Village of Lucas

Zoning Regulations

Section 1: Ordinance # 0-56-93 Ordinance adopting an amended zoning ordinance

Section 2: Applications and Permits

Section 3: Fee schedule for zoning and building permits

Section 4: Ordinance # 0-54-93 Ordinance establishing requirements for subdivision plats

Section 5: Ordinance # 0-55-93 Ordinance amending zoning code (Agriculture Districts, Industrial Park, Planning and Zoning Commission, meetings and quorum)

Section 6: Ordinance # 0-18-95 Ordinance establishing sidewalk uniformity

Section 7: Ordinance # 0-22-95 Ordinance amending building permit fees

Section 8: Richland County Building Department (Residential Check List)

Section 9 : Zoning Map

Revised: January 9, 2004

ZONING ORDINANCE

LUCAS VILLAGE, RICHLAND COUNTY, OHIO

ARTICLE I

TITLE, INTERPRETATION, AND CONFLICT

SECTION

1-1 SHORT TITLE

This ordinance shall be known as the "Zoning Ordinance of The Village of Lucas, Richland County, Ohio".

1-2 INTERPRETATION

In their interpretation and application, the provisions of this Ordinance are to be considered the minimum requirements adopted for the promotion of the public health, safety and welfare and to protect the light and pure air, clarify safety from fire and other danger; to prevent an undue concentration of population and provide ample parking facilities.

1-3 CONFLICT

This Ordinance is not intended to repeal or in any way impair or interfere with existing provisions of other laws or ordinances, except those specifically or by necessary implication repealed by this Ordinance, or with private restrictions placed upon property by covenant, deed or other private agreement, or with restrictive covenants running with the land and to which the municipality is a party. Where this Ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract or deed, the provisions of this ordinance shall control.

ORDINANCE ADOPTING AN AMENDED ZONING ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LUCAS, STATE OF OHIO:

WHEREAS, in early 1988, the council and administration deemed it necessary and appropriate to explore the prospects for adopting for the Village a comprehensive zoning ordinance to supersede the ordinance originally adopted in the 1950's; and,

WHEREAS, the Village commission duly constituted to deal with zoning matters did thereafter study and discuss at duly conducted public meetings various zoning codes; and,

WHEREAS, after due consideration, the zoning commission did duly recommend the zoning ordinance and map currently before council; and,

WHEREAS, the long passage of time between the passage of the original zoning code of the 1950's and the present time have created conditions requiring the speedy adoption of a new comprehensive zoning ordinance; and,

WHEREAS, numerous public hearings having been conducted over the past four years have given the citizenry ample opportunity for input; and,

WHEREAS, the council did adopt the zoning ordinance, as recommended, by Ordinance #0-09-93 of February 8, 1993; but,

WHEREAS, certain inadvertent omissions, including the failure to include an agricultural zoning category, as intended and the failure to include the council in the notice of public hearing, necessitate the resubmission of the ordinance for passage; and,

WHEREAS, the requisite public hearing, after notice, has been duly conducted by the Village Council:

NOW, THEREFORE, be it ordained by the Council and Administration of the Village of Lucas, Ohio, as follows:

- 1. Ordinance No. 0-56-93 is hereby designated and adopted by the Village of Lucas as an emergency measure. The long passage of time requiring such action and the need for a comprehensive general zoning ordinance for the Village being acute, therefore the subject ordinance shall go into effect at the earliest time permitted by law.
- 2. The Village council and administration having before it the recommendation of the zoning commission for passage of the ordinance and council having carefully considered the ordinance after public hearing, said ordinance is hereby adopted.

ADOPTED:

Date: November 16, 1993

APPROVED AS TO

FORM:

Edward C. Baran Village Solicitor - Va

Toungil President

Clerk/Treasure

James Mc Carrino

Mayor

ZONING ORDINANCE

LUCAS VILLAGE, RICHLAND COUNTY, OHIO

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ZONING ORDINANCE LUCAS VILLAGE, RICHLAND COUNTY, OHIO

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ARTICLE II DEFINITIONS

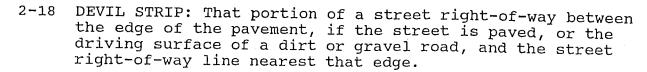
In this Ordinance the following words are to have the meanings listed below:

- 2-1 Words used in the PRESENT TENSE include the future, the SINGULAR NUMBER includes the plural and the PLURAL the SINGULAR.
- 2-2 An ACCESSORY USE OR BUILDING is a subordinate use of a building customarily incidental to, and located on, the same lot with the main use or building.
- 2-3 An ALLEY is any public thoroughfare less than forty (40) feet wide and affording only a secondary means of access to a lot.
- 2-4 ALTERATIONS, STRUCTURAL: Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.
- 2-5 BASEMENT: A story all or partly underground but having at least one-half of its height below the average level of the adjoining ground.
- 2-6 BILLBOARD: An advertising sign having more than one hundred (100) square feet of display surface either erected on the ground or attached to or supported by another structure.
- 2-7 BUILDING: Any structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals, or property of any kind.
- 2-8 BUILDING ACCESSORY: A subordinate building detached from, but located on the same lot as the principal building, the use of which is incidental and accessory to that of the main building or use.
- 2-9 BUILDING, HEIGHT: The vertical distance measured from the average elevation of the proposed finished grade at the front of the building to the highest point of the roof for flat roofs, to the deck line of mansard roofs, and the mean height between eaves and ridge for gable, hip or gambrel roofs.
- 2-10 The BUILDING LINE OR FRONT YARD LINE: A line on or back of the street line between which line and the street line no building or portion thereof, except as provided in this

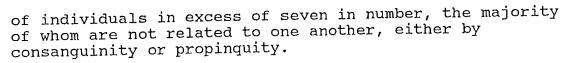


Ordinance may be erected above the grade level. The building lines, street lines and center lines of streets mentioned herein are considered vertical planes intersecting the ground on these respective lines.

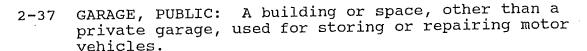
- 2-11 A "CAR LOT" is a place where the primary business is the buying and/or selling of new and/or used motor vehicles.
- 2-12 CELLAR: That portion of a building below the first floor joists at least half of whose clear ceiling height is below the mean level of the adjacent ground. A cellar shall not be used for calculating the number of square feet required for habitation.
- 2-13 COMPREHENSIVE DEVELOPMENT PLAN: A plan, or any portion thereof, adopted by the planning commission and the legislative authority of the Village of Lucas showing the general location and extent of present and proposed physical facilities including housing, industrial and commercial uses, major thorough-fares, parks, schools, and other community facilities. This plan establishes the goals, objectives, and policies of the community.
- 2-14 CONDITIONAL USE: A use permitted within a district other than a principally permitted use, requiring a conditional use permit and approval of the Board of Zoning Appeals. Conditional uses permitted in each district are listed in the Official Schedule of District Regulations.
- 2-15 CONDITIONAL USE PERMIT: A permit issued by the Zoning Inspector upon approval by the Board of Zoning Appeals to allow a use other that a principally permitted use to be established within the district.
- 2-16 CONVALESCENT OR NURSING HOME: Refers to such home conducted with the aged or mentally or physically infirmed within any abode, building, institutional residences, or of three (3) or more persons who, by reason of age or mental or physical infirmities, are not capable of properly caring for themselves, and for which a license has been issued by the Department of Public Welfare of the State of Ohio.
- 2-17 DENSITY: A unit of measurement; the number of dwelling units per acre of land.
 - Gross Density the number of dwelling units per acre of the total land to be developed.
 - 2. Net Density the number of dwelling units per acre of land when the acreage involved includes only the land devoted to residential uses.



- 2-19 DWELLING: Any building or structure (except a house trailer or mobile home as defined by Ohio Revised Code 4501.01) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants.
- 2-20 DWELLING UNIT: Space, within a dwelling, comprising living, dining, sleeping room or rooms, storage closets, as well as space and equipment for cooking, bathing, and toilet facilities, all used by only one family and its household employees.
- 2-21 DWELLING, SINGLE FAMILY: A dwelling consisting of a single dwelling unit only, separated from other dwelling units by open space.
- 2-22 DWELLING, TWO-FAMILY: A dwelling consisting of two dwelling units which may be either attached side by side or one above the other, and each unit having a separate or combined entrance or entrances.
- 2-23 DWELLING, MULTI-FAMILY: A dwelling consisting of three or more dwelling units including condominiums with varying arrangements of entrances and party walls. Multi-family housing may include public housing and industrialized units.
- 2-24 DWELLING, INDUSTRIALIZED UNIT: An assembly of materials or products comprising all or part of a total structure which, when constructed, is self-sufficient or substantially self-sufficient and when installed, constitutes a dwelling unit, except for necessary preparations for its placement, and including a modular or sectional unit but not a mobile home.
- DORMITORY: A dwelling or part thereof, other than a hotel, motel or restaurant where meals and/or lodging are provided for compensation, for three or more unrelated persons where no cooking or dining facilities are provided in the individual rooms.
- 2-26 EASEMENT: Authorization by a property owner for the use by another, and for a specified purpose, of any designated part of his property.
- 2-27 FAMILY: A "family" is any number of individuals living and cooking together on the premises as a single housekeeping unit, provided that such term shall not include any group



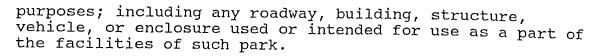
- 2-28 FENCE: A barrier constructed to contain or enclose an area as a protective, screening, or decorative measure.
- 2-29 FLOOD PLAIN: That land, including the flood fringe and the floodway, subject to inundation by the regional flood.
- 2-30 FLOODWAY: That portion of the flood plain, including the channel, which is reasonable required to convey the regional flood waters. Floods of less frequent recurrence are usually contained completely within the floodway.
- 2-31 FLOODWAY FRINGE: That portion of the flood plain, excluding the floodway, where development may be allowed under certain restrictions.
- 2-32 FLOOR AREA OF A RESIDENTIAL BUILDING: The sum of the gross horizontal area of the several floors of a residential building, excluding basement floor areas not devoted to residential use, but including the area of roofed porches and roofed terraces. All dimensions shall be measured between interior faces of walls.
- 2-33 FLOOR AREA OF A NON-RESIDENTIAL BUILDING (TO BE USED IN CALCULATING PARKING REQUIREMENTS): The floor area of the specified use excluding stairs, washrooms, elevator shafts and rooms, storage spaces, display windows, and fitting rooms, and similar areas.
- 2-34 FLOOR AREA, USABLE: Measurement of usable floor area shall be the sum of the horizontal areas of the several floors of the building, measured from the interior faces of exterior walls.
- 2-35 FRONTAGE: Street frontage is the length of the line separating the property from the street upon which it abuts and street frontage line is parallel to the street centerline.
- 2-36 GARAGES, PRIVATE: A detached accessory building or portion of a principal building for the parking or temporary storage of automobiles, travel trailers and/or boats of the occupants of the premises and wherein:
 - Not more than one space is rented for parking to persons not resident on the premises;
 - No more than one commercial vehicle per dwelling unit is parked or stored;
 - 3. The commercial vehicle permitted does not exceed two tons capacity.



- THE GRADE LEVEL of a lot is the average elevation of the curb directly in front of the main building; but where no such curb level has been established by the Municipality, the level of the ground at the middle of the traveled portion of the street shall be considered the equivalent of the curb level. When the street wall of the building is back more than ten (10) feet from the street line, the average grade level of the lots adjoining on each side, if higher than the curb level, shall be considered the grade level for the building and lot.
- 2-39 GASOLINE SERVICE (FILLING) STATION is a place where motor vehicle fuels or lubricants are offered for sale to the public.
- 2-40 A HOSPITAL is any building or structure containing beds for at least four (4) patients and devoted to the medical diagnosis, treatment, and care of human ailments.
- 2-41 HOTEL/MOTEL: A building in which lodging is offered or provided to the public for compensation and which is open to transient guests.
- 2-42 INDUSTRIAL PARK: An area of land in which a variety of industrial facilities may be accommodated in a planned environment under more flexible standards, such as lot sizes and setbacks, than those restrictions that would normally apply under these regulations. The procedure for approval of such a development contains requirements in addition to those normally required such as building design principles and landscaping plans.
- 2-43 A JUNK YARD is any place of land, building, or structure, privately or commercially, where waste, discarded or salvaged materials such as scrap metals; used building materials, lumber, glass, discarded motor vehicles, paper, rags, rubber, barrels; etc.; are sold, stored, bought, exchanged, baled, packed, sorted, disassembled, dismantled or handled.
- 2-44 LOADING SPACE, OFF-STREET: Space logically and conveniently located for bulk pickups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled. Required off-street loading space is not to be included as off-street parking space. All off-street loading spaces shall be located totally outside of any street or alley right-of-way.

