restrictive covenants that apply to the individual parcels of property within this District.
- B. Parking for use of the District for park and recreational purposes in those areas designated by Ordinance of the Village Council, and subject to such further restrictions as may be established by Ordinance of Council.

## ARTICLE 5

### PARKING AND LOADING REGULATIONS

#### SECTION 501 OFF-STREET PARKING REGULATIONS

Off-street parking facilities shall be provided for every use or part thereof in all districts as prescribed in this Section. Where the parking requirements for a use are not mentioned, the parking requirements for such use shall be determined by Village Council and such determination shall be based upon the requirements for the most comparable use specified herein and based on review and consultation with the applicant when necessary.

#### SECTION 502 MINIMUM NUMBER OF OFF-STREET PARKING SPACES REQUIRED

For the purpose of computing the number of parking spaces required, floor area shall mean that area used for service to the public in offices, merchandising, and service types of uses; excluded are areas used principally for non-public purposes such as storage, incidental repair, processing, show windows, rest rooms, and dressing rooms. In measuring for parking space, fractions of required floor area over one-half (1/2) shall require one (1) parking space.

#### SECTION 503 SCHEDULE OF REQUIRED SPACES

##### A. Residential

Single-family – two (2) for each unit.

##### B. Commercial

1. Business and professional offices and banks – one (1) for each two hundred (200) square feet of floor area.
2. Funeral home – one (1) space per one hundred (100) square feet of floor area.
3. Retail stores, supermarkets, etc. – one (1) parking space for each one hundred fifty (150) square feet of floor area.
4. Beauty parlors and barber shops – two (2) for each chair.
5. Laundromats – one (1) for each two (2) washing machines.
6. Restaurant, standard – one (1) for each two hundred (200) square feet of floor area.
7. Restaurant, fast food, drive-in, or take out – one (1) for each twenty-five (25) square feet of floor area.

##### C. Institutional

1. Churches and other places of religious assembly – one (1) for each five (5) seats.

2. Medical, veterinary and dental offices – one (1) for every two hundred (200) square feet of floor area of examination, treating room, office, and waiting room.
3. Nursing homes – one (1) for each two (2) beds.

D. Industrial

All types of manufacturing, storage, and wholesale uses permitted in the industrial district – one (1) for every two (2) employees (on the largest shift for which the building is designed), plus one (1) for each motor vehicle used in the business.

SECTION 504 OFF-STREET PARKING AREA DESIGN AND CONSTRUCTION

- A. Off-street parking areas shall have parking spaces of not less than ten (10) feet in width and nineteen (19) feet in depth exclusive of access drives or aisles, and shall be functionally arranged and provided with adequate maneuvering lanes.
- B. Ingress and egress points shall be located to minimize traffic congestion and avoid undue interference with pedestrian movement. There shall be no more than two (2) access-ways abutting on any one (1) street. Access-ways shall have a maximum width of forty-five (45) feet at the curb cut line of the street, except that drives with extensive truck use may have a maximum width of eighty (80) feet, not to exceed fifty percent (50%) of lot frontage.
- C. Off-street parking areas shall be improved with bituminous, concrete, or equivalent surfacing, and so graded and drained as to dispose of all surface water accumulation within the parking area. Wheel guards or bumper guards as may be necessary shall be provided in connection with any off-street parking area of five (5) parking spaces or more to contain cars on sloping surfaces and to prevent the bumpers of cars from projecting over sidewalks or property lines. All lighting used to illuminate parking areas shall be so arranged as to direct the light away from adjoining properties or streets. No open light sources, such as the stringing of light bulbs, shall be permitted.

SECTION 505 PARKING OF VEHICLES (OTHER THAN AUTOMOBILES)

REPEALED AND REPLACED BY GENERAL CODE PROVISIONS BY ORDINANCE 599-04, ADOPTED 2/14/05.

SECTION 506 OFF-STREET LOADING FACILITIES

On the same lot with every building, structure, or part thereof, erected hereafter to be used for other than exclusive dwelling purposes, adequate space for standing, loading, and the unloading of motor vehicles shall be provided to avoid undue interference with the public use of streets and sidewalks. Loading space shall be provided in addition too off-street parking areas.

## ARTICLE 6

### SIGN REGULATIONS

#### SECTION 601 PURPOSE

The purpose of this Article is to promote and protect the public health, welfare, and safety by regulating signs of all types. It is intended to protect property values, create a more attractive economic and business climate, and enhance and protect the physical appearance of the community. It is further intended to reduce sign or advertising distraction and obstructions that may contribute to traffic accidents, and reduce hazards that may be caused by signs projecting over public rights-of-way.

#### SECTION 602 GOVERNMENTAL SIGNS EXCLUDED

The regulations contained in this Article shall apply to all signs and all use districts. For the purpose of this Ordinance “sign” does not include signs erected and maintained pursuant to and in discharge of any governmental function, or required by any law, ordinance, or governmental regulations.

#### SECTION 603 GENERAL REGULATIONS FOR ALL DISTRICTS

- A. Illuminated signs illuminated by any lighting devices are prohibited in all residential districts.
- B. Any illuminated sign or lighting device shall employ only light emitting a light of constant intensity. No sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights, except signs indicating time, temperature or similar services. In no event shall an illuminated sign or lighting device be placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public thoroughfare, sidewalk, or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance. Signs visible from a street or highway shall not contain the words “Stop,” or “Go,” or “Slow” or use arrows, any of which resemble highway traffic or directional signals.
- C. No sign shall employ any parts or elements that revolve, rotate whirl, spin or otherwise make use of motion to attract attention.
- D. No sign of any classification shall be installed in a door or ground floor window in any way that would hinder the use of same in an emergency. No sign of any classification shall be installed, erected, or attached in any form, shape, or manner to a fire escape or any door or window giving access to any fire escape.
- E. All wiring, fittings, and materials used in the construction, connection, and operation of electrically illuminated signs shall be in accordance with the provisions of the Ohio Basic Building Code.
- F. No sign shall project from the front or face of a building a distance of more than one (1) foot.

