

ZONING ORDINANCE
OF
VILLAGE OF BELLVILLE, OHIO

ORDINANCE 87-27
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TABLE OF CONTENTS

SECTION 100	TITLE	1
SECTION 101	SHORT TITLE	1
SECTION 102	AUTHORITY AND PURPOSE	1
SECTION 103	RELATIONSHIP TO OTHER LEGISLATION	2
SECTION 104	CONSTRUCTION	2
SECTION 105	SEPARABILITY	2
SECTION 106	APPLICABILITY	3
SECTION 107	ESTABLISHMENT OF DISTRICTS	3
SECTION 108	OFFICIAL ZONING DISTRICT MAP	3
SECTION 109	INTERPRETATION OF ZONING DISTRICT BOUNDARIES	3
SECTION 110	ZONING OF ANNEXED AREAS	5
SECTION 111	ZONING OF VACATED AREAS	5
SECTION 112	EXCLUSIONARY NATURE OF ORDINANCE	5
SECTION 115	DEFINITIONS	5
SECTION 120	ARCHITECTURAL DISTRICT - PURPOSE	16
SECTION 121	DISTRICT BOUNDARIES	16
SECTION 122	APPLICATION AND NOTICE	16
SECTION 123	BOARD OF ARCHITECTURAL REVIEW	17
SECTION 124	STANDARDS FOR REVIEW: CERTIFICATE OF APPROPRIATENESS	17
SECTION 125	PRESERVATION OF PROPERTY UPON DEMOLITION OF A STRUCTURE	18
SECTION 126	REPAIR OR MAINTENANCE EXCEPTION	18
SECTION 130	AGRICULTURAL FAIR DISTRICT - USE	18
SECTION 131	AGRICULTURAL FAIR DISTRICT - USE	18
SECTION 132	NONCONFORMING USES	19
SECTION 133	EXCLUDED AGRICULTURAL FAIR DISTRICT USES	19

SECTION 150	CD CONSERVATION DISTRICT - PURPOSE	19
SECTION 151	CD CONSERVATION DISTRICT-USSES	19
SECTION 152	CONDITIONALLY PERMITTED USES	19
SECTION 153	ACCESS	20
SECTION 154	LIGHTING	20
SECTION 156	MINIMUM LOT SIZE	20
SECTION 157	LOT WIDTH	20
SECTION 158	MAXIMUM BUILDING HEIGHT	20
SECTION 159	SETBACKS	20
SECTION 160	GREENBELT REQUIREMENTS	21
SECTION 161	FLOOD PLAIN	21
SECTION 162	SIGN REGULATIONS	21
SECTION 163	PARKING REGULATIONS	21
SECTION 164	GENERAL REQUIREMENTS	21
SECTION 200	R-1 RESIDENTIAL DISTRICT - PURPOSE	22
SECTION 201	R-1 RESIDENTIAL DISTRICT - USE	22
SECTION 202	CONDITIONALLY PERMITTED USES	22
SECTION 203	ACCESS	23
SECTION 204	FENCING/SCREENING	23
SECTION 205	LIGHTING	23
SECTION 206	LOUD SPEAKERS	23
SECTION 207	MINIMUM LOT SIZE	23
SECTION 208	MAXIMUM BUILDING SIZE	24
SECTION 209	MAXIMUM BUILDING HEIGHT	24
SECTION 210	SETBACKS	24
SECTION 211	MINIMUM FLOOR AREA	25
SECTION 212	GARAGE	25

SECTION 213	GREENBELT REQUIREMENTS	25
SECTION 214	FRONT YARD VARIANCE	25
SECTION 215	SIGN REGULATIONS	25
SECTION 216	PARKING REGULATIONS	25
SECTION 217	GENERAL REGULATIONS	25
SECTION 218	EXCLUDED RESIDENTIAL USES	25
SECTION 240	R-2 RESIDENTIAL DISTRICT - PURPOSE	26
SECTION 241	R-2 RESIDENTIAL DISTRICT - USE	26
SECTION 242	CONDITIONALLY PERMITTED USES	26
SECTION 243	ACCESS	27
SECTION 244	GREENBELT REQUIREMENTS	27
SECTION 245	FENCING/SCREENING	27
SECTION 246	LIGHTING	28
SECTION 247	LOUD SPEAKERS	28
SECTION 248	MINIMUM LOT SIZE	28
SECTION 249	MULTI-FAMILY/TOWNHOUSE UNIT AREA	29
SECTION 250	MAXIMUM BUILDING SIZE	29
SECTION 251	MAXIMUM BUILDING HEIGHT	29
SECTION 252	SETBACKS	29
SECTION 253	SIGN REGULATIONS	30
SECTION 254	PARKING REGULATIONS	30
SECTION 255	GENERAL REGULATIONS	30
SECTION 256	EXCLUDED RESIDENTIAL USES	30
SECTION 270	PR PLANNED RESIDENCE DISTRICT	30
SECTION 300	B-1 NEIGHBORHOOD BUSINESS DISTRICT - PURPOSE	36
SECTION 301	B-1 NEIGHBORHOOD BUSINESS DISTRICT - USE	36
SECTION 302	CONDITIONALLY PERMITTED USES	36

SECTION 303	EXCLUDED USES	38
SECTION 304	FENCING/SCREENING REQUIREMENTS	38
SECTION 305	LIGHTING	39
SECTION 306	LOUD SPEAKERS	39
SECTION 307	GREENBELT REQUIREMENTS	39
SECTION 308	ACCESS	39
SECTION 309	MAXIMUM BUILDING SIZE	39
SECTION 310	MAXIMUM BUILDING HEIGHTS	39
SECTION 311	SETBACK REQUIREMENTS	39
SECTION 312	SIGN REGULATIONS	39
SECTION 313	PARKING REGULATIONS	40
SECTION 314	GENERAL REQUIREMENTS	40
SECTION 340	B-2 GENERAL BUSINESS DISTRICT - PURPOSE	40
SECTION 341	B-2 GENERAL BUSINESS DISTRICT - USE	40
SECTION 342	CONDITIONALLY PERMITTED USES	40
SECTION 343	EXCLUDED USES	41
SECTION 344	ATTACHED ONE FAMILY DWELLING UNITS - CONDITIONS ...	41
SECTION 345	GASOLINE SERVICE STATIONS	42
SECTION 346	FENCING/SCREENING REQUIREMENT	42
SECTION 347	LIGHTING	43
SECTION 348	LOUD SPEAKERS	43
SECTION 349	GREENBELT REQUIREMENTS	43
SECTION 350	MAXIMUM BUILDING HEIGHT	43
SECTION 351	SETBACK REQUIREMENTS	43
SECTION 352	SIGN REGULATIONS	43
SECTION 353	PARKING REGULATIONS	43
SECTION 354	GENERAL REQUIREMENTS	43

SECTION 355	SIDEWALK SALES, CARNIVALS, FLEA MARKETS	44
SECTION 356	SEXUALLY ORIENTED BUSINESSES	44
SECTION 365	B-3 HIGHWAY SERVICE BUSINESS DISTRICT	46
SECTION 365.1	PURPOSE	46
SECTION 365.2	PERMITTED USES	46
SECTION 366	CONDITIONALLY PERMITTED USES	46
SECTION 367	GASOLINE STATIONS	47
SECTION 368	LIGHTING	47
SECTION 369	LOUD SPEAKERS	47
SECTION 370	GREENBELT REQUIREMENTS	48
SECTION 371	MAXIMUM BUILDING HEIGHT	48
SECTION 372	SETBACK REQUIREMENTS	48
SECTION 373	SIGN REGULATIONS	48
SECTION 374	PARKING REGULATIONS	48
SECTION 375	GENERAL REQUIREMENTS	48
SECTION 385	PLANNED COMMERCIAL AND OFFICE DISTRICT (PC)	48
SECTION 400	I-1 INDUSTRIAL DISTRICT - PURPOSE	55
SECTION 401	I-1 INDUSTRIAL DISTRICT - USE	55
SECTION 402	EXCLUDED USES	55
SECTION 403	FENCING/SCREENING	56
SECTION 404	GREENBELT REQUIREMENTS	57
SECTION 405	LIGHTING	57
SECTION 406	LOUD SPEAKERS	57
SECTION 407	MINIMUM LOT SIZE	57
SECTION 408	MINIMUM LOT WIDTH	57
SECTION 409	MAXIMUM LOT WIDTH	57
SECTION 410	SETBACK	57

SECTION 411	OUTDOOR STORAGE	57
SECTION 412	SIGN REGULATION	58
SECTION 413	PARKING REGULATIONS	58
SECTION 414	GENERAL REGULATIONS	58
SECTION 415	NEW AND USED MOTOR VEHICLE SALES	58
SECTION 420	U-1 UTILITY DISTRICT	58
SECTION 500	GENERAL CONDITIONS APPLICABLE TO ALL DISTRICTS	61
SECTION 501	LOT WIDTH REQUIREMENTS	61
SECTION 502	FRONTAGE OF PUBLIC STREET	61
SECTION 503	CORNER LOTS	61
SECTION 504	ONE PRINCIPAL BUILDING	61
SECTION 505	CALCULATION OF OPEN SPACE	61
SECTION 506	DRAINAGE CHANNELS	61
SECTION 507	WATER AND SEWER CONNECTIONS	61
SECTION 508	TEMPORARY BUILDINGS	62
SECTION 509	ACCESSORY BUILDINGS	62
SECTION 510	HOME SALE	62
SECTION 511	FIREWOOD, WOODPILES, SCRAP WOOD, ETC.	63
SECTION 512	PUBLIC AND PRIVATE ACCESS REQUIREMENTS	63
SECTION 513	CORNER CLEARANCE	63
SECTION 514	ACCESSWAYS	63
SECTION 515	SWIMMING POOL FENCES AND SETBACKS	63
SECTION 516	TRAILERS USED FOR STORAGE	63
SECTION 517	HOUSE TRAILER AS TEMPORARY DWELLING	64
SECTION 518	PARABOLIC/DISH TYPE ANTENNAE	64
SECTION 519	OBSCURING GREENBELT	64
SECTION 520	VARIANCES	65

SECTION 521	FENCE/SCREEN REQUIREMENTS	65
SECTION 522	VARIANCES	65
SECTION 530	PARKING REQUIREMENTS-PURPOSE	66
SECTION 531	PERMITS CONDITIONED ON ADEQUATE PARKING	66
SECTION 532	USE OF PARKING SPACES	66
SECTION 533	FRONT YARD PARKING	66
SECTION 534	CONVERSION OF PARKING AREA	66
SECTION 535	SURFACE OF PARKING AREA	66
SECTION 536	SIZE OF PARKING SPACES	67
SECTION 537	MINIMUM REQUIRED PARKING SPACES	67
SECTION 538	LOCATION OF PARKING SPACES	68
SECTION 539	JOINT PARKING AREAS	68
SECTION 540	USE OF SETBACK AREAS FOR PARKING	68
SECTION 541	VARIANCE FROM PARKING REQUIREMENT	69
SECTION 542	ACCESS TO PARKING SPACES	69
SECTION 543	USES NOT SPECIFIED	69
SECTION 550	SIGN REGULATION-PURPOSE	69
SECTION 551	SIGN REGULATION-EXCEPTIONS	69
SECTION 552	SIGN PERMIT REQUIRED	70
SECTION 553	SIGN PERMIT FORM	70
SECTION 554	SIGNS PERMITTED IN RESIDENTIAL DISTRICTS	71
SECTION 555	SIGNS PERMITTED IN BUSINESS AND INDUSTRIAL DISTRICTS	71
SECTION 556	SIZE LIMITATIONS OF SIGNS	71
SECTION 557	POLE OR PYLON SIGNS	71
SECTION 559	LIGHTING	72
SECTION 560	SIGN ERECTORS	72

SECTION 561	PUBLIC RIGHT-OF-WAY	72
SECTION 562	COMPLIANCE WITH STATE LAW	73
SECTION 563	TEMPORARY SIGNS	73
SECTION 564	VARIANCES	73
SECTION 565	VARIANCE PROCEDURE	73
SECTION 566	SIGNS-PROHIBITED LOCATIONS	73
SECTION 567	REMOVAL OF UNSAFE SIGNS	74
SECTION 568	SIGNS EXCEPTED FROM REGULATION	74
SECTION 569	SHOPPING CENTER SIGNS	74
SECTION 570	STRUCTURE	74
SECTION 571	ABANDONED SIGNS	74
SECTION 572	SIGN INSTALLATION	74
SECTION 573	MAINTENANCE AND INSPECTION	75
SECTION 574	DEFINITIONS	75
SECTION 580	NON-CONFORMING USES-INCOMPATIBILITY	75
SECTION 581	SINGLE NON-CONFORMING LOTS OF RECORD	76
SECTION 582	NON-CONFORMING USES OF LAND	76
SECTION 583	NON-CONFORMING STRUCTURES	76
SECTION 584	NON-CONFORMING USES OF STRUCTURES AND LAND IN COMBINATION	77
SECTION 585	REPAIRS AND MAINTENANCE	77
SECTION 586	SINGLE DWELLING UNIT EXCEPTION	78
SECTION 587	ACCESSORY USE EXCEPTION	78
SECTION 600	VILLAGE PLANNING COMMISSION - CREATION, APPOINTMENTS AND VACANCIES	79
SECTION 601	ORGANIZATION AND FUNCTIONS	79
SECTION 602	CONDUCT OF MEETINGS	79
SECTION 603	POWERS AND DUTIES	80

SECTION 604	HEARINGS BEFORE PLANNING COMMISSION	80
SECTION 605	NOTICE OF HEARING ON VARIANCE	81
SECTION 606	ZONING INSPECTOR - CREATION AND APPOINTMENT	81
SECTION 607	ZONING INSPECTOR - POWERS AND DUTIES	81
SECTION 609	VARIANCES	82
SECTION 610	ADDITIONAL CONDITIONS	83
SECTION 611	APPLICATION FOR ZONING PERMIT	83
SECTION 612	APPLICATION FOR CONDITIONAL PERMIT	84
SECTION 613	OWNER'S CONSENT	84
SECTION 614	VIOLATIONS OF CONDITIONS	84
SECTION 700	AMENDMENTS	85
SECTION 701	AMENDMENT PROCEDURE - PLANNING COMMISSION	85
SECTION 702	PUBLIC HEARING	85
SECTION 703	NOTICE TO PROPERTY OWNERS	86
SECTION 704	COUNCIL ACTION	86
SECTION 800	VIOLATIONS, PENALTIES AND ENFORCEMENT	86
SECTION 801	NOTICE OF VIOLATION	86
SECTION 802	PENALTY	86
SECTION 803	ADDITIONAL REMEDIES	87
SECTION 804	AUTHORITY OF OTHER INJURED PROPERTY OWNER	87
SECTION 805	PARTIES	87
SECTION 806	EXPIRATION OF A PERMIT	87
SECTION 849	REPEALER	87
	CERTIFICATE AS TO OFFICIAL ZONING DISTRICT MAP	88
SECTION 850	ENACTMENT	89
	APPLICATION FOR ZONING PERMIT	90
EXHIBIT A		
	VILLAGE OF BELLVILLE - FENCE PERMIT APPLICATION	93

APPLICATION FOR A CONDITIONAL ZONING PERMIT	94
CONDITIONAL ZONING PERMIT	94
APPLICATION FOR A SIGN PERMIT	94
APPLICATION FOR APPEAL	95
APPLICATION FOR A VARIANCE	97
VARIANCE ZONING PERMIT	98
APPLICATION FOR AMENDMENT TO THE ZONING ORDINANCE OF THE VILLAGE OF BELLVILLE, OHIO	99
APPLICATION TO REZONE LAND	99
APPLICATION TO AMEND TEXT	99
CERTIFICATE OF APPROPRIATENESS	101

ZONING ORDINANCE
OF
THE VILLAGE OF BELLVILLE, OHIO

SECTION 100 TITLE

An Ordinance imposing comprehensive regulations upon the use of land within the Village of Bellville, Ohio by dividing the Village into various use districts, imposing regulations as to the use of land, the location, height and bulk of buildings and other structures, establishing off-street parking requirements, creating a Village Planning Commission and granting to it certain powers, creating the position of Village Zoning Inspector and granting that person certain powers, providing for zoning permits, conditional zoning permits and variances, providing for a system to amend this Ordinance, providing for penalties for violation of this Ordinance and a procedure to enforce its provisions, and adopting an official zoning district map.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF BELLVILLE, OHIO:

SECTION 101 SHORT TITLE

This Ordinance shall be known and may be cited in all proceedings as the "Zoning Ordinance of the Village of Bellville, Ohio".

SECTION 102 AUTHORITY AND PURPOSE

This Ordinance is enacted pursuant to the authority vested in this Village by Articles XVIII, Section 3, of the Ohio Constitution and is intended to exercise the broadest authority permitted by law over the use of land within this Village. It is the finding of this Council that the public health, safety, morals and welfare are directly and significantly affected by the use of land and it is the intention of this Council to exercise its authority to the fullest to preserve and protect not only the public health, safety, morals and welfare, but also the value of land and the aesthetics of this community while at the same time recognizing and protecting the rights of individuals to use their land as they deem best.

SECTION 103 RELATIONSHIP TO OTHER LEGISLATION

This Ordinance is intended to be comprehensive legislation with respect to the use of land within this Village. It is intended to repeal and supersede all prior zoning Ordinances only, and shall not be deemed to repeal the Village Subdivision Regulations, Ordinance 43-78 as amended, the Code or Ordinances of the Village, or any Ordinances, resolutions or rules of the Village dealing with water, sanitary sewers, streets or storm sewers as are presently in effect. In the event of an inconsistency between this Ordinance and any existing Ordinance, resolution or rule, this Ordinance shall prevail.

SECTION 104 CONSTRUCTION

The following rules shall be applied in the construction and application of this Ordinance:

- a. Compliance with the Constitution of the United States and with the State of Ohio was intended;
- b. Compliance with state statutes insofar as they are mandatory was intended;
- c. A just and reasonable result was intended;
- d. A result feasible of execution was intended;
- e. The title of all sections of this Ordinance are intended for identification only and in the event of a conflict between the title and the text of section, the text shall control;
- f. The word shall is mandatory, the word may is permissive;
- g. In the event a word or phrase is not defined in this Ordinance, it shall be presumed to be used in its ordinary dictionary definition;
- h. In the event of a conflict between a general provision and a specific provision, the specific provision shall control;
- i. Words used in the singular shall include the plural and words used in the plural shall include the singular.
- j. Words used in the present shall include the future;
- k. The conjunction and means all connected items shall apply; the conjunction or means any of the connected items may apply singly or in combination; the phrase either or means that the connected items shall apply singly, but not in combination.

SECTION 105 SEPARABILITY

If any section of this Ordinance is declared invalid, unenforceable or unconstitutional by a court of competent jurisdiction with respect to the application of that section to a particular parcel of

land or a particular owner of that land, said invalidity, unenforceability or unconstitutionality shall not be deemed to affect the validity, enforceability or constitutionality of that provision as to any other parcel of land or any other owner of land. If any section of this Ordinance is declared invalid, unenforceable or unconstitutional, per se, by a court of competent jurisdiction, such declaration shall not affect any other section of this Ordinance or the Ordinance as a whole. The balance of this Ordinance shall remain in full force and effect and the section declared invalid, unenforceable or unconstitutional shall be deemed to have never been enacted.

SECTION 106 APPLICABILITY

This Ordinance applies to all land and to every structure lying within the corporate limits of the Village of Bellville, Ohio as those limits now exist or may hereinafter be extended by annexation except land owned by this Village. Land owned by the United States of America, the State of Ohio, Richland County, Jefferson Township, the Clear Fork Local School District or any other political subdivision or any department or agency of any of them shall be subject to this Ordinance except to the extent expressly exempted by law.

SECTION 107 ESTABLISHMENT OF DISTRICTS

For the purpose of determining the regulations of land and structures as imposed by this Ordinance, the corporate limits of the Village of Bellville, Ohio are hereby divided into the following use districts:

- AD Architectural District
- CD Conservation District
- R1 Residential District
- R2 Residential District
- B1 Neighborhood Business District
- B2 General Business District
- I1 Industrial District
- PR Planned Residential
- PC Planned Commercial
- U-1 Utility District

SECTION 108 OFFICIAL ZONING DISTRICT MAP

The location of each of the zoning districts provided for in this Ordinance are shown upon the Official Zoning District Map which is incorporated by reference and made a part of this Ordinance. Said Official Zoning District Map is identified by a certificate signed by the Mayor, Clerk/Treasurer and Zoning Inspector in the following form:

THIS IS THE OFFICIAL ZONING DISTRICT MAP OF THE VILLAGE OF
BELLVILLE, RICHLAND COUNTY, OHIO DULY ADOPTED BY THE
COUNCIL OF THE VILLAGE IN ORDINANCE 87-27 ON JULY 7, 1987.

SECTION 109 INTERPRETATION OF ZONING DISTRICT BOUNDARIES

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

1. Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines.
2. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
3. Boundaries indicated as approximately following the corporation boundary line shall be construed as following the corporation boundary line.
4. Boundaries indicated as following railroad tracks shall be construed to be midway between the main tracks.
5. Boundaries indicated as approximately following the center line of streams, rivers or other bodies of water shall be construed to follow such center lines.
6. Boundaries indicated as parallel to or extensions of features indicated in Subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Districts Map shall be determined by the use of a scale shown on the Map.

SECTION 110 ZONING OF ANNEXED AREAS

Any area annexed to the Village of Bellville shall immediately, upon such annexation, be automatically classified according to one of the district classifications listed in Section 107 for the annexed area as adopted by Village Council. The Planning Commission shall recommend appropriate zoning for such area within one (1) month from the date the matter is first referred to the Village Planning Commission by Village Council.