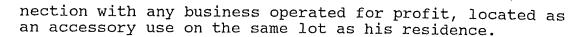
- 2 -45 LOT: For the purposes of the ordinance (resolution), a lot is a parcel of land of sufficient size to meet minimum zoning requirements for use, coverage, and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an improved public street, or on an approved private street, and may consist of:
 - 1. A single lot of record;
 - A portion of a lot of record;
 - 3. A combination of complete lots of record, of complete lots of record and portions of lots of record, or of portions of lots of record.
- 2-46 CORNER LOT: Is a lot at the point of the intersection of, and abutting on, two intersecting streets.
- 2-47 LOT COVERAGE: The ratio of enclosed ground floor area of all buildings on a lot to the horizontally projected area of the lot, expressed as a percentage.
- 2-48 The "DEPTH" of a lot is the distance between the mid-points of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.
- 2-49 LOT FRONTAGE: The front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under "YARDS" in this section.
- 2-50 LOT, MINIMUM AREA OF: The area of a lot is computed exclusive of any portion of the right-of-way of any public or private street.
- 2-51 LOT OF RECORD: A lot of which is part of subdivision recorded in the office of the County Recorder, or a lot or parcel described by metes and bounds, the description of which has been so recorded.
- 2-52 SIDE LINE OF A LOT: Is any lot line other than a front line or a rear line.
- 2-53 SIDE LINE OF A CORNER LOT: Is the line lying along the narrower or less important street, unless the lot is a infirmities in a recorded subdivision and is clearly intended to front on the narrower street.
- 2-54 LOT TYPES: Terminology used in this ordinance (resolution) with reference to corner lots, interior lots and through lots is as follows:

- 1. Corner Lot: A lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than one hundred thirty-five (135) degrees.
- 2. Interior Lot: A lot with only one frontage on a street.
- 3. Through Lot: A lot other than a corner lot with frontage on more than one street. Through lots abutting two streets may be referred to as double frontage lots.
- 4. Reversed Frontage Lot: A lot on which frontage is at right angles to the general pattern in the area. A reversed frontage lot may also be a corner lot.
- 2-55 The "WIDTH OF A LOT" is the distance between straight lines connecting front and rear lot lines at each side of the lot, measured at the building setback line.
- 2-56 A "MAIN BUILDING" is the building or space occupied by the chief use or activity on the premises.
- 2-57 MANUFACTURED HOMES: A structure that is built completely or partially off site, which may not comply with either local or state building code. This type of structure will bear a label certifying that it is built in compliance with the National Manufactured Housing Construction and Safety Standard Act of 1974, established and administered by the U. S. Department of Housing and Urban Development (HUD), for manufactured homes, which became effective June 15, 1976. The removal of wheels, frame, and/or other equipment used in transporting said manufactured home, and or placement on a permanent foundation such as blocks, poured concrete or other materials used in permanent foundations, shall not be cause for reclassification to that of a permanent or immobile home or dwelling.
- 2-58 MOBILE HOME: Any non-selfpropelled vehicle so designed, constructed, reconstructed, or added to by means of accessories in such manner as will permit the use and occupancy thereof for human habitation, when connected to utilities, whether resting on wheels, jacks, blocks, or other temporary foundation and used or so construed as to permit its being used as a conveyance upon the public streets and highways and exceeding a gross weight of four thousand five hundred (4,500) pounds and an overall length of thirty (30) feet.
- 2-59 MOBILE HOME PARK: Any site or tract of land under single ownership, upon which three or more mobile homes used for habitation are parked, either free of charge or for revenue



- 2-60 A "NON-CONFORMING USE" is a use of a building or premises that does not comply with the use regulation of a district in which it is located.
- OPEN SPACE: An area substantially open to the sky which may be on the same lot with a building. The area may include, along with the natural environmental features, water areas, swimming pools, and tennis courts, any other recreational facilities that the Planning (Zoning) Commission deems permissive. Streets, parking areas, structure for habitation, and the like shall not be included.
- 2-62 PARKING SPACE, OFF-STREET: For the purpose of this ordinance (resolution), an off-street parking space shall consist of an area adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room, but shall be located totally outside of any street or alley right-of-way.
- 2-63 PLANNED UNIT RESIDENTIAL DEVELOPMENT: Is a planned, integrated, residential development of at least twenty (20) acres where minimum lot size and dwelling type may be modified somewhat to achieve particular design objectives and the economical provision of open space and utilities while maintaining the same overall density limitations of the district in which the planned unit residential development is located and complying with other pertinent requirements of this Ordinance and site design requirements of the Planning and Zoning Commission.
- 2-64 PUBLIC NOTICE of a hearing or procedure mean notice of the time and place thereof published in one issue of a newspaper of general circulation in the municipality at least three (3) days before the hearing, plus posting in the Municipal Building.
- 2-65 PUBLIC USES: Public parks, schools, administrative and cultural buildings and structures, not including public land or building devoted solely to the storage and maintenance of equipment and materials and public service facilities.
- 2-66 RESIDENCE
 (A) A "SINGLE FAMILY DWELLING" is a dwelling entirely detached and independent of any other structure and arranged, intended or designed to be occupied by a single family.

- (B) A "TWO FAMILY DWELLING" is a detached dwelling arranged, intended or designed to be occupied by two families.
- (C) A "MULTIFAMILY DWELLING" is a building designed and used exclusively for housing three or more families living independently of each other.
- 2-67 SETBACK LINE: A line established by the zoning ordinance (resolution), generally parallel with and measured from the lot line, defining the limits of a yard in which no building, other than accessory building, or structure may be located above ground, except as may be provided in said code.
- 2-68 SIGN: Any device designated to inform or attract the attention of persons not on the premises on which the sign is located.
 - 1. Sign, On-Premises: Any sign related to a business or profession conducted, or a commodity or service sold or offered upon the premises where such sign is located.
 - Sign, Off-Premises: Any sign unrelated to a business or profession conducted, or to a commodity or service sold or offered upon the premises where such sign is located.
 - 3. Sign, Illuminated: Any sign illuminated by electricity, gas, or other artificial light including reflecting or phosphorescent light.
 - 4. Sign, Lighting Device: Any light, string of lights, or group of lights located or arranged so as to cast illumination on a sign.
 - 5. Sign, Projecting: Any sign which projects from the exterior of a building.
- 2-69 STREET RIGHT OF WAY LINE OR ALLEY LINE: Is the lot line dividing the lot from, respectively, a street or an alley.
- 2-70 SUITE, EFFICIENCY: A one (1) room dwelling unit (see Dwelling Unit)
- 2-71 SWIMMING POOLS:
 - (A) A "COMMERCIAL SWIMMING POOL": is an artificially contained body of water, whether located indoors or outdoors, used or intended to be used for public, semi-public or private swimming, whether or not any fee is imposed, and includes all structures, equipment, and other facilities intended for the operation and maintenance of a swimming pool.
 - (B) A "PRIVATE SWIMMING POOL" is one maintained by an individual for the sole use of his household and guests without charge or the purpose of profit and not in con-



- (C) "SWIMMING POOL" means an artificial body of water or receptacle for water, permanent or portable, filled or capable of being filled with water a depth of 24 inches or more and with a surface area of 200 square feet at any point therein and used, or intended to be used, for swimming or recreational bathing.
- 2-72 A USED CAR LOT is any lot which two (2) or more motor vehicles which have been previously titled in a name other than the manufacturer or dealer, are in operating condition and offered for sale or displayed to the public.
- 2-73 THOROUGHFARE, STREET, OR ROAD: The full width between property lines bounding every public way of whatever nature, with a part thereof to be used for vehicular traffic and designated as follows:
 - 1. Alley: A minor street used primarily for vehicular service access to the back or side of properties abutting on another street.
 - 2. Arterial Street: A general term denoting a highway primarily for through traffic, carrying heavy loads and large volume of traffic, usually on a continuous route.
 - 3. Collector Street: A thoroughfare, whether within a residential, industrial, commercial, or other type of development, which primarily carries traffic from local streets to arterial streets, including the principal entrance and circulation routes within residential subdivisions.
 - 4. Cul-de-Sac: A local street of relatively short length with one end open to traffic and the other end terminating in a vehicular turnaround.
 - 5. Dead-end Street: A street temporarily having only one (1) outlet for vehicular traffic and intended to be extended or continued in the future.
 - 6. Local Street: A street primarily for providing access to residential or other abutting property.
 - 7. Loop Street: A type of local street, each end of which terminates at an intersection with the same arterial or collector street, and whose principal radius points of the one hundred and eighty (180) degree system of turns are not more than one thousand (1000) feet from said arterial or collector street, nor normally more than six hundred (600) feet from each other.
 - 8. Marginal Access Street: A local or collector street, parallel and adjacent to an arterial or collector street, providing access to abutting properties and protection from arterial or collector streets.

- 2-74 TREES: Trees are herein defined as trees, shrubs, bushes and all other woody vegetation on land lying between property lines on either side of all streets, avenues, or ways within the Village.
- 2-75 USE: The specific purpose for which land or a building is designated, arranged, intended, or for which it is or may be occupied or maintained.
- 2-76 VARIANCE: A variance is a modification of the strict terms of the relevant regulations where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulations would result in unnecessary and undue hardship.

2-77 YARDS:

- (A) A "YARD" is an existing or required space on the same lot with the main building and lying along the adjacent lot line, or street line, open and unobstructed from the ground to the sky, except as otherwise provided herein.
- (B) A "FRONT YARD" is the yard across the full width of the lot extending from the building or front yard line to the street line.
- (C) A "SIDE YARD" is the yard along the sideline of a lot and extending from the front yard to the rear yard thereof.
- (D) AN "INTERIOR SIDE YARD" is a side yard not abutting a street line.
- (E) A "REAR YARD" is a yard across the full width of the lot immediately to the rear of the main building. It is the yard accessible to the rear entrance and used, or to be used, as a rear yard. It may or may not be on the opposite side of the building from the front yard.
- 2-78 ZONING PERMIT: A document issued by the zoning inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

THE MEANING OF WORDS USED in this ordinance when they are not defined herein, shall be the meaning given those words by the latest edition of Webster's New Collegiate Dictionary.

ARTICLE III

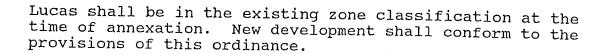
ESTABLISHMENT OF DISTRICTS

PURPOSES OF DISTRICTS - IN ORDER:

- 3-1-A To divide the entire Village into the types of districts deemed best suited to carry out the purposes of this Ordinance;
- 3-1-B To prohibit uses or buildings incompatible with the character of such districts;
- 3-1-C To regulate and limit the height, bulk, and uses of buildings hereafter to be erected;
- 3-1-D To prevent the enlarging or alteration of existing buildings in such manner as to evade the restrictions and limitations lawfully imposed by this Ordinance;
- 3-1-E To regulate and determine minimum areas for open spaces adjacent to buildings; and
- 3-1-F To regulate and limit density of development, the municipality of Lucas is hereby divided into frive types of districts known as:
 - R-1 RESIDENTIAL
 - R-2 RESIDENTIAL
 - B-1 BUSINESS/COMMERCIAL
 - I-1 INDUSTRIAL
 - A-1 AGRICULTURAL

DISTRICT BOUNDARIES

- 3-2-A Boundaries of districts are shown on the Lucas Zoning Map, a copy of which is attached hereto and made a part of this Ordinance. Said map and all notations, references and other information shown thereon shall be as much a part of this Ordinance as if the said items were fully described herein. The District Map is properly attested and is on file with the Clerk-Treasurer of the Municipality of Lucas, Ohio. Questions concerning the exact location of District boundary lines shall be determined by the Lucas Village Council.
- 3-2-B All territory hereafter annexed to the Municipality of



Whenever any street or public walkway is vacated by the Municipal Council, zoning districts adjoining each side of such street or walkway shall automatically be extended to the center of the vacated area, all of which shall thereafter be subject to all appropriate regulations of the extended districts.