- G. No sign shall project above the peak of a roof.
- H. No portable or temporary sign shall be placed on the front or face of a building, or on any premises, except as provided in Section 606 herein.
- I. No sign or part thereof shall contain or consist of banners, posters, pennants, ribbons, streamers, spinners, or other similar moving devices. Such devices, as well as strings of lights, shall not be used for the purpose of advertising or attracting attention when not part of a sign.
- J. Should any sign be or become unsafe or be in danger of falling, the owner thereof or the person maintaining the same, shall upon receipt of written notice from the Zoning Inspector proceed at once to put such sign in a safe and secure condition or remove the sign.
- K. No sign shall be placed in any public right-of-way except publicly-owned signs, such as traffic control signs and directional signs.
- L. No sign shall be erected that would impair vehicle drivers' visibility.

#### SECTION 604 SIGNS PERMITTED IN ALL DISTRICTS

- A. Unlighted signs advertising the sale, lease, or rental of the premises upon which the sign is located, shall not exceed nine (9) square feet in area. All such signs must be removed within fourteen (14) days after the property has been transferred, leased or rented.
- B. Signs denoting the name and address of the occupants of the premises, not to exceed one (1) square foot in area.
- C. Signs directing and guiding traffic, but bearing no advertising, shall be permitted on any property, provided the area of each face of the sign does not exceed four (4) square feet, and that the sign is located so as not to be a hazard for vehicular traffic.
- D. One (1) temporary real estate sign advertising the development of the premises or the opening of a new subdivision shall be permitted. Such sign shall be removed from the premises within fifteen (15) days of the completion of construction of the properties or units on the site. Such sign or construction sign shall not exceed twenty-five (25) square feet in area, and shall be located no closer than ten (10) feet from the street right-of-way line. Other applicable yard requirements in the district in which the sign is located shall apply.

#### SECTION 605 POLITICAL SIGNS

No political sign shall be posted on any property, without permission of the property owner. No political sign shall be posted in any place or any manner that is destructive to public property upon posting or removal. No political sign shall be erected in a public right-of-way nor shall any such sign be posted on a utility pole. No political sign shall be posted more than twenty-one (21) days before an election. All candidates for public office, their campaign committees, or other persons responsible for the posting on public property of campaign material shall remove such material within five (5) days following election day. Maximum size of such signs is six (6) square feet.

SECTION 606            TEMPORARY CONSTRUCTION SIGNS

Signs denoting contractor, builder, etc. on construction sites may not exceed nine (9) square feet. The sign is to be removed by the contractor within thirty (30) days after completion of the project. All such signs must meet applicable district setback and yard requirements.

SECTION 607            SIGNS PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS  
REQUIRING A PERMIT

The regulations set forth in this Section shall apply to signs in all commercial and industrial districts and such signs shall require a permit. In all cases, the sign shall be located no closer than twenty-five (25) feet from any lot located in any “R” district.

- A.     A use shall be permitted one (1) flat or wall on-premises sign. The area of all permanent wall signs for any single business enterprise may have an area equivalent to one-and-a-half (1.5) square feet of sign area for each lineal foot of building width, or part of building, occupied by such enterprise, but not to exceed a maximum area of one hundred (100) square feet.
  
- B.     One (1) on-premises free-standing sign that advertises a business, service and/or commodities stocked and sold on the premises shall be permitted, provided such sign conforms to the following requirements:
  - 1.     No such sign shall exceed twenty-five (25) square feet in area per face.
  - 2.     No such sign shall exceed twenty-five (25) feet in height.
  - 3.     No such sign shall be located closer than five (5) feet from the street right-of-way.
  - 4.     There shall be only one (1) such sign for each site, regardless of the number of businesses or industries conducted on the site.
  - 5.     Signs shall be placed in the landscaped area required by § 403.3(C) or § 404.3(C).

SECTION 608            MEASUREMENT OF SIGN AREA

The surface area of a sign shall be computed as including the entire area within a regular, geometric form or combinations of regular, geometric forms comprising all of the display area of the sign and including all of the elements of the matter displayed. Frames and structural members not being advertising matter shall not be included in computation of surface area.

SECTION 609            OFF-PREMISES SIGNS

Off-premises signs (billboards) as defined in Article 12 of this Ordinance shall be prohibited in the Village of Chippewa Lake.

SECTION 610 VIOLATIONS

In case any sign shall be installed, erected, constructed, or maintained in violation of any of the terms of this Ordinance, the Zoning Inspector shall notify in writing the owner or lessee thereof to alter such sign so as to comply with this Ordinance. Failure to comply with any of the provisions of this Article shall be deemed a violation and shall be punishable under Article 10 of this Ordinance. Political signs posted in violation of Section 605 of this Ordinance are subject to removal by the Zoning Inspector five (5) days after written notice of violation of § 605 has been given.

SECTION 611 NON-CONFORMING SIGNS

See Article 8.

## ARTICLE 7

### CONDITIONAL ZONING CERTIFICATES

#### SECTION 701 PURPOSE

The functions and characteristics of certain land uses require a more flexible procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied, and are dependent upon the functional characteristics of the use, competitive situations, and the availability of land. These uses need to reasonably be controlled by specific requirements that provide practical latitude for the investor but at the same time, maintain adequate provision for the security of the health, safety, convenience, comfort, prosperity, or general welfare of the Village's inhabitants.