SECTION 111 ZONING OF VACATED AREAS

Wherever any street, alley or other public way is vacated by action of Village Council and in a manner authorized by law, the Zoning District adjoining each side of such street, alley, or public way shall be automatically extended to the center line of such vacation and all areas included in the vacation shall then be subject to the same use, area and height regulations of the extended district.

SECTION 112 EXCLUSIONARY NATURE OF ORDINANCE

This Ordinance shall be deemed to be exclusionary in nature and any use of land not specifically allowed by this Ordinance in a district or in any district shall be deemed to be a use which was intentionally excluded from the district or all districts.

SECTION 115 DEFINITIONS

As used in this Ordinance the following terms shall mean:

- A. ACCESSORY BUILDINGS: A building located on property under common ownership with the principle building which is secondary in importance to the main building, including but not limited to detached garages, storage buildings, barns, shelters and decorative structures.

- B. ACCESSORY USE: Any activities which are incidental, subordinate and customarily carried on in addition to the primary use of the premises. In residential districts this shall include activities which are in the nature of a hobby or recreation and not carried on with the intent to make a profit for the land occupant. It shall also include activities related to the occupant's employment off premises that are occasionally carried on in the premises. The parking of any commercial tractor, commercial truck or semi-trailer in any residential or business district shall not be considered an accessory use. Such activities shall not be deemed a home occupation. Accessory uses does not include satellite television reception equipment, electricity producing windmills or amateur radio antennae. Accessory uses shall also include:
 - 1. Off-street loading and parking facilities and the storage of goods used, produced, or offered for sale which shall be accessory uses in business, warehouse or industrial districts only and subject to all regulations of the district where located.

 - 2. Garage or other casual sales or personal property shall be considered an accessory use so long as they are limited to (2) two times a year and for no longer than three (3) days each time. The advertising restrictions contained in this section shall not

apply to such sales. See SECTION 510.

3. The storage of licensed motor vehicles or the parking of not more than one (1) trailer, recreational vehicle, bus or boat owned by residents of the premises only. Storage of any such items for non-residents of the premises whether or not a fee is charged, shall not be deemed as accessory use. All such items shall be stored no closer to the street than the minimum front yard setback requirements of the district.
 4. Accessory use shall include the keeping of dogs (family, hunting), cats, or other domesticated pets, but shall not allow the keeping of exotic or dangerous animals such as, but not limited to, lions, tigers, leopards, panthers, cougars, bobcats, bears, wolves, foxes, apes, gorillas, poisonous or constrictor snakes, crocodiles, alligators or pit bull dogs.
 5. The sale of fruits or vegetables grown on the premises where sold.
 6. Any activity which is the subject of any advertising including, but not limited to newspaper, magazine, radio, television, poster, billboard, handbill, direct mailing, year book, telephone directory or other publications shall not be deemed to be an accessory use.
 7. No zoning permit shall be required to engage in an accessory use listed above.
- C. AGRICULTURE: The use of land for farming purposes including dairying, pasturage, agriculture, floriculture, horticulture, viticulture, animal and poultry husbandry. Any processing of agriculture products shall be limited to that incidental, subordinate and customarily carried on at the agriculture stage of production but the processing of agriculture products beyond this point shall not be deemed to be an agriculture use.
- D. ALTERATION: Any change, addition or rearrangement in construction or type of occupancy, or change in the structural parts of a building such as walls, windows, partitions, columns, girders, or the moving from one location or position to another.
- E. ALLEY: Is a public right-of-way less than twenty one (21) feet in width usually affords a secondary means of access to abutting property and not intended for general traffic circulation.
- F. APARTMENT: A room or suite of rooms in a multi-family dwelling designed and intended to be occupied as a residence by a single family.
1. Apartment-Studio: An apartment consisting of one principal room along with a kitchen and bathroom.
 2. Apartment-One Bedroom: An apartment consisting of two principal rooms along with a kitchen and bathroom.
 3. Apartment-Two Bedroom: An apartment consisting of three principal rooms along with a kitchen and bathroom.
 4. Apartment-Three or More Bedrooms: An apartment consisting of four or more principal rooms along with a kitchen and bathroom.

- G. ARTERIAL THOROUGHFARES: Church Street, Main Street, State Route 97
- H. BASEMENT: Is that portion of a building which is partially below and partially above ground level, and so located that the vertical distance from the grade to the floor below is greater than the vertical distance from the grade to the ceiling. If the ground adjacent to the building is not entirely level, the ground level shall be computed by determining the average elevation of the ground for each face of the building, and taking the average of said total averages.
- I. BOARDING HOUSE: Is a dwelling where meals or lodging and meals are provided for compensation to two (2) or more persons.
- J. BUILDING: Is any structure designed, built or occupied by human beings for any purpose which is permanently affixed to the land and has one or more floors and a roof. When a structure is separated by a fire wall, each such separated portion of such structure shall be deemed a separate building. A building shall not include such structures as billboards, fences, radio towers, or structures such as water towers, tanks, grain elevators or similar structures with interior spaces not ordinarily accessible for human habitation or commercial activities.
- K. BUILDING HEIGHT: Is the vertical distance measured from the established grade to the highest point of the roof surface for flat roofs; to the deck line of a mansard roof; and to the average height between eaves and the ridge line of a gable, hip, or gambrel roof. Where a building is located on sloping terrain or the side of a hill, the height may be measured from the average elevation of the finished grade at the building wall.
- L. BUILDING LINE: Is a line defining the minimum front, side or rear yard requirements.
- M. BUILDING, PRINCIPAL: Is the building housing the principal activity performed on a lot.
- N. BUSINESS OR TRADE SCHOOLS: Privately owned instructional institutions which teach specialized skills designed to enhance employment opportunities.
- O. COMMERCIAL TRACTOR: means any motor vehicle having motive power designed or used for drawing other motor vehicles, or designed or used for drawing another motor vehicle while carrying a portion of such other motor vehicle or its load, or both.
- P. COMMERCIAL TRUCK: means any motor vehicle designed by the manufacturer to carry a load exceeding three (3) tons.
- Q. CHURCH, SYNAGOGUES OR TEMPLE: A building or group of buildings controlled by a religious body organized to sustain public worship where persons regularly assemble primarily for religious worship.
- R. COLLECTOR THOROUGHFARE: Hines Street
- S. CONVALESCENT HOME: A residential facility which provides therapy and rehabilitative services to persons recovering from illness or injury.
- T. DAY CARE CENTER: A facility licensed by the State of Ohio that houses and cares for children unaccompanied by their parents or guardians during daylight hours.

- U. DEVELOPMENT: Is the construction of a new building or other structure on a lot, relocation of an existing building on another lot, or the use of open land for a new use.
- V. DRIVE-IN: Is a business establishment so developed that its retail or service character is dependent on providing a driveway approach and parking spaces for motor vehicles so as to serve patrons while in the motor vehicle rather than within a building or structure.
- W. DRIVE THRU/CARRYOUT: Is a business or establishment so developed that its retail or service character is dependent on providing a driveway approach and the temporary stopping of motor vehicle inside a building so as to serve patrons in the motor vehicle.
- X. DRIVEWAY: An area of a lot intended to be used by motor vehicles to travel over the lot to or from a public street.
- Y. DWELLING: Is a building or portion thereof, designed for occupancy for residential purposes and having cooking and sanitary facilities.
- Z. DWELLING UNIT: A building designed or used as the living quarters for one (1) or more families. "Dwelling," "Single-family dwelling," "two-family dwelling," or "multiple-family dwelling" shall not be deemed to include motel, hotel, or rooming house. A dwelling may include a permanently sited manufactured home provided it meets all of the following requirements:
 1. The manufactured home is affixed to a permanent foundation and connected to storm sewer, sanitary sewer and the Village water system.
 2. The manufactured home, excluding any addition, shall have a width of at least twenty-two feet (22 ft.) At one point and a length of at least twenty-two feet (22 ft.) at one point. The total living area of the manufactured home, excluding garages, porches, or attachments, must be at least equal to or greater than any minimum dwelling size applicable within the applicable zoning district.
 3. The manufactured home shall have a minimum 3:12 residential roof pitch, conventional residential siding, and a six-inch (6-in.) minimum eave overhang, including appropriate guttering.
 4. The manufactured home was manufactured after January 1, 1995.
 5. The structure is not located in a manufactured home park.

A permanently sited manufactured home shall not be considered a manufactured home for the purposes of the zoning ordinance.
- AA. ERECTED: Built, constructed, altered, moved upon, reconstructed, or any physical operations on the premises including excavation, fill, drainage, and the like.
- BB. ESSENTIAL SERVICES: Is the erection, construction, alteration, or maintenance by public utilities or municipal departments, or commissions, of underground or overhead gas, electrical, steam, or water transmission or distribution systems, collection, communications, supply or disposal systems, including poles, wires, mains, drains, sewer and water pipes, conduit, cables, fire alarm boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, but not including buildings

for the furnishing of adequate service by such public utilities or municipal departments of commissions, or for the public health or safety or general welfare.

- CC. EXCAVATION: Any breaking of ground except agriculture, gardening or ground care.
- DD. FAMILY: One or more persons living together as a single housekeeping unit and related by blood, marriage or adoption.
- EE. FENCE: A structure designed or intended to enclose or screen.
- FF. FIREWOOD, WOODSTACKS, ETC.: Any wood, woodstack, or other combustible material which is intended to be used for burning purposes in any fireplace, stove, boiler, furnace or similar apparatus.
- GG. FLOOR AREA - MINIMUM: For the purpose of computing the minimum allowable floor area per dwelling unit, the sum of the horizontal areas of each store of the building shall be measured from the exterior faces of the exterior walls or from the centerline of walls separating two (2) buildings. The floor area measurement is exclusive of areas devoted to basements, unfinished attics, attached garages, breezeways, and enclosed or unenclosed porches.
- HH. FLOOR AREA - USABLE OR OPEN TO THE PUBLIC: Is that area used for or intended to be used for the sale of merchandise or services, or for use to serve patrons, clients, or customers. Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the buildings measured from the interior faces of the exterior walls. Such floor area which is used or intended to be used principally for the storage or processing of merchandise, hallways, or for utilities or sanitary facilities, shall be excluded.
- II. FRATERNAL, SOCIAL, SERVICE OR VETERANS ORGANIZATIONS: A private club organized around a common interest or goal which is jointly supported, meets periodically and providing recreational activities and/or meals for members and guests.
- JJ. FRATERNITY OR SORORITY HOUSE: A residential facility occupied by a number of persons unrelated by blood, marriage or adoption who maintain a common bond of purpose or interest whether or not formally expressed.
- KK. GARAGE: Is an accessory building or portion of a main building designed and intended primarily for the storage of vehicles or boats owned or used by the occupants of the building, but may also be used incidentally for the storage of other personal property.
- LL. GARAGE, SERVICE REPAIR: A place where the following services may be carried out; general repair, engine rebuilding, sale of engine fuels, rebuilding or reconditioning of motor vehicles, collision service, such as body, frame, or fender straightening and repair; overall painting and undercoating of automobiles.
- MM. GROUND LEVEL: Is the elevation established for the purpose of regulating the number of stores and the height of a building. The ground level shall be the level of the ground adjacent to the walls of the building if finished ground is level. If the ground is not entirely level, the ground level shall be determined by computing the average elevation of the ground for each face of the building, and taking the average of said total averages.

- NN. HOME OCCUPATION: A home occupation shall be allowed as a conditionally permitted use in any Residential District provided it meets the following criteria:
1. No person other than members of the family residing on the premises shall be engaged in such occupation;
 2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation; In addition any attached garage may also be used provided such use does not preclude the storage therein of motor vehicles for which it was designed;
 3. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation;
 4. No home occupation shall be conducted in any accessory building;
 5. No additional traffic shall be generated by such home occupation in greater volumes than would normally be expected for that residential neighborhood; and
 6. No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence, or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises.
 7. No signs will be permitted.
- OO. HOUSE TRAILER: A building unit or assembly of closed construction that is fabricated in an off-site facility, is more than thirty-five (35) body feet in length or, when erected on site, is three hundred twenty or more square feet (320 sq. ft.), is built on a permanent chassis foundation, is transportable in one (1) or more sections, and does not qualify as a manufactured home as defined in division (C)(4) of Section 3781.06 of the Ohio Revised Code or as an industrialized unit as defined in Division (C)(3) of Section 3781.06 of the Ohio Revised Code.
- PP. HOTEL OR MOTEL: Every establishment kept, used to held out to the public to offer sleeping accommodations to transient guests for compensation.
- QQ. INDUSTRIAL UNIT: Industrialized unit means a building unit or assembly of closed construction fabricated in an off-site facility that is substantially self-sufficient as a unit or as part of a greater structure and that requires transportation to the site or intended use. Industrialized unit includes units installed on the site as independent units, as part of a group of units, or incorporated with standard construction methods to form a completed structural entity. An industrialized unit does not include a manufactured home or mobile home as defined herein.
- RR. JUNK: Scrap metals and wood of all types, bones, rags, used bottles or cans or paper packaging, old or used machinery, tools, equipment, appliances, motor vehicles or parts

thereof, used construction materials and any and all manufactured goods which are so worn, deteriorated or obsolete so as to make them unusable in their present condition, but which may be subject to salvage or remanufacture. The definition of junk motor vehicle shall have the same meaning as Salvage Motor Vehicle as provided by R.C. 4738.01(B) and shall apply herein.

- SS. JUNKYARD: Any premises where junk is bought, sold, exchanged, baled, packed, disassembled, stored or handled.
- TT. KENNEL, COMMERCIAL: Is any lot or premises on which three (3) or more dogs, cats or other household pets are either permanently or temporarily boarded. Kennel shall also include any lot or premises where household pets are bred and sold.
- UU. LOADING SPACE: Is an off-street space or berth outside the street right-of-way line on the same lot with a building or group of buildings, for the temporary parking of a vehicle while loading or unloading merchandise or materials.
- VV. LOCAL STREETS: All other public streets in the Village not specified as arterial thoroughfares or collector streets.
- WW. LOT: Is a parcel or parcels of land under common ownership occupied or intended to be occupied by one or more buildings and the accessory buildings together with such setback areas as are required by the Ordinance. A lot may or may not be specifically designated as a separate parcel by the county auditor.
1. Lot Area: The total horizontal area within the lot lines of the lot.
 2. Lot, Corner: Is a lot at the point of intersection of and abutting on two or more intersecting streets.
 3. Lot Depth: Is the horizontal distance between the street right- of-way line and rear lot lines measured along the median between the side lot lines. Where the right-of-way depth is not established it shall be assumed to be sixty (60) feet.
 4. Lot Interior: Is a lot other than a corner lot.
 5. Lot Lines: Are the lines defining the limits of a lot as described below:
 - a. Front Lot Line - In the case of an interior lot, is that line separating said lot from the street. In the case of a corner lot, or double frontage lot, is that line separating said lot from either street.
 - b. Side Lot Line - Is any lot line other than the front or rear lot line.
 - c. Rear Lot Line - Is the lot line opposite the front lot line. In the case of a lot pointed at the rear, the rear lot line shall be an imaginary line parallel to the front lot line, not less than ten (10) feet long lying farthest from the front lot line and wholly within the lot.
 6. Lot Width: Is the horizontal distance measured between the side lot lines, and along the minimum building setback line.

- XX. MASTER PLAN: Is the Comprehensive Plan including graphic and written proposals indicating the general location for streets, parks, schools, public buildings and private land use development of the Village of Bellville, including any part of such plan or changes thereto.
- YY. MANUFACTURED HOME: A building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the Secretary of Housing and Urban Development pursuant to the Manufactured Housing Construction and Safety Standards Act of 1974, and that has a permanent label or tag affixed to it certifying compliance with all applicable federal construction and safety standards.
- ZZ. MERCHANDISE: All tangible personal property offered for sale, rental, or lease.
- AAA. MINIMUM BUILDING SETBACK LINE: An imaginary line across a property parallel to the public street on which the property is located at a point equal to the minimum front yard setback requirement of that district.
- BBB. MINIMUM LIVING FLOOR AREA: For the purposes of computing the minimum allowable floor area in a residential dwelling unit, the sum of the horizontal areas of each story of the building shall be measured from the exterior faces of the exterior walls or from the center line of walls separating two buildings. The floor area measurement is exclusive of areas devoted to basements, unfinished attics, attached garages, breezeways, and enclosed and unenclosed porches.
- CCC. NIGHTCLUB: A tavern which either provides live entertainment or permits dancing by patrons.
- DDD. NON-CONFORMING BUILDING: Is a building lawfully existing at the time of the enactment of this Ordinance and which does not conform to the area and height regulations of the district in which it is located.
- EEE. NON-CONFORMING USE: Is a use lawfully existing at the time of the enactment of this Ordinance, and which does not conform to the use provisions of the district in which it is located.
- FFF. NURSERY: A space, building or structure, or combination thereof, for the storage of live trees, shrubs, or plants offered for retail sale on the premises including products used for gardening or landscaping. The definition of nursery within the meaning of this Ordinance does not include any space, building or structure used for the sale of fruits, vegetables, or Christmas trees.
- GGG. NURSERY, DAY: Is a building, structure, place, or location, or any combination thereof, and other physical property therewith included, that shall be used for the purpose of housing and caring for children unaccompanied by parents during daylight hours.
- HHH. NURSING HOME: A residential facility licensed by the State of Ohio which provides skilled nursing care to individuals who by reason of illness or physical or mental impairment require such care.
- III. OFF-STREET PARKING LOT: Is a facility providing vehicular parking spaces along with adequate drives and aisles, for maneuvering and providing access for entrance and exit so as to provide for the parking of more than two (2) vehicles.

- JJJ. OPEN SPACE: Is any part of a lot which is in its natural state, open and unobstructed except for natural vegetation.
- KKK. PARKING SPACE: Is an area of definite length and width, exclusive of aisles and drives or entrances giving access thereto, and fully accessible for the temporary storage of motor vehicles.
- LLL. PARABOLIC OR DISH-TYPE ANTENNA: Any structure that is a concave, circular or dish-shaped device designed for receiving communications or television signals from a satellite or a ground station. Such antenna shall be considered to be a conditionally permitted use.
- MMM. PRIVATE: Use is limited to occupants or their guests.
- NNN. PRIVATE SWIMMING OR TENNIS CLUB: Buildings and grounds owned by a nonprofit organization used for swimming or tennis for recreational purposes by members who are invited or elected to join with the use of the facilities restricted to members and their guests and not open to the general public.
- OOO. PSYCHIATRIC: That branch of medicine which deals with mental, emotional or behavioral disorders.
- PPP. PUBLIC UTILITY: Is any person, firm, corporation, governmental agency or board or other entity other than the Village of Bellville authorized to furnish and furnishing under governmental regulations to the public, electricity, gas, steam, telephone, telegraph, cable television service, transportation, water or sewerage.
- QQQ. RECREATIONAL: The use of land for entertainment by active participation of patrons such as sporting events or games of skill.
- RRR. RECREATIONAL VEHICLE: A vehicular portable structure designed to be used as a temporary dwelling for travel or recreation purposes and includes travel trailers, motor homes and truck campers.
- SSS. RESTAURANT: A public eating establishment in which the primary function is the preparation and serving of food for consumption on or off the premises but is not licensed by the state to sell beer or intoxicating liquor.
- TTT. REST HOME: A residential facility licensed by the State of Ohio which provides personal assistance for persons who are dependent upon the assistance of others by reason of age or physical or mental impairment but not requiring skilled nursing care.
- UUU. RETAIL SALE: The transfer of title to personal property for the purpose of consumption or use as opposed to resale.
- VVV. ROOMING HOUSE: A dwelling or part thereof where lodging is provided for compensation for four (4) or fewer unrelated persons where no cooking or dining facilities are provided to those persons in individual rooms or elsewhere on the premises.
- WWW. SEMITRAILER: Any vehicle of the trailer type without motive power so designed or used with another and separate motor vehicle that in operation a part of its own weight or that of its load, or both, rests upon and is carried by such other vehicle furnishing the motive power for propelling itself and the vehicle referred to in this division, and

includes, for the purpose only of registration and taxation under such chapters, any vehicle of the dolly type, such as a trailer dolly, designed or used for the conversion of a semitrailer into a trailer.

XXX. STORY: Is that part of a building, included between the surface of one (1) floor and the surface of the next floor above or if there is no floor above, then the ceiling next above.

YYY. STREET: Is a right-of-way which affords the principal means of access to abutting property and which has been dedicated or deeded to the public use and accepted by the Village of Bellville.

ZZZ. STRUCTURE: Is anything constructed or erected which requires location on or below the ground, or attachment of something having a location on the ground. This includes, but not limited to swimming pools, decks, fences, tennis courts and other personal recreational activities.

AAAA. TAVERN: An establishment open to the public which sells food and is licensed to sell beer or intoxicating liquor by the State of Ohio but does not provide live entertainment or permit dancing by patrons.

BBBB. TEMPORARY USE OR BUILDING: Is a use of building permitted by the planning commission to exist during periods of construction of the principal building for use, or for special events.

CCCC. TRAILER: Any non-selfpropelled vehicle originally designed or adapted to be pulled by a motor vehicle to provide its motive power, and designed, intended or used to carry or store goods including a vehicle originally designed or intended to be used on rails such as a box car, caboose or other railroad car.

DDDD. USE: Is the principal purpose for which land, or a building is arranged, designed or intended, or for which land or a building is or may be occupied.

EEEE. WHOLESALE SALE: The transfer of title to personal property for the purpose of resale.