ARTICLE IV

GENERAL PROVISIONS

- 4-1 EFFECT OF ESTABLISHMENT OF DISTRICTS-EXCEPT AS HEREINAFTER PROVIDED:
- 4-1-A No land or building shall be put to or designated for any use other than is permitted in the district where the land or building is located.
- 4-1-B No building shall be erected, reconstructed, enlarged, structurally altered, or moved, in such manner as to evade conformity with height, bulk, yard, lot area, and other regulations for the district in which such building is located.
- 4-1-C Every building hereafter erected, reconstructed, enlarged, structurally altered, or moved, shall be located on a lot as herein defined.
- 4-1-D No yard, provided adjacent to a building for the purpose of complying with provisions of this ordinance, shall be considered as providing any part of a yard for another building on the same lot or on an adjacent lot.
- 4-1-E No yard shall be so diminished as to make its width or depth less than the dimension required by this Ordinance.
- Along any boundary line between districts, an abutting side yard or rear yard in the less restricted district shall have a minimum required width or depth equal to the average of the required minimum widths or depths for such yards in the districts adjoining said boundary line.
- 4-2 NON-CONFORMING USES
- 4-2-A CONTINUATION OF NON-CONFORMING USES

The lawful use of any building, structure, or land existing at the time of the enactment of this Ordinance may be continued, although such use does not conform with the provisions of this Ordinance, provided the following conditions are met:

- 4-2-A-1 UNSAFE STRUCTURES Nothing in this Ordinance shall prevent restoring to a safe condition any portion of a building or structure declared unsafe by a proper authority as defined by Ordinance.
- 4-2-A-2 ALTERATIONS A non-conforming building or structure may be altered, improved or reconstructed, but not enlarged or extended, provided such work is not to an extent exceeding in the aggregate cost fifty per-cent (50%) of the replacement value of the building or structure, unless the building or structure is changed to a conforming use.
- 4-2-A-3 EXTENSION A non-conforming use shall not be extended but the extension of a lawful use to any portion of a non-conforming building or structure which existed prior to the enactment of this Ordinance shall not be deemed the extension of such non-conforming use.
- 4-2-A-4 CHANGES A non-conforming use may be changed to another non-conforming use, if the proposed non-conforming use is in less conflict with the character and use of the district than the existing non-conforming use.
- 4-2-A-5 CONSTRUCTION APPROVED PRIOR TO ORDINANCE Nothing herein shall require any change in plans, construction or designated use of a building or structure for which a building permit has been issued and the construction of which shall have been diligently prosecuted within ninety (90) days of the date of said permit.
- RESTORATION Nothing in this ordinance shall prevent the reconstruction, repairing, rebuilding, and continued use of any non-conforming building or structure damaged by fire, collapse, explosion, or Acts of God after the date of this Ordinance, where the expense of such work does not exceed fifty percent (50%) of the replacement cost of the building or structure at the time such damage occurred and the restoration is completed within twelve (12) months from the date of damage and in accordance with this Ordinance and the building code.
- 4-2-A-7 ABANDONMENT Means a non-conforming use has been discontinued for a period of two (2) years or more. Such discontinuance shall be considered conclusive evidence of an intention to legally abandon the non-conforming use.

- 4-2-B DISPLACEMENT: No non-conforming use shall be extended to displace a conforming use.
- 4-2-C DISTRICT CHANGES: Whenever the boundaries of a district are changed so as to transfer an area from one district to another district of a different classification, the provisions of 4-1 through 4-2-A shall also apply to any non-conforming uses existing therein.
- 4-2-D No person, firm or corporation shall store JUNK YARDS: or permit storage for a period of more that thirty (30) days of any partly dismantled, inoperable second-hand and unlicensed, or wrecked vehicles or their parts; second-hand building materials; junk, paper, containers, or other salvaged articles, including, without limitation, old iron, glass, cardage waste, or discarded materials, upon any lot or land situated within the boundaries of any residential, commercial or industrial area unless same is completely enclosed within a building or garage and is clearly ancillary or incidental the permitted use or is a use specifically permitted by the applicable district regulations. thirty (30) day period shall run from the date that such person, firm or corporation is notified, in writing, by the Village Zoning and Building Inspector, the Village Council or their agent, that such storage is in violation of this section. Impound lots designated by the Safety Department of the Village of Lucas are permitted storage times of up to one (1) year.
- A-3 RESTORING UNSAFE BUILDINGS:
 Nothing in this Ordinance shall (a) prevent the strengthening or restoring to a safe condition of any part of any structure declared unsafe by the Building Inspector or (b) exempt any structure from compliance with any lawful requirement.
- 4-4 ACCESSORY STRUCTURES:
- 4-4-A No accessory structure shall be erected in any required front yard.
- 4-4-B No accessory structure shall be erected in any side yard within a distance from either the principle building or the nearer side lot line less than the least width of the side yard required for the accessory building.

- 4-4-C Accessory buildings may be built in a required rear yard not nearer to a rear or side lot line than the side yard requirement for such lot.
- 4-4-D Accessory structures shall not cover a total of more than twenty per-cent (20%) of a required rear yard in Residence R-1 District or thirty per-cent (30%) in Residence R-2 District.
- 4-4-E On a corner lot, no accessory building shall project beyond the front yard line on either street.
- 4-4-F No accessory building shall be constructed on a lot until construction of fifty percent (50%) or more of the principal building has been completed, and no accessory building shall be used for dwelling purposes.
- 4-5 DOUBLE FRONTAGE LOTS:
 On such lots, the required front yard shall be provided on both streets.
- On any corner lot the front yard requirements shall be observed on both streets. No obstruction to view in excess of two (2) feet in height shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting them at points thirty (30) feet from the intersection of the street lines, except that street trees are permitted which are pruned at least eight (8) feet above the established grade of the roadway so as not to obstruct clear view by motor vehicle drivers.
- 4-7 PERMITTED HEIGHT EXCEPTIONS:
- 4-7-A Except as specifically stated on other parts of these regulations, no building shall be erected, converted, enlarged, reconstructed or altered to exceed the height limit hereafter established for the district in which the building is located, except that penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to

operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, stage lofts, and screens, flag poles, chimneys, smokestacks, radio and television aerials, wireless masts, water tanks or similar structures may be erected above the height limits herein. No such structure may be erected to exceed by more than fifteen (15) feet the height limits of the district in which it is located; nor shall such

structure have a total area greater than twenty-five percent (25%) of the roof area of the building; nor shall such structure be used for any purpose other than a use incidental to the main use of the building, except that radio, television, and wireless aerials or masts may be erected to any height.

- PUBLIC OR QUASI-PUBLIC BUILDINGS, when permitted in a district, may be erected to a height not to exceed forty-five (45) feet, except that churches and temples may be erected to a height not to exceed seventy-five (75) feet if the building is set back from each yard line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is located.
- 4-8 OFF STREET PARKING:
 In all districts, in connection with every building or part thereof hereafter created, off-street parking facilities shall be provided as prescribed by this section.
- 4-8-A MINIMUM NUMBER OF OFF STREET PARKING SPACES REQUIRED:
- 4-8-A-1 Auditorium, Stadium and Similar Uses One (1) for each five (5) seats based on maximum seating capacity.
- 4-8-A-2 Business and Professional Offices and Banks One (1) for each 200 square feet of floor area plus one (1) space for each two (2) employees.
- 4-8-A-3 Bowling Alleys Four (4) for each alley plus one (1) space for each two (2) employees.
- 4-8-A-4 Church and School Auditoriums One (1) for each five (5) seats in the principal auditorium, based on maximum seating capacity.
- 4-8-A-5 Clubs and Lodges One (1) per two hundred (200) square feet of floor area or one (1) per four (4) seating spaces in the assembly room, whichever is greater.
- 4-8-A-6 Dance halls, Skating Rinks One (1) per one hundred (100) square feet of floor area.
- 4-8-A-7 Dwellings Two (2) parking spaces for each dwelling unit. Such parking spaces shall be to the rear or on the side of such dwelling.

- 4-8-A-8 Funeral Homes, Mortuaries Two (2) per chapel room or parlor or one (1) per one hundred (100) square feet of floor area of rooms used for services whichever is greater.
- 4-8-A-9 Hospitals, Health or Medical Centers or Clinics
- 4-8-A-9-a BED ESTABLISHMENTS One (1) parking space for each two (2) beds.
- 4-8-A-9-b NON-BED ESTABLISHMENTS One (1) space for each two hundred (200) square feet of floor area.
- 4-8-A-9-c BED AND NON-BED ESTABLISHMENTS One (1) space for each three (3) employees.
- 4-8-A-10 Hotels One (1) parking space for each one (1) sleeping room.
- 4-8-A-11 Libraries and Museums One (1) space for each five hundred (500) square feet of floor area plus one (1) space for each two (2) employees.
- 4-8-A-12 Medical and Dental Offices and Clinics Five (5) for each physician or dentist plus one (1) for each two (2) other employees.
- 4-8-A-13 Manufacturing Plants One (1) for each employee on the maximum working shift.
- 4-8-A-14 Restaurants and Taverns One (1) per two (2) seats of seating capacity.
- 4-8-A-15 Retail Stores, Super Markets, etc. One (1) for each one hundred (100) square feet of floor area.
- 4-8-A-16 Theaters One (1) for each four (4) seats.
- 4-8-A-17 Automobile Repair Garage One (1) space for each two (2) employees plus one (1) for each five hundred (500) square feet of floor area.
- 4-8-B OFF STREET ACCESSORY PARKING AREAS shall provide parking spaces, each of which shall be not less than two hundred (200) square feet in area having dimensions of ten (10) feet in width and twenty (20) feet in length exclusive of access drives or aisles.
- 4-8-C Such parking areas shall be of usable shape, improved with bituminous concrete or equivalent surfacing, and

so graded and drained as to dispose of all surface water accumulation within the area subject to the approval of the Lucas Village Engineer. All lighting used to illuminate such parking areas shall be so arranged as to direct the light away from adjoining premises or streets and no open light sources such as the stringing of light bulbs shall be permitted.

- WHEEL GUARDS, INCLUDING BUMPER GUARDS as may be necessary, shall be provided in connection with any off-street parking area of five (5) cars or more, and shall be constructed so as to confine the storm water surface drainage to prevent bumper over-hang or other encroachment into the required or specified setback spaces.
- 4-8-E ENTRANCES AND EXITS shall be located to minimize traffic congestion and avoid undue interference with pedestrian access at street intersection corners. There shall not be more than two (2) accessways abutting any streets. Such access driveways shall be not less than ten (10) feet nor more than twenty (20) feet in width at the sidewalk line nor more than thirty (30) feet at the curb cut line of street. Residential use may have accessways of not less than ten (10) feet. Commercial and industrial uses shall have accessways of not less than twenty (20) feet.
- 4-8-F Spaces for more than ten (10) vehicles shall be completely obscured to a height of five (5) feet on each side which adjoins any residence district.
- 4-9 REQUIREMENTS FOR PRIVATE AND RESIDENTIAL SWIMMING POOLS:
- No person shall locate, construct, install or maintain any swimming pool or make any change in such a pool or appurtenance thereof, unless and until such person shall have submitted an application and plans therefore, and shall have secured a permit and authorization from the Building Inspector.
- 4-9-B No person shall locate, construct, install, make, change, maintain or use a private swimming pool on premises unless said pool on premises meets the following conditions:

Private Swimming Pools - whether in-ground or above ground in construction, shall be considered and are hereby deemed to be an accessory structure and shall, accordingly, comply with all provisions of this Zoning Code applicable to accessory structures.

- All such swimming pools shall be completely enclosed by a fence not less than five (5) feet in height. Such fence shall be constructed so as to have no openings, holes, or gaps larger than two (2) inches in any dimension, except for doors or gates which shall be equipped with self-latching devices to prevent unauthorized intrusion. Accessory buildings may be used in or as part of such enclosure.

 Above ground private swimming pools having vertical surfaces of at least five (5) feet in height shall be required to have enclosing fences and gates of a minimum of five (5) feet in height only where access may be had to such pool.
- 4-10-A The Pool Permit for an above-ground pool shall be \$ 15.00.
- 4-10-B The Pool Permit for an in-ground pool shall be \$ 25.00.
- 4-11 SIGN REGULATIONS
- 4-11-A General Provisions and Definitions
- 4-11-A-1 PURPOSE
 Sign regulations, including provisions controlling
 the type, design, size and location thereof, are
 established to protect property values and promote
 safer Residential, Business/Commercial and Industrial
 Districts by:
- 4-11-A-1-a Promoting clarity in sign communications;
- 4-11-A-1-b Protecting the public health, safety and welfare from the hazards resulting from indiscriminate placement.
- 4-11-A-2 INTERPRETATION
- 4-11-A-2-a In their interpretation and application, the provisions of these Sign Regulations as most recently amended, shall be held to be the minimum requirements.
- 4-11-A-2-b The provisions herein shall not amend or in any way interfere with other codes, rules or regulation governing signs within the Municipality. Whenever there is a conflict between any provisions of any adopted ordinance, the more restrictive provision shall govern.

- 4-11-A-3
 - -11-A-3 GENERAL REQUIREMENTS
 - 4-11-A-3-a No sign or outdoor advertising display shall be placed, erected or maintained so as to obstruct, in any manner, any fire escape, window, door, entrance or exit to or from any building. Nor shall the view of motorists upon any roadway be obstructed.
 - 4-11-A-3-b No sign or outdoor advertising display shall be supported, braced or guyed from or to a public sidewalk, street, alley or public thoroughfare.
 - 4-11-A-3-c Signs, billboards and outdoor advertising displays which are not maintained properly to insure their safe condition or which have become unsafe shall be properly repaired or painted, or removed, when so ordered by the Building and Zoning Inspector.