Provision is made in this Ordinance for a more detailed consideration of each conditionally permitted use as it relates to location, design, size, method of operation, and intensity of land use. Uses possessing these particularly unique characteristics are designated as Conditionally Permitted Uses and permitted through the issuance of a Conditional Zoning Certificate with conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

#### SECTION 702 APPLICATION PROCEDURES

Application Submitted to Village Council – An application shall be submitted to Village Council and it shall contain the following data:

1. The form supplied by Village Council completed by the applicant.
  2. A site plan, plot plan, or development plan of the entire property being considered, drawn to a reasonable scale and showing the location of all abutting streets, the location of all existing and proposed structures, the types of buildings and the uses proposed.
  3. Village Council may refer the application to qualified consultants when it deems expert advice necessary and the applicant shall pay for the cost of said expert advice.
- B. Hearing Notice – Within thirty-five (35) days of submission of the application, Village Council shall hold a public hearing. Notice of the hearing shall be published in a newspaper of general circulation, at least ten (10) days prior to the date of the hearing. Such notice shall indicate the place, time, and subject of the hearing.
- C. Notice to Parties in Interest – Before holding the public hearing required in Section 702(B), written notice of such hearing shall be mailed by first class mail, at least ten (10) days before the day of the hearing to all parties in interest including adjacent property owners. The notice shall contain the same information as required of notices published in newspapers as required in Section 702(C).
- D. Review by Village Council – Village Council shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in



this Ordinance. Such review shall be completed within thirty (30) days of the first meeting of Village Council following the submission of such application. Village Council may approve, approve with modifications, or deny the application. In approving an application, Village Council shall issue a conditional Zoning Certificate listing the required conditions.

- E. Issuance and Revocation of Conditional Zoning Certificate – Only upon conclusion of hearing procedures relative to a particular application may Village Council issue a Conditional Zoning Certificate. The breach of any condition, safeguard, or requirement shall constitute a violation of this Zoning Ordinance. Such violation shall be punishable as specified in Section 1008.
- F. Reapplication – No application for a Conditional Zoning Certificate that has been denied wholly or in part by Village Council shall be resubmitted until the expiration of one (1) year or more from the date of such denial, except on rounds of newly discovered evidence or proof of changed conditions that would be sufficient to justify reconsideration by Village Council.

## SECTION 703 STANDARDS AND REQUIREMENTS FOR CONDITIONAL USES

Village Council shall establish that both the general standards in Section 704 and the specific requirements in Section 705 pertinent to each conditional use indicated herein shall be satisfied by the establishment and operation of the proposed conditional use.

Village Council may also impose such additional conditions and safeguards as it deems necessary for the general welfare, for the protection of individual property rights, and for insuring that the intent and objectives of this Ordinance will be observed.

## SECTION 704 GENERAL REQUIREMENTS

Village Council shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find adequate evidence that such use on the proposed location:

- A. Is in fact a conditional use established under the provisions of Article 4.
- B. Will be harmonious with and in accordance with the general objectives or with any specific objectives of this Zoning Ordinance.
- C. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area, will not be hazardous or disturbing to existing or future neighboring uses, and will not be detrimental to property in the immediate vicinity or to the community as a whole.
- D. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection and drainage structures; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- E. Will have vehicular approaches to the property that shall be so designed as not to create an interference with traffic on surrounding public streets or roads.

- F. Will not result in the destruction, loss or damage of a natural, scenic, or historic feature of major importance.
- G. 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.

Village Council may require as conditions of approval any other requirements, including guarantees that any conditions will be fulfilled, that it deems necessary to fulfill the purposes and intent of this Ordinance.

## SECTION 705            SPECIFIC REQUIREMENTS

- A. All structures, except minor structures such as utility poles and meters, and activity areas shall be located at least fifty (50) feet from all property lines.
- B. Loud speakers that cause a hazard or annoyance shall not be permitted.
- C. All points of entrance or exit shall be located no closer than two hundred (200) feet from the intersection of two (2) major streets; no closer than one hundred feet (100) from the intersection of a major street and a minor street, or two (2) minor streets.
- D. There shall be no more than one (1) directional identifying sign oriented to each abutting road identifying the activity.
- E. No lighting shall constitute a nuisance and shall in any way impair safe movement of traffic on any street or highway.
- F. The use should be located on major thoroughfares or at intersections of major and/or secondary thoroughfares.
- G. All permitted installations shall be maintained in a neat, orderly condition so as to prevent injury to any single property, individual, or to the community in general.
- H. Subject to the following conditions:
  - 1. The use shall be secondary in importance to the use of the dwelling for dwelling purposes.
  - 2. The use shall be conducted by the occupant with a maximum of one (1) additional employee.
  - 3. The use shall be carried on entirely within the dwelling and not in an accessory building.
  - 4. The home occupation shall not occupy more than twenty percent (20%) of the floor area of the dwelling.
  - 5. The use shall not constitute primary or incidental storage facilities for a business, industrial, or agricultural activity conducted elsewhere.