FFFF. YARDS: The open spaces on the same lot as the principal building, unoccupied and unobstructed from the ground upward except for natural vegetation and further defined as follows:

1. Front Yard: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the street right-of-way line and the nearest point of the principal building.
2. Side Yard: Is an open space between the side lot line and the principal building, extending from the front yard to the rear yard, the width of which is the minimum horizontal distance from the nearest point on the side lot line to the nearest point of the principal building.
3. Rear Yard: Is an open space extending the full width of the lot, the depth of which is the minimum horizontal distance between the rear lot line and the nearest point of the principal building.

GGGG. OBSCURING GREENBELT: Evergreen or similar plant material which obstructs the

view.

- HHHH. RETIREMENT CENTERS: A residential facility designed primarily for the elderly which may include a nursing home, rest home or individual apartment units in combination along with retail facilities and other accessory uses intended primarily to serve residents.
- III. WAREHOUSE: A building used for the reception and storage of goods, materials and merchandise temporarily or for a length of time.
- JJJ. AGRICULTURAL FAIR: A fair conducted and operated by an independent agricultural society in accordance with Chapter 1711 of the Ohio Revised Code for a period of time not to exceed seven (7) consecutive days per each calendar year.
- KKKK. PERMANENT FOUNDATION: Is a permanent masonry, concrete, or locally approved footing or foundation, to which an industrialized unit or manufactured home may be affixed.

SECTION 120 ARCHITECTURAL DISTRICT - PURPOSE

The purpose of this chapter is to maintain a high character of community development, to protect and preserve property, to promote the stability of property values and to protect real estate from impairment or destruction of value for the general community welfare by regulating the exterior architectural characteristics of structures throughout the hereinafter defined Architectural District. It is the further purpose of this chapter to recognize and preserve the distinctive historical and architectural character of this community which has been greatly influenced by the architecture of an earlier period in this community's history. These purposes will be served by the regulation of exterior design, use of materials, the finish grade line, landscaping and orientation of all structures hereinafter altered, constructed, reconstructed, erected, enlarged or remodeled in the hereinafter defined Architectural District.

SECTION 121 DISTRICT BOUNDARIES

There is hereby established an Architectural District which shall include all lots abutting Main Street running Southerly from the Clear Fork River to Durbin Street. It shall also include all lots abutting Howard Smith Blvd. and all lots abutting Church Street between Main Street and Bell Street. The Architectural District shall also include lot 85 and the east part of Lot 89.

SECTION 122 APPLICATION AND NOTICE

- A. Whenever a structure, as defined by this Zoning Ordinance, whether public or private, within the above described district is proposed to be constructed or erected and whenever an existing structure is proposed to be altered, reconstructed, enlarged or remodeled, if such alteration, reconstruction, enlargement, or remodeling involves the exterior design, material, finish grade line, landscaping or orientation of the structure and application for a certificate of appropriateness shall be filed with the Village Clerk.
- B. The application shall be accompanied by a line drawing indicating at a minimum, the lot dimensions, size, shape and dimensions of the structure, the location and orientation of the structure on the lot and the actual or proposed building setback lines. In addition, the application shall be accompanied by a detailed narrative description of the proposed design or change of design, use of materials, finish grade line, landscaping and orientation of the structure. Applications for structures to be constructed or remodeled, which remodeling would increase or decrease the total gross building area by fifty percent or more, shall be accompanied by a colored elevation showing at a minimum, the design, use of materials, finish grade line, landscaping and orientation of buildings. In addition, the Board of Architectural Review may require the submission of colored perspectives or architectural renderings.
- C. Upon receipt of an application for a certificate of appropriateness, which is accompanied by the material required by the provisions of subsection (b) hereof, the Village Clerk shall schedule a hearing on the applications which shall be held at the next regular Board meeting occurring more than fourteen (14) days after the application is filed or at such special meeting called for this purpose. The fourteen (14) day requirement herein may be waived by the Board for good cause shown.

At the hearing, all testimony shall be received under oath or affirmation, a verbatim record of the proceedings shall be kept, the application shall be allowed upon application and deposit of fees to the issuance of subpoenas for the attendance of witnesses, all testimony shall be subject to cross examination.

The Board shall render its decision within a reasonable time after the hearing not to exceed sixty (60) days and advise the applicant in writing thereof.

In addition, there shall be a notice posted on the subject property stating that an application has been filed and the date of the hearing.

SECTION 123 BOARD OF ARCHITECTURAL REVIEW

The Village Planning Commission shall act as the Board of Architectural Review when considering any application for a certificate of appropriateness.

SECTION 124 STANDARDS FOR REVIEW: CERTIFICATE OF APPROPRIATENESS

- A. The Board of Architectural Review, in deciding whether to issue a certificate of appropriateness, shall determine that the application under consideration promotes, preserves and enhances the distinctive historical Village character of the community and would not be at variance with existing structures within that portion of the district in which the structure is or is proposed to be located as to be detrimental to the interests of the District as set forth in Section 120. In conducting its review, the Board shall make examination of and give consideration to the elements of the application including, but not necessarily limited to:
1. Height, which shall include the requirements of Section 350.
 2. Building massing, which shall include in addition to the requirements of Section 351, the relationship of the building width to its height and depth, and its relationship to the viewer's and pedestrian's visual perspective.
 3. Window treatment, which shall include the size, shape and materials of the individual window units and the overall harmonious relationship of window openings.
 4. Exterior detail and relationships, which shall include all projecting and receding elements of the exterior, including but not limited to, porches and overhangs and the horizontal or vertical expression which is conveyed by these elements.
 5. Roof shape, which shall include type, form and materials.
 6. Materials: texture and color, which shall include a consideration of material compatibility among various elements of the structure.
 7. Compatibility of design and details, which shall include, the appropriateness of the use of exterior design details.
 8. Landscape design and plant materials, which shall include, in addition to requirements of this Zoning Code, lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views.
 9. Pedestrian environment, which shall include the provision of features which

enhance pedestrian movement and environment and which relate to the pedestrian's visual perspective.

10. Signage, which shall include, in addition to requirements of Section 500 et. seq. the appropriateness of signage to the building.

B. In conducting its inquiry and review, the Board may request from the applicant such additional information, sketches and data as it shall reasonably require. It may call upon experts and specialists for testimony and opinion regarding the matters under examination. It may recommend to the applicant changes in the plans that it considers desirable and may accept a voluntary amendment to the application to include or reflect such changes. The Board shall keep a record of its proceedings and shall append to the application copies of information, sketches and data needed to clearly describe any amendment to it.

C. When its review is concluded, the Board will determine by a vote of its members, whether the application for a certificate of appropriateness shall be approved. If approved by three (3) or more of its members, the Board shall return the application and appended material to the Clerk with the instruction that the certificate of appropriateness be issued, provided all other requirements for a building permit, if applicable, are met. If not approved, the Board shall return the application and appended material to the applicant with a notice that the certificate of appropriateness shall not be issued because the application did not meet the criteria and standards set forth herein.

SECTION 125 PRESERVATION OF PROPERTY UPON DEMOLITION OF A STRUCTURE

A. Whenever a structure within the District is proposed to be demolished, an application for a certificate of appropriateness shall be filed with the Village Clerk as provided in this chapter. In considering such application, the Board of Architectural Review shall limit its inquiry to the proposal for grading, landscaping and other design treatment of the property once the structure has been removed.

B. Nothing in this chapter shall be construed to prevent the demolition of a structure whether public or private, within the District.

SECTION 126 REPAIR OR MAINTENANCE EXCEPTION

Nothing in this chapter shall be construed to prevent any ordinary repair or maintenance or an exterior architectural feature or any ordinary planting and landscaping now in the District.

SECTION 130 AGRICULTURAL FAIR DISTRICT - USE

The purpose of the Agricultural Fair District is to recognize the historic operation of the week-long Bellville Street Fair by the Bellville Agricultural Society and thereby establish an area that has traditionally been the site of the Bellville Street Fair and also complies with requirements of Ohio Revised Code Chapter 1711.

SECTION 131 AGRICULTURAL FAIR DISTRICT - USE

Within the AFD Agricultural Fair District, the following uses and no others shall be permitted:

- A. An Agricultural Fair
- B. Accessory uses and temporary accessory building/structures as associated with an Agricultural Fair.

SECTION 132 NONCONFORMING USES

Permanent uses of land and buildings existing prior to and continuing thereafter from year to year shall be considered lawful nonconforming uses provided they are otherwise permitted by the zoning ordinance.

SECTION 133 EXCLUDED AGRICULTURAL FAIR DISTRICT USES

In an Agricultural Fair District the following uses are prohibited:

- A. Sale of liquor and beer
- B. Gambling

SECTION 150 CD CONSERVATION DISTRICT - PURPOSE

The purpose of the CD Conservation District is to provide an area for water for conservation uses, water protection works and certain recreational uses.

SECTION 151 CD CONSERVATION DISTRICT-USES

Within the CD Conservation District the following uses and no other shall be permitted:

- A. Recreational uses as defined.
- B. Water conservation uses including water supply works, flood control and water protection works.

SECTION 152 CONDITIONALLY PERMITTED USES

Within the CD Conservation District the following uses shall be conditionally permitted:

- A. Utility and public service buildings and uses (excluding storage yards), when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
- B. The storage of one bus/recreational vehicle or travel trailer per lot.
- C. Removal of topsoil provided:
 - 1. Hours of operation shall be limited between 8:00 a.m. to 8:00 p.m. Monday through Saturday.
 - 2. Dust control shall be utilized and means to avoid the placement of mud on public

streets shall be used.

3. Mounding and/or stockpiling of soil shall be prohibited.
4. Entrance to work site for motor vehicles shall be prepared with the gravel and drainage of the public right-of-way shall be maintained.
5. Trucks at the work site shall be limited to single axle/tandem wheel trucks.
6. Upon removal of topsoil reconditioning and reseeded of the soil shall be immediately performed.
7. Such other conditions that the planning commission shall require in order to protect the public safety and welfare.

SECTION 153 ACCESS

All uses conditionally permitted under paragraph a. of Section 152 shall have access directly onto an arterial or collector thoroughfare and all driveways shall exit onto such streets. All driveways shall enter the street right of way at a point that is at least on hundred (100) feet from the nearest intersection of public streets.

SECTION 154 LIGHTING

All exterior lighting in this district shall be shielded so as not to shine onto adjoining properties.

SECTION 155 LOUD SPEAKERS

No loud speakers shall be allowed or be permitted to be used in such a manner that they are designed or intended to broadcast so as to cause a hazard or annoyance.

SECTION 156 MINIMUM LOT SIZE

The minimum lot size for those uses permitted in a Conservation District shall be two (2) acres.

SECTION 157 LOT WIDTH

All lots located within the conservation district shall have a minimum lot width of 200 feet.

SECTION 158 MAXIMUM BUILDING HEIGHT

All buildings in Section 151 a. and 152 a. shall not exceed more than twenty five (25) feet in height or two (2) stories in height above the ground level except for a steeple, chimney, aerial, or other appurtenances.

SECTION 159 SETBACKS

All buildings in Section 151 and 152 shall meet the following set back requirements:

- A. Front-30 feet from street right of way.
- B. Side-10 feet from side property line.
- C. Rear-40 feet from rear property line.
- D. Accessory building-see Section 509.

SECTION 160 GREENBELT REQUIREMENTS

A greenbelt shall be required for all buildings located in Section 151 a. and b., and 152 a. The greenbelt shall be required in all side and rear lot lines. A greenbelt in front of a utility or public service building is required within twelve (12) feet of building. (See Section 519)

SECTION 161 FLOOD PLAIN

Most sections of a Conservation Districts are located in a flood plain. Therefore a flood plain permit must be submitted with any application for a zoning permit.

SECTION 162 SIGN REGULATIONS

See Section 551

SECTION 163 PARKING REGULATIONS

See Section 530

SECTION 164 GENERAL REQUIREMENTS

See Section 500

SECTION 200 R-1 RESIDENTIAL DISTRICT - PURPOSE

The purpose of the R-1 Residential District is to provide for low density residential development with a minimum on non-residential intrusion.

SECTION 201 R-1 RESIDENTIAL DISTRICT - USE

Within the R-1 Residential District the following uses and no others shall be permitted:

- A. One family dwelling units.
- B. Two family dwelling units.
- C. Accessory uses (see definition).
- D. Accessory buildings (see Section 509).

SECTION 202 CONDITIONALLY PERMITTED USES

Within the R-1 Residential District the following uses shall be conditionally permitted:

- A. Home occupations.
- B. Churches, synagogues and temples for religious worship.
- C. Public or private schools certified by the State of Ohio and offering courses in grades kindergarten through high school.
- D. Private swimming pools or tennis courts, basketball courts and skating rinks except that no such use shall be enclosed by any temporary or permanent structure or building, except for a fence subject to Section 204.
- E. Utility and public service buildings and uses (excluding storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
- F. Parabolic/Dish type antennae (see Section 518).

SECTION 203 ACCESS

All uses conditionally permitted under paragraphs B., C. and E. of Section 202 shall have access directly onto an arterial or collector thoroughfare and all driveways shall exit onto such streets. All driveways shall enter the street right of way at a point that is at least on hundred (100) feet from the nearest intersection of public streets.

SECTION 204 FENCING/SCREENING

Fencing/Screening shall be permitted in Section 201 A and B and Section 202 B, D and E subject to the following conditions:

- A. No fencing shall extend towards the front lot line beyond the rear of the principal buildings or structures except for decorative fencing.
- B. A Decorative fence, whose sole purpose is to enhance the attractiveness of the house, shall be permitted on an individual basis. In no circumstances will such fences be placed upon Village rights-of- way, nor shall exceed four (4) feet in height.
- C. Privacy fence shall be permitted subject to the following conditions:
 - 1. No privacy fence may exceed the maximum height of six (6) feet. It must be located only in the back or side yard from the rear of the principal building.
- D. Fence requirements is Section 242 G & H, will take precedent over any of the above requirements.

SECTION 205 LIGHTING

All exterior lighting in this district shall be shielded so as not to shine onto adjoining property.

SECTION 206 LOUD SPEAKERS

No loud speakers shall be allowed outside of any building nor shall they be permitted to be used inside any building in such a manner that they are designed or intended to broadcast outside of said building.

SECTION 207 MINIMUM LOT SIZE

The minimum lot size for those uses permitted under Sections 201 A. and B. and Sections 202 D. and E. are as follows:

- A. Lots with EPA approved municipal or private sewer systems serving more than one lot:
 - 1. Width 90 feet.
 - 2. Length 130 feet.

3. Total square feet 11,700 sq. ft.
 4. Width at set back 90 feet.
- B. Lots without EPA approved municipal or private sewer systems must have the following:
1. Width 100 feet.
 2. Length 130 feet.
 3. Total square yards 4,840 (1 acre).
 4. Width at sets back 100 feet.
- C. The minimum lot size for those uses permitted under Sections 202 B. and C. shall be two (2) acres.

SECTION 208 MAXIMUM BUILDING SIZE

All uses conditionally permitted under Section 202 B. and C. shall have no more than twenty five percent (25%) of the lot area covered by buildings.

SECTION 209 MAXIMUM BUILDING HEIGHT

All buildings/structures under Section 201 A. and B. and Section 202 B., C. and E. shall not exceed more than twenty five (25) feet in height or two (2) stories in height above the ground level except for a steeple, chimney, aerial or other appurtenances.

SECTION 210 SETBACKS

All buildings/structures in Section 201 A. and B. and 202 D. shall meet the following set back requirements:

- A. Front-30 feet from street right of way.
- B. Side-6 feet from side property line.
- C. Rear-40 feet from rear property line.

Accessory building-see Section 509

All buildings/structures in Section 202 B., C. and E. shall meet the following set back requirements:

- A. Front-30 feet from street right of way.
- B. Side-25 feet from side property line.
- C. Rear-50 feet from rear property line.

All property situated at the intersecting of two public streets (corner lots) shall meet the minimum set back requirements as required in that district along both such streets.

SECTION 211 MINIMUM FLOOR AREA

The minimum interior floor area shall be as follows:

- A. One family dwelling unit-twelve hundred sq. ft.
- B. Two family dwelling unit-one thousand sq. ft. per unit.

SECTION 212 GARAGE

Each dwelling unit shall have a minimum of one garage with dimensions not less than 12 x 22 feet and which shall be located on the same lot as the dwelling.

SECTION 213 GREENBELT REQUIREMENTS

All parking lots located in B., C., D. and E. of Section 202 must in addition to a required set back of twelve (12) feet from all abutting property lines be required to have and maintain an obscuring greenbelt. (Section 519)

SECTION 214 FRONT YARD VARIANCE

In any R-1 District where the average depth of at least two (2) existing front yards on lots located within one hundred (100) feet of the lot in question and within the same block are less or greater than the minimum front yard set back prescribed, the Planning Commission may modify the required front yard depth of such lot no more than ten (10) feet.

SECTION 215 SIGN REGULATIONS

See Section 551

SECTION 216 PARKING REGULATIONS

See Section 530

SECTION 217 GENERAL REGULATIONS

See Section 500

SECTION 218 EXCLUDED RESIDENTIAL USES

In any R-1 District the following uses are excluded:

- A. House Trailers

- B. Manufactured Homes
- C. Junk or unlicensed motor vehicles that are stored outside any building or structure.

SECTION 240 R-2 RESIDENTIAL DISTRICT - PURPOSE

The purpose of the R-2 Residential District is to provide for moderate density residential development with a minimum of non-residential intrusion.

SECTION 241 R-2 RESIDENTIAL DISTRICT - USE

Within the R-2 Residential District the following uses and no others will be permitted:

- A. One family dwelling units
- B. Two family dwelling units
- C. Accessory uses (see definition)
- D. Accessory buildings (see Section 509)

SECTION 242 CONDITIONALLY PERMITTED USES

Within the R-2 Residential District the following uses and no others will be permitted:

- A. Home occupations;
- B. Churches, synagogues, and temples for religious worship;
- C. Public or private schools certified by the State of Ohio and offering courses in grades kindergarten through high school;
- D. Private swimming pools or tennis courts, basketball courts and skating rinks except that no such use shall be enclosed by any temporary or permanent building or structure except for a fence that is subject to Section 245;
- E. Utility and public service buildings and uses (excluding storage yards) when operating requirements necessitate the locating of said building within the district in order to serve the immediate vicinity.
- F. Parabolic/Dish-type Antennae (See Section 518)
- G. Multi-family dwelling units, two stories or less and subject further to the following:
 - 1. Proposed development shall have one (1) property line abutting an arterial thoroughfare or the boundary line of a B-Business or I-Industrial District
 - 2. A fifteen foot (15') wide greenbelt measured from the lot line shall be provided on all side and rear yards of multifamily developments. See Section 244.

3. A six foot high obscuring fence shall be provided along the side and rear perimeters of all parking lots. Such fence/screening devices shall not have any openings except such openings as may be required by the Fire Department for vehicular or emergency access to the proposed development.
 4. A maximum of ten (10) multifamily dwelling units shall be allowed per acre.
- H. Townhouse Dwellings provided that there will be no more than four (4) townhouse dwellings in any contiguous group. All such dwellings are subject to same requirements as Section 242 G., 1, 2, 3 and 4.

SECTION 243 ACCESS

All uses conditionally permitted under paragraphs B., C., E., G. and H. of Section 242 shall have access directly onto an arterial or collector street and all driveways shall exit onto such streets. All driveways shall enter the street right of way at a point that is at least one hundred (100) feet from the nearest intersections of public streets.

SECTION 244 GREENBELT REQUIREMENTS

All parking lots located in B., C., E., G. and H., of Section 242 in addition to having a required set back of twelve (12) feet from all abutting property lines shall be required to have and maintain an obscuring greenbelt. All buildings/structures in Section 242 E. shall have and maintain an obscuring greenbelt. A greenbelt is required twelve (12) feet from front of building. (see Section 519)

SECTION 245 FENCING/SCREENING

Fencing/screening shall be permitted in paragraphs A and B of Section 241 and Paragraphs B through H of Section 242 subject to the following conditions:

- A. No fencing shall extend towards the front lot line behind the rear of the principal buildings or structures except for decorative fencing.
- B. A Decorative fence, whose sole purpose is to enhance the attractiveness of the house, shall be permitted on an individual basis. In no circumstances will such fences be placed upon Village rights of way, no shall exceed four (4) feet in height.
- C. Privacy fence shall be permitted subject to the following conditions:
 1. No privacy fence may exceed the maximum height of six (6) feet. It must be located only in the back or side yard from the rear of the principal building.
- D. Fence requirements in Section 242 G & H will take precedent over any of the above requirements.
- E. Fence requirements in Section 242 G. and H. will take precedent over an of the above requirements.
- F. See Section 521

SECTION 246 LIGHTING

All exterior lighting in this district shall be shielded so as not to shine onto adjoining properties.

SECTION 247 LOUD SPEAKERS

No loud speakers shall be allowed outside of any building nor shall they be permitted to be used inside any building in such a manner that they are designed or intended to broadcast outside of said buildings.

SECTION 248 MINIMUM LOT SIZE

The minimum lot size for those uses permitted under Section 241 A. and B. and Section 242 D. and E. are as follows:

- A. Lots with EPA approved municipal or private sewer systems serving more than one lot:
 - 1. Width 90 feet.
 - 2. Length 130 feet.
 - 3. Total square feet 11,700 sq. ft.
 - 4. Width at set back 90 feet.

- B. Lots without EPA municipal or private sewer systems must have the following:
 - 1. Width 100 feet.
 - 2. Length 130 feet.
 - 3. Total square feet 4,840 (1 acre)
 - 4. Width at set back 100 feet.

The minimum lot size for those uses permitted under Section 242 G. and H. are as follows:

- A. With EPA approved municipal or private sewer systems serving more than one lot:
 - 1. Width 200 feet.
 - 2. Length 130 feet.
 - 3. Total square feet 20,000 sq ft.
 - 4. Width at set back line 200 feet.