4-11-B Administration, Enforcement and Penalty

4-11-B-1 ADMINISTRATION

The provisions of these Sign Regulations shall be administered by the Village Building and Zoning Inspector.

4-11-B-2 PERMIT REQUIRED

No sign shall be erected or altered except as otherwise provided for in these Sign Regulations unless a sign permit has been issued by the Clerk-Treasurer.

4-11-B-3 FEES

4-11-B-3-a Every person, firm or corporation applying for a sign permit shall pay to the Clerk-Treasurer or its designated representative, a fee of fifteen dollars (\$ 15.00) per zoning permit.

4-11-B-3-b In addition to the above fee, any electric sign hereinafter erected, re-erected or installed or in any manner displayed shall be constructed, wired or equipped in accordance with the requirements of the National Electric Code, 1978 edition and an electrical permit shall be obtained and all wiring in connection with such sign shall be inspected by the Village of Lucas Zoning Inspector.

4-11-B-3-c All applications for sign permits shall be submitted to the Clerk-Treasurer. The Clerk-Treasurer may issue a sign permit when all applicable provisions of this section have been met.

4-11-B-3-d Any sign erected or altered which does not conform to the provisions of these sign regulations is a violation.

4-11-B-3-e All violations shall be corrected within a reasonable period after the written order has been issued or for a longer period of time as indicated by the Building and Zoning Inspector in the written -order. Any party responsible for violations not corrected within the specified period of time may be prosecuted.

4-11-B-4 APPEALS

Any person, firm or corporation aggrieved by the

action of the Zoning Inspector may take an appeal to the Board of Zoning Appeals.

4-11-B-5 PENALTY

Any person, firm or corporation violating any provision of these Sign Regulations or supplements or amendments thereto shall be fined not less than fifty dollars (\$ 50.00) nor more than one hundred dollars (\$ 100.00). Each day's continuation of a violation shall be deemed a separate offense.

- 4-11-C Permitted Signs
- 4-11-C-1 GENERAL RESTRICTIONS
- 4-11-C-1-a Safety signs, including those providing information, warnings, prohibition or commands which promote or protect the safety of pedestrians or vehicles are permitted only when provided or approved by the Building and Zoning Inspector.
- Light sources to illuminate signs may be direct 4-11-C-1-b or indirect but the source of light shall not be visible. Illumination shall not be of excessive brightness or cause glare hazardous to pedestrians or vehicular traffic, or be objectionable to adjacent residential districts. Flashing, moving or intermittent illumination and outline lighting shall not be permitted. Within 100 (one hundred) feet of an intersection lights cannot duplicate the colors of a traffic light. Signs in residential districts shall not be illuminated, except for nameplates and for bulletin boards for institutions. All signs in business and industrial districts may be illuminated.
- 4-11-C-1-c Signs shall not obstruct windows, doors or fire escapes.
- 4-11-C-1-d Signs shall not obstruct traffic sight lines, traffic sign signals at railroad grade crossings or other safety signs.
- 4-11-C-1-e Signs must be maintained in good repair at all _times.
- 4-11-C-1-f All signs and portions thereof shall be stationary.

4-11-C-1-g

Political campaign signs advertising candidates or issues may be permitted for a period not exceeding thirty days before the election concerned and shall be removed within five days after the election. The area of one sign shall not exceed ten square feet. Such signs shall be placed only with the permission of the property owner.

4-11-E

Abandoned Signs

4-11-E-1

SIGN MAINTENANCE AND REPAIR REQUIRED.

Every sign including, but not limited to, those signs for which permits or for which no permits or permit fees are required, shall be maintained in a safe, presentable and good structural condition at all times, including the replacement of defective parts, painting, repainting, cleaning, and other acts required for the maintenance of such sign. The Building and Zoning Inspector shall require compliance with all standards of these Regulations. If the sign is not made to comply with adequate safety standards, the Building and Zoning Inspector shall require its removal in accordance with this section.

4-11-E-2

ABANDONED SIGNS PROHIBITED.

Except as otherwise provided in these Regulations, any sign which is located on property which becomes vacant or unoccupied, or any sign which pertains to a time, event or purpose which no longer applies, shall be deemed to have been abandoned. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

4-11-E-3

DANGEROUS OR DEFECTIVE SIGNS PROHIBITED.

No person shall maintain or permit to be maintained on any premises owned or controlled by him any sign which is in a dangerous or defective condition. Any such sign shall be removed or repaired by the owner of the sign or the owner of the premises.

4-11-E-4

REMOVAL OF SIGNS BY BUILDING DEPARTMENT.

The Building and Zoning Inspector shall cause to be removed any sign that endangers the public safety such as an abandoned, dangerous or materially, electrically or structurally defective sign or a sign for which no permit has been issued. The Building and Zoning Inspector shall prepare a notice which shall describe the sign and specify the violation involved and which shall state that if the sign is not removed or the violation is not corrected within ten days the sign shall be removed in accordance with the provisions of this section.

All notices mailed by the Building and Zoning Inspector shall be sent by certified mail. Any time periods provided in this section shall be deemed to commence on the date of the receipt of the certified mail. Notwithstanding the above, in cases of emergency the Building and Zoning Inspector may cause the immediate removal of a dangerous or defective sign without notice.

4-11-E-5

DISPOSAL OF SIGNS; COSTS; ASSESSMENT; PENALTIES.

Any sign removed by the Building and Zoning Inspector pursuant to the Provisions of this Section shall become the property of the City and may be disposed of in any manner deemed appropriate by the Village. The cost of removal of the sign by the Village shall be considered a debt owned to the Village by the owner of the sign and the owner of the property, and may be recovered in an appropriate court action by the Village or by assessment against the property as hereinafter provided. The cost of removal shall include any and all incidental expenses incurred by the Village in connection with the sign's removal.

When it is determined by the Building and Zoning Inspector that such sign would cause an imminent danger to the public safety, and contact cannot be made with a sign owner or building owner, no written notice shall have to be served. In this emergency situation, the Building and Zoning Inspector may correct the danger, all costs being assessed as contained in the following subsections:

4-11-E-6 PENALTY

Non-conforming or unsafe signs shall be removed and the costs thereof assessed to the owner of the land and certified as a lien to the county auditor.

4-12 DEVIL STRIP PLANTINGS

No trees except those hereafter designated shall be planted in a "devil strip" (See 2-18). Trees permitted: Red Bud, Lowall Hawthorne, Washington Hawthorne, Sunburst Locust, Snowdrift Crab Apple, Radiant Crab Apple, Carmen Crab Apple, White Angel Crab Apple, Sumi Crab Apple, Lemoine Crab Apple, Newport Plum, Thundercloud Plum, Kwazan Cherry, Pink Dogwood, White Dogwood and Callery Pear, and those trees recommended in Subdivision Regulations, Paragraph 6.1.2.6.1.

No trees whether mentioned in this section or not, shall be allowed to grow or develop or be placed in such a way as to intrude upon, impede, or obstruct the safe travel of motor vehicles or pedestrians.

4-12-A DRIVEWAY CULVERTS

All residential driveway culverts shall be of corrugated steel or any approved pipe at least 20' in length and meeting any other requirements of Section 6-10-D.

4-13 CUSTOMARY HOME OCCUPATIONS

- 4-13-A Such use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes.
- 4-13-B Such use shall be conducted only by persons residing in the dwelling unit.
- 4-13-C The use shall not involve more than twenty-five (25%) percent of the floor area.
- 4-13-D No activity, materials, goods or equipment indicative of the proposed use shall be visible from any public way or adjacent property.
- 4-13-E Such use shall not created a nuisance by reason of noise, order, dust, vibration, fumes, smoke,

electrical interference or other causes which constitute or become a public or private nuisance.

- 4-14 MOBILE HOMES, MANUFACTURED HOMES AND TRAILERS
- 4-14-A The following regulations shall apply to Mobile Homes and Trailers:
- 4-14-A-1 A mobile home/trailer shall not be considered to be permissible as an accessory building.
- 4-14-A-2 A mobile home/trailer must have a permanent foundation.
- 4-14-A-3 No person shall occupy a mobile home/or trailer for living purposes except:
 - 1. In a Mobile Home Park.
 - 2. In any residential district as a guest of the resident of the property involved for a period of not over one week in any 30-day period.
- A mobile home/trailer may be used as a temporary office, or building incidental to construction on a development of the premises on which the trailer is located, only during the time construction or development is actively underway.

4-15 TREES AND PRUNING

The Village shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds.

The Village may remove or cause or order to be removed any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements:

CORNER CLEARANCE: Every owner of any tree overhanging any street or right-of-way within the
Village shall prune the branches so that such
branches shall not obstruct the light from any
street lamp or obstruct the view of any street
intersection and so that there shall be a clear

space of eight feet (8') above the surface of the sidewalk and a clear space of twelve feet (12') above the portion of a street outside the curb or that portion of a street or right-of-way way subject to vehicular traffic. Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public. The Village shall have the right to prune any tree or shrub on private property when it interferes with the proper spread of light along the street from a street light or interferes with visibility of any traffic control device or sign.

4-15-B

DEAD OR DISEASED TREE REMOVAL ON PRIVATE PROPERTY:

The Village shall have the right to cause the removal of any dead or diseased trees on private property within the Village, when such trees constitute a hazard to life and property, or harbor insects or disease which constitute a potential threat to other trees within the Village. The Clerk-Treasurer will notify in writing the owners of such trees. Removal shall be done by said owners at their own expense within sixty (60) days after the date of service of notice. In the event of failure of owners to comply with such provisions, the Village shall have the authority to remove such trees and charge the cost of removal on the owners property tax notice.

ARTICLE V

R-1 RESIDENTIAL DISTRICTS

| 5-1 | USES PERMITTED: |
|----------------|--|
| | Except as otherwise provided in this Ordinance, no building or premises in the R-1 Residential District shall hereafter be erected, altered, used, arranged or designed to be used in whole or in part for any other purpose or in any other manner than as follows: |
| 5-1-A | One Family Dwellings |
| 5-1 - B | Farming or Gardening |
| 5-1-C | Signs as regulated under Section 4-11 herein. |
| 5-1-D | Customary home occupations as regulated under Section 4-13. |
| 5-2 | CONDITIONALLY SUGGESTED USES: |
| | Council may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article IX and to the specific requirements of Section 5-4 referred to below: |
| 5-2-A | Churches and other buildings for the purpose of religious worship subject to Subsections 9-4-A, 9-4-C, 9-4-G, 9-4-K, 9-4-L, 9-4-H. |
| 5-2-B | Cemetery subject to Subsection 9-4-C, 9-4-G, 9-4-Q. |
| 5-2-C | Public and parochial schools subject to Subsections 9-4-A, 9-4-B, 9-4-C, 9-4-D, 9-4-E, 9-4-F, 9-4-K. |
| 5-2-D | Institutions for higher education subject to subsections 9-4-A, 9-4-B, 9-4-C, 9-4-D, 9-4-I, 9-4-G, 9-4-K. |
| 5-2-E | Institutions for human medical care-hospitals, clinics, sanitariums, convalescent homes, nursing homes, homes for the aged and philanthropic institutions subject to Subsections 9-4-A, 9-4-B, 9-4-C, 9-4-E, 9-4-I, |

9-4-K, 9-4-M.

5-2-F Governmentally owned and operated buildings or facilities subject to subsections 9-4-C. 9-4-G, 9-4-H, 9-4-K. 5-2-G Public Utility rights-of-way and pertinent structures subject to subsections 9-4-A, 9-4-J. 5-2-H Two-Family dwellings subject to Subsection 6-8-B. 5-2-I Temporary buildings and uses incidental to construction work subject to Subsections 9-4-M, 9-4-P. 5-2-J Governmentally owned and/or operated parks and playgrounds subject to subsections 9-4-A, 9-4-B, 9-4-C, 9-4-D, 9-4-E, 9-4-K, 9-4-M. 5-2-K Governmentally or privately owned and/or operated picnic areas, playgrounds, private parks, swimming facilities, golf courses, tennis clubs, country clubs, riding academies, and other similar recreational uses. Uses permitted under this category shall be subject to subsections 9-4-A, 9-4-B, 9-4-C, 9-4-M, 9-4-S, 9-4-T, 9-4-V, 9-4-W. 5-3 ACCESSORY STRUCTURES AND USES Accessory structures and uses customarily incident to any of the permitted uses of this section are more specifically set forth as follows: 5-3-A Private Garages A private garage on the same lot or within the building to which it is accessory and in which no business or industry is conducted. Only one (1) unattached garage per lot may be constructed. not to exceed seven hundred (700) square feet. 5-3-B Accessory structures not greater in height than - the main buildings on the same or adjacent lots, nor greater in height than fifteen (15) feet may be located in a rear yard, provided that such accessory building comes not nearer than five (5) feet to any lot line, and provided that such accessory building comes not nearer than ten (10)

feet to another accessory building nor nearer than twenty (20) feet to a main building unless attached thereto.