6. No activity, materials, goods, or equipment indicative of the proposed use shall be visible from any public way or adjacent property.
  7. The proposed use shall not generate noise, odor, dust, smoke, or vehicular or pedestrian traffic in an amount that would depreciate the residential character of the neighborhood in which the proposed use is located.
  8. There shall be no signs indicating the business.
- I. The use shall be permitted under the following conditions:
1. The use shall be for the purpose of servicing motor vehicles under one-and-a-half (1½) tons rates capacity including the dispensing of fuel and lubricants, cooling system and ignition service, sale and installation of batteries, lamps, fan belts, spark plugs, tires, and accessories, not requiring a change in the chassis, body, or engine of the vehicle, and the repairing of flat tires.
  2. All activities, except those required to be performed at the fuel pumps, and car washing shall be carried on inside a building; if work is performed on a vehicle, such vehicle shall be entirely within a building.
  3. No more than two (2) driveway approaches shall be permitted directly from any major thoroughfare nor more than one (1) driveway approach from any minor street, each of which shall not exceed thirty (30) feet in width at the property line.
  4. The property of the facility shall be maintained in a neat, orderly fashion to ensure the health, safety and appearance of the community and to minimize visual blight.
- J. To secure the optimum effect of transition from a residential to a non-residential district, Village Council, with the approval of Village Council, shall have the power to determine the need for and amount of plant materials, walls or fences of any combination of these on any property line of land under consideration. The plans and specifications including density and height figures for the overall site development shall include the proposed arrangement of such plantings and structures.
- K. Parking and storage of motor homes, house trailers, and campers shall be permitted as a conditional use under the following conditions:
1. Parking of the vehicle is only permitted on a driveway or parking pad.
  2. The entrance door of the vehicle must be accessible from the owner's property.
  3. The vehicle must be set back at least ten (10) feet from the street surface (pavement) and two (2) feet from side and rear yard lines of the lot.
  4. The parking area of the lot must still have at least two (2) spaces remaining for other vehicles as regulated by Article 5 hereof.
  5. The vehicle may never be used as a residence or for overnight accommodations.

6. Title of the vehicle shall be in the name of the property owner or resident renter.

## SECTION 706 BED AND BREAKFAST INNS

A bed & breakfast inn is defined as a residential, single-family detached structure in which paying guests are lodged on an overnight basis and may be served breakfast in connection with their lodging.

Bed & breakfast inns shall be allowed in all zoning districts of the Village of Chippewa Lake provided, upon application for a conditional Zoning Certificate pursuant to Article 7 of the Village Zoning Ordinance and provided the following requirements are met:

- A. Meals shall be served only to registered, paying guests and the sale of alcoholic beverages to registered guests is strictly prohibited.
- B. Each registered guest may stay at a bed & breakfast inn for not more than fourteen (14) consecutive nights at any single visit or more than a total of twenty-eight (28) nights in any given calendar year.
- C. The owner-manager will maintain a guest register listing the name, address and telephone number of all guests, and will include a copy of a photo I.D. of each guest.
- D. Only one (1) kitchen facility will be permitted per structure and no cooking facilities will be permitted in individual guest quarters.
- E. A minimum of one (1) full bathroom, including shower, toilet, and sink will be required for every room.
- F. Rooms shall be available only for the exclusive use of paying guests.
- G. Bed & breakfast inns will be served by public sanitary sewer and water service.
- H. No structure will be utilized for a bed & breakfast inn unless there are at least two (2) separate exits to the outdoors.
- I. Each guest room will contain a separate installed smoke detector alarm.
- J. The owner, manager, or operator of the bed & breakfast inn shall have a separate bedroom in the premises and will stay on the premises at all times whenever the bed & breakfast inn is occupied by paying guests.
- K. All trash shall be contained so it is not visible to neighbors or guests.
- L. All guests, along with the owner, manager, and operator shall park their vehicles on approved parking pads or driveways that are in compliance with the Zoning Ordinance.
- L. No guests will be permitted to bring with them a watercraft or camper/RV; guests are not permitted to use a boat ramp; no trailers shall be permitted on the premises.

The “Conditional Use Permit” for a bed & breakfast inn will expire one (1) year after date of issuance, at which time the owner of the bed & breakfast inn must reapply. In the event the bed & breakfast inn continues to comply with all the requirements contained herein, a renewal “Conditional Use Permit” shall be issued by Village Council for an additional one (1) year period, and reapplication shall be necessary each year thereafter.

## ARTICLE 8

### NON-CONFORMING USES

#### SECTION 801 REGULATIONS

The lawful use of any building or land existing at the effective date of this Ordinance may be continued although such use does not conform with the provisions of this Ordinance provided the following conditions are met.

#### SECTION 802 ALTERATIONS, EXTENSION AND RESTORATION

A non-conforming building, structure, or driveway may be altered, improved, or reconstructed, but not enlarged or extended unless such enlargement or extension meets with existing code.

Nothing in this Ordinance shall prevent the reconstruction, repairing, rebuilding, and continued use of any non-conforming building or structure damaged by fire, collapse, explosion, or Acts of God, subsequent to the date of this Ordinance. Such uses may be rebuilt or restored provided the area is not increased or extended.

#### SECTION 803 DISPLACEMENT

No non-conforming use shall displace a conforming use.

#### SECTION 804 DISCONTINUANCE OR ABANDONMENT

Whenever a non-conforming use has been discontinued for a period of two (2) years or more, such discontinuance shall be considered conclusive evidence of an intention to legally abandon the non-conforming use. At the end of the two (2) year period of abandonment the non-conforming use shall not be re-established, and any further use shall be in conformity with the provisions of this Ordinance.

#### SECTION 805 NON-CONFORMING TO NON-CONFORMING USE

A non-conforming use may not be changed to another non-conforming use unless the Village Council, on application, determines that the proposed use is less in conflict with the character and uses in the district than the existing non-conforming use.

#### SECTION 806 NON-CONFORMING LOTS OF RECORD

See Section 303(B).

## ARTICLE 9

### AMENDMENTS

#### SECTION 901 GENERAL

Whenever the public necessity, convenience, general welfare, or good zoning practices require, Village Council, may, by Ordinance, and subject to procedures provided by law, amend, supplement, change or repeal the regulation, restrictions, and boundaries of classification of property.

#### SECTION 902 INITIATION OF ZONING AMENDMENTS

Amendments to this Ordinance may be initiated in one of the following ways.

- A. By adoption of a Resolution by Village Council on its own Motion.
- B. By the filing of an Application by at least one (1) owner or lessee of property within the area proposed to be changed or affected by said amendment.