- B. Lots without EPA municipal or private sewer systems must have same requirements as Section 248 B.

The minimum lot size for those uses permitted under Section 242 B. and C. shall be 2 acres.

Accessory Building - See Section 509.

Whenever more than one building in Section 242 G. and H. are located on the same lot, the minimum distance between buildings shall be twenty (20) feet.

SECTION 249 MULTI-FAMILY/TOWNHOUSE UNIT AREA

Each dwelling unit shall contain the following minimum floor area:

- A. Studio apartment-500 sq. ft.
- B. One bedroom apartment-600 sq. ft.
- C. Two bedroom apartment-700 sq. ft.
- D. Three or more bedroom apartment-850 sq. ft.

SECTION 250 MAXIMUM BUILDING SIZE

All uses conditionally permitted under Section 242 B., C., G. and H. shall have no more than twenty five per cent (25%) of their lot area covered by buildings.

SECTION 251 MAXIMUM BUILDING HEIGHT

All buildings/structures under Section 241 A. and B. and Section 242 B., C., D., E., G. and H. shall not exceed more than 25 feet in height or two (2) stories in height above the ground level except for a steeple, chimney, aerial, or other appurtenances.

SECTION 252 SETBACKS

All buildings/structures in Section 241 A. and B. and 242 D. shall meet the following set back requirements:

- A. Front-30 feet from street right-of-way.
- B. Side-6 feet from side property line.
- C. Rear-40 feet from rear property line.

All building/structures in Section 242 B., C., E., G. and H. shall meet the following set back requirements:

- A. Front-30 feet from street right of way.
- B. Side-25 feet from side property line.

- C. Rear-50 feet from rear property line.

SECTION 253 SIGN REGULATIONS

See Section 551

SECTION 254 PARKING REGULATIONS

See Section 530

SECTION 255 GENERAL REGULATIONS

See Section 500

SECTION 256 EXCLUDED RESIDENTIAL USES

In any R-2 District the following uses are excluded:

- A. House Trailers.
- B. Manufactured Homes.
- C. Junk or unlicensed motor vehicles that are stored outside any building or structure

SECTION 270 PR PLANNED RESIDENCE DISTRICT

1. PURPOSE: The Village, recognizing with increased urbanization and population growth comes increased demands for well-organized residential areas which take into account unique natural factors, contemporary land use concepts, and a balanced residential environment, hereby provides for the Planned Residence District. The following regulations are provided for the purpose of promoting the general welfare, encouraging the efficient use of land and resources, promoting greater efficiency in providing public and utility services and encouraging innovation in the planning and building of residential developments.
2. APPLICATION: The provisions of the chapter of the Zoning Ordinance shall apply to all lands of the Village for parcels greater than five (5) acres. The area of a district must be an integral tract. It cannot be a collection of isolated pieces of land.
3. PERMITTED USES: Within the Planned Residence District (PR), the following uses, developed in strict compliance with the approved development plan and standards, shall be permitted:
 - a. Single-family or multi-family permanent dwelling be it either detached semi-detached, attached, cluster, patio, common wall or any reasonable variation on the same theme.

- b. Non-residential uses of a religious, cultural, educational or recreational nature or character to the extent that they are designed and intended to serve the residents of the Planned Residence District. Said facilities may be designed to serve adjoining neighborhoods or residents if they are located in such proximity to the major thoroughfares as to permit access without burdening residential streets.

4. PROHIBITED USES:

- a. No use not specifically authorized by the express terms of this chapter of the Zoning Ordinance shall be permitted.
- b. Outdoor storage of inoperable, unlicensed or unused motor vehicles is prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c. No trailer of any type, no boats, no motor moths and no equipment of any type shall be parked within this district except within an enclosed garage.
- d. No trash, debris, unused property or discarded materials shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public.

5. PROCEDURE: In addition to any other procedures set out in this ordinance, all applications for amendments to the zoning map to rezoning lands to this district shall follow the procedures hereinafter set forth:

- a. Application: The owner or owners of lots within the Village may request that the zoning map be amended to include such tracts in the Planned Residence District in accordance with the provisions of this Ordinance.
- b. Development: Six (6) copies of the development plan shall be submitted with the application, which plan shall include in the text and map form:
 - 1. The proposed size and location of the Planned Residential District.
 - 2. The general development character of the tract including the specific limitations or controls to be placed on residential and related uses, with probable lot sizes and other development features including landscaping.
 - 3. Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
 - 4. The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
 - 5. The proposed traffic patterns showing public and private road and other transportation facilities, including their relationship to existing conditions, topographically and otherwise. Any development utilizing a private road and must have a minimum width of sixty (60) feet fronting on a public road.
 - 6. The relationship of the proposed development to existing and probable

uses of surrounding areas during and after the development timetable.

7. The proposed timetable or schedule for development of the site including street, transportation facilities, building, utilities and other facilities.
 8. If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than five (5) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give Village officials definitive guidelines for approval of future phases.
- c. Criteria for Approval: In approving an application for a Planned Residence District, the reviewing authorities shall determine:
1. If the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Ordinance.
 2. If the proposed development is in conformity with the Zoning Ordinance and/or comprehensive plan or portion thereof as it may apply.
 3. If the proposed development advances the general public welfare of the Village and the immediate vicinity.
- d. Procedure for Rezone: The procedure outlined in Ohio Revised Code 713.12 shall be followed to consider an application for a rezone to a Planned Residence District. Approval of the application pursuant to that section shall constitute a rezone of such land in accordance with the applicant's Development Plan.
- e. Administration of the Development Plan: Administration of the Development Plan shall be performed by the Village Planning Commission in accordance with the following procedures:

Administrative Review; Minor Deviations

All plats, construction drawings and other necessary documents shall be submitted to the Village Planning Commission or their designated technical advisors for administrative review and approval before filing to insure substantial compliance with the Development Plan as approved. Minor changes in the location of buildings, structures, streets or parking areas may be approved without public notice by the Village Planning Commission upon submittal of a written application.

Major Deviations and Public Hearing

Any major deviation from the approved Development Plan shall not be considered by the Village Council until the owner of the property makes a detailed written application to Village Council. The application shall specifically detail the changes requested and the reasons for the change. A major deviation shall include but not be limited to changes in use and/or character of the development, increases of density of more than ten (10%) percent and increases in number of structures. (Any change in land use not otherwise permitted by this Ordinance in a Planned Residential District shall require a rezone of the land).

Upon receipt of any application for a major deviation from the approved

Development Plan, the Village shall forward the application to the Village Planning Commission. The application shall make a written recommendation for the approval, modification, or denial of the application. Upon receipt of the commission's recommendation, the Council shall hold a public meeting on the application. The public meeting shall be held within ten days of receipt of the Commission's recommendation. Notice of the public meeting shall be published once at least three (3) days before the date of the meeting. Within twenty days of the meeting the Village Council shall either approve or disapprove the landowner's application. The applicant can amend his application at anytime prior to the Council's vote.

Approval of the application shall require a majority vote of the Council. An applicant can submit subsequent applications for major deviations at anytime provided there is a reasonable and material amendment to the preceding application.

The Council shall not conduct the meetings in a quasi-judicial manner wherein the opportunity for hearings and the introduction of evidence is permitted. The decisions of the Council shall be final and not appealable.

f. Plat Required: In the Planned Residential District (PR), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with Subdivision Regulations and these regulations. The subdivision plat shall be in accord with the approved development plan and shall include:

1. Site arrangement, including building setback lines and space to be built upon with the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the natures of such use.
2. Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for non-residential uses.

g. Default: If construction of any building has not been commenced within three (3) years after approval of the initial Development Plan, approval of the plan shall expire, unless an extension of the time limit has been approved by a majority of the Council.

6. DEVELOPMENT STANDARDS: In addition to any other provisions of this Ordinance, the following standards for arrangement and development of lands and buildings are required in the Planned Residence District.

A. Intensity of Use: For purposes of development within the Planned Residence District, the maximum density for development shall be as follows:

<u>Type Dwelling</u>	<u>Maximum Units Per Gross Acre</u>
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Single Dwelling Units	2
Multi-Family Dwelling Units	6

- B. Open Spaces: Organized open spaces shall be provided as regulated by the applicable Subdivision Regulations.
- C. Arrangement of Structures: The physical relationship of dwelling units and their minimum yard space shall be determined in accordance with the following:
 - 1. Set Back: Single-Family dwellings shall have a set back from the right-of-way line of adjacent roads a distance equal to the width of the right-of-way as approved in the plan of development or the existing streets and roads. All other structures within the Planned Residence District shall have a set back from the right-of-way equal to the right-of-way of roads within the development or the right-of-way of existing roads.
 - 2. Side Yards: A single-family dwelling shall have a side yard of not less than ten (10) feet on each side of the structure. For all other structures within the Planned Residence District the side yard shall be not less than one sixth (1/6) of the sum of the height of the structures and length of the wall most nearly parallel to the side lot line but in no case shall said structure be closer than fifteen (15) feet to the lot line within the development except as follows:
 - a. In the event that the walls are solid and without windows, said building shall not be closer than fifteen (15) feet to the adjoining structure, and
 - b. In the event said wall has windows said structure shall be not closer than twenty-five (25) feet to the adjoining structure without regard to lot lines.

In no case shall any building be located closer than fifteen (15) feet to the outside perimeter line of the planned area.

The requirements for side yards herein shall apply to the principal structures but shall not be interpreted as prohibiting designs of single family structures normally referred to as common wall, cluster, patio or other variations on the same theme.
 - 3. Rear Yards: A rear yard of not less than twenty-five (25) feet shall be maintained on all parcels within this district.
 - 4. Building Height Limits: No building in this district shall exceed forty (40) feet in height.
- D. Landscaping: All yards, front, side and rear, shall be landscaped and all organized open spaces or non-residential use areas shall be landscaped. Such landscape plans shall be submitted with the subdivision plat and shall be subject to approval in the same manner required of the subdivision plat.
- E. Site Development: The planned unit development standards provided herein are

for zoning purposes only. Any landowner intending to subdivide the property for individual sale and ownership of lots must comply with the applicable subdivision regulations.

- F. Parking: Off-street parking shall be provided, at the time of construction of the dwellings. Each dwelling must be provided with two parking spaces. On-street parking shall not be permitted. Parking for permitted non-residential uses shall comply with the applicable parking regulations of this ordinance.

- G. Construction and Maintenance of Improvements Within Right-of-Way: The construction and maintenance of all improvements behind the curb line or the edge of pavement including but not limited to drainage improvements, landscaping improvements, sidewalks and/or driveway approaches shall be the responsibility of the abutting property owner. Any owner utilizing a private road for access to the public road by the development shall be solely responsible for its construction, maintenance and repair. Any approval by the Village to rezone the property to a Planned Residential District shall not constitute acceptance of any road or right-of-way or obligate the Village in any way to its construction, maintenance or repair.

SECTION 300 B-1 NEIGHBORHOOD BUSINESS DISTRICT - PURPOSE

The purpose of the B-1 Neighborhood Business District is to allow business uses to a limited extent which are convenient to residential areas but do not appreciably affect the surrounding area.

SECTION 301 B-1 NEIGHBORHOOD BUSINESS DISTRICT - USE

Within the B-1 Business District the following uses and no other uses shall be permitted:

- A. Accounting Offices Financial Planning Consultants
Advertising Agencies Governmental Offices
Answering Services Insurance Offices
Antique Shops Medical Offices
Architects Offices Novelty Shops
Attorney Offices Non-Profit Corporate Offices
Barber Shops Pressing, Alteration & Garment
Beauty Shops Private Investigation
Cable TV Offices Private Security
Chiropractic Offices Psychologist
Credit Agencies Real Estate Sales Office
Credit Union Offices Stockbrokers
Day Care Center Title Insurance Companies
Dental Offices Travel Agencies
Employment Agencies Shoe Repair/Leather Goods Repair
Engineering Offices

B. Accessory Uses shall be allowed for all businesses.

SECTION 302 CONDITIONALLY PERMITTED USES

- A. Single business subject to the following conditions:
 - 1. Shall not have a usable floor area in excess of 2,000 square feet.
 - 2. No single building used for business shall have a greater usable floor area of more than 3,000 square feet.
- B. One-family dwelling units subject to the requirements of the Residential R-2 District.
- C. 1. Attached one-family dwelling units subject to the following conditions:

Where a one-family dwelling unit is attached to or constructed within a building containing the uses in Section 301 A. and Section 302 A., the following requirements must be met:

 - a. Minimum floor area - 700 square feet.
 - b. No more than one dwelling unit per building.

2. Two-family dwelling units subject to the following conditions:

A two-family dwelling may be constructed over any business or office facility containing the uses in Section 301 A. provided the following requirement must be met:

 - a. The dwelling units must be on the second story level.
 - b. Minimum floor area per dwelling is 700 square feet.
 - c. No more than two dwelling units per building.
- D. Churches, synagogues and temples for religious worship subject to the following conditions:
 1. Minimum lot size-2 acres.
 2. Minimum lot width at building set back line shall be two hundred (200) feet.
 3. Minimum set back requirements:
 - a. Front - 30 feet from right-of-way.
 - b. Side - 15 feet from side property line.
 - c. Rear - 40 feet from rear property line.
- E. Rooming houses/boarding houses subject to the following conditions:
 1. The house may accept no more than four (4) overnight guests for compensation at any one time.
 2. The house may rent no more than three (3) rooms.
 3. For purposes of advertising, there shall be no more than one (1) sign or identification plate and such sign or plate shall not exceed two (2) square feet in area.
 4. Off-street parking at the rate of one (1) space per guest room and such parking required for that dwelling unit.
 5. Plans must be approved by a representative of the State Fire Marshal or the Bellville Village Fire Chief.
 6. Rooming houses shall be conducted by the resident with no additional employees.
- F. Accessory Uses
- G. Parabolic/Dish type Antennae (See Section 518)
- H. Parking of one semi tractor and semi trailer or commercial truck.

SECTION 303 EXCLUDED USES

Notwithstanding the provision of Section 301 and 302, the following businesses shall not be permitted in a B-1 Neighborhood Business District:

- A. Sale or repair of automobiles, used automobiles or truck parts, trucks, trailers, campers, recreational vehicles, motor homes, motorcycles, boats, farm equipment, construction machinery and industrial machines.
- B. Gasoline service stations.
- C. Hotels/Motels.
- D. Trees, shrubs, plants, lawn and garden equipment and supplies.
- E. Warehouses, moving and storage business or truck terminal.
- F. Restaurants, taverns, or nightclubs.
- G. Fraternal, social, service or veterans organizations.
- H. Junkyards, garbage or rubbish haulers or recycling operations.
- I. Sewer or septic tank cleaning or repairing.
- J. Automobile wrecking or salvage yards.
- K. Indoor/outdoor recreational vehicles or motorcycle racing, etc.
- L. Funeral homes.
- M. Business or trade schools.
- N. Processing, manufacturing or assembly operations except as are incidental to the sale of goods.
- O. Convenience food stores.
- P. Nursing homes, rest homes, convalescent homes/retirement centers.
- Q. Drive thru/carry out.
- R. House trailers and manufactured houses.
- S. Junk or unlicensed motor vehicles stored outside any building or structure.

SECTION 304 FENCING/SCREENING REQUIREMENTS

Fencing/screening shall be permitted in all areas of B-1 District subject to the requirements of Section 204 and Section 521.

SECTION 305 LIGHTING

All exterior lighting in the district shall be shielded so as not to shine onto adjoining properties.

SECTION 306 LOUD SPEAKERS

No loud speakers shall be located outside of any building nor shall they be permitted to be used inside any building in such a manner that they are designed or intended to broadcast outside of said building.

SECTION 307 GREENBELT REQUIREMENTS

All land within B-1 Neighborhood Business District which abuts a residential district, or existing residential use shall have an obscuring greenbelt. (See Section 519)

SECTION 308 ACCESS

All uses permitted in Section 301 A. and 302 A., B., C., D., E. and F. shall have access directly onto an arterial or collector street and all driveways shall exit onto such streets.

SECTION 309 MAXIMUM BUILDING SIZE

All uses and conditionally permitted uses shall have no more than twenty-five percent (25%) of their lot covered by building.

SECTION 310 MAXIMUM BUILDING HEIGHTS

All buildings shall not exceed 25 feet in height or two (2) stories in height above the ground level except for a steeple, chimney, aerial or other appurtenances.

SECTION 311 SETBACK REQUIREMENTS

All buildings shall meet the following set back requirements except where otherwise specifically provided:

- A. Front - thirty (30) feet from right-of-way.
- B. Side - six (6) feet from side property lines, except those sides which are adjacent to a residential district. A twenty-five (25) foot setback shall be required and not used for any other purpose on the side abutting the residential district.
- C. Rear - thirty (30) feet from rear property line.

SECTION 312 SIGN REGULATIONS

See Sections 551 to 574

SECTION 313 PARKING REGULATIONS

See Sections 530 to 543

SECTION 314 GENERAL REQUIREMENTS

See Sections 500 to 516

SECTION 340 B-2 GENERAL BUSINESS DISTRICT - PURPOSE

The purpose of the B-2 General Business District is to provide a zone for the conduct of business uses of all types.

SECTION 341 B-2 GENERAL BUSINESS DISTRICT - USE

Within the B-2 General Business District the following uses are permitted:

- A. All uses permitted in B-1 Business District under Section 301.
- B. Business engaged in the sale of goods or services to the public inside buildings except those excluded under Section 343 or made conditionally permitted under Section 342.
- C. Funeral Homes.
- D. Sexually Oriented Business as defined by Section 356 provided:
 - 1. That the parcel of land upon which the sexually oriented business is located at a minimum of five hundred (500) feet from the nearest parcel of land containing a school, church, funeral home or residence.
 - 2. That the parcel of land upon which the sexually oriented business is located is a minimum of five hundred (500) feet from any other parcel of land containing a sexually oriented business.
 - 3. Nothing in this Section shall be deemed to amend Chapter 13, Sex Related Offenses of the Codified Ordinances or otherwise make any conduct legal which is illegal under that Chapter.

SECTION 342 CONDITIONALLY PERMITTED USES

Within the B-2 Business District the following uses shall be conditionally permitted:

- A. Gasoline service stations and automobile service repair garages subject to regulations in Section 345.

- B. Drive thru carryouts.
- C. Attached one family dwelling units subject to the provisions of Section 344.
- D. Rooming houses subject to the provisions of Section 302 E.
- E. Parabolic/dish type antennae (See Section 518).
- F. Parking of one semi-tractor and semitrailer or commercial truck.
- G. Billiard Rooms
- H. Sidewalk sales, carnivals, flea markets and similar uses subject to the resolutions in Section 355.

SECTION 343 EXCLUDED USES

Notwithstanding Section 341 within the B-2 General Business District the following uses shall not be permitted:

- A. Automobile wrecking or salvage yards.
- B. Junkyards, garbage or rubbish haulers or recycling operations.
- C. Sewer or septic cleaning or repairing.
- D. Processing, manufacturing or assembly operations, except as are incidental to the sale of goods.
- E. Churches, synagogues, and temples for religious worship.
- F. Junk or unlicensed motor vehicles stored outside any building or structure.
- G. House trailers, industrial units and manufactured homes

SECTION 344 ATTACHED ONE FAMILY DWELLING UNITS - CONDITIONS

A one family dwelling unit shall be allowed in this district provided it meets the following requirements:

- A. Minimum floor area of 800 square feet.
- B. No more than one dwelling unit shall be permitted per building.
- C. Each such dwelling unit must be attached to or constructed within a building containing a business or office use.
- D. Accessory uses as permitted in the R-2 District.

SECTION 345 GASOLINE SERVICE STATIONS

Whenever gasoline service stations are listed as a conditionally permitted use within the Village, the following requirements shall apply:

- A. Gasoline service stations shall be limited to the sale of motor vehicle fuel, oil, tires, batteries, accessories and incidental repair work. Such work shall not include body repair, painting, tire recapping, engine rebuilding or overhauling.
- B. Curb cuts for ingress and egress shall be limited to a specific number as approved by the Planning Commission and the balance of the property shall be barricaded from access to the streets.
- C. All curb cuts shall be at least one hundred (100) feet from the nearest intersection.
- D. The minimum lot area shall be twenty thousand (20,000) square feet.
- E. Service stations shall be shielded on all sides which abut onto a residential district or existing residential use, except the street side, by an obscuring greenbelt at least six (6) feet in height, six feet in width and four feet from property line.
- F. No inoperative motor vehicles shall be stored on the premises except those which are presently being worked upon.
- G. The rental of trucks or trailers may also be carried on as part of the gasoline service station business provided that the total lot shall be not less than one (1) acre.
- H. The entire surface used for motor vehicle movement or storage shall be paved with asphalt or concrete.
- I. All pump islands shall be located at least twenty-five (25) feet from the street right of way.
- J. All buildings shall have a setback of at least forty (40) feet from the front lot line and from any side lot line which abuts a public street. The building setback line which does not abut a public street and the rear lot line shall be fifteen (15) feet.
- K. All lighting shall be shielded from adjoining properties.
- L. One parking space shall be provided on the premises for each employee and one space for each two hundred (200) square feet of floor area devoted to the sale of non-automotive products. The space used for vehicle fueling shall not be used to meet these parking requirements.
- M. No used motor vehicle parts including tires shall be stored outside of any building.

SECTION 346 FENCING/SCREENING REQUIREMENT

Fencing/screening shall be permitted in all areas of B-2 District subject to the requirements of Section 204 and Section 521.

SECTION 347 LIGHTING

All exterior lighting in the B-2 District shall be shielded so as not to shine on R-1, R-2, or B-1 properties located within 40 feet of property lines.