5-3-C In case of a corner lot, no wall of an accessory building shall be nearer to a side street line than the side line of the main building and it shall be as far from the side street line as the minimum setback required for the main building.

5-4 HEIGHT

No dwelling shall exceed twenty-five (25) feet or two stories in height. Other permitted buildings, except accessory building, may be built to a greater height provided any such building sets back from every street and lot line one (1) foot for each foot of height of the building in excess of twenty-five (25) feet, in addition to the other yard and setback requirement herein specified.

5-5 FRONT YARD

There shall be a front yard not less than twenty-five (25) feet in depth; except that where there are four (4) or more existing structures in the same block on the same side of the street as the proposed structures, the Building and Zoning Inspector or Clerk-Treasurer shall change the depth of the front yard to that of the existing buildings. On a corner lot the front yard requirements shall be observed on both streets.

5-6 SIDE YARDS

There shall be a side yard not less that ten (10) feet in width on each side of the principle building.

5-7 REAR YARDS

There shall be a rear yard on every lot which rear yard shall have a minimum depth of not less than ten (10) feet.

5-8 LOT AREA

The minimum lot area shall not be less than seven thousand five hundred (7,500) square feet.

5-9 LOT WIDTH

The minimum lot width shall be seventy-five (75) feet with centralized sewer and one hundred twenty (120) feet without centralized sewer.

5-10 MINIMUM SIZE OF DWELLINGS

Every new dwelling or residence shall have floor space designed and used for living quarters, exclusive of porches, garages, breezeways or terraces, as follows:

5-10-A For houses with living space located entirely on one floor, the minimum area shall be 960 square feet.

5-10-B For two-story and one-half houses, the minimum area shall be 1,050 square feet with 750 square feet on the first floor.

5-11 OFF-STREET PARKING

There shall be two (2) off-street parking spaces for each family unit, each containing no less than two hundred (200) square feet of area, with width of ten (10) feet and a length of twenty (20) feet. All such parking spaces shall be to the rear of the units.

ARTICLE VI

MULTIFAMILY RESIDENTIAL DISTRICTS

| 6-0 | R-2 RESIDENTIAL DISTRICT |
|-------|--|
| 6-1 | USES PERMITTED |
| | Except as otherwise provided in the Ordinance, no building or premises in the R-2 Residential District shall hereafter be erected, altered, used, arranged, or designed to be used in whole or in part for any other purpose or in any other manner than as follows: |
| 6-1-A | All uses permitted in R-1 Residential District. |
| 6-1-B | Two-family dwellings. |
| 6-1-C | Multi-family dwellings. |
| 6-1-D | Signs as regulated by Section 4-11 of this ordinance. |
| 6-1-E | Customary house occupations as regulated by Section 4-13. |
| 6-2 | CONDITIONALLY SUGGESTED USES |
| | Council may issue Conditional Zoning Certificates for uses listed herein subject to the general requirements of Article IX and the specific requirements of Section 9-4 referred to below: |
| 6-2-A | Churches and other buildings for the purpose of religious worship subject to Subsections 9-4-A, 9-4-C, 9-4-G, 9-4-K, 9-4-L, 9-4-M. |
| 6-2-B | Cemetery subject to Subsections 9-4-C, 9-4-G, 9-4-Q. |
| 6-2-C | Public and parochial schools subject to Subsections 9-4-A, 9-4-B, 9-4-C, 9-4-E, 9-4-F, 9-4-K. |
| 6-2-D | Institutions for higher education subject to Subsections 9-4-A, 9-4-B, 9-4-C, 9-4-D, 9-4-E, 9-4-G, 9-4-K. |
| | |

6-2-E

Institutions for human care-hospitals, clinics, sanitariums, convalescent homes, nursing homes, child day care centers, homes for aged, and philanthropic institutions subject to Subsections 9-4-A, 9-4-B, 9-4-C, 9-4-E, 9-4-G, 9-4-I, 9-4-K, 9-4-M.

6-2-F

Governmentally owned and/or operated buildings or facilities subject to Subsections 9-4-C, 9-4-G, 9-4-H, 9-4-K.

6-2-G

Governmentally owned parks and/or playgrounds, subject to Subsections 9-4-A, 9-4-B, 9-4-C, 9-4-D, 9-4-E, 9-4-K, 9-4-M.

6-2-H

Quasi-public, institutionally or organizationally owned and/or operated recreational, instructional and meeting facilities, such as those developed and used by the Y.M.C.A., Boy Scouts or various fraternal or community service groups, subject to Subsections 9-4-I, 9-4-K, 9-4-M, 9-4-W.

6-2-I

Lodging house and boarding house accommodations subject to Subsections 9-4-K, 9-4-M, 9-4-N.

6-2-J

Public utility rights-of-way and pertinent structures subject to Subsections 9-4-A, 9-4-J.

6-2**-**K

Temporary buildings and uses incidental to constructions work subject to Subsections 9-4-M, 9-4-P.

6-3

Height

No dwelling shall exceed twenty-five (25) feet or two stories in height. Other permitted buildings, except accessory building, may be built to a greater height provided any such building sets back from every street and lot line one (1) foot for each foot of height of the building in excess of twenty-five (25) feet, in addition to the other yard and setback requirements herein specified.

6-4

_ FRONT YARD

There shall be a front yard not less than twentyfive (25) feet in depth except that where there are four (4) or more existing structures in the same block and on the same side of the street as the proposed structure, the Building and Zoning Inspector of Clerk-Treasurer shall reduce the depth of the front yard to the average depth of the front yards of the existing buildings. On a corner lot the front yard requirements shall be observed on both streets.

6-5 SIDE YARDS

There shall be a side yard not less than ten (10) feet in width on each side of the principal building for one-family dwellings and fifteen (15) feet in width on each side of the principal dwelling for two-family and multi-family dwellings.

6-6 REAR YARDS

There shall be a rear yard on every lot which rear yard shall have a minimum depth of not less than ten (10) feet.

6-7 MINIMUM LOT AREAS

The minimum lot areas shall not be less than as follows:

- 6-7-A One Family Dwelling..... 7,500 square feet
- 6-7-B Two-Family Dwelling..... 15,000 square feet
- 6-7-C Multi-Family Dwelling.......18,000 square feet for the first three (3) units and 2,500 square feet for each additional one (1) bedroom or efficiency unit, or 3,500 square feet for each additional two (2) bedroom or unit, or 5,000 square feet for each additional three (3) or more bedroom unit.
- 6-8 MINIMUM LOT WIDTHS FOR NEW DEVELOPMENTS.
- 6-8-A One Family Dwelling The minimum lot width shall be seventy-five (75) feet.
- 6-8-B Two-Family Dwelling The minimum lot width shall be one hundred twenty (120) feet.
- 6-8-C Multi-Family Dwelling The minimum lot width shall be one hundred fifty (150) feet.

- 6-9 MINIMUM LIVING AREAS FOR NEW DEVELOPMENT
- 6-9-A One-Family 960 square feet in accordance with Section 5-10.
- 6-9-B Two-Family 1,500 square feet total.
- 6-9-C Multi-Family
- 6-9-C-1 Efficiency Suite 500 square feet per unit.
- 6-9-C-2 One (1) bedroom apartment 650 square feet per unit.
- 6-9-C-3 Two (2) bedroom apartment 800 square feet per unit.
- 6-9-C-4 Three (3) bedroom apartment 1,050 square feet per unit.
- 6-9-C-5 Four (4) or more bedroom apartment 1,300 square feet per unit.

SITE PLAN REVIEW

All multi-family uses permitted under Section 6-9 shall be permitted only after the review and approval of the site plans by the Planning Commission and upon finding by the Planning Commission that the following general requirements will be met. In the interests of the community and surrounding development, the Planning Commission may seek expert advice and recommendations as to whether a proposed multi-family project will meet the requirements listed below. The cost of securing such expert assistance shall be borne by the applicant.

- 6-10-A The site plan shows that a proper relationship does exist between thoroughfares, service roads, driveways, and parking areas to encourage pedestrian and vehicular traffic safety.
- 6-10-B All the development features including the principal buildings, open spaces, service roads, driveways, and parking areas are so located and related as to minimize the possibility of any adverse effects upon adjacent development.
- 6-10-C The site plan includes adequate provisions for the screening of parking areas and active recreation areas, from surrounding properties by landscaping and/or ornamental wall or fence.
- 6-10-D The nature and material requirements for grading and surface drainage shall be determined and approved by the Village Engineer.

- 6-10-E The design and construction standards of all private streets, driveways, and parking areas are to be built following approval of plans by the Village Engineer.
- 6-10-F Maximum possible privacy for each apartment shall be provided through good design and use of proper building materials and landscaping. Visual privacy should be provided through structural screening and landscaping treatment. Auditory privacy should be provided through sound-proofing.
- 6-10-G The architectural design of apartment buildings should be developed with consideration given to the relationship of adjacent development in terms of building height, mass, texture, line and pattern and character.
- 6-10-H Building location and placement should be developed with consideration given to minimizing removal of trees and change of topography.
- 6-10-I Television and other antennas will be centralized.
- 6-10-J On-site circulation shall be designed to make possible adequate fire and police protection.
- 6-10-K In large parking areas, visual relief shall be provided through the use of trees planted and landscaped dividers, islands, and walkways. No parking or service areas shall be permitted between any street and the main building.
- Paved off-street parking and service areas shall be required; parking spaces shall contain at least 200 square feet being 10' x 20' and two spaces per dwelling unit in each apartment building; and paved vehicular access drives of at least ten (10) feet in width shall be required for parking areas of ten (10) vehicles or less capacity, and two-way drives of twenty (20) feet paving width minimum shall be required for parking areas of eleven (11) or more vehicle capacity.
- 6-10-M CONFORMANCE WITH SITE PLAN: The use, placement and dimensions of all buildings, driveways, sidewalks, parking areas, curb cuts, and recreation areas, and the installation of landscaping, fences and walks shall conform to the approved site plan.

ARTICLE VII

BUSINESS/COMMERCIAL DISTRICTS

- 7.0 B-1 BUSINESS/COMMERCIAL DISTRICTS
- 7-1 USES PERMITTED

Except as otherwise provided in this ordinance, no building or premises in B-1 Commercial District shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part, for any other manner than as follows:

- 7-1-A The retail sale or handling of food and beverage of all kinds, including sale for consumption on the premises.
- 7-1-B The retail sale of general merchandise, including department stores.
- 7-1-C Professional and personal services.
- 7-1-D Office buildings and banks.
- 7-1-E Appliance repair shops.
- 7-1-F Custom tailors, laundry or dry cleaning, collection offices, self-service laundries, hand laundries and shoe repair shops.
- 7-1-G Dry Cleaning, pressing or tailoring in which non-toxic, non-explosive and non-inflammable solvents are used and no work is done on the premises for retail outlets elsewhere.
- 7-1-H Public Garages and Car Lots, provided that no lighting threat shall constitute a nuisance or in any way impair safe movement of traffic on any street or highway and, further, that such developments shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 7-1-I Newspapers and print shops.
- 7-1-J Advertising signs that are limited to advertising the goods sold or services rendered on the premises and which, further, comply with Section 2-67 of this Ordinance.
- 7-1-K Amusement and Recreation: Assembly hall, bowling alley, dance hall, pool and billiards, theater, card

room, or other social or recreation center, provided the place or building in which same is located is sufficiently sound proofed so as not to constitute a nuisance or imposition upon adjacent premises users or the public general.

- 7-1-L Schools, libraries, museums, community centers, Government buildings and places of worship.
- 7-1-M Any use commonly and necessarily incident to a use authorized by this section.
- 7-1-N Parking as regulated by Section 4-8.
- 7-1-0 All uses permitted in Residential 1 (R-1) and Residential 2 (R-2) districts.
- 7-2 CONDITIONAL USES:

The Council may issue Conditional Zoning Certificates for uses listed herein, subject to the general requirements of Article IX and to the specific requirements to Section 9-4 referred to below:

- 7-2-A Churches and other buildings for the purpose of religious worship subject to subsections 9-4-C, 9-4-G, 9-4-I.
- 7-2-B Governmentally owned and/or operated buildings and facilities subject to Subsections 9-4-C, 9-4-G.
- 7-2-C Planned, integrated commercial developments subject to Subsection 9-4-U.
- 7-2-D Clubs, lodges, fraternal, charitable or social organizations subject to Subsections 9-4-C, 9-4-D, 9-4-E.
- 7-2-E Drive-in banking facilities subject to Subsection 9-4-C.
- 7-2-F Gasoline service/filling stations, mini marts, subject to 7-1-H, Subsections 9-4-Q, 9-4-O.
- 7-2-G Auto Laundry subject to Subsections 9-4-C, 9-4-E, 9-4-G, 9-4-O, 9-4-R, 9-4-U.
- 7-2-H Public utility rights-of-way and pertinent structures subject to Subsection 9-4-J.
- 7-2-I Temporary buildings and uses incidental to construction work subject to Subsections 9-4-M, 9-4-P.