#### SECTION 903 CONTENTS OF APPLICATION

Applicants for amendments to the Official Zoning Map adopted as part of this Ordinance by Section 310 shall contain at least the following information:

- A. Name, address, and phone number of applicant.
- B. Proposed amending Ordinance, approved as to form by the Village Legal Advisor.
- C. Present use.
- D. Present zoning district.
- E. Proposed use.
- F. Proposed zoning district.
- G. A map showing property lines and owners, thoroughfares, existing and proposed zoning.
- H. A list of all property owners and their mailing addresses who are within, contiguous to, or directly across the street from the parcel(s) proposed to be rezoned and other that may have a substantial interest in the case, except that addresses need not be included where more than ten (10) parcels are to be rezoned.
- I. A fee as established by Village Council, according to Section 1004.

Applications for amendments proposing to amend, supplement, change, or repeal portions of this Ordinance other than the Official Zoning Map shall include Items A, B and I.

SECTION 904 PUBLIC HEARING BY VILLAGE COUNCIL

Council shall schedule a public hearing on the proposed change with notice as required by Section 713.12 of the Ohio Revised Code. A copy of the text and maps or plans of the proposed Amendment shall be available for public inspection prior to the hearing as set forth in Section 713.121 of the Ohio Revised Code.

At the hearing, Council shall either, adopt with modification, or deny the proposed Amendment in accordance with R.C. Section 713.12.



## ARTICLE 10

### ENFORCEMENT

#### SECTION 1001 ZONING INSPECTOR

A Zoning Inspector shall be employed to enforce this Zoning Ordinance. The term of employment, rate of compensation, and other such conditions shall be set by the Village Council.

#### SECTION 1002 ZONING PERMITS REQUIRED

No building or other structure shall be erected, demolished, moved, added to, structurally altered, nor shall any building, structure, or land be established or changed in use without a permit therefor issued by the Zoning Inspector. All permits must be signed by the Zoning Inspector and countersigned by any one (1) of the following: the member of Council who is chair of the Village Zoning Committee, or the President of Council, or if neither of them is available, two (2) members of Council designated by the Mayor. Zoning permits shall be issued in conformity with the provisions of this Ordinance unless the Zoning Inspector receives a written Order from Council deciding and appeal or, approving a conditional use or variance.

#### SECTION 1003 ZONING PERMIT APPLICATION

A. The applications shall include the following information:

1. A plot plan drawn to scale showing the exact dimensions of the lot to be built upon.
2. The location, dimensions, height, and bulk of structures to be erected.
3. The intended use.
4. The proposed number of sleeping rooms, dwelling units, occupants and other uses.
5. The yard, open area, and parking space dimensions and locations.
6. Any other pertinent data as may be necessary to determine and provide for the enforcement of this Ordinance.
7. Name and mailing address of applicant, also the name and address of the property owner if different than the applicant.
8. The application fee.

B. The Application shall be submitted to the Zoning Inspector. The Zoning Inspector will review the Application within ten (10) days of receipt. The Zoning Inspector can approve the Application and issue the Permit, per requirements of Section 1002 of this Ordinance, or he may present the Application to Village Council at the next scheduled meeting, within thirty (30) days of the application date.

- C. The Zoning Permit shall become void at the expiration of one (1) year after date of issuance unless construction is started. If no construction is started within one (1) year of date of permit, a new application and permit are required. Once construction is started, it must be completed within one (1) year.

#### SECTION 1004 SCHEDULE OF FEES, CHARGES, AND EXPENSES

The Village Council has by Ordinance established a schedule of fees, charges and expenses, and a written procedure for zoning permits, amendments, appeals, variance, conditional use permits, site plan approvals, and other matters pertaining to the administration and enforcement of this Ordinance requiring investigations, inspections, legal advertising, postage and other expenses. (See Ordinance No. 474-98 and any of its amendments.)

#### SECTION 1005 VIOLATIONS

Buildings erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance is declared to be a nuisance per se.

#### SECTION 1006 INSPECTION AND CORRECTION OF VIOLATIONS

It shall be the duty of the Zoning Inspector to see that any building erected, altered, moved, razed, or converted, or any use of land or premises carried on in violation of any provision of this Ordinance is inspected and the Zoning Inspector shall declare each violation a nuisance and, in writing, order correction of all conditions that are found to be in violation of this Ordinance.

#### SECTION 1007 CORRECTION PERIOD

All violations shall be corrected within the period time as indicated by the Zoning Inspector in the written order. Any violations not corrected within the specified period of time shall be prosecuted.

#### SECTION 1008 PENALTIES – *Amended 3/9/09*

Any person, firm, or corporation violating any provisions of this Zoning Ordinance, or supplements or amendments thereto, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than Two Hundred Fifty Dollars (\$250.00 nor more than Five Hundred Dollars \$500.00. Each days' continuation of a violation of this Ordinance shall be deemed a separate offense. Nothing herein contained shall prevent the Village from taking such other lawful action as is necessary to prevent or remedy any violation.

#### SECTION 1009 COMPLAINTS REGARDING VIOLATION

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

## ARTICLE 11

### APPEALS AND VARIANCES

#### SECTION 1101 AUTHORITY AND JURISDICTION

Village Council is hereby authorized to act as the Administrative Board empowered to hear and determine all applications for variances from the specific requirements of this Ordinance, pursuant to Section 713.11 of the Ohio Revised Code.

Village Council shall also act as an appeals board to hear and determine appeals from decisions of the Zoning Inspector.

#### SECTION 1102 STANDARDS FOR VARIANCES

The Village Council may authorize, upon application, and in specific cases, variances from the specific requirements of this Ordinance where, owing to special conditions, a literal enforcement of this Ordinance will result in unnecessary hardship in the case of use variances and practical difficulties in the case of area, size or dimensions variances.