SECTION 348 LOUD SPEAKERS

No loud speakers shall be located outside of any building nor shall they be permitted to be used inside any building in such a manner that they are designed or intended to broadcast outside of said buildings.

SECTION 349 GREENBELT REQUIREMENTS

All land within a B-2 District which abuts a residential district or existing residential use shall have an obscuring greenbelt. (See Section 519)

SECTION 350 MAXIMUM BUILDING HEIGHT

All buildings within a B-2 District shall not exceed more than 2 stories or 25 feet from ground level excluding water tanks, aerials, chimneys, and other appurtenances that may exceed that height.

SECTION 351 SETBACK REQUIREMENTS

All buildings in Section 341 and 342 shall meet the following setback requirements:

- A. Front - thirty (30) feet from right-of-way.
- B. Side - no setback required except those sides which are adjacent or abuts a residential district. A twenty five (25) foot setback shall be required and not used for any other purpose on the side abutting the residential district.
- C. Rear - thirty (30) feet from property line.

SECTION 352 SIGN REGULATIONS

See Sections 551 to 574

SECTION 353 PARKING REGULATIONS

See Sections 530 to 543

SECTION 354 GENERAL REQUIREMENTS

See Sections 500 to 516

SECTION 355 SIDEWALK SALES, CARNIVALS, FLEA MARKETS

Whenever sidewalk sales, carnivals or flea markets are listed as a conditionally permitted use within the Village, the following requirements shall apply:

- A. The location of the use must be drawn and provided by a site plan.
- B. The same use can operate no more than four (4) consecutive days in any calendar year on any one lot or parcel.
- C. Off-street parking must be provided or be otherwise available so as to permit the free flow of traffic on public streets.
- D. The hours of operation shall be between the hours of 9:00 a.m. to 10:00 p.m.
- E. If the use is to be operated on an unimproved site, then adequate dust control must be provided to prevent a nuisance to adjoining landowners.

SECTION 356 SEXUALLY ORIENTED BUSINESSES

Whenever Sexually Oriented Businesses are listed as a permitted use within the Village, the following definitions and requirements shall apply:

- A. As used in this section the following definitions shall apply:
 - 1. **Sexually Oriented Business** means an adult arcade, adult bookstore or adult video store, adult cabaret, adult motel, adult motion picture theater, adult theater, escort agency, nude model studio, or sexual encounter center.
 - 2. **Adult Arcade** means any place to which the public is permitted or invited wherein coin-operated or slug-operated or electronically, electrically, or mechanically controlled still or motion picture machines, projectors, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of Aspecified sexual activities@ or Aspecified anatomical areas.@
 - 3. **Adult Bookstore or Adult Video Store** means a commercial establishment which utilized twenty-five percent (25%) or more of its retail selling area for the purpose of sale or rental for any form of consideration any one or more of the following:
 - (A) Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides, or other visual representations which depict or describe Aspecified sexual activities@ or Aspecified anatomical areas,@ or
 - (B) Instruments, devises or paraphernalia which are designed for use in connection with Aspecified sexual activities.@

4. **Adult Cabaret** means a nightclub, bar, restaurant, or similar commercial establishment which regularly features:
 - (A) Persons who appear in a state of nudity; or
 - (B) Live performances which are characterized by the exposure of Aspecified anatomical areas@ or by Aspecified sexual activities;@ or
 - (C) Film, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of Aspecified sexual activities@ or specified anatomical areas.@
5. **Adult Motion Pictures Theater** means a commercial establishment where, for any form of consideration, films, motions pictures, video cassettes, slides, or similar photographic reproductions are regularly shown which are characterized by the depiction or description of Aspecified sexual activities@ or Aspecified anatomical areas.@
6. **Adult Motel** means a hotel, motel or similar commercial establishment which:
 - (A) Offers accommodations to the public for any form of consideration; provides patrons with closed circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproduction which are characterized by the depiction or description of Aspecified sexual activities@ or Aspecified anatomical areas;@ and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or
 - (B) Offers a sleeping room for rent for a period of time that is less than 10 hours; or
 - (C) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than 10 hours.
7. **Adult Theater** means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who appear in a state of nudity or live performances which are characterized by the exposure of Aspecified sexual activities@ or Aspecified anatomical areas.@
8. **Escort Agency** means a person or business association who furnishes, offers to furnish, or advertises to furnish escorts as one of its primary business purposes, for a fee, tip, or other consideration.
9. **Nude Model Studio** means any place where a person who appears in a state of nudity or displays Aspecified anatomical areas@ is provided to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by other persons who pay money or any form of consideration.
10. **Sexual Encounter Center** means a business or commercial enterprise that, as one of its primary business purposes, offers for any form of consideration:

- (A) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or
 - (B) Activities between male and female persons and/or persons of the same sex when one or more of the persons is in a state of nudity or semi-nude.
11. **Specified Anatomical Areas** means human genitals in a state of sexual arousal.
12. **Specified Sexual Activities** means and includes any of the following:
- (A) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;
 - (B) Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy;
 - (C) Masturbation, actual or simulated; or
 - (D) Excretory functions as part of or in connection with any of the activities set forth in (A) through (C)

SECTION 365 B-3 HIGHWAY SERVICE BUSINESS DISTRICT

SECTION 365.1 PURPOSE

The Highway Service Business Districts will permit uses that are primarily aimed at servicing the traveling public and providing facilities and traffic patterns that are better located outside the central retail and residential areas of the Village.

SECTION 365.2 PERMITTED USES

- 1. Hotels and Motels
- 2. Restaurants including those having the characteristics of a drive-in

SECTION 366 CONDITIONALLY PERMITTED USES

- 1. Gasoline Stations
- 2. Recreational uses shall be permitted subject to the conditions hereinafter imposed:
 - (a) Recreational uses, whether indoor or outdoor, must be incidental, subordinate and customarily carried on in addition to the permitted uses. All motorized uses are prohibited.
 - (b) Access to and from the site shall be provided by an arterial thoroughfare or by an access road connected to the arterial thoroughfare or by an access road connected to the arterial thoroughfare as sited and approved by the Village Engineer.

- (c) The provisions of Sections 368, 369, 370, 371, 372, 373, 374, 375, and 610 shall apply.

SECTION 367 GASOLINE STATIONS

Whenever gasoline stations are listed as a conditionally permitted use, the following requirement shall apply:

- A. Gasoline stations shall be limited to the sale of motor vehicle fuel and oil and car washes and the secondary purpose of retail sales of food and miscellaneous items used by the traveling public.
- B. Curb cuts for ingress and egress shall be limited to a specific number as approved by the Planning Commission and the balance of the property shall be barricaded from access to the streets.
- C. All curb cuts shall be at least one hundred (100) feet from the nearest intersection.
- D. The minimum lot area shall be twenty thousand (20,000) square feet.
- E. No inoperative motor vehicles shall be stored on the premises.
- F. The entire surface used for motor vehicle movement shall be paved with asphalt or concrete.
- G. All pump islands shall be located at least twenty-five (25) feet from the street right of way.
- H. All buildings shall have a setback of at least forty (40) feet from the front lot line and from any side lot line which abuts a public street. The building setback line which does not abut a public street and the rear lot line shall be fifteen (15) feet.
- I. All lighting shall be shielded from adjoining properties.
- J. One parking space shall be provided on the premises for each employee and one space for each two hundred (200) square feet of floor area devoted to the sale of non-automotive products. The space used for vehicle fueling shall not be used to meet these parking requirements.

SECTION 368 LIGHTING

All exterior lighting shall be shielded so as not to shine on adjoining properties.

SECTION 369 LOUD SPEAKERS

No loud speakers shall be located outside of any building nor shall they be permitted to be used inside any building in such a manner that they are designed to intended to broadcast outside of said buildings.

SECTION 370 GREENBELT REQUIREMENTS

All land within a B-3 District which abuts a residential district or existing residential use shall have an obscuring greenbelt.

SECTION 371 MAXIMUM BUILDING HEIGHT

All buildings within a B-3 District shall not exceed more than 3 stories or 38 feet from ground level excluding water tanks, aeriels, chimneys and other appurtenances that may exceed that height.

SECTION 372 SETBACK REQUIREMENTS

All buildings in Section 341 and 342 shall meet the following setback requirements:

- A. Front - 30 feet from right of way
- B. Side - 20 feet from property line
- C. Rear - 30 feet from property line

SECTION 373 SIGN REGULATIONS

See Sections 551 to 574

SECTION 374 PARKING REGULATIONS

See Sections 530 to 543

SECTION 375 GENERAL REQUIREMENTS

See Sections 500 to 516

SECTION 385 PLANNED COMMERCIAL AND OFFICE DISTRICT (PC)

1. PURPOSE: In order to promote the general public welfare, to encourage the efficient use of land and resources and to promote greater efficiency in providing public and utility services and to encourage innovation in planning and building the following regulations shall be applicable to commercial and office developments.
2. APPLICATION: This provision of the zoning ordinance shall apply to all lands within the village which are to be used for office and/or commercial purposes and for parcels greater than twenty (20) acres. The area of a district must be an integral tract. It cannot be a collection of isolated pieces of land.
3. PERMITTED USES: Within the Planned Commercial and Office District (PC) the following uses, developed in strict compliance with the approved development plan and standards shall be permitted:

- a. Commercial and Office Establishments of all types developed and maintained within an organized development of associated commercial activities in accordance with the approved development plan.
- b. Community Facilities such as libraries, offices or educational facilities operated by a public agency or government.
- c. Commercial Establishments normally associated with and intended to service the traveling public with hotels, motels, short-term residences, service stations, restaurants, and other uses of a recreational, educational, cultural or entertainment nature or character.
- d. Apartments or Dwellings which are planned to be integrated into the Commercial Development according to a development plan provided such apartments or residences do not exceed ten (10) percent of the gross area of the development.

4. PROHIBITED USES:

- a. No use not specifically authorized by the express terms of this chapter of the zoning ordinance shall be permitted.
- b. Outdoor storage of inoperable, unlicensed or unused motor vehicles are prohibited. Said vehicles if stored on the premises shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- c. No trailer of any type, no boats, no motor homes and no equipment of any type shall be parked in front of the front building line on any parcel within this district. If a dwelling is located on said lot the building line shall be considered to be the front wall of the dwelling even if said dwelling is located behind the minimum building line established by this code or the restrictions on the plat or subdivision.
- d. No trash, debris, unused property or discarded materials shall be permitted to accumulate on any lot or portion thereof which creates an eyesore, hazard or nuisance to the neighborhood or general public.

5. PROCEDURE: In addition to any other procedures set out in this ordinance all applications for amendments to the zoning map to rezoning lands to this district shall follow the procedures hereinafter set forth:

- a. Application: The owner(s) or lessee(s) of lots within the village may request that the zoning map be amended to include such tracts in the Planned Commercial District in accordance with the provisions of this ordinance.
- b. Development: Six (6) copies of the development plan shall be submitted with the application, which plan shall include in the text and map form:
 - 1. The proposed size and location of the Planned Commercial District.
 - 2. The general development character of the tract including the specific limitations or controls to be placed on commercial, office, residential and related uses, with probable lot sizes and other development features

including landscaping.

3. Architectural design criteria for all structures and criteria for proposed signs with proposed control procedures.
4. The proposed provisions for water, sanitary sewer and surface drainage with engineering feasibility studies or other evidence of reasonableness.
5. The proposed traffic patterns showing public and private road and other transportation facilities, including their relationship to existing conditions, topographically and otherwise. Any development utilizing a private road must have a minimum width of sixty (60) feet fronting on a public road.
6. The relationship of the proposed development to existing and probable uses of surrounding areas during and after the development timetable.
7. The proposed time-table or schedule for development of the site including street, transportation facilities, building, utilities and other facilities.
8. If the proposed timetable for development includes developing the land in phases, all phases to be developed after the first, which in no event shall be less than ten (10) acres or the whole tract (whichever is smaller), shall be fully described in textual form in a manner calculated to give village officials definitive guidelines for approval of future phases.

c. Criteria for Approval: In approving an application for a Planned Commercial District, the reviewing authorities shall determine:

1. If the proposed development is consistent in all respects with the purpose, intent and applicable standards of this Zoning Ordinance.
2. If the proposed development is in conformity with the zoning ordinance and/or comprehensive plan or portion thereof as it may apply.
3. If the proposed development advances the general public welfare of the village and the immediate vicinity.

d. Procedure for Rezone: The procedure outlined in Ohio Revised Code 713.12 shall be followed to consider an application for a rezone to a Planned Commercial District. Approval of the application pursuant to that section shall constitute a rezone of such land in accordance with the applicant's Development Plan.

e. Administration of the Development Plan: Administration of the Development Plan shall be performed by the Village Planning Commission in accordance with the following procedures:

Administrative Review; Minor Deviations

All plats, construction drawings and other necessary documents shall be submitted to the Village Planning Commission or their designated technical advisors for administrative review and approval before filing to insure substantial compliance with the Development Plan as approved. Minor changes in the location of buildings, structures, streets or parking areas may be approved without public

notice by the Village Planning Commission.

Major Deviations and Public Hearing

Any major deviation from the approved Development Plan shall not be considered by the Village Council until the owner of the property makes a detailed written application to the Village Council. The application shall specifically detail the changes requested and the reasons for the change. A major deviation shall include but not be limited to changes in use and/or character of the development, increases of density of more than ten (10%) percent and increases in numbers of structures. Any change in land use not otherwise permitted by this Ordinance in a Planned Commercial District shall require a rezone of the land.

Upon receipt of any application for a major deviation from the approved Development Plan the Village Council shall forward the application to the Village Planning Commission. The Commission shall make a written recommendation for the approval, modification, or denial of the application. Upon receipt of the Commission's recommendation, the Village Council shall hold a public meeting on the application. The public meeting shall be held within ten days of receipt of the Commission's recommendation. Notice of the public meeting shall be published once at least three (3) days before the date of the meeting. Within twenty days of the meeting the village Council shall either approve or disapprove the landowner's application. The applicant can amend his application at anytime prior to the Village Council's vote. Approval of the application shall require a majority vote of the Council. An applicant can submit subsequent applications for major deviations at anytime provided there is a reasonable and material amendment to the preceding application.

The Village Council shall not conduct the meetings in a quasi-judicial manner wherein the opportunity for hearings and the introduction of evidence is permitted. The decisions of the Village Council shall be final and not appealable.

- f. Plat Required: In the Planned Commercial District (PC), no use shall be established or changed and no structure shall be constructed or altered until the required subdivision plat has been prepared and recorded in accordance with Village's Subdivision Regulations.

The subdivision plat shall be in accord with the approved development plan and shall include:

1. Site arrangement, including building setback lines and space to be built upon with the site; water, fire hydrants, sewer, all underground public utility installations, including sanitary sewers, surface drainage and waste disposal facilities; easements, access points to public rights-of-way, parking areas and pedestrian ways; and land reserved for non-highway service use with indication of the natures of such use.
2. Deed restrictions, covenants, easements and encumbrances to be used to control the use, development and maintenance of the land, the improvements thereon, and the activities of occupants, including those applicable to areas within the tract to be developed for residential uses.

- g. Default: If construction of any building has not been commenced within three (3) years after approval of the initial Development Plan, approval of the plan shall expire, unless , unless an extension of the time limit has been approved by a majority of the Council.
6. DEVELOPMENT STANDARDS: In addition to any other provisions of this ordinance the following standards for arrangement and development of lands and buildings are required in the Planned Commercial District.
- a. Lot Width and Size: Any development under the standards of this Chapter shall have a minimum acreage not less than twenty (20) acres. No minimum lot width or size shall be required in this district; however, all lands shall be accessible by means of a duly dedicated public roadway or private roadway constructed in accordance with the specifications prescribed by the Village Engineer and the Village Subdivision Regulations. All parcels shall be adequate in size to provide the yard space, landscaping and off-street parking as herein required.
 - b. Setbacks:
 - 1. Side Yard. There shall be no required side yard setback between businesses which are located in the same building, but there shall be a minimum of an eight foot setback between any building and the side yard line which shall not be used for any other purpose. If the side yard abuts a residential district or existing residential use, the minimum side yard setback on that side shall be thirty feet which shall not be used for any other purpose.
 - 2. Rear Yard. Rear yard setbacks shall be a minimum of thirty feet or twenty percent (20%) of the total depth of the lot whichever is less, but in no event, less than ten feet. If a rear yard abuts a residential district or existing residential use, the minimum rear yard setback shall not be used for any other purpose and shall be maintained as green space only and planted with grass, trees, shrubs or flowers.
 - 3. Front Yard. Front yard setbacks shall be a minimum of thirty feet.
 - c. Building Heights: No building within this district shall exceed forty (40) feet in height. This height restriction may be extended by the Village Council at such time the Township Fire Chief warrants that fire apparatus is in service that provides fire safety to buildings of greater height.
 - d. Landscaping: All yards, front, rear, and side shall be landscaped. Such landscape plans shall be submitted with the Development Plan. The following provisions shall apply to the Landscape Plan:
 - 1. As used in this section “living landscape materials” includes grass, ground cover, vines, shrubs, trees, hedges, and perennial flowers.
 - 2. Non-living landscape materials shall include crushed brick, pea gravel, beach pebbles, flagstone, sand, ornamental stones, boulders, bricks, or crushed brick.

- (a) Landscaping composed of living plant materials shall be used in an area equal to at least ten percent (10%) of the minimum front yard setback area, but may be located anywhere between the road right-of-way and the principal building.
 - (b) Except to the extent that the balance of the front yard setback area is used for parking, driveways, maneuvering lanes or sidewalks as otherwise permitted or required under the Zoning Ordinance the remainder of the front yard setback area shall be landscaped with either living or non-living landscaped materials.
- 3. No bare earth shall be permitted to be exposed after the project is completed.
- 4. Common or naturally occurring weeds shall not be permitted as part of the landscape plan.
- 5. No landscape materials which are placed within ten feet of the street right-of-way shall exceed twenty-four inches in height.
- 6. All landscape materials shall be installed in a manner which is in accordance with acceptable construction planting practices.
- 7. Landscape materials approved in the site plan shall be installed within twelve months of the approval of the site plan.
- 8. The property owner shall be responsible for the continues proper maintenance of all landscape materials and shall keep them so as to present a neat and attractive appearance.
- 9. All unhealthy and dead plant material shall be replaced during the next planting season.
- e. Signs: Signs identifying uses within this district shall be constructed and placed in conformity with the provisions of Sections 550-574 of this Ordinance and shall be approved as part of the development plan.
- f. Parking: Off-street parking shall be provided at the time of construction of the main structure or building. The parking plan shall include a plan that addresses ingress and egress from the property as well as traffic control and impact on adjoining and abutting parcels as these relate to traffic safety and the reasonable movement of traffic. The standards set forth in Sections 530 to 543 of this ordinance shall be followed.
- g. Lighting: No area lighting or lighting of buildings shall be permitted which causes unreasonable illumination of adjacent property. For the purposes of this section, the following provisions shall apply:
 - (a) General Requirements - All lighting shall be controlled in such a way as to not shine up into the sky or onto any neighboring properties. Examples of ways in which this shall be accomplished are:

- (1) Use of fully shielded cut-off fixtures;
 - (2) Directing light fixtures downward rather than upward;
 - (3) Shielding the light in such a way that the light emitting portion of the fixture cannot be seen at a reasonable distance.
- h. Service/Loading Areas: When any use within this district requires the pick up or delivery of merchandise or supplies, an adequate loading area for such activity shall be provided on the lot occupied by the use. No such loading area shall be located on any public street or alley. Such loading area, as provided shall be adequate in size to accommodate tractor-trailer (semi) units with adequate room to permit entry to such loading area without interfering with traffic on adjacent streets or highways. Open service areas shall be screened or designed to effectively screen their visibility from adjoining streets or buildings.
- i. Construction and Maintenance of Improvements Within Right-of-Way: The construction and maintenance of all improvements behind the curb line or the edge of pavement including, but not limited to drainage improvements, landscaping improvements, sidewalks and/or driveway approaches shall be the responsibility of the abutting property owner.
- j. Drainage Channels: All drainage channels shall be maintained or be relocated so as to avoid flooding or damage to adjoining properties from surface waters.

SECTION 400 I-1 INDUSTRIAL DISTRICT - PURPOSE

The purpose of an area within the Village where manufacturing, assembling and processing of raw materials or parts can occur without detrimental effect upon the balance of the Village. It shall also provide an area where the transfer and storage of goods can occur.

SECTION 401 I-1 INDUSTRIAL DISTRICT - USE

The following uses shall be permitted in the I-1 Industrial District:

- A. Manufacturing and assemble of products from raw materials or component parts except as otherwise expressly prohibited.
- B. The incidental use of premises which are primarily manufacturing in nature for offices, storage or shipping in connection with the manufac turing process.
- C. Truck terminal.
- D. Warehouses.
- E. Storage and transfer facilities.
- F. Wholesale storage and distribution facilities.
- G. Accessory uses to any of the above.
- H. Parabolic/dish type antennae. (See Section 518)
- I. Sexually Oriented Business as defined by Section 356 provided:
 - 1. That the parcel of land upon which the sexually oriented business is located at a minimum of five hundred (500) feet from the nearest parcel of land containing a school, church, funeral home or residence.
 - 2. That the parcel of land upon which the sexually oriented business is located is a minimum of five hundred (500) feet from any other parcel of land containing a sexually oriented business.
 - 3. Nothing in this Section shall be deemed to amend Chapter 133, Sex Related Offenses of the Codified Ordinances or otherwise make any conduct legal which is illegal under that Chapter.
- J. Drive-thru Carryouts

SECTION 402 EXCLUDED USES

Notwithstanding any other provision of this ordinance the following uses are determined to be inconsistent with the proper use of land within this Village and shall not be permitted in any use district.