7-3 HEIGHT

No structure shall exceed forty-five (45) feet in height unless approved by Municipal Fire Department and certified by the Board of Zoning Appeals.

7-4 FRONT YARD

Every structure shall have a front yard of not less than twenty-five (25) feet in depth. On corner lots the front yard requirements shall be observed on both streets.

7-5 SIDE YARD

Every structure shall have a side yard of not less than ten (10) feet in width on each side; except that where this structure is part of integral complex, the zoning Board of Appeals may eliminate this requirement.

7-6 MINIMUM REAR YARD DEPTH

Forty (40) feet except that no rear yard shall be required where the business use abuts on a public parking area specifically intended to serve the particular business use and other commercial establishments abutting on the parking area.

7-7 LOADING AND UNLOADING SPACE

Every structure shall be provided with adequate space for the loading and unloading of trucks and other vehicles serving proposed structure, provided, however, that the Board of Zoning Appeals may modify or waive this requirement where such space is not needed.

7-8 OFF-STREET PARKING

Off-street parking facilities shall be provided in accordance with section IV of this Ordinance.

7.1 CB: COMMERCIAL BUSINESS DISTRICT

7.1-1 PURPOSE

The purpose of the CB - Commercial Business District is to provide for the planned and integrated grouping of commercial land uses; especially retail sales, services, and professional offices which incorporate innovative site plan designs and techniques which take the full economic advantage of the existing site while maintaining an overall compatibility with the Lucas downtown marketing area.

7.1-2 APPLICATION

Where there are differences between the regulations contained in this section and regulations occurring in the other sections of these regulations, the regulations contained in this section shall apply.

7.1-3 USES PERMITTED

All permitted uses specified in the B-1 Business/Commercial District.

7.1-4 CONDITIONAL USES

All conditionally permitted uses in the B-1 Business/Commercial District.

The Council may issue Conditional Zoning Certificates for uses listed therein, subject to the general requirements of Article IX and to the specific requirements of Section 9.4.

7.1-5 Front Yard and Side Yard Requirement Adjacent to Residential Districts: The minimum front yard depth and side yard width abutting a residential district shall not be less than the yard requirement of the said residential district.

7.1-6 LOADING AND UNLOADING SPACE

Every structure shall be provided with adequate space for the loading and unloading of trucks and other vehicles serving proposed structure, provided, however, that the Board of Zoning Appeals may modify or waive this requirement where such space is not needed.

7.1-7 OFF-STREET PARKING

Off-street parking facilities shall be provided in accordance with Article IV, Section 4-8, of this ordinance.

7.1-8 SITE PLAN REVIEW AND CONFORMANCE

All business uses specified under Sections 7.1-3 and 7.1-4 shall be permitted only after the review and approval of the site plans by the Planning Commission and upon finding, by the Commission, that the specific standards set forth in this article and the requirements of Article IV, with the exception of Section 4-1-C, will be met.

ARTICLE VIII

I-1: INDUSTRIAL DISTRICTS

8-1 USES PERMITTED:

Except as otherwise provided in this Ordinance, no building or premises in the I-1 Industrial District shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part, for any other purpose or in any other manner than as follows:

- 8-1-A The retail sale of handling of food and beverages of all kinds, including sale for consumption on the premises.
- 8-1-B Office Buildings and Laboratories, provided that no operation shall be conducted or equipment used which would create hazards, noxious or offensive conditions.
- 8-1-C Laundry and Dry Cleaning Plants, provided that no operation shall be conducted closer than one hundred (100) feet to any R-District.
- 8-1-D Repair Shops
- 8-1-E Public garages, or service stations, or lots or garages for the sale and repair of new or used motor vehicles.
- 8-1-F The manufacture, compounding, assembly or treatment of articles or merchandise from the following previously prepared materials.

Aluminum, bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious metals or stones, shell, rubber, tin, tobacco, wood (excluding saw mills), tars and paint not involving a boiling process.

- 8-1-G The manufacture, compounding, processing, packing or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceutical, toiletries, and food products except the rendering or refining of fats and oils.
- 8-1-H The manufacture of pottery or figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or qas.

- 8-1-I Foundry casting light-weight metals and not causing noxious fumes or odor.
- 8-1-J Lumber yards for retail lumber sales.
- 8-1-K Planing Mills.
- 8-1-L Coal yards, brick and tile yards, for retail sales.
- 8-1-M Machine shop or other metal working shop excluding drop hammers or other noise-producing machinery.
- 8-1-N Warehousing.
- 8-1-0 Any use commonly and necessarily incident to a use authorized by this section.
- 8-1-P Signs as regulated by Section 4-10 of this Ordinance.
- 8-1-Q Parking as regulated by Section 4-8 of this Ordinance.
- 8-2 CONDITIONAL USES

Council may issue Conditional Zoning Certificates for uses listed herein, subject to the general requirements of Section 8-2 referred to below:

- Sales offices provided that there shall be no display of any actual product for sale except in accordance with the following regulations. No display will be in an exterior show window and the total are devoted to display both the objects displayed and the floor space set aside or persons observing the displayed objects shall not exceed twenty (20) percent of the usable floor area of the establishment using the display of an actual product or sale as a sales procedure; provided there shall be no outdoor storage of goods or material regardless of whether or not they are for sale; and provided further that there shall be no warehousing or the indoor storage of goods or material beyond that normally incidental to such an office.
- 8-2-B Experimental or testing laboratories provided that no physical effect of the experimental or testing activity can be detected beyond the confines of the building in which the activity is located; and provided that no exterior structural element of the building in which the activity is located shall appear to be other than just normally incidental to an office use.

- 8-2-C Any other office, research, or similar use which the Commission finds to be: (1) consistent with the purpose of the article; and (2) of a character which will not impair the use of adjacent properties.
- 8-2-D Governmentally owned and/or operated buildings and facilities subject to Subsections 9-4-C, 9-4-G.
- Public utility rights-of-way and pertinent structures subject to Subsection 9-4-J.
- 8-2-F Temporary buildings and uses incidental to construction work subject to Subsections 9-4-M, 9-4-P.
- 8-3 HEIGHT

No structure shall exceed forty-five (45) feet in height unless approved by the Municipal Fire Department and certified by the Board of Zoning Appeals.

8-4 FRONT YARD

Every structure shall have a front yard of no less than fifty (50) feet in depth. On corner lots the front yard requirements shall be observed on both streets.

8-5 SIDE YARD

Every structure shall have a side yard no less than one hundred (100) feet in depth.

8-6 REAR YARD

Every structure shall have a rear yard of not less than one hundred (100) feet in depth.

8-7 LOADING AND UNLOADING

Every structure shall be provided with adequate space for the loading and unloading of all vehicles serving the proposed structure, provided however, that the Board of Zoning Appeals may modify or waive this requirement where such space is not needed.

8-8 OFF-STREET PARKING

Off-street parking facilities shall be provided in accordance with Section IV of this Ordinance. Parking for only those industries located within the municipal limits will be allowed in such industrial area.

8-9 SITE PLAN REVIEW AND CONFORMANCE

All industrial uses specified under Sections 8-1 and 8-2 shall be permitted only after the review and the approval of the site plans by the Planning Commission and upon finding by the Commission that the specific standards set forth in this Article and the requirements of Article IV will be met.

8-10 INDUSTRIAL PARK

The industrial parks approach to the development of industrially zoned areas is greatly encouraged. The regulations of the Village Zoning Ordinance may be modified by the degree of necessity to accomplish the the objectives and guidelines required for industrial parks (see Design Guidelines for the Lucas Industrial Park). Nothing, however, shall exempt the developer from the requirements of subdivision plat approval as specified in Section 3 of the Village of Lucas Subdivision Regulations, Ordinance No. 0-54-93.

A-1: AGRICULTURAL DISTRICTS

- 8(A)-1 USES PERMITTED:
 - Such land as is within the Agricultural District may be used for agricultural purposes.
- 8(A)-2 As defined herein, agricultural shall include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry and forestry.
- 8(A)-3 Land may be used for agricultural purposes. No zoning certificate shall be required for the construction of buildings inclement to the use of agricultural purposes of the land on which such building shall be located. Residential buildings shall conform to the regulations contained in this ordinance under R-1 Residential District.

ARTICLE IX

CONDITIONAL ZONING CERTIFICATES

9-1 PURPOSE

Until recently, regulation of land uses and structures through zoning was accomplished by assigning each use However, the functions to one or more "use" districts. and characteristics of an increasing number of new kinds of land uses, combined with conclusive experience regarding some of the older, familiar kinds of uses, call for a more flexible and equitable procedure for properly accommodating these activities in the community. It should be recognized that the forces that influence decisions regarding the nature, magnitude, and location of such types of land use activities are many and varied and are dependent upon the functional characteristic of the use, competitive situations, and the availability of land. Certain "uses" need to be reasonably controlled by specified requirements that provide practical latitude for the investor, but at the same time maintain adequate provisions for the security of the health, safety, convenience, comfort, prosperity, or general welfare of the community's inhabitants.

In order to accomplish such a dual objective, provision is made in this Ordinance for a more detailed consideration of each conditionally permitted use as it relates to location; size; design; method of operation; and intensity of land use; which in turn affects the volume of traffic generated and traffic movements, the concentration of population, and the kinds of public facilities and service it requires. Land and structure uses possessing these particularly unique characteristics are designated as Conditionally Permitted through the issuance of a Conditional Zoning Certificate with conditions and safeguards attached as may be deemed necessary for the protection of the public welfare.

9-2 PROCEDURES FOR MAKING APPLICATION

- 9-2-A An application shall be submitted to the Planning and Zoning Commission and it shall contain the following data:
- 9-2-A-1 The form supplied by the Planning and Zoning Commission completed by the applicant.

- 9-2-A-2 A site plan, plot plan or development plan of the entire property being considered drawn to a reasonable scale and showing the location of all existing and proposed structures, the types of buildings and the uses proposed, location of all abutting streets.
- 9-2-A-3 The fee payment for Conditional Zoning Certificates shall be \$150.00. The Planning and Zoning Commission will refer the application to the Village Engineer and/or any other qualified consultants when it deems expert advice necessary, and the applicant shall pay for the costs of said referral.
- 9-2-B REVIEW BY PLANNING AND ZONING COMMISSION

The Planning and Zoning Commission shall review the proposed development as presented on the submitted plans and specifications in terms of the standards established in this Ordinance. Such review shall be completed and made public within sixty (60) days of the first regular monthly meeting of the Planning and Zoning Commission following the submission of such application. If the application is submitted at a regular monthly meeting of the Planning and Zoning Commission, then the sixty (60) day period shall begin with the date of submittal.

9-2-C NOTICE AND HEARING

No action of the Planning and Zoning Commission shall be taken in any proceedings under paragraph 9-2-B of this section until after proper notice has been given and public hearing has been held.

Proper notice of a joint hearing before the Planning and Zoning Commission and Council shall be public notice by publishing in a newspaper of general circulation in the community and written notice mailed to the owner of property, or the agent of such owner, within 500 feet of the perimeter of such parcel or parcels to be rezoned, at least ten (10) days prior to the date of such proposed hearing.

The Clerk-Treasurer shall supply to the Planning and Zoning Commission the names of property owners notified and copies of the notices sent pursuant hereto.

9-2-D ISSUANCE AND REVOCATION OF CONDITIONAL ZONING CERTIFICATE:

The application will be submitted to Council with the Planning and Zoning Commission recommendations and conditions. Upon approval by council, a Conditional

Zoning Certificate will be issued by the Clerk-Treasurer. The breach of any conditions, safeguard, or requirement shall automatically invalidate the certificate granted, and shall constitute a violation of this Zoning Ordinance.

9-2-E REAPPLICATION

An application for a Conditional Zoning Certificate which has been denied wholly or in part by council shall not be resubmitted until the expiration of one (1) year or more from the date of such denial, except on grounds of newly discovered evidence or proof of changed conditions which would be sufficient to justify reconsideration by Council.

9-3 STANDARDS AND REQUIREMENTS FOR CONDITIONAL USES:

An applicant must establish by clear and convincing evidence that the general standards of this Ordinance and this Article and the specific standards pertinent to each proposed use shall be met throughout the period of the proposed use. The council shall determine compliance and shall insure that the general standards and the specific standards and other terms of the Ordinance pertinent to the proposed use shall be satisfied by completion and operation of the proposed development.