#### SECTION 1103 APPLICATION FOR VARIANCE AND PROCEDURE

- A. Written application for a variance must be submitted to Village Council with a copy of the application provided to the Zoning Inspector by this applicant. Every application shall contain the following:
1. Name, address and phone number of the applicant.
  2. Legal description of the property for which the variance is sought.
  3. Description of the specific nature of the variance requested.
  4. A narrative statement stating the reasons why the requested variance meets the standards for variances set forth in Section 1102 of this Ordinance.
  5. The proper fee for application as established pursuant to Section 1004 of this Ordinance.
- B. Within thirty (30) days after the receipt of an application for a variance, Village Council shall hold a public hearing and determine whether or not the variance shall be granted or denied. Notice of the hearing shall be posted as provided by law and written notice of the date, time and location of the hearing will be sent by regular U.S. mail to the applicant at the address stated in the application and to all other parties in interest at least ten (10) days before the date of the hearing.
- C. In granting any variance, Zoning Inspector may prescribe reasonable conditions for the variance that are in conformity with the spirit of this Ordinance. Violation of any such conditions that are made a part of the variance shall be deemed a violation of this Ordinance and shall be enforceable and punishable as provided in Article 10 of this Ordinance.

SECTION 1104      PROCEDURE FOR APPEALS

A.      Filing and Appeal:

1.      An appeal from a decision of the Zoning Inspector may be taken by any person aggrieved by the decision or by any officer of the Village. Such appeal shall be taken by filing a Notice of Appeal specifying the decision appealed from and the specific grounds upon which the appeal is being taken up with Village Council within twenty (20) days after the decision.
2.      The proper fee for an appeal as established pursuant to Section 1004 of this Ordinance must accompany the Notice of Appeal filed with Village Council or the appeal will be subject to dismissal by Council.
3.      Upon the filing of an appeal, the Zoning Inspector shall transmit all appropriate documents and records relating to the decision to the Village Council.

B.      Hearing:

1.      Village Council shall hold a public hearing upon the appeal within thirty (30) days after receipt of the Notice of Appeal. The hearing may be at a regular or special meeting of Council.
2.      Notice of the hearing shall be published as provided by law with written notice by regular U.S. mail to the person taking the appeal and any other parties in interest at least ten (10) days prior to the date of the hearing.

C.      Action by Village Council:

1.      Within ten (10) days after the hearing required above, the Zoning Inspector shall either affirm or revise the decision of the Village Council from which the appeal is taken.
2.      In any decision granting an appeal, zoning permit or variance, the Village Council may prescribe reasonable conditions and safeguards that in conformity with the spirit of this Ordinance that shall become a part of the decision. Violation of any such conditions and safeguards shall be deemed a violation of this Ordinance and shall be enforceable and punishable as provided in Article 10 of this Ordinance.

SECTION 1105      STAY OF PROCEEDINGS

The filing of an appeal shall stay all actions and proceedings in furtherance of the action appealed from, unless Village Council certifies that by reason of facts stated in the certificate or application, a stay would cause imminent peril to life or property. In such case, proceedings shall not be stayed except upon Order of Village Council or Order of a Court of competent jurisdiction.

## ARTICLE 12

### SATELLITE DISH ANTENNAS

#### SECTION 1201 DEFINITIONS

- A. “Dish-type satellite signal-receiving antennas,” also referred to as “Earth stations,” shall mean one (1) or a combination of two (2) or more of the following:
1. A signal-receiving device (antenna, dish antenna or dish-type antenna, exceeding twenty-four (24) inches in diameter), the purpose of which is to receive communication or other signals from satellites in Earth orbit and other extraterrestrial sources.
  2. A low-noise amplifier (LNAS) that is situated at the focal point of the receiving component and the purpose of which is to magnify, store, transfer and/or transmit electronic or light signals.
  3. A coaxial cable, the purpose of which is to carry or transmit said signals to a receiver.
- B. “Receiver” shall mean that part of a satellite signal-receiving antenna characteristically shaped like a saucer or dish.
- C. “Grounding rod” shall mean a metal pole permanently positioned in the earth to serve as an electrical conductor, through which electrical current may safely pass and dissipate.

#### SECTION 1202 PERMIT REQUIRED

No owner, lessor, lessee, renter or other legal entity shall construct an “Earth station,” round station,” or “dish-type satellite signal-receiving antenna” without a Permit, nor shall construction commence before a Permit is issued in accordance with this Ordinance.

#### SECTION 1203 LOCATION AND INSTALLATION OF EARTH STATION

- A. Ground mounted:
1. To be certified by dealer/installer to meet or exceed all items of this subsection.
  2. No Earth station shall be constructed in any front yard.
  3. The concrete base shall not be less than ten (10) feet from the property line, easement, or building, or any other structure located on the lot.
  4. No Earth station shall be constructed closer than forty (40) feet to the right-of-way of any road.
  5. No Earth station shall be constructed without a privacy fence to protect and reasonably conceal the Earth station from view, that shall surround all sides of the Earth station and be at least four (4) feet high, and not more than six (6) feet high.

Construction of the fence will be completed before final approval by the Building Inspector.

6. No Earth Station shall exceed a grade height of twenty (20) feet.
7. All structural supports shall be galvanized steel, aluminum, or stainless steel metal.
8. Wiring between an Earth Station and its receiver shall be placed at least eighteen (18) inches underground with UL approved wiring for underground usage, in rigid conduit or PVC pipe.
9. Any Earth Station shall be designed to withstand a wind force of seventy-five (75) miles per hour without the use of guy wires.
10. Any driving motor shall be limited to a one hundred ten (110) volt maximum power design and encased in protective guards.
11. An Earth Station must be bonded to a grounding rod, and the dish shall not exceed fifteen (15) feet in diameter.
12. All electrical connections or installations must meet all requirements of the National Electrical Code.