- A. Manufacture or storage of explosives including fireworks or matches.
- B. Manufactures of fertilizer.
- C. Junkyards, scrap yards or motor vehicle wrecking yards.
- D. Slaughter houses.
- E. Asphalt or tile manufacture.
- F. Brick or tile manufacture.
- G. Cement, plaster or mortar manufacture.
- H. Creosote manufacture.
- I. Fat rendering or production of animal or vegetable products by boiling or distillation.
- J. Garbage and waste disposal plants or incinerators.
- K. Petroleum refineries.
- L. Paper, pulp, cardboard and building board manufacture.
- M. Roofing material manufacture.
- N. Solid waste, hazardous waste or radioactive waste disposal facilities.
- O. Pesticide manufacture.
- P. Rubber manufacture or reclamation.
- Q. Stockyards.
- R. Tanning, curing or processing of hides or animal skins.
- S. Gas and oil wells.
- T. House trailers, industrial units and manufactured homes.
- U. Junk or unlicensed motor vehicles stored outside any building or structure.

SECTION 403 FENCING/SCREENING

Parcels within the I-1 Industrial District shall have, in addition to the required setbacks, a six (6) foot high obscuring fence along all sides of the property, except the front which abuts a residential district. This fence shall be constructed no closer to the front property line than the minimum setbacks line along the sides of property. In no instance shall any fence contain barbed wire, electric current or charge of electricity.

SECTION 404 GREENBELT REQUIREMENTS

All land within an I-1 District which abuts a Residential District, B-1 District or residential use must provide an obscuring greenbelt. (See Section 519)

SECTION 405 LIGHTING

All exterior lighting in the district shall be shielded so as not to shine onto the adjoining R-1, R-2, B-1, or B-2 Districts or properties.

SECTION 406 LOUD SPEAKERS

Loud speakers shall be permitted on the outside of buildings, but must meet the following requirements:

- A. Speakers must be maintained at a level that does not broadcast onto other properties.

SECTION 407 MINIMUM LOT SIZE

The minimum lot size within the I-1 Industrial District shall be twenty thousand (20,000) square feet.

SECTION 408 MINIMUM LOT WIDTH

The minimum lot width in an I-1 Industrial District shall be two hundred (200) feet.

SECTION 409 MAXIMUM LOT WIDTH

All buildings within an I-1 Industrial District shall not exceed more than forty (40) feet in height above ground level except for chimneys, aerials, or appurtenances.

SECTION 410 SETBACK

- A. Front - 50 feet from right of way
- B. Side - 20 feet from property line, except those sides which are adjacent to a residential district. A 30 foot setback shall be required and not used for any other purpose on the side abutting the residential district.
- C. Rear - 50 feet from property line.

SECTION 411 OUTDOOR STORAGE

Raw materials, finished products, work in process, machinery or equipment may not be stored

outside of an enclosed structure except in the side or rear yards. No storage shall be allowed on the areas required by Section 410 as rear and side yard setback area. Any such materials must be hidden by an appropriate obscuring fence so that they are not visible from adjacent properties or the public street upon which the building is located. The area of outside storage shall not exceed 25% of the building area.

SECTION 412 SIGN REGULATION

See Sections 551 to 574

SECTION 413 PARKING REGULATIONS

See Sections 530 to 543

SECTION 414 GENERAL REGULATIONS

See Sections 500 to 516

SECTION 415 NEW AND USED MOTOR VEHICLE SALES

The sale of new and used motor vehicles shall be permitted subject to the following requirements:

- a. Curb cuts for ingress and egress shall be limited to a specific number as approved by the Planning Commission and the balance of the property shall be barricaded from access to the streets.
- b. All curb cuts shall be at least one hundred (100) feet from the nearest intersection.
- c. The minimum lot area for outdoor sales shall be two thousand (2,000) square feet. The maximum number of motor vehicles to be displayed outside shall be 15.
- d. No inoperative motor vehicles shall be stored on the premises.
- e. The entire surface used for motor vehicles movement shall be paved with asphalt or concrete.
- f. All buildings shall have a setback of at least forty (40) feet from the front lot line and from any side lot line which abuts a public street. The building setback line which does not abut a public street and the rear lot line shall be fifteen (15) feet.
- g. All lighting shall be shielded from adjoining properties and from passing motorists.
- h. One parking space shall be provided on the premises for each employee and one space for each six hundred (600) square feet of floor area devoted to the sale of motor vehicles.

SECTION 420 U-1 UTILITY DISTRICT

The purpose of a Utility District is to allow the location of certain utility structures to occur without detrimental effect upon the balance of the various zoning districts within the Village and particularly located away from residential districts, existing residences or where the likelihood of residential and business development is minimal and the location is otherwise remote or accessible only by private road or easement.

Within the U-1 Utility District the following uses may be conditionally permitted:

1. A wireless telecommunication facility consisting of some or all of the following: a tower, an equipment building, antenna, and other related telecommunication equipment subject to the following conditions:
 - a. A site plan according to scale shall be provided showing the design and painted color of the tower and its location of the property.
 - b. The facility shall be unattended on a daily basis and be visited only for necessary maintenance or repairs.
 - c. No tower shall be constructed with lights and be painted red/white or in other bright colors except when specifically required by a Federal law or regulation. When lights are required, white or strobe lights shall not be used unless specifically required by Federal law or regulation.
 - d. The tower shall be sited and be of a design and color(s) that would incorporate the characteristics of the immediate surrounding area so as to provide a natural blending of the tower into its surrounding environment and be aesthetically harmonious with it. No advertising shall be permitted on the tower.
 - e. The tower shall be constructed so as to allow for the co-location of at least two (2) additional antennas unless the applicant can demonstrate this requirement is not technically or reasonably feasible.
 - f. The maximum height of the tower including antenna shall be two hundred (200) feet. Towers over two hundred (200) feet may be permitted if applicant can show additional height is necessary to provide personal wireless services within the Village of Bellville and the additional height is no greater than necessary to meet the minimal technical needs of the applicant. The maximum size of the equipment building shall be four hundred (400) square feet.
 - g. Wireless telecommunication facilities shall be the sole use of the property.
 - h. The minimum setback line between the base of the tower and all adjacent properties shall be the height of the tower except if the property abuts a public right-of-way, then the setback line shall be either thirty (30) feet from the edge of the public right-of-way or the distance of the height of the tower measured from the base of the tower to the nearest edge of the traveled portion of the right-of-way, whichever is greater.
 - i. The site shall be a minimum of five-hundred (500) feet from the nearest dwelling. The site shall not abut
 - j. The applicant shall demonstrate that the need for the proposed tower cannot be

accommodated by co-locating antenna on an existing tower.

- k. If the tower is abandoned, it shall be removed within ninety (90) days of its last date of operation.

SECTION 500 GENERAL CONDITIONS APPLICABLE TO ALL DISTRICTS

The following conditions shall be applicable to all land, buildings and structures within the Village of Bellville, Ohio.

SECTION 501 LOT WIDTH REQUIREMENTS

All buildings except accessory buildings shall be situated on a parcel of property which meets the minimum width requirements at the minimum building setback line imposed within the zoning district wherein the property is located.

SECTION 502 FRONTAGE OF PUBLIC STREET

No structure shall be constructed which does not meet the minimum frontage requirements of Section 501 along a duly dedicated and accepted public street within this Village.

SECTION 503 CORNER LOTS

Property situated at the intersection of two public streets shall meet the minimum setback requirements as required in that district along both such streets.

SECTION 504 ONE PRINCIPAL BUILDING

In residential districts no more than a single one or two family dwelling unit shall be allowed on any single parcel of land as carried on the county auditor's tax duplicate on the date of the application for a zoning permit. This provision shall not apply to accessory buildings.

SECTION 505 CALCULATION OF OPEN SPACE

All land that is used for setback requirements shall be and remain under ownership of the owner of the building or structure for which the setbacks are established and may not be sold to any adjoining property owner to the extent that such sale would reduce the land below the minimum setback or area required by this ordinance. No land may be used to satisfy the setback or area requirements of more than one building except an accessory building.

SECTION 506 DRAINAGE CHANNELS

The Zoning Inspector and the Planning Commission shall have the authority to require as a condition of the granting of any zoning permit or conditional zoning permit that existing drainage channels be maintained or relocated so as to avoid flooding or damage to adjoining properties from surface water.

SECTION 507 WATER AND SEWER CONNECTIONS

Issuance of a zoning permit, conditional zoning permit or the approval of a site plan shall not be deemed a guarantee that municipal water or sewer service will be available to the property. All connections to water and sewer systems shall be in accordance with the Ordinances and rules of this Village.

SECTION 508 TEMPORARY BUILDINGS

Temporary buildings for uses incidental to constructions shall be allowed upon the construction site without a zoning permit for a period not to exceed one (1) year. Such use for a period of longer than one (1) year must be approved by the Planning Commission on such terms as it deems to be in the public interest.

SECTION 509 ACCESSORY BUILDINGS

Accessory buildings as defined in this Ordinance shall be permitted in all districts provided that their use is incidental, subordinate and customary to the primary use of the property upon which they are located.

- A. An accessory building which is physically attached to the principal building shall be deemed a part thereof for all purposes;
- B. No accessory building shall be located in any front yard;
- C. Accessory buildings shall be located at least six (6) feet from the side property lines and at least six (6) feet from the rear property lines;
- D. No accessory building shall exceed one (1) story in height from the ground level up;
- E. No accessory building shall be used for human habitation;
- F. Accessory buildings shall not occupy more than fifty per cent (50%) of the total lot area minus that occupied by the principal building and all required setbacks.
- G. Accessory buildings located on a corner or double frontage lot shall not be permitted to project beyond the minimum front yard depth facing the adjacent streets.

SECTION 510 HOME SALE

A home sale is a sale of personal property to the general public conducted on any portion of the residence property within a residential zoning district, to include but not limited to garage sales, patio sales, yard sales, carport sales, basement sales, porch sales, driveway sales, rummage sales. All home sales must meet the following requirements:

- A. Home sales shall not be conducted on the same residential property more than twice in a twelve (12) month period.
- B. No home sale shall be commenced earlier than nine (9:00) A.M., nor shall such sale last later than sundown.
- C. No home sale shall last more than three (3) consecutive days.

- D. No home sales shall offer new or used merchandise for sale that has been purchased by the resident for purpose of such resale at such home sale.

SECTION 511 FIREWOOD, WOODPILES, SCRAP WOOD, ETC.

In all districts firewood, woodpiles, or similar materials must be stored and reasonably stacked on side or rear yards only. Such material must have a minimum setback from property line of six (6) feet and be no more than five (5) feet in height and cover no more than a total of 200 square feet and have a total of no more than 15 linear feet.

SECTION 512 PUBLIC AND PRIVATE ACCESS REQUIREMENTS

Every dwelling shall be located on a lot having access to a public or private street. Public streets shall be designed in accordance with the minimum improvement standards with the Village of Bellville Subdivision Regulations. All multiple family developments designed to be serviced by private drives and streets shall be approved and shall further meet the minimum improvement standards established for private streets by the Village Engineer or the Village Street Superintendent.

SECTION 513 CORNER CLEARANCE

No fence, wall, greenbelt, planting strip, or any other obstruction to vision above a height of two (2) feet from the established street grade shall be permitted within the triangular area at the intersection of any street right-of-way lines formed by a straight line drawn between said right-of-way lines at a distance along each line of twenty-five (25) feet measured from their point of intersection.

SECTION 514 ACCESSWAYS

For the purpose of this Ordinance, any walk, terrace or other pavement surfacing providing access to side, rear or front yards and/or accessory structures, and not more than ten (10) inches above the ground level shall not be considered a structure and shall be permitted in any required yard.

SECTION 515 SWIMMING POOL FENCES AND SETBACKS

All swimming pools shall be surrounded on all sides by a minimum of a six (6) foot fence with a gate for access. All swimming pools including both in-ground and above-ground shall comply with the same setback requirements as accessory buildings applicable in the district in which it is located.

SECTION 516 TRAILERS USED FOR STORAGE

No trailer whether operable or not shall be used for the storage of goods in any use district. A trailer may be used as a temporary construction office or toolshed during the construction or remodeling of any structure.

SECTION 517 HOUSE TRAILER AS TEMPORARY DWELLING

In the event of the accidental destruction or damage to any dwelling unit within this Village, the owner thereof may for a period of time, not to exceed one year, reside in a house trailer upon the premises while the dwelling unit is being rebuilt.

SECTION 518 PARABOLIC/DISH TYPE ANTENNAE

Parabolic/dish type antennae are allowed in all districts subject to the following requirements and shall be considered a conditionally permitted use. The objective of this regulation is to preserve the residential and building character of the community and to prevent the congestion of properties so as to hinder fire safety in recognition of the facts that the majority of the Village's homes and buildings are located on narrow or small lots and are of a character and type of an earlier period in the community's history and that such antennae are of such size and construction so as to conflict with this objective.

- A. Maximum number per lot:
 - 1. Residential lot: One (1)
 - 2. Business or Industrial lot: Two (2)
- B. Maximum diameter: Twelve (12) feet
- C. Minimum setback from all property lines of lot: Ten (10) feet except corner lots shall comply with Section 503.
- D. No antenna may be located in a front or side yard.
- E. All antennae shall be no higher above ground level than one-half (2) the diameter of the antenna unless it is determined that a higher mounting is necessary in order to obtain proper reception, then such height shall not exceed that required to receive proper reception. In order to obtain proper reception, roof-mounted antennae shall only be permitted if the roof-mounted antenna does not exceed the antenna height necessary to obtain proper reception and it does not conflict with the objective of these regulations. Any height exception shall be documented by the installer/manufacturer of the antennae.
- F. If it is determined that any of the restrictions of Paragraphs B to F prevent normal reception of the antennae, then the restrictions may be modified so as to permit reception provided there is not substantial detriment to the objectives of this regulation.

SECTION 519 OBSCURING GREENBELT

Whenever a greenbelt is required by this Ordinance, it shall be subject to the following conditions:

- A. It shall be planted within three (3) months from the date of the issuance of a zoning certificate.
- B. It shall be constructed with permanent evergreen plant material and shall have a minimum

height of four (4) feet at the time of planting.

- C. It shall have a setback of six (6) feet from each adjoining property line where required and have a minimum width of four (4) feet.
- D. All greenbelts shall be reasonably maintained. Any maintenance or replacement of a greenbelt or part thereof deemed necessary by the Zoning Inspector must be completed within thirty (30) days from the time the notice is delivered by the Zoning Inspector.

SECTION 520 VARIANCES

The Village Planning Commission is hereby authorized to grant variances from any of the provisions of Section 519 if it determines from the evidence presented that the literal application of these provisions will cause undue hardship or practical difficulties. The Planning Commission shall in granting a variance from the requirements of this Ordinance consider the following factors:

- A. The extent to which the greenbelt will interfere with ingress or egress including sight distance to the applicant's property or any adjacent property.
- B. The extent to which the greenbelt will interfere with public utility easements or existing structures or buildings.
- C. The extent to which the variance will have an adverse effect upon property values in the area.
- D. The extent to which the variance will detract from the appearance of the area.

SECTION 521 FENCE/SCREEN REQUIREMENTS

Whenever a fence/screen is required by this Ordinance it shall be subject to the following general conditions unless other specific requirements are otherwise provided:

- A. Fences shall be constructed of materials that are durable, weather, and rust resistant. In no instance shall any fence contain barbed wire, electric current or charge of electricity.
- B. Fences shall remain durable and reasonably maintained. Any maintenance or replacement of fence deemed necessary by the Zoning Inspector must be completed within thirty (30) days from the date notice is delivered by the Zoning Inspector.
- C. A minimum setback requirement of two (2) feet is required for all Fencing.

SECTION 522 VARIANCES

The Village Planning Commission is hereby authorized to grant variances from any of the provisions of Section 521 if it determines from the evidence presented that the literal application of these provisions will cause undue hardship or practical difficulties. The Planning Commission shall in granting a variance from the requirements of this Ordinance consider the following factors:

- A. The extent to which the fence will interfere with ingress or egress including sight distance to the applicant's property or any adjacent property.
- B. The extent to which the fence will interfere with public utility easements or existing structures or buildings.
- C. The extent to which the variance will have an adverse effect upon property values in the area.
- D. The extent to which the variance will detract from the appearance of the area.

SECTION 530 PARKING REQUIREMENTS-PURPOSE

Regardless of the zoning of the district the use of the property shall determine the number of parking spaces required by this Ordinance. It is the purpose of these provisions to require a landowner to provide sufficient parking space on the owner's property for the maximum number of vehicles which may be present at any one time; to provide for a system of safe ingress and egress and to minimize the number of cars that are parked upon public streets.

SECTION 531 PERMITS CONDITIONED ON ADEQUATE PARKING

No zoning permit or conditional zoning permit shall be issued for any commercial, industrial or residential land use which does not comply with the off- street parking and maneuvering lane requirements of this Ordinance.

SECTION 532 USE OF PARKING SPACES

All off-street parking spaces shall be used only for the temporary parking of motor vehicles. Except in residential districts no long term storage or repair work, except in the case of an emergency shall be performed in any off- street parking area.

SECTION 533 FRONT YARD PARKING

In business districts, no required off-street parking area shall be located within four (4) feet of the street right-of-way line.

SECTION 534 CONVERSION OF PARKING AREA

No area designated for off-street parking may be sold, the lease thereon permitted to be cancelled nor converted to another use if in so doing the minimum number of parking spaces required by this Ordinance are not retained.

SECTION 535 SURFACE OF PARKING AREA

All off-street parking areas and all driveways, except driveways for one or two family dwelling units, shall be Portland cement concrete or asphaltic concrete and well drained. Any off street

parking area that is excavated shall be resurfaced by Portland cement concrete or asphaltic concrete within thirty (30) days after completion of construction or as the weather may reasonably permit.

SECTION 536 SIZE OF PARKING SPACES

All off-street parking spaces required by this Ordinance shall be laid out and maintained as follows:

<u>Parking Angle</u>	<u>Parking</u>	<u>Space</u>	<u>Maneuvering</u>	<u>at Base Line</u>	<u>Width</u>
<u>Length</u>	<u>Lane Width</u>				
45 degrees		8'4"	20'		12'
60 degrees		8'6"	20'		15'
90 degrees		9'	20'		20'

SECTION 537 MINIMUM REQUIRED PARKING SPACES

The following shall be the minimum number of spaces required:

A. Residential Uses

1. One or two family dwelling units, two per dwelling unit which may include parking space in the garage.
2. Multiple family dwelling units, two per dwelling unit plus one for each full-time employee which may include parking spaces in garages.

B. Commercial uses

1. Retail stores and shopping centers - three (3) spaces for each 100 square feet of floor area open to the public.
2. Banks, savings and loans or credit unions - one (1) for each employee and one (1) for each 100 square feet of floor area open to the public.
3. Office use - one (1) for each employee and one (1) for each 200 square feet of usable floor space.
4. Restaurants, taverns, nightclubs - one (1) space for each employee and one (1) space for each three (3) customer seats.
5. Funeral homes - one (1) space for each fifty (50) square feet of area used for displaying bodies.
6. Schools
 - a. Elementary and junior high - two (2) for each classroom and one (1) for every eight (8) seats in the room with the largest seating capacity.
 - b. High school - one (1) for each employee and one (1) for every ten (10)

students.

- c. Business or trade schools - one (1) for each employee and one (1) for every two (2) students.
7. Hotels or motels - one (1) space for each employee, and five (5) for every four (4) guest rooms.
8. Rest, nursing or convalescent homes - one (1) space for each employee and one (1) space for every four (4) patients or residents.
9. Indoor recreation - one (1) space for each employee and one (1) space for each 200 square feet of area open to the public.
10. Outdoor recreation except golf courses - one (1) space for each employee and one (1) for each 300 square feet open to the public.
11. Bowling alley - one (1) space for each employee and four (4) spaces for each alley or lane.
12. Private club or lodge - one (1) space for each employee and one (1) space for every three (3) seats.
13. Churches - one (1) space for every three (3) seats in the largest room.
14. Rooming, boarding, fraternity or sorority houses - one (1) space for each two (2) residents and one (1) space for each available room.
15. Golf courses - one (1) space for each employee and two (2) for every green.
16. Service repair garages - one (1) space for each employee on the largest shift, one (1) space for each service bay area, one (1) space for each business vehicle.

C. Industrial Uses

1. One (1) space for each employee on the largest shift.

SECTION 538 LOCATION OF PARKING SPACES

All parking shall be located on a lot owned or leased by the applicant and the Planning Commission may require proof of the applicant's right to use any non-owned property.

SECTION 539 JOINT PARKING AREAS

No parking area may be used to meet the requirements of this Ordinance for two or more land uses unless the area is adequate to satisfy the requirements of this Ordinance for all such uses simultaneously.

SECTION 540 USE OF SETBACK AREAS FOR PARKING

Unless otherwise specified in this Ordinance all setback areas may be used for parking.

SECTION 541 VARIANCE FROM PARKING REQUIREMENT

Where because of unusual circumstances with respect to the land use or unusual topographical features the number or size of parking spaces required by this Ordinance are in excess of those that are likely to be actually needed, the Planning Commission shall have the authority to reduce the requirements of Section 536 and Section 537 of this Ordinance.

SECTION 542 ACCESS TO PARKING SPACES

Access to all off-street parking spaces shall be by means of a maneuvering lane. Except for one (1) and (2) two family residential driveways on local streets, no parking space shall be arranged so as to require backing directly onto a public street.