9-3-A GENERAL STANDARDS:

The Planning and Zoning Commission shall review the particular facts and circumstances of each proposed use in terms of the following standards and shall find by clear and convincing evidence that such use on the proposed location:

- 9-3-A-1 Will be harmonious with and in accordance with the general objectives or with any specific objective of the comprehensive plan;
- 9-3-A-2 Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area;
- 9-3-A-3 Will not be hazardous or disturbing to existing or future neighboring uses;
- 9-3-A-4 Will not be detrimental to property in the immediate vicinity or to the community as a whole;

- 9-3-A-5 Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, or schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service;
- 9-3-A-6 Will be in compliance with the subdivision regulations, the Board of Health Standards, and the Building Code;
- 9-3-A-7 Will have vehicular approaches to the property which shall be so designed as not to create an interference with traffic on surrounding public streets or roads.
- 9-3-A-8 All uses, and associated premises, structures, activities, roads, parking areas, utilities, construction, established after the effective date of this Ordinance shall be in compliance with the Village Subdivision Regulations, Building Code, Health Code, Housing Code, and all other applicable regulations.
- 9-4 SPECIFIC REGULATIONS PERTAINING TO CONDITIONALLY PERMISSIBLE USES:
- 9-4-A All structures and activity areas shall be located at least one hundred (100) feet from all property lines.
- 9-4-B Loud speakers which cause a hazard or annoyance shall not be permitted.
- 9-4-C All points of vehicular entrance or exit shall be located no closer than two hundred (200) feet from the intersections of two (2) major thoroughfares; or no closer than one hundred (100) feet from the intersection of a major thoroughfare and a local or collector thoroughfare.
- 9-4-D There shall be no more than one (1) advertisement oriented to each abutting road identifying the activity.
- 9-4-E No lighting shall constitute a nuisance and shall in no way impair safe movement of traffic on any street or highway; no lighting shall shine directly on adjacent properties.
- 9-4-F Elementary school structures shall be located on a collector thoroughfare.

- 9-4-G Such developments shall be located on major thoroughfares or at intersections of major and/or collector thoroughfares.
- 9-4-H Such developments shall be located adjacent to non-residential uses such as churches, parks, industrial or commercial districts.
- 9-4-I Such uses shall not require uneconomical extensions of utility services at the expense of the community.
- 9-4-J Site locations shall be preferred that offer natural or manmade barriers that would lessen the effect of intrusion into a residential area.
- 9-4-K Such uses shall be properly landscaped to be harmonious with surrounding residential uses.
- 9-4-L Such structures should be located adjacent to parks and other nonresidential uses such as schools and shopping facilities where use could be made of joint parking facilities.
- 9-4-M All permitted installations shall be maintained in a neat orderly condition so as to prevent injury to any single property, an individual, or to the community in general; a bond may be required to insure that this provision will be met.
- Dodging and Boarding House uses shall be so designed, maintained, and operated as to comply with inspection and rules of the Municipal Board of Health and the regulations of all other applicable Municipal codes, and to minimize possible disruptive effects on the character of adjacent and nearby properties.

 Parking shall be provided in accordance with Article VI. The design and construction of parking areas, service areas, and access drives shall be approved by the Commission. The property must have approved sewer and water facilities and meet applicable fire and safety standards.
- 9-4-O SUCH USES SHALL BE PERMITTED UNDER THE FOLLOWING CONDITIONS:
 - 1. Provided that such facilities be located at the extremity of the business districts so as not to interfere with the pedestrian interchange between stores in the district and provided further, that it would not limit expansion of the pedestrian-oriented facilities.

- 2. No more than two (2) driveway approaches shall be permitted directly from any thoroughfare and shall not exceed thirty (30) feet in width at the property line.
- 3. If the property fronts on two (2) or more streets, the driveways shall be located as far from the streets' intersections as is practical.
- 4. At least six (6) inch high pedestrian safety curb shall be installed along all street right-of-way lines except at driveway approaches and landscaped areas.
- 9-4-P Any temporary structures shall be indicated as such on site plans submitted to the Commission for approval. Such structures shall not be continued as permanent structures. The period of continuance shall be set by the Commission.
- 9-4-Q THE AREA PROPOSED FOR A CEMETERY SHALL BE USED FOR CEMETERY PURPOSES ONLY, AND SHALL MEET THE FOLLOWING REQUIREMENTS:
 - 1. Only memorial park cemeteries have grave markers flush with the surface of the ground shall be permitted. The term "marker" to refer to the name of the deceased.
 - 2. Except for office uses incidental to cemetery operations, no business or commercial uses of any kind shall be permitted on the cemetery site.
 - 3. Minimum area required for a cemetery site shall be forty (40) acres.
 - 4. A building of brick and/or stone, solid and/or veneered, shall be provided if storage of maintenance equipment and/or materials is to be necessary.
 - 5. Pavement width of driveways shall be at least twenty (20) feet (ten (10) feet per moving lane.)
 - 6. Drive shall be of usable shape, improved with bituminous, concrete, or equivalent surfacing and so graded and drained as to dispose of all surface water accumulation within the area.
 - 7. Pavement is to be installed as development progresses and as indicated on the final plans approved by the commission.

- 8. Sufficient parking space shall be provided as to not deter traffic flow within the cemetery.
- 9. Area drainage and/or sanitary facilities are subject to approval by the Board of Health and the Municipal Engineer prior to the issuance of a conditional zoning certificate.
- 10. Only signs designating entrances, exits, traffic direction and titles shall be permitted, and must be approved by the Commission.
- 11. Adequate screening with shrubs, trees or compact hedge shall be provided parallel to property lines adjacent to or abutting residential dwellings; such shrubs, trees, and hedges shall be maintained in good condition.
- 12. Provisions shall be made for landscaping throughout the cemetery.
- 13. Location of cemetery buildings and all other structures shall conform to front, side and rear yard building lines of the particular district in which it is located.
- 14. No grave sites shall be located within one hundred (100) feet of the right-of-way lines of any publicly dedicated thoroughfare.
- 15. A grave site shall not be within two hundred (200) feet of an existing residence.
- 16. Guarantees shall be made that the cemetery will be developed as proposed on the plans approved by the Commission, the Municipal Engineer, and the Municipal Board of Health. Guarantees shall be as follows:
- a. A performance bond in the amount of \$25,000 for cemeteries of forty (40) acres. An additional \$5,000 shall be required for each ten (10) acres over forty (40) acres or for each ten (10) added at a later date. The amount of the bond will be reduced annually, and by an amount that will leave the balance of the bond proportional to the portion of the cemetery not developed to the specification of the plans approved by the Commission, the Municipal Engineer, and the Municipal Board of Health.
- b. Other methods as might be worked out by the Commission, the Developers, and their legal advisors.

- 17. A trust fund of an amount set by the Commission shall be established by the cemetery developers for the perpetual maintenance of the cemetery grounds. Said trust fund shall be established before any burial spaces are sold or used and shall be held and invested by a financial institution mutually agreed upon by the developers and the Commission. A percentage of the money from the sale of each burial space shall be put into the maintenance trust fund The percentage shall be an amount set by the Commission. Interest yielded by the fund shall be applied toward the maintenance of the cemetery grounds.
- An integrated planned commercial development which is a grouping of three (3) or more commercial establishments which have common vehicular parking facilities, controlled access to abutting streets, and are developed under a unified site plan, shall be permitted provided the following conditions are met:
 - 1. Only those types of business uses permitted for conventional development in the district shall be permitted in integrated planned business developments.
 - 2. The minimum setback building line shall be one hundred (100) feet measured from the street right-of-way line.
 - 3. Side yards and rear yards shall be required only on the perimeter of the planned development and shall be fifty (50) feet except that where the business development is adjacent to a residential zone the side and/or rear yard shall be seventy-five (75) feet on the side(s) abutting the residential zone only.
 - 4. All points of entrance and/or exit shall be located no closer than two hundred (200) feet to the intersection of two (2) thoroughfares.
 - 5. The minimum site size to be considered for an integrated planned commercial development shall be three (3) acres.
- only retail uses which are customarily accessory or incidental to the main recreational use shall be permitted; and shall include such uses as refreshment stands, souvenir stands, and concession stands.
- A Conditional Zoning Certificate for a use permitted under these regulations shall be issued for a three (3) year period only. After a three year (3) period

has elapsed, a new Conditional Zoning Certificate shall be required and may be issued provided that the Commission and the Zoning Inspector determine that the said use has been and is being operated according to the specifications of the Zoning Ordinance and the previous conditional Zoning Certificate. If necessary, the Commission may make additional specifications for the continued operation of the use as a prerequisite for reissuance of the Conditional Zoning Certificate should Council be aware of changes requiring such additional specifications.

- 9-4-U Vehicular approaches to the property shall be so designed and sufficient off-street transient parking cr waiting area provided as not to create an interference with traffic on the street. Activities shall be conducted within an enclosed building.
- 9-4-V All facilities and structures shall meet all Municipal, County and State health, building, electrical and other applicable codes.
- 9-4-W All activities, programs, and other events shall be adequately and properly supervised so as to prevent any hazard and to assure against any disturbances or nuisance to surrounding properties, residents, or to the community in general.
- The Planning and Zoning Commission may recommend that Council adopt or Council may on its own initiative demand as conditions of approval any other requirement than it deems necessary to fulfill the purposes and intent of this Ordinance, including guarantees that any conditions will be fulfilled, contractual money defaults, deposits and bonds.

ARTICLE X ENFORCEMENT AND ADMINISTRATION

- ADMINISTRATIVE OFFICIALS: Except as otherwise provided by this Ordinance, the Village Administrator, Municipal Clerk-Treasurer and Building and Zoning Inspector shall administer and enforce this Ordinance, including the receiving of application, the inspection of premises and the issuing of zoning and building permits. No zoning and building permit or certificate of occupancy shall be issued except where the provisions of the Ordinance have been complied with.
- 10-1-A PENALTY: A violation of any provision of this ordinance shall be punishable by a fine of not less than Ten Dollars (\$10.00) nor more than Fifty Dollars (\$50.00). A violation shall be considered as having been committed initially as of the date when a citation has been served thereon, as construed in 10-1-B, below. Every day or part thereof during which a cited violation continues, shall constitute a new and separate offense.
- 10-1-B CITATION PROCEDURE: A violation of this Ordinance shall be cited by the Clerk-Treasurer or the Building and Zoning Inspector:
 - a. By sending a Citation and Order to Comply by Certified Mail, return receipt requested, to the owners, lessees, or persons having control of the premises or property involved and shall be deemed served and effective upon receipt, or
 - b. By the Building and Zoning Inspector personally serving the citation upon the above mentioned persons. Personal service herein shall mean actual delivery to such person, or leaving said citation securely affixed in a conspicuous place at the premises in question. The citation is by this method effective either upon such actual delivery or upon affixing.
 - c. If the persons cited as above fail or refuse to comply with the citation and order to comply within fifteen (15) days following service, the Clerk-Treasurer or Building and Zoning Inspector shall serve upon the person, as in 10-1-B (1) and (b) above, an order to show cause within ten (10) days before the Building and Zoning Inspector as to why compliance has

not been made and why legal process should not be instituted as in Section d, below.

- d. Where the cited party fails to comply or show cause, the Building and Zoning Inspector shall prepare and file an Affidavit or Complaint and cause a summons charging said violation to issue pursuant to law.
- ZONING PERMIT REQUIRED: No building or structure shall 10-2 be erected, added to, by the addition of square footage until a permit therefor has been issued by the Municipal Clerk-Treasurer or other duly authorized official. All applications for such permits shall be in accordance with the requirements of this Ordinance pertaining thereto, and unless upon written order of the Board of Zoning Appeals, no such zoning permit or certificate of occupancy shall be issued for any building where said construction, addition or alteration of use thereof would be in violation of any of the provisions of this Ordinance. Further, and only with respect to new buildings or structures to be erected in R-1 and R-2 Districts, no permits shall be issued unless the property upon which the proposed building or structure is to be erected abuts a street which has been publicly dedicated and accepted by the Municipality. Additionally, no such permit shall be issued for such new buildings or structures in a R-1 or R-2 district unless the applicant therefor has obtained a street opening permit for sewer and water or private septic permit.
- 10-3 EXHIBITS ACCOMPANYING APPLICATIONS: There shall be submitted with all applications for zoning permits the following exhibits in duplicate:
- 10-3-A Layout of Plot Plan drawn to scale showing the actual dimensions of the lot to be built upon and the exact size and location on the lot of the building or structure to be erected. This plot plan shall be prepared only after the lot has been surveyed and the boundaries thereof determined and visibly staked out by a registered surveyor.
- Plans showing the details of construction at each floor level and the principal elevation views of the buildings or structure, together with such other pertinent data necessary to determine and provide for the enforcement of this ordinance.

PAYMENT OF FEES: One copy of the required exhibits shall be returned with a permit to the applicant when approved by the administrative official and upon the payment of a fee in accordance with municipal ordinance.

10-5 RETRACTION CLAUSE

Where any property, lot or premises are rezoned or permitted a variation to allow a specifically requested and intended use, and/or construction, such rezoning or variation shall be considered null and void, revoked and retracted as to such property, lot or premises if it should appear to Council or the Board of Zoning Appeals that the specifically requested and intended use and/or construction which was the basis of the rezoning or permitted variation is

- (a) Not to be implemented, or
- (b) Not begun within 30, 60 or 90 days of the date when such rezoning or permitted variation is approved by Council or the Board of Zoning Appeals.
- (c) Not, once begun or initiated, pursued to completion without delay or interruption is shown by the applicant to have resulted from no fault or negligence of his.

For good cause shown by the applicant the above time periods may be extended by Council or the Board of Zoning Appeals upon application made before the expiration of any previously granted time period, but each extension shall be for a period no greater than ninety (90) days.

10-5-A Council or the Board of Zoning Appeals shall have the power to establish beginning dates (as in "b" above) or from 30 to 90 days, depending on their determination of which time limit is reasonable.

ARTICLE XI

BOARD OF ZONING APPEALS

- 11-1 AUTHORITY: The Board of Zoning Appeals is hereby created and authorized to act as the administrative board as provided in Section 713.11 of the Ohio Revised Code, having all powers and duties prescribed by law and by this Ordinance.
- 11-2 COMPOSITION AND APPOINTMENT: The Board shall consist of five (5) members appointed by the Mayor and approved by the Council. Each member shall be appointed in accordance with the Council. The Mayor may remove any member for reasons stated in writing. In the event of death or removal of a member, the Mayor shall, with the approval of the Council, make the appointment for the duration of the unexpired portion of the term of the deceased or removed member. Vacancies created by resignation shall be filled in the same manner.
- ORGANIZATION: The Board of Zoning Appeals shall elect a chairman from its membership, shall appoint a clerk, and shall prescribe rules for the conduct of its affairs.
- QUORUM: The Board of Zoning Appeals shall require a quorum of four (4) members at all its meetings and the concurring vote of four (4) members shall be necessary to effect any order.
- 11-5 MEETINGS: The Board of Zoning Appeals shall meet at the call of its chairman or two other members, and at such other regular times as it may by resolution determine.
- 11-6 WITNESSES: The Board of Zoning Appeals chairman or acting chairman may administer oaths and compel the attendance of witnesses in all matters coming within the purview of this Ordinance.
- 11-7 POWERS AND DUTIES: The Board of Zoning Appeals shall have the further powers and duties specified as follows:
- 11-7-A INTERPRETATION:

Upon appeal from a decision by an administrative official, the power to decide any questions involving the interpretation of any provision of this Ordinance, including determination of the exact location of any district boundary if there is uncertainty with respect thereto.

11-7-B EXCEPTIONS:

The power to issue special permits as authorized by this Ordinance. In granting any special permit, the Board of Zoning Appeals and the Planning and Zoning Commission shall act in compliance with the provisions of this Ordinance for zones pertaining thereto, and shall prescribe any conditions that it deems to be necessary to or desirable for the public interest. However, no such special permit shall be granted by the Board of Zoning Appeals or the Planning and Zoning Commission unless it finds that the use for which the permit is sought will not be injurious to the neighborhood or otherwise detrimental to the public welfare and will be in harmony with the general purpose of this Ordinance.

11-7-C VARIANCES:

The power to vary or adapt the strict application of any of the requirements of this Ordinance in the case of exceptional circumstances or conditions peculiar to the land or buildings in question, whereby such strict application would result in practical difficulty or unnecessary hardship that would deprive the owner of the reasonable use of the land or building involved but, in no other case. In granting any variances the Board of Zoning Appeals shall determine that the variance is in harmony with the general purpose of this ordinance, and shall prescribe any conditions it deems necessary or desirable to prevent injury from said variance to the affected neighborhood or detrimental to the public welfare.

PROCEDURE: The Board of Zoning appeals shall act in accordance with the procedure specified by law and by this ordinance. All appeals and publication made to the Board of Zoning Appeals shall be in writing and on the forms prescribed therefor. Every appeal or application shall refer to the specified provision of the Ordinance involved, and shall exactly set forth the interpretation that is claimed, the use for which the special permit is sought, or the details of the

variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. Every decision of the Board of Zoning Appeals shall be by resolution, each of which shall contain a full record of the findings of the Board of Zoning Appeals in that particular case. Each such resolution shall be filed in the office of the Board of Zoning Appeals by case number*, Special Permits, Variances, together with all documents pertaining thereto. (*one or another of the following Headings: Interpretations, Special Permits, etc.)

11-9 NOTICE AND HEARING: No action of the Board of Zoning Appeals shall be taken in any proceedings under paragraphs 11-7, 11-8 and 9-2-C of this section until after proper notice has been given and public hearing has been held. Proper notice of a hearing before the Board of Zoning Appeals shall be a Public Notice by publication in a newspaper of general circulation in the community and written notice mailed to the owner of property of the agent of such owner; written notice mailed to owners of property, or agent of such owner, within 500 feet of the perimeter of such parcel or parcels_to be rezoned, at least ten (10) days prior to the date of such proposed hearing. The Municipal Clerk-Treasurer shall supply to the Zoning Board of Appeals the names of property owners notified and copies of the notices sent pursuant thereto.

11-10

APPEALS: Appeal to the Board of Zoning Appeals may be taken by any persons, firm or corporation or by any officer, board or department of the municipality of Lucas deeming himself or itself to be adversely affected by the decision of the administrative official pertaining thereto.

Appeal shall be made no later than fifteen (15) calendar days after the date of grievance. appellant shall post security for the cost of all action required for the hearing of the appeal. the fee not used will be returned upon settlement An appeal shall stay all proceedings in approval. furtherance of the action appealed from, unless the administrative officer whose decision is appealed from shall certify to the Board of Zoning Appeal, after the notice of appeal has been filed, that by reason of facts in the certificate that such stay would, in his opinion, cause imminent peril to life or property. such case, proceedings shall not be stayed except by a restraining order granted by the Board of Zoning Appeals or by a court having lawful jurisdiction.

Within its powers, the Board of Zoning Appeals may reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination as in its opinion ought to be done and in that end shall have all the powers of the officers from whom the appeal is taken and it may issue or direct the issuance of a permit or certificate. The appellant shall post a fee of two hundred dollars (\$200.00) for the cost of all action required for the hearing of the appeal. Any of the fee not used will be returned upon settlement approval.

11-11 RECONSIDERATION: The Board of Zoning Appeals may, upon its own initiative, within ten (10) days, and without necessitating an applicant's initiating a new application for reconsideration, revise, modify, change or retract a previously rendered decision or condition imposed.

Such action by the Board of Zoning Appeals may not be taken without a clear showing that facts have come to its attention within said ten (10) day period, such facts then providing grounds for reconsideration.

ARTICLE XI (A)

PLANNING AND ZONING COMMISSION

- 11(A)-1 AUTHORITY: The Planning and Zoning Commission is hereby created and authorized to act in accordance with the provisions of this ordinance.
- 11(A)-2 COMPOSITION AND APPOINTMENT: The Planning and Zoning commission shall consist of the five (5) members qualified and acting as the Board of Zoning Appeals. Vacancies shall be filled in the same manner as provided in Article XI. herein dealing with the Board of Zoning Appeals.
- 11(A)-3 POWERS AND DUTIES: The Planning and Zoning Commission shall have the powers and duties as specified in the zoning ordinance.
- 11(A)-4 MEETINGS: The Planning and Zoning Commission shall meet at the call of its chairman or two other members, and at such other times as it may by resolution determine or shall be called to meeting by the mayor whenever required.
- 11(A)-5 QUORUM: The Planning and Zoning Commission shall require a quorum of four (4) members at all its meetings and the concurring vote of four (4) members shall be necessary to effect any order.
- 11(A)-6 ORGANIZATION: The Planning and Zoning Commission shall elect a chairman from its membership, shall appoint a clerk and shall prescribe rules for the conduct of its affairs.

ARTICLE XII

DISTRICT CHANGES AND ORDINANCE AMENDMENTS

- Council of the Municipality of Lucas, may from time to time amend by ordinance the number, shape, or area of districts established on the zoning map or the regulations set forth in this ordinance; but no such amendment shall become effective unless the ordinance proposing same shall first be submitted in writing by the Clerk-Treasurer of Council to the Municipal Planning and Zoning Commission for approval, disapproval or suggestions, and said Commission shall have been allowed a reasonable time, not more than sixty (60) days, for consideration and report.
- Before submitting its recommendations and report to Council, the Planning and Zoning Commission and Council shall hold a public hearing on the proposed amendment, and shall give proper notice of the time and place of such hearing.

Proper notice of a joint hearing before the Planning and Zoning Commission and Council shall be a public notice by publication in a newspaper of general circulation in the community and written notice mailed to the owner of property, or the agent of such owner, within 500 feet of the perimeter of such parcel or parcels to be rezoned, at least ten (10) days prior to the date of such proposed hearing.

The Municipal Clerk-Treasurer shall supply to the Planning and Zoning Commission the names of property owners notified and copies of the notices sent pursuant hereto.

Any person or persons other than Municipal officials desiring an amendment of the Zoning Map shall accompany the petition for such amendment or the ordinance introduced for this purpose, with a statement giving the names and addresses of the owners or the agent of owners of all properties within 500 feet of the perimeter of such parcel or parcels to be rezoned. Any request for change shall be accompanied by a Two Hundred Dollar (\$200.00) fee to defray cost of such change.

ARTICLE XIII

REPEALER

Any ordinance or parts of ordinances of the municipality of Lucas in conflict herewith, are to the extent of such conflict hereby repealed.

ARTICLE XIV

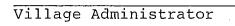
VALIDITY AND SEPARABILITY

Should any section or part of a section or provision of this ordinance be declared invalid or unconstitutional by a court of competent jurisdiction, this shall not affect the validity of any other section, part of section, or provision of this Ordinance, or the ordinance as a whole, other than the part so declared to be invalid or unconstitutional.

VILLAGE OF LUCAS

WATER TAP PERMIT APPLICATION

| Date: | | <u></u> |
|-----------------------|----------------------|-------------|
| Name: | | |
| Address: | | · |
| | | |
| Phone: | | |
| Purpose for which cor | nnection is desired: | |
| Residential | Commercial | Other |
| Address of tap locati | on: | |
| Description of proper | ty or lot: | · |
| Number of meters requ | ired: 3/4" | Other |
| Location to be tapped | : | |
| | | |
| | | |
| Comments: | | |
| | | |
| | | |
| ` | | |
| Fee: | · | • |
| Approved | Denied | |
| | | |



VILLAGE OF LUCAS

SEWER TAP PERMIT APPLICATION

| Date: | | · | | |
|---------------------|---------------|----------|-------|---|
| Name: | | | | · |
| Address: | | | | |
| | | | | |
| Dhana | | • | | |
| | | | | |
| Purpose for which | connection is | desired: | | |
| Residential | Commercia | 1 | Other | |
| Address of tap loc | ation: | | | |
| Description of pro | | | | |
| Diameter of service | | | | |
| Location to be tap | | | | |
| | | | | |
| | | | | |
| | | | | |
| Comments: | | | | |
| | | | | |
| | | | | |
| | | | | |
| Fee: | | | | |
| | | | | |
| Approved | Denied | | | |
| | | | | |
| | | | | |

Village Administrator



VILLAGE OF LUCAS

ELECTRIC TAP PERMIT APPLICATION

| Date: | · | |
|---|---------|-------------|
| Name: | | |
| Address: | | |
| | · | |
| Phone: | | |
| Purpose for which connection is desired: | | |
| Residential Commercial | Other | |
| Address of tap location: | | |
| Description of property or lot: | | |
| Size of service: | | |
| 100 amp 200 amp | 400 amp | Other |
| Comments: | | ····· |
| · · · · · · · · · · · · · · · · · · · | | · |
| Fee: Temporary Service connection: | | |
| Permanent Electric Service connection: | 7.17 | · |
| Electric Service Application Fee:Billing Address: | | |
| | | |
| | | |
| Village Administrator | | |

VILLAGE OF LUCAS Office of the Clerk-Treasurer Lucas, Ohio 44843

Application for Conditional Zoning Certificate

County of Richland

| Name of Arra: | |
|--|-----------------------|
| Name of Applicant_ | |
| Address of Applicant Phone No. (Cwner) | |
| Phone No. (Owner)App | 1. |