**B. Roof Mounted:**

1. To be certified by dealer/installer to meet or exceed all items of this subsection.
2. Earth Station must be specifically made for roof mounting.
3. All structural supports shall be galvanized steel, aluminum, or stainless steel metal.
4. Any Earth Station shall be designed to withstand a wind force of seventy-five (75) miles per hour.
5. Any driving motor shall be limited to a one hundred ten (110) volt maximum power design and encased in protective guards.
6. An Earth Station must be bonded to a grounding rod.
7. All electrical connections or installations must meet all requirements of the National Electrical Code.

ARTICLE 13

FLOOD DAMAGE PREVENTION

NOTE: This entire Article has been replaced by Ordinance No. 596-04, “Special Purpose Flood Damage Prevention Ordinance,” and its amendments.

## ARTICLE 14

### DEFINITIONS

For the purpose of this Ordinance, certain words and terms are hereby defined. The word “person” includes a firm, association, organization, partnership, trust company or corporation, as well as individual; words in the present tense include the future and the future includes the present; the singular number includes the plural and the plural the singular; the word “lot” includes the word “plot,” “tract,” or “parcel” of land, as the sense may require it; the terms “erected” means constructed, altered, moved, or repaired; and the words “shall” and “must” are always mandatory. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, or designed to be used or occupied;” the word “district” is synonymous with the word zone, and the term “building inspector” is synonymous with the term zoning inspector.

**ACCESSORY BUILDINGS:** A subordinate building or use customarily incidental to the main building or use, not used or intended for a use conflicting with the main building or use, and located on the same lot or a lot adjoining to the lot containing the main building or use.

**ALLEY:** A public way that affords only a secondary means of access to abutting properties.

**ALTERATION, STRUCTURAL:** Any change in the supporting members of a building such as bearing walls, columns, beams, joists, rafters, or girders.

**ARCHITECTURAL LINE:** Actual outside dimension of structure, including overhang and gutter dimensions.

**BASEMENT:** A story having more than one-half (1/2) of its height below average grade.

**BILLBOARD:** See “SIGN OFF-PREMISES.”

**BUFFER:** An area of open space that separates one use of land from another.

**BUILDING:** Any structure having a roof supported by columns or by walls and intended for the shelter, housing, or enclosure of persons, animals, or property.

**BUILDING HEIGHT:** A line defining the minimum front, side, and rear yard requirements outside of which no building or structure may be located, except as otherwise provided herein.

**BUILDING LINE:** A line defining the minimum front, side, and rear yard requirements outside of which no building or structure may be located, except as otherwise provided herein.

**BUILDING PRINCIPLE:** The building on a lot used to accommodate the primary use to which the premises are devoted.

**BUILDING SETBACK LINE:** A line parallel to the street right-of-way line at such distance from the street right-of-way line as required by a minimum front yard depth in the district in which it is located.

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



**COMMERCIAL VEHICLE: NOT DEFINED.**

**CONDITIONAL USES:** A use that is subject to conditional approval by the Village Council. A conditional use may be granted by Village Council only where there is a specific provision for such special exception made in the Resolution. A conditional use is not considered to be a non-conforming use.

**DECK:** A wooden, flat-floored, roofless area.

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

Gross Density: The number of dwelling units per acre of the total land to be developed.

Net Density: The number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.

**DISTRICT:** An area of land for which there are uniform regulations governing the use of buildings and premises, density of development, yard requirements, height limitations, and the like.

**DRIVEWAY:** Driveways shall be constructed in accordance with Section 314 of this Code.

**DUMPSTER:** Any unit designed for the collection of large quantities of trash, yard waste, garbage, building or construction debris, trees or limbs and designed to be delivered and picked up by a truck. Dumpster does not include garbage cans which can be moved by a person.

**DWELLING:** Any building or structure (except a house trailer or mobile home as defined by Ohio Revised Code 4501.01) that is wholly or partly used or intended to be used for living or sleeping by one (1) or more human occupants.

**DWELLING UNIT:** Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one (1) family and its household employees.

**DWELLING, MULTI-FAMILY:** A detached building designed and used exclusively for occupancy by one (1) family.

**DWELLING, SINGLE-FAMILY:** A detached building designed and used exclusively for occupancy by one (1) family.

**DWELLING, TWO-FAMILY:** A detached building designed and used exclusively for occupancy by two (2) families.

**FAMILY:** One (1) or more persons occupying a single-dwelling unit. Related or unrelated persons are household members.

**FLOOD PLAIN:** That land, including the flood fringe and the floodway, subject to inundation by a regional flood. See "TITLED FLOOD PLAIN."

**FLOOD, REGIONAL:** Large floods that have previously occurred or that may be expected to occur on a particular stream because of like physical characteristics. The regional flood generally has an average frequency of the one hundred (100) year recurrence interval flood.

**FLOODWAY:** That portion of the flood plain, including the channel that is reasonably required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.

**FLOODWAY FRINGE:** That portion of the flood plain, excluding the floodway where development may be allowed under certain restrictions.

**FLOOD AREA FOR LIVING PURPOSES:** The flood area for living purposes consists of living room, bedroom, bathroom, dining room, kitchen, den, library and family room, but exclusive of porches, basement, terraces and garages.

**GARAGES:** A detached accessory building or portion of a principle building for the parking or storage of motor vehicles; must have a concrete floor.

**GARAGE PUBLIC:** A principle or accessory building, or part thereof, other than a private garage, used for temporary storage of passenger automobile storage and/or that no service shall be provided. All public garages must have a concrete floor.

**GASOLINE SERVICE STATION:** A building or part of a building or structure or space for the retail sale of gasoline, lubricants, and motor vehicle accessories and for minor services and repairs not accompanied by objectionable noises, fumes, dust or odors.