SECTION 543 USES NOT SPECIFIED

Whenever this Ordinance fails to provide the parking space requirements for a specific use, the Planning Commission is authorized to designate the appropriate number of parking spaces and shall make the compliance with its order a condition of the site plan approval. In reaching its decision, the Planning Commission shall consider the following factors:

- A. The maximum number of employees, customers and other persons who will be on the premises at any one time.
- B. The length of time each person will be present.
- C. The likelihood that persons will arrive by motor vehicle.
- D. The number of spaces required by Section 537 of this Ordinance for uses comparable to the proposed use.

SECTION 550 SIGN REGULATION-PURPOSE

It is determined that the use of land for the location of signs is a significant use of land with this Village. In order to promote the aesthetics of this Village and to reduce the hazards to motorists and pedestrians from the distractions caused by signs, these regulations are enacted as the minimum necessary to protect the public safety and welfare.

SECTION 551 SIGN REGULATION-EXCEPTIONS

The following signs shall be permitted in all districts within this Village and no sign permit shall be required for them:

- A. Traffic control or other regulatory or identification signs erected by the Federal, State, County, Township or Village governmental authorities.

- B. One sign per parcel advertising the sale, rental or lease of real estate provided such signs are located on the premises that are the subject of the sale, rental or lease, unlighted and no larger than four (4) square feet.
- C. Political signs provided they are removed no later than ten (10) days after the election at which the candidate or issue appears on the ballot.
- D. In residential districts, garage, basement, porch or other casual sale signs provided no more than two (2) such sales are held per twelve (12) month period and the signs are present for no more than three (3) days each time.
- E. Signs erected for the convenience of the public showing the location of telephones, bus stops and other public conveniences.
- F. Real estate open house or directional signs provided they are displayed for no more than three (3) days a week for any property.
- G. Construction project identification signs denoting the owner or developer, the architect, engineer or contractor and information concerning the project located on the premises where the construction is taking place and no larger than forty (40) square feet.
- H. Temporary banners or signs announcing educational, religious or public events no larger than twenty (20) square feet and located on the premises where the event is to occur.

SECTION 552 SIGN PERMIT REQUIRED

With the exception of those signs listed in Section 551, and those excluded under Section 568, no person, firm or corporation shall erect, enlarge or structurally alter any sign within this Village without first obtaining a permit from the Village Zoning Inspector. No permit shall be required for the change in an existing sign which does not increase its size or change its structural nature. Whenever the size of a sign is regulated or the fee for a sign permit is based upon the size of the sign, such measurement shall be based upon total display area.

SECTION 553 SIGN PERMIT FORM

The Zoning Inspector shall provide application forms for a sign permit which, when approved by him/her, shall become the sign permit. The application shall contain the following information:

- A. Name and address of the owner of the property where the sign is to be erected.
- B. Name and address of the sign erector.
- C. Description of the sign including materials used in its construction, size, location of proposed erection.
- D. A diagram of the proposed sign and its location on the property.
- E. Such application shall be accompanied by fees according to the schedule in Section 807.

SECTION 554 SIGNS PERMITTED IN RESIDENTIAL DISTRICTS

Commercial signs are hereby determined to be a non-residential use of land and no commercial signs except as expressly hereinafter permitted in this Section shall be allowed in the R-1, R-2 Residential Districts within this Village.

- A. No signs permitted in an R-1 District for any reason except signs of no more than 2 square feet identifying the resident's name or house number.
- B. Signs identifying a group home or apartment building in R-2 District and of no more than 8 square feet.
- C. Signs identifying a complex or subdivision which does not exceed more than ten (10) square feet.
- D. Signs for home occupations shall not be permitted.

SECTION 555 SIGNS PERMITTED IN BUSINESS AND INDUSTRIAL DISTRICTS

In the business and industrial districts the following signs are permitted:

- A. On premises activities signs as hereinafter regulated.
- B. Off premises activities signs subject to the following:

The minimum lot width for the location of any off-premises sign shall be two hundred feet. In addition no sign shall be located within one thousand feet of any existing off-premises sign nor within two hundred-fifty feet of any street right-of-way intersection. Each off-premises sign shall not exceed six hundred square feet of total display area.

SECTION 556 SIZE LIMITATIONS OF SIGNS

In any business or industrial district, each establishment shall be allowed the following signs for advertising on premises activities:

- A. One wall sign with a maximum area of forty square feet for each 1,000 square feet of floor area open to the public, but in no event larger than 300 square feet.
- B. In lieu of one wall sign stated in subsection (A) hereof, one projecting sign with a maximum area of twenty square feet per side for each 1,000 square feet of area open to the public but in no event larger than 150 square feet per side.
- C. One pole or pylon sign with a maximum area of 150 square feet per side.
- D. Accessory signs such as those denoting brand names of articles sold or credit cards accepted not to exceed twenty square feet per business.

SECTION 557 POLE OR PYLON SIGNS

- A. Heights - No pylon sign shall be higher than thirty feet from the ground. In any B-1, B-2 or Industrial District, no pole sign shall be higher than thirty feet from the ground. In any B-3 district, no pole sign shall be higher than 100 feet from the ground.
- B. Location - No pole or pylon sign shall be located closer than twenty feet of any adjoining property line or closer than ten feet from the public right-of-way except in any B-3 district, signs higher than thirty feet shall be located no closer than thirty feet from the public right-of-way.

SECTION 559 LIGHTING

All signs that are lighted shall have the lighting arranged in such a manner as to minimize its effects upon neighboring properties or adjacent streets, and shall not be designed or located to cause confusion with traffic control lights. All lighting shall be of constant intensity and no flashing, intermittent, rotating or moving lights shall be allowed.

SECTION 560 SIGN ERECTORS

No person, partnership or corporation shall erect, enlarge or structurally alter any sign within this Village:

- A. Which contains any electric connection; or
- B. Which, when completed, is twelve (12) or more feet off the ground; or
- C. Which is larger than eight (8) square feet; unless said person, partnership or corporation is the holder of a current sign erector's license issued under this Ordinance.

An application for said license shall be filed with the Village Zoning Inspector and shall contain the following information:

- A. Name and address of the sign erector;
- B. Description of the types of signs the sign erector plans to erect;
- C. Evidence that the sign erector has in effect general liability insurance providing coverage for wrongful death and bodily injury in an amount of at least \$500,000 per person and \$1,000,000 per incident;
- D. Payment of a fee of five dollars (\$5.00). Upon a determination by the Zoning Inspector that the sign erector has met the requirements of this section he shall issue a sign erector's license which shall be valid for a period of one year from its date of issue.

SECTION 561 PUBLIC RIGHT-OF-WAY

NO SIGNS except those erected by a governmental agency shall be permitted upon the public right-of-way and any sign so located shall be deemed a public nuisance subject to immediate removal.

SECTION 562 COMPLIANCE WITH STATE LAW

All signs erected in this Village in addition to complying with the provisions of this Ordinance shall comply where applicable with Chapter 5516, Revised Code of Ohio, and the regulations thereunder.

SECTION 563 TEMPORARY SIGNS

Temporary signs not exceeding eighteen (18) square feet in area shall be allowed in all business and industrial areas in addition to all other signs permitted by this Ordinance. A sign permit shall be required for each temporary sign. The applicant shall indicate upon the application the number of months the sign will be displayed before the sign permit is issued. In no case may a temporary sign be displayed for more than six (6) months in any twelve (12) month period. No fee for a temporary sign is required. (See Section 561)

SECTION 564 VARIANCES

The Village Planning Commission is hereby authorized to grant variances from any of the provisions of Section 550 to Section 573 if it determines from the evidence presented that the literal application of these provisions will cause undue hardship or practical difficulties. The Planning Commission shall in granting a variance from the requirements of this Ordinance consider the following factors:

- A. The extent to which the variance will impair vehicular or pedestrian traffic by distracting attention from traffic control signals.
- B. The extent to which any variance will interfere with ingress or egress including sight distance to the applicant's property or any adjacent property.
- C. The extent of which any variance will interfere with public utility poles, wires or other facilities or traffic control devices.
- D. The extent to which the variance will have an adverse effect upon property values in the area.
- E. The extent to which the variance will detract from the appearance of the area.

SECTION 565 VARIANCE PROCEDURE

Whenever the Zoning Inspector is unable to issue a sign permit because the proposed sign does not comply with the provisions of this Ordinance, he shall advise the applicant of his/her right to appeal to Planning Commission for a variance. Such appeal shall be in writing accompanied by a fee of \$25.00 and the hearing thereon shall be conducted in accordance with the provisions of Section 604 C., D. and E. of this Ordinance.

SECTION 566 SIGNS-PROHIBITED LOCATIONS

No sign shall be allowed to overhang a public street nor be located within six (6) feet horizontally or twelve (12) feet vertically of any electrical lines or appurtenances.

SECTION 567 REMOVAL OF UNSAFE SIGNS

If the Zoning Inspector finds that any sign within this Village presents a risk of harm to persons or property, he shall immediately give written notice to the landowner where the sign is located. Unless the unsafe condition is remedied within seven (7) days, the Zoning Inspector shall cause the sign to be removed.

In the event of a clear and present danger that the sign will fall or otherwise injure a pedestrian or motorist, the Zoning Inspector may cause the sign to be removed without prior notice.

SECTION 568 SIGNS EXCEPTED FROM REGULATION

In addition to the signs excluded from regulation by Section 551 this Ordinance is not intended to apply to signs advocating political, religious or philosophical points of view which are located on private property. No permit shall be required for such signs nor shall the other restrictions of this Ordinance be

SECTION 569 SHOPPING CENTER SIGNS

Notwithstanding the provisions of Section 555, in lieu of the single pole or pylon sign permitted for each business, a single pole or pylon sign for a shopping center shall be allowed on each public street which the shopping center abuts. No other pole or pylon signs shall be allowed in the shopping center.

SECTION 570 STRUCTURE

All signs shall be constructed in accordance with the Ohio Basic Building Code and applicable electrical regulation and shall be subject to building and electrical inspection by Richland County.

SECTION 571 ABANDONED SIGNS

Any business which ceases to operate shall remove all signs, poles and other sign supporting structures from the premises. Upon failure to do so, the Zoning Inspector shall give notice to the owner of the property to remove said sign. Unless the sign is removed within ten (10) days thereafter, the Village may remove the sign at the landowner's expense.

SECTION 572 SIGN INSTALLATION

All signs shall be installed in accordance with the applicable provisions of the Ohio Basic Building Code. In the event that a sign is more than fifteen (15) feet tall, the Zoning Inspector shall request that the Village Engineer review the construction plans in order to be certain that the sign will not be a hazard to the public. The actual charges paid by the Village for the engineer's review shall be added to the cost of the sign permit.

SECTION 573 MAINTENANCE AND INSPECTION

Every sign shall be subject to periodic inspection by the Zoning Inspector. All supports, braces, guys and anchors shall be kept in good repair and shall be painted or otherwise treated to resist corrosion. Any repairs deemed necessary by the Zoning Inspector must be completed within a thirty (30) day period from date of written notification.

SECTION 574 DEFINITIONS

For the purpose of Sections 550 to 573 only, the following definitions shall apply:

- A. COMMERCIAL SIGN: A sign used to promote the sale of product or service.
- B. OFF PREMISES ACTIVITIES SIGN: A sign denoting the name of a business, its products, services, logo, slogans or other information relating to goods or services which are not sold on the premises where the sign is located.
- C. ON PREMISES ACTIVITIES SIGN: A sign denoting the name of a business or its products, services, logo, slogans or other information relating to goods or services sold on the premises where the sign is located.
- D. POLE SIGN: A sign wholly supported by a structure placed on or into the ground.
- E. PROJECTING SIGN: A sign which is affixed to a wall or other structure in such a manner as to form a 90° angle therewith.
- F. PYLON SIGN: A sign with an enclosed base which appears to be an integral part of the sign.
- G. SHOPPING CENTER: A group of contiguous retail stores originally planned and developed as a single unit with common off-street parking facilities.
- H. SIGN: Any object which is used to display words, letters, pictures, or symbols with the intent to convey a message or attract attention.
- I. TEMPORARY SIGNS: A sign which is not permanently affixed to the ground or a building and is capable of being moved with a minimum of effort.
- J. WALL SIGN: A sign attached to or erected against or applied directly upon a wall of a building or other structure and may be an integral part of the wall with the exposed face of the sign in a place parallel to the place of the wall.

SECTION 580 NON-CONFORMING USES-INCOMPATIBILITY

INTENT: Within the districts established by this Ordinance or amendments that may later be adopted, there exist lots, uses of land, structures, and uses of structures and land in combination which were lawful before this Ordinance was passed or its present amendments adopted, but which would be prohibited, regulated or restricted under the terms of this Ordinance or amendments. It is the intent of this Ordinance to permit these non-conformities to continue until they are removed, but not to encourage their survival. Non-conformities are declared by this

Ordinance to be incompatible with permitted uses in the districts in which such use is located. A non-conforming use of land, or a non-conforming use of a structure and land in combination shall not be extended or enlarged more than ten percent (10%). However, a non-conforming use which is consistent with the current zoning may be substituted for an existing use. Nothing in this Ordinance shall be deemed to require a change in the plans, constructions, or designated use of any building on which actual construction was lawfully begun prior to the effective date of adoption of amendment of this Ordinance and upon which actual building construction has been carried on diligently. Actual construction is hereby defined to include the placing of construction materials in permanent position and fastened in a permanent manner. Where demolition or removal of an existing building has been substantially begun preparatory to rebuilding, such demolition or removal shall be deemed to be actual construction, providing that work shall be carried out diligently.

SECTION 581 SINGLE NON-CONFORMING LOTS OF RECORD

In any district in which single family dwellings are permitted, a single family dwelling and customary accessory buildings may be erected on a single lot of record at the effective date of adoption or amendment of this Ordinance. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable within the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements of this Ordinance other than lot area or lot width shall be obtained only through action of the Planning Commission as provided in Section 603. No portion of any lot shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance.

SECTION 582 NON-CONFORMING USES OF LAND

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

- A. No such non-conforming uses shall be enlarged or increased, nor extended, to occupy more than ten percent (10%) more of the area of land than was occupied at the effective date of the adoption or amendment of this Ordinance;
- B. No such non-conforming uses shall be moved in whole or in part to any portion of the lot or parcel other than that occupied by such uses at the effective date of the adoption or amendment of this Ordinance;
- C. If any non-conforming uses of land are discontinued or abandoned for more than six (6) months, any subsequent use of such land shall conform to the regulations specified by this Ordinance for the district in which such land is located;
- D. No additional structure not conforming to the requirements of this Ordinance shall be erected in connection with such non-conforming use of land.

SECTION 583 NON-CONFORMING STRUCTURES

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

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged or extended more than ten percent (10%), moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- B. Should such non-conforming structure or non-conforming portion of a structure be destroyed, it may not be reconstructed.
- C. Should any structure be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the district in which it is located after it is moved.

SECTION 584 NON-CONFORMING USES OF STRUCTURES AND LAND IN COMBINATION

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

- A. No existing structure devoted to a use not permitted by this Ordinance in the district in which it is located shall be enlarged or extended by more than ten percent (10%) moved or structurally altered except in changing the use of the structure to a use permitted in the district in which it is located;
- B. Any non-conforming use may be extended throughout any parts of a building which were manifestly arranged or designed for such a use at the time of adoption or amendment of this Ordinance, but no such use shall be extended to occupy any land outside such building;
- C. Any structure, or structure and land in combination, in or on which a non-conforming use is superseded by a permitted use for a period of two years, shall thereafter conform to the regulations for the district, and the non-conforming use may not thereafter be resumed;
- D. When a non-conforming use of structure, or structure and land in combination, is discontinued or abandoned for more than six (6) months, the structure or structure and land combination shall not thereafter be used except in conformity with the regulations of the district in which it is located;
- E. Where non-conforming use status applies to a structure and land in combination, removal or destruction of the structure shall eliminate the non-conforming status of the land.

SECTION 585 REPAIRS AND MAINTENANCE

On any non-conforming structure or portion of a structure containing a non-conforming use,

work may be done on ordinary repairs, or on repair or replacement of walls, fixtures, wiring, or plumbing, provided that the cubic content existing when it became non-conforming shall not be increased except as hereabove provided. Nothing in this section shall be deemed to prevent the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.

SECTION 586 SINGLE DWELLING UNIT EXCEPTION

Notwithstanding the provisions of Section 580 to Section 585 inclusive of this Ordinance, any one or two family dwelling unit located in any use district in this Village may be expanded or enlarged so long as its use is not changed from that of a one or two family dwelling unit. Such expansion or enlargement shall be subject to the minimum setback requirements of Section 210 of this Ordinance.

SECTION 587 ACCESSORY USE EXCEPTION

Notwithstanding the provisions of Section 580 to Section 585 inclusive of this Ordinance, the owner or occupant of any one or two family dwelling unit located in any use district may engage in any accessory use or construct any accessory building that would be permitted in the R-1, Residential District, in accordance with the provisions of Section 201.

VILLAGE PLANNING COMMISSION

SECTION 600 VILLAGE PLANNING COMMISSION - CREATION, APPOINTMENTS AND VACANCIES

There is hereby created a Village Planning Commission composed of the Mayor of this Village, one (1) member of Village Council appointed by Council for his/her term of office on Council and three (3) residents of the Village appointed by the Mayor for six (6) year overlapping terms.

- A. In the event of the death of the Council member of the Commission, his or her resignation from this Commission, or resignation from Council, Village Council shall appoint another of its members to serve the remainder of the unexpired term.
- B. In the event of the death or resignation of a citizen member of this Commission, the Mayor shall appoint some other resident of this Village for the remainder of the unexpired term.
- C. The unexcused absence of any member of this Commission from three (3) consecutive monthly meetings or the establishing of a permanent residence outside of this Village shall be deemed a resignation.

SECTION 601 ORGANIZATION AND FUNCTIONS

The Planning Commission shall:

- A. Elect a chairman, vice-chairman and secretary from among its members to serve for their term upon the Commission;
- B. Keep a complete record of its proceedings including the vote of each member on all motions before the commission;
- C. Within the limits of the money appropriated for it, shall purchase such supplies and equipment as it finds necessary to carry out its duties;
- D. Retain or otherwise employ within the limits of the money appropriated for it such consultants as it finds necessary to carry out its duties
- E. Establish a schedule for its meetings which shall include at least one (1) regular meeting per month and such additional meetings as are necessary to carry out its duties; and
- F. Adopt rules and regulations to govern the conduct of its meetings.

SECTION 602 CONDUCT OF MEETINGS

At least three (3) members must be present at any meeting before any official business can be conducted. An affirmative vote of three (3) members shall be necessary to pass any motion before the Commission. The abstention or refusal to vote of any member shall not be counted for or against the motion and the member so abstaining or refusing to vote shall be deemed absent for the purpose of the motion upon which he or she abstains or refuses to vote. All meetings of the Commission shall be open to the public at all times. Reasonable steps shall be taken to notify

the public and the news media of the time of all regular and special meetings. All records of the Commission shall be public records and shall be filed with the Village Clerk-Treasurer.

SECTION 603 POWERS AND DUTIES

The Planning Commission shall have the following powers and duties:

- A. To initiate amendments to the Village Zoning Ordinance including both changes in the text or changes of the use district of any parcel of land;
- B. To review applications for amendments to the Village Zoning Ordinance and make recommendations to Village Council thereon, including both changes in the text or changes of the use district of any parcel of land whether initiated by Village Council or initiated by any owner or leasee of the land in question;
- C. To review and approve or deny the platting or other subdivision of land within this Village in accordance with the Village Subdivision Ordinance;
- D. To review and approve or deny site plans for the use of land within this Village for all uses except one and two family dwelling units. All site plans shall be drawn on a scale of one inch (1") to twenty feet (20');
- E. To grant variances in the use of land permitted in a particular district where the proposed use is similar in character to the uses already permitted in the district and the proposed use will be consistent with the overall character of the district as stated in this Ordinance. No use variance shall be permitted under this subsection where the effect of said variance would be to rezone the land to another use district as, for example, where the use in question is already expressly permitted in another use district;
- F. To grant variances from the literal requirements of the requirements of this Ordinance where because of unique circumstances applicable to the particular property under consideration, the literal application of a particular provision of this Ordinance will cause undue hardship and the variance will not be detrimental to the overall purpose of the zoning Ordinance;
- G. To hear and decide appeals from any decision of the Zoning Inspector in denying or granting a zoning or sign permit under this Ordinance;
- H. To issue conditional zoning permits where such permits are provided for a particular use within a use district and where the Commission finds that each of the specific conditions has been met or that the waiver of one or more of the specific conditions will be in accordance with the standards herein provided.

SECTION 604 HEARINGS BEFORE PLANNING COMMISSION

- A. All appeals to the Planning Commission from any decision of the Zoning Inspector shall be filed within thirty (30) days of the decision appealed. It shall be initiated by filing with the Village Clerk-Treasurer, a written appeal on the form provided and must be accompanied by the fee required by Section 807 of this Ordinance.

- B. All requests for variances or conditional permits to the Planning Commission shall be filed with the Village Clerk-Treasurer, or with the Planning Commission when in open session, on a form provided and shall be accompanied with the appropriate fee required by Section 807 of this Ordinance.
- C. Hearings on appeals or on applications for variances shall be held at the next regular Planning Commission meeting occurring more than fourteen (14) days after the application is filed or at such special meeting called for this purpose. The fourteen (14) day requirement herein may be waived by the Commission for good cause shown.
- D. At the hearing on variances, all testimony shall be received under oath or affirmation, a verbatim record of the proceedings shall be kept, the application shall be allowed upon application and deposit of fees to the issuance of subpoenas for the attendance of witnesses, all testimony shall be subject to cross examination.
- E. The Commission shall render its decision within a reasonable time after the hearing not to exceed sixty (60) days and advise the applicant in writing thereof.

SECTION 605 NOTICE OF HEARING ON VARIANCE

The Clerk-Treasurer of this Village shall give notice of the time and place of the public hearing on all requests for variances by first-class mail at least ten (10) days prior to the hearing to all owners of property within, contiguous to and directly across the street from the parcel or parcels involved. Said notice shall be mailed to the address listed in the current county auditor's tax duplicate. The failure of delivery of said notice shall not invalidate any subsequent action with respect to the proposed variance.

SECTION 606 ZONING INSPECTOR - CREATION AND APPOINTMENT

There is hereby created the position of Zoning Inspector for the Village of Bellville, Ohio. The Zoning Inspector shall be appointed by the Mayor and may be removed by the Mayor at any time. He or she shall be paid such compensation as Council shall direct.

SECTION 607 ZONING INSPECTOR - POWERS AND DUTIES

The Zoning Inspector shall have the following powers and duties:

- A. To issue zoning permits for one and two family dwelling units and accessory uses thereto, provided the proposed use is permitted under the zoning Ordinance and the applicant has paid the appropriate application fee at time of filing.
- B. To issue sign permits provided the proposed sign is in accordance with the zoning Ordinance and the applicant has paid the proper application fee at the time of filing.
- C. To issue zoning permits for business and industrial uses and accessory uses thereto, after the site plan has been approved by the Planning Commission and the applicant has paid the proper application fee at the time of filing.
- D. To issue conditional zoning permits and variance permits after approval by the Planning

- E. Commission and applicant has paid the proper application fee at the time of filing.
To investigate alleged violations of the zoning Ordinance.
- F. To attend all regular and special meetings of the Planning Commission and such other meetings as the Mayor or Council shall direct.
- G. To keep records of all activities of his office and to report monthly at the first meeting of a month to Village Council as to the various classes of permits issued during the month. Give written report the first meeting in January to the Village Council as to all various classes of permits issued during the preceding year.

The Zoning Inspector shall within ten (10) days after receipt of an application issue a zoning certificate if the application complies with the requirements of this Ordinance and the application is accompanied by a proper fee. If such certificate is refused, the applicant shall be notified in writing of such refusal and cause within ten (10) days.

- H. To determine that all construction has occurred only in accordance with the provisions of any permit, conditional permit or variance issued;
- I. To perform such other duties as the Council, Planning Commission of the Mayor directs with respect to the enforcement of the zoning Ordinance;
- J. To maintain the Official Zoning Map of the Village and make all changes of use districts thereon immediately after their approval by Council;

SECTION 609 VARIANCES

The Commission shall have the following powers and duties:

To grant use or area variances in the use of land permitted in a particular district where the proposed use is similar in character to the uses already permitted in the district and the proposed use will be consistent with the overall character of the district as stated in the Resolution.

- A. The Commission shall not grant a Use Variance unless it finds that all of the following conditions apply to the case in question:
 - 1. There are special circumstances or conditions applying to the land, building or use referred to in the application, which circumstances were not created by the applicant.
 - 2. The granting of a variance application is necessary for the preservation and enjoyment of substantial property rights.
 - 3. The granting of the application will not materially affect, adversely, the health or safety of persons residing or working in the neighborhood of the proposed use and will not be materially detrimental to the public welfare or injurious to property or improvements in such neighborhood.
- B. The Commission shall not grant an Area Variance unless the property owner has encountered practical difficulties in the use of his/her property. The factors to be considered and weighted by the Commission are:
 - 1. Whether the property in question will yield a reasonable return or whether there

- can be any beneficial use of the property without the variance.
2. Whether the variance is substantial.
 3. Whether the essential character of the neighborhood would be substantially altered or whether adjoining properties would suffer a substantial detriment as a result of the variance.
 4. Whether the variance would adversely affect the delivery of governmental services (e.g. water, sewer, garbage).
 5. Whether the property owner purchased the property with knowledge of the zoning restriction.
 6. Whether the property owner's predicament feasibly can be obviated through some method other than a variance.
 7. Whether the spirit and intent behind the zoning requirement would be required to be observed and substantial justice done by granting the variance.

In granting any variance under the provisions of this section, the Commission shall designate such conditions in connection therewith as will, in the opinion, secure substantially the objectives of the regulations or provisions in the application on which the variance is granted.

SECTION 610 ADDITIONAL CONDITIONS

The Planning Commission may, in addition to the specific conditions listed in this Ordinance, also impose any of the following conditions as a further condition upon the granting of the conditional zoning permit in the interest of protecting the public health, safety, welfare, preserving property values of surrounding properties and the Village as a whole and the aesthetic values of the Village.

- A. The location, width, radius and number of driveways entering onto any public street;
- B. The requirement that barriers be established to prevent access to a public street at any other location than established driveways;
- C. A limitation upon access to certain public streets where there are more than one public street abutting the property;
- D. Limitations upon the use of required setbacks for the parking of motor vehicles, storage or display of goods for sale or use;
- E. Limitations on the intensity and location of lighting and requirements that lighting be shielded from adjoining properties;
- F. Requirements that surface water be detained, channelized or otherwise carried from the property to public storm sewers so as to avoid injury to adjoining properties;
- G. Requirements that culverts be installed parallel to the road under any proposed driveway so as not to interfere with the existing flow of surface water. The size of the culvert shall be determined based upon accepted engineering standards.

SECTION 611 APPLICATION FOR ZONING PERMIT

All applications for zoning permits shall be made upon forms provided by the Zoning Inspector. Each application shall be accompanied by a site plan of the entire parcel drawn to a scale of one inch equals twenty feet (1" = 20'). Each application shall be accompanied by the appropriate fee required by Section 807 of this Ordinance. If the application meets all the requirements of this Ordinance, the Zoning Inspector shall issue the permit. The Zoning Inspector shall grant or deny the permit within thirty (30) days of the filing of a complete application. If no decision is made within thirty (30) days, the zoning permit shall be issued.

SECTION 612 APPLICATION FOR CONDITIONAL PERMIT

All applications for conditional zoning permits shall be made upon forms provided by the Zoning Inspector. Each application shall be accompanied by site plan of the entire parcel drawn to a scale of one inch equals twenty feet (1" = 20'). Each application shall be accompanied by the fee as established hereafter. The application shall be considered at the next regular meeting of the Planning Commission occurring more than seven (7) days after filing, or at a special meeting called for this purpose. Notice shall be given to the applicant at the time the application is received of the date of the meeting at which the application will be considered. The Planning Commission may waive the time limit of this section for good cause.

SECTION 613 OWNER'S CONSENT

All applications for any permit under this Ordinance shall be signed by the landowner or be accompanied by written evidence that the landowner has authorized the application to be filed.

SECTION 614 VIOLATIONS OF CONDITIONS

Any zoning permit or conditional zoning permit issued under this Ordinance shall be valid only so long as each and every condition imposed by this Ordinance or the Planning Commission shall be complied with by the landowner or tenant. Any violation of any of the conditions of the permit shall be deemed to void the permit and make the continued use of the land a violation of this Ordinance which may be prosecuted or enjoined under Sections 800 to 806 of this Ordinance.

SECTION 700 AMENDMENTS

The provisions of this Ordinance and the Official Village Zoning Map may from time to time be amended by Village Council by Ordinance. Such amendments may be initiated in any one of the following manners:

- A. By filing an application with the Clerk-Treasurer of this Village on a form provided by the Zoning Inspector and signed by the owner of the land seeking the amendment or by any interested person seeking an amendment to the text of this Ordinance. Such application must be accompanied by the fee provided in Section 807 of this Ordinance;
- B. By motion of the Village Council directed to the Planning Commission and requesting a recommendation concerning an amendment to the text of this Ordinance or a change of the use district of any parcel of land within this Village.
- C. By motion of the Planning Commission directed to Village Council recommending an amendment to the text of this Ordinance or a change of a use district of any parcel of land.

SECTION 701 AMENDMENT PROCEDURE - PLANNING COMMISSION

Upon receipt of an application to amend this Ordinance or the adoption of a motion by Council to amend it, the application or motion shall be referred to the Planning Commission. Planning Commission shall consider the application or motion at its next regular meeting or at a special meeting called for this purpose.

Upon review and consideration of the proposed amendment the Planning Commission shall make a report to Council. Said report shall:

- A. Recommend that the rezone or amendment to the text be adopted in accordance with the application or Council motion; or
- B. Recommend that the rezone or amendment to the text be adopted in a form modified by the Commission from the application or motion as originally submitted to the Planning Commission; or
- C. Recommend that the application for the rezone or amendment to the text be denied.

All recommendations of the Planning Commission shall be concurred by at least three (3) members of the Commission. Such recommendation shall be returned to Council no later than Council's second regular meeting after submission of the proposed amendment or application to the Planning Commission. The failure of the Commission to make a recommendation in the time provided herein shall be deemed to be a recommendation in favor of the amendment or rezone.

SECTION 702 PUBLIC HEARING

Upon receipt of a recommendation on an amendment or rezone from the Planning Commission, or an amendment or rezone initiated by Planning Commission, Council shall set a public hearing upon the proposed amendment or rezone which shall be held no earlier than thirty (30) days after notice of this hearing has been given by (1) one publication in a newspaper of general circulation

within this Village. Such hearing may be held at either a regular or special Council meeting.

SECTION 703 NOTICE TO PROPERTY OWNERS

In the event the proposed amendment involves the rezone of ten (10) or fewer parcels of land as listed on the county auditor's current tax duplicate, the Clerk-Treasurer of this Village shall also give notice of the time and place of said public hearing by first class mail at least twenty (20) days before said hearing to all owners of property within, contiguous to and directly across the street from the parcel or parcels involved. Said notice shall be mailed to the address listed on the current county auditor's tax duplicate. The failure of delivery of said notice shall not invalidate any subsequent action with respect to the proposed amendment. During the thirty (30) day period specified above, the Ordinance containing the proposed amendment along with the application and any map and the report of the Planning Commission along with any other documents relating thereto shall be on file in the office of the Clerk-Treasurer for public inspection.

SECTION 704 COUNCIL ACTION

The proposed amendment shall be placed before Council in the form of an amendment to this Ordinance and may be voted upon at the same meeting at which the public hearing is held or at a subsequent regular or special meeting. Any amendment which differs in any respect from the recommendation of the Planning Commission may be adopted only by a three-fourths (3/4) vote of Village Council. Any amendment which is in all respects in accordance with the recommendations of the Planning Commission may be adopted by a majority vote of Council. All amendments shall go into effect in thirty (30) days of adoption unless the Ordinance adopting the same is declared to be an emergency measure, in which case the amendments shall go into immediate effect.

SECTION 800 VIOLATIONS, PENALTIES AND ENFORCEMENT

No person shall build or remodel any structure or building so as to change its exterior dimensions, including the building or remodeling of accessory buildings or change any use or a structure or change the use of land within this Village without first obtaining a zoning permit or conditional zoning permit as required by this Ordinance. No person shall fail to comply with all terms and conditions of any zoning permit or conditional zoning permit issued hereunder.

SECTION 801 NOTICE OF VIOLATION

Any person who commences any building, remodeling or change in the use of any structure or land without first obtaining the appropriate permit under this Ordinance, or who violates any provision of a zoning or conditional zoning permit, shall upon discovery be given a written notice to apply for the appropriate permit or cease the violation of said provision immediately.

SECTION 802 PENALTY

Whoever fails to obtain the proper permit or remedy the violation of the provision of the zoning or conditional zoning permit within ten (10) days after having been advised in writing to do so,

shall be guilty of a minor misdemeanor and upon conviction shall be fined not more than one hundred dollars (\$100.00). Any subsequent conviction thereto, the fine shall not exceed five hundred dollars (\$500.00). Each day such violation or failure to comply shall exist shall constitute a separate offense.

SECTION 803 ADDITIONAL REMEDIES

In addition, whoever constructs or remodels any structure or building or uses any land without obtaining the permit required by this Ordinance or violates any provision of a zoning or conditional zoning permit, may be subject to action for an injunction, declaratory relief or other appropriate remedy instituted by this Village to abate or prevent the violation. The Village shall not be required to exhaust other remedies provided in this Ordinance as a condition precedent to the commencement of such civil relief.

SECTION 804 AUTHORITY OF OTHER INJURED PROPERTY OWNER

Any landowner who will be particularly damaged by any violation of this Ordinance may proceed by way of injunction, declaratory relief or other appropriate remedy against the violator to abate or prevent the violation. The failure of the Village to commence such proceedings shall not preclude such landowner from commencing such action. Demand upon the Village or its solicitor shall not be required as a prerequisite to the commencement of such action nor shall the Village be a necessary party thereto.

SECTION 805 PARTIES

In any action whether criminal or civil brought in respect to this Ordinance, either the landowner or the person or corporation actually violating the Ordinance shall be a proper party defendant.

SECTION 806 EXPIRATION OF A PERMIT

Whenever a zoning permit or conditional zoning permit is issued, the construction under such permit shall begin within six (6) months after issuance and shall be completed within eighteen (18) months after issuance.

Upon written application and upon the showing of good cause to the Planning Commission, an additional period of time to begin or complete construction may be granted. Whenever construction is not begun or completed within the time specified in this section including any extension granted by the Planning Commission, the zoning permit or conditional zoning permit shall expire and no further use of the land for which such a permit is required shall be allowed until another permit is issued.

SECTION 849 REPEALER

That Ordinance 45-73 known as the Bellville Village Zoning Ordinance and all amendments thereto and including the Zoning District Map and all amendments thereto be and the same are hereby repealed.

CERTIFICATE AS TO OFFICIAL ZONING DISTRICT MAP

This is the official zoning district map of the Village of Bellville, Richland County, Ohio, duly adopted by the Council of this Village in Ordinance 87-27 on July 7, 1987.

Carolynn B. Studenmund, Mayor

Victor Roberts, Clerk/Treasurer

Christine Patterson, Zoning Inspector

SECTION 850 ENACTMENT

That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED July 7, 1987

Ayes 5 Nays 0

Carolynn B. Studenmund, Mayor

ATTEST:

Victor Roberts, Clerk/Treasurer

Jon K. Burton, Village Solicitor

APPLICATION FOR ZONING PERMIT

FEE \$ _____

1. Applicant's Name _____

Address _____

Phone # _____

2. Property Owner _____

Address _____

Phone # _____

3. Location of property _____

4. Zoning District _____

5. Applicant hereby applies for a zoning permit for the following use:

_____ One family dwelling unit _____ Two family dwelling unit

_____ Multi family dwelling unit - number of units _____

_____ Accessory building (Describe) _____

_____ Other residential use _____ Business _____ Industrial _____ Other

Describe _____

6. Parcel Description

Frontage _____ Depth _____ Area _____ X _____

7. Building Description

Width _____ Depth _____

Number of stories _____ Height _____

8. Setbacks

Left side _____ Right side _____

Front _____ Rear _____

Width at setback _____

9. Site Plan

An accurate diagram/blueprint must be attached showing the location of the building to be constructed, all existing buildings on the property with their dimensions, boundaries and division of property abutting streets and properties, and any greenbelt requirement landscaping.

10. Sewer System

Public or EPA approved _____ Private _____

11. Paid

Cash _____ Check _____

Date _____ Receipt No. _____

Unless construction begins within six (6) months from date of issuance or is completed within eighteen (18) months, the Zoning Permit will be revoked.

NOTICE:

Applicant acknowledges that construction or use of this land is authorized only in accordance with the representations on this application and accompanying site plan and must conform with all provisions of the Bellville Zoning Ordinance. Separate permits may be needed from Richland County Codes and Permits Department, Richland County Health Department and the Village of Bellville Water Department.

Approval by the Zoning Inspector of this document shall constitute a zoning permit.

Date _____

Applicant's Signature _____

Based upon the information contained in this application and the accompanying site plan, a zoning certificate is:

Approved _____

Denied _____

Reason for denial _____

Date _____

Zoning Inspector _____

EXHIBIT A

VILLAGE OF BELLVILLE - FENCE PERMIT APPLICATION

FEES _____ PAID _____ CASH _____ CHECK _____ RECEIPT # _____

APPLICANTS NAME _____

PHONE NUMBER _____

PROPERTY OWNER _____

ADDRESS _____

PHONE NUMBER _____

PRIVACY FENCE _____ DECORATIVE FENCE _____

DESCRIPTION OF FENCE INCLUDING SIZE, MATERIALS, AND HEIGHT _____

DIAGRAM OF YOUR PROPERTY WITH THE LOCATION OF THE PROPOSED FENCE
SHOWING SET BACKS - PLEASE ATTACH

ZONING DISTRICT _____

BASED UPON THE INFORMATION CONTAINED IN THIS APPLICATION AND
ACCOMPANYING DIAGRAM, THIS FENCE PERMIT IS-

APPROVED _____

DENIED _____

REASON FOR DENIAL _____

DATE _____

SIGNATURE OF ZONING INSPECTOR _____

APPLICATION FOR A CONDITIONAL ZONING PERMIT

FEE \$ _____

1. Applicant's Name _____

Address _____

Phone Number _____

2. The undersigned requests a conditional zoning permit for property located at _____

and zoned _____ district, for the following use:

3. Attached as part of this application are:

A. A copy of the zoning application.

B. Complete plan improvement specifications for any proposed use/building.

4. Paid: Cash _____ Check _____ Date _____ Receipt No. _____

Date

Applicant's Name

CONDITIONAL ZONING PERMIT

A conditional zoning permit is hereby granted in accordance with this application and subject to the following conditions established by this Planning Commission and approved by Village Council under Section _____.

Date

Planning Commission Chairman

APPLICATION FOR A SIGN PERMIT

FEE \$ _____

1. Applicant's Name _____

Address_____

Phone Number_____

2. Property Owner_____

Address_____

Phone Number_____

3. Licensed Sign Erector's Name_____

Address_____

Phone Number_____

4. Description of sign including size, materials and height:

5. A diagram of the proposed sign and its location on the property is attached.

_____ Applicant's Name

6. Paid: Cash_____ Check_____ Date_____ Receipt No._____

Based upon the information contained in this application and accompanying diagrams, a sign permit is:

Approved_____ Denied_____

Reason for denial _____

_____ Signature

APPLICATION FOR APPEAL

FEE \$_____

1. Applicant's Name_____

Address_____

Phone Number_____

2. The undersigned hereby appeals to the Planning Commission of the Village of Bellville, Ohio from the decision of the Zoning Inspector on_____denying a zoning/sign permit.

3. Attached as part of this application are:

A. A copy of the zoning/sign application.

B. Complete plan improvement specifications for any proposed use/building.

4. Paid: Cash_____ Check_____ Date_____ Receipt No._____

Date

Zoning Inspector

APPLICATION FOR A VARIANCE

FEE \$ _____

1. Applicant's Name _____
Address _____
Phone Number _____

2. The undersigned request a variance for property located at _____ and zoned _____ district for the following purpose: _____

3. The section of this Ordinance to be varied is _____.

4. The undue hardship or practical difficulties which justify this variance areas follows: _____

5. Attached as part of this application are:
A. A copy of the zoning application
B. Complete plan improvement specifications for any proposed use or building.

6. Paid: Cash _____ Check _____ Date _____ Receipt No. _____

Date

Applicants Name

VARIANCE ZONING PERMIT

A variance is hereby granted in accordance with this application and subject to the following conditions established by the Planning Commission and approved by the Planning Commission under Section_____.

_____ Date
Planning Commission Chairman

APPLICATION FOR AMENDMENT TO THE ZONING ORDINANCE OF THE VILLAGE OF BELLVILLE, OHIO

FEE \$ _____

Applicant's Name _____

Address _____

Phone Number _____

_____ Application to Rezone Land

_____ Application to Amend Text

The undersigned hereby applies for the following amendment to the zoning Ordinance of the Village of Bellville, Ohio:

APPLICATION TO REZONE LAND

Current zone district _____

Proposed zone district _____

Legal description and address of property:

APPLICATION TO AMEND TEXT

Section or sections to be amended _____

Text of proposed amendment: _____

Paid: Cash _____ Check _____ Date _____ Receipt No. _____

Applicants Name

APPROPRIATENESS

1. Applicant's Name _____
Address _____
Phone Number _____
2. The undersigned request a certificate of appropriateness for property located at _____
_____ and zoned _____ district.
3. Setbacks:
Left side _____ Right side _____
Front _____ Rear _____
Width at setback _____
4. Height of Building _____
5. The following information must be provided:
 - A. Sketches and data of the proposed building or improvement
 - B. Window treatment, which shall include the size, shape and materials of each individual window unit
 - C. Exterior detail showing all projecting and receding elements of the exterior including, but not limited to porches and overhangs and the horizontal or vertical expression which is conveyed by these elements.
 - D. Roof shape including type, form and materials
 - E. All exterior materials to be used including texture and color
 - F. Landscape design and material which should include in addition to requirements of this Zoning Code, lighting and the use of landscape details to highlight architectural features or screen or soften undesirable views
 - G. Signage which shall include in addition to the requirements of Section 500 et seq. the appropriateness of signage to the building
6. Other additional information may be requested if deemed necessary.

Unless construction of building or improvement begins in six (6) months from date of issuance or is completed within eighteen (18) months, this certificate of appropriateness will be evoked.

NOTICE:

Applicant acknowledges that construction or use of this land is authorized only in accordance with the representation on this application and accompanying site plan and must conform with all provisions of the Bellville Zoning Ordinance.

Applicant's Signature

Date

CERTIFICATE OF APPROPRIATENESS

A certificate of appropriateness is hereby granted in accordance with this application and subject to the following conditions established by this Board of Architectural Review and approved by the Planning Commission.

Date

Zoning Inspector

Date

Planning Commission Chairman