**GRADE, FINISHED:** The average level of the finished surfaces of the ground adjacent to the exterior walls of the building.

**HEIGHT:** See “Building Height.”

**INSTITUTION:** Building and/or land designed to aid individuals in need of mental, therapeutic, rehabilitative counseling, or other correctional services.

**JUNK YARD:** The use of more than twenty-five (25) square feet of any land, building, or structure, whether for private and/or commercial purposes, where waste, discarded or salvaged materials such as scrap metals, used building materials, used lumber, used glass, discarded motor vehicles, paper,. Rags, rubber, cordage, barrels, etc are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled, or handled.

**LANDSCAPING:** The use of natural materials (stone, shrubs, trees, etc.) in a planned fashion to enhance the visual appeal of a property.

**LOADING SPACE:** A space provided outside the public right-of-way and on the same lot with a building or contiguous to a group of buildings for the temporary parking of a commercial vehicle loading or unloading merchandise and materials; and that abuts on a street, alley, or other appropriate means of access. Required loading space is not to be included as off-space street parking space in computation of required off-street parking space.

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

1. A single lot of record.
2. A portion of a lot of record.
3. A combination of complete lots of record, or complete lots of record and portions of lots of record, or of portions of lots of record.

**LOT, MINIMUM AREA OF:** The area of a lot is computed exclusive of any portion of any right-of-way existing or planned for any public street.

**LOT CORNER:** A lot abutting two (2) or more streets that intersect at an angle of one hundred thirty-five (135) degrees or less.

**LOT, DEPTH:** The mean horizontal distance between the right-of-way line of the street and the rear lot line.

**LOT FRONTAGE AT STREET RIGHT-OF-WAY:** The distance between the side lot lines of a lot at the street right-of-way line of the lot. See “street” and “street right-of-way line.”

**LOT LINES:** The lines defining the limits of a lot.

**LOT OF RECORD:** A lot that is part of a subdivision, the plat of which has been recorded in the office of the Recorder of this County; or a parcel of land, the Deed to which was of record on or prior to actual date of this Ordinance.

**LOT WIDTH:** The horizontal distance measured between the side lot lines along the building setback line.

**MOBILE HOME:** Any non-self propelled vehicle designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways.

**MOBILE HOME PARK:** A plot of ground upon which mobile homes, occupied for dwelling or sleeping purposes, are located.

**NON-CONFORMING USE:** The use of any building, structure, or land that lawfully existed on the effective date of this Ordinance or any amendment or supplement thereto that does not conform to the Use Regulation of the district in which it is located.

**OUTDOOR ADVERTISING BILLBOARD:** “See Sign, Off Premises.”

**PARKING PAD:** “See Driveway.”

**PATIO-COURTYARD:** A solid, ground level surfaced area adjacent to or near a house.

**RESIDENCE, PRINCIPLE:** The building on a lot used for a dwelling.

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

**SCREENING:** The use of a natural or man-made barrier to partially or completely obstruct the view between adjacent properties.

**SEAT:** For purposes of determining the number of off-street parking spaces for certain uses, the number of seats is the number of seating units installed or indicated, or each twenty-four (24) lineal inches of benches, pews, or space for loose chairs.

**SIGN:** Any object or lettering or symbol thereon that attracts or is intended to attract attention for identification, directional, or advertising purposes.

**SIGN, FREE STANDING:** A sign not attached to a building.

**SIGN, OFF PREMISES:** Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.

**SIGN, ON PREMISES:** Any sign related to a business or profession conducted, or commodity or service sold or offered upon the premises where such sign is located.

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

**STREET:** A dedicated and constructed through public road or public roadway within the Village corporate limits.

**STREET RIGHT-OF-WAY LINE:** The line between a lot, tract, or parcel of land and a contiguous dedicated and constructed public street. Where the lot, tract, or parcel of land has been conveyed to the center of the street, the street right-of-way line then becomes the inside line of land used for street purposes.

**STRUCTURE:** Anything constructed or erected, the use of which requires permanent location on the ground or attached to something having a permanent location on the ground, including signs and billboards.

**SWIMMING POOL:** A permanent or portable structure that is capable of being filled with more than one foot (1') of water and is commonly used for swimming.

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

**THROUGH LOTS:** A lot or a combination of lots used as a single building site, other than a corner lot with frontage on more than one street, other than alley. Through lots with frontage on two streets may also be referred to as Double Frontage Lots. Each side of through lots with street frontage shall be subject to the same setbacks and other restrictions as Single Frontage Lots on both street frontages of the through lot as if each street were the frontage for the structure on the through lots.

**VARIANCE:** A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary too 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.

**YARD:** A required open space other than a court unoccupied and unoccupied and unobstructed by any structure or portion of a structure from three (3) feet above the general ground level of the graded lot upward; provided accessories, ornaments, and furniture may be permitted in any yard; subject to height limitations and requirements limiting obstruction of visibility.

1. **YARD, FRONT:** A yard extending between side lot lines across the front of a lot and from front lot line to the front of the principle building.
2. **YARD, REAR:** A yard extending between side lot lines across the rear of a lot and from the rear lot line to the rear of the principle building.
3. **YARD, SIDE:** A yard extending from the principle building to the side lot line on both sides of the principle building between the lines establishing the front and rear yards.

**ZONE:** Synonymous with “DISTRICT.”

**ZONING PERMIT:** A document issued by the Zoning Inspector authorizing the use of lots, structures, use of land and structures, and the characteristics of the use. (SAME AS ZONING CERTIFICATE.)

**ZONING ORDINANCE:** The complete zoning text that contains the specific regulations for both private and public uses within each use district of the Village, and the Zoning Districts Map that indicates graphically the location and extent of district or zone boundaries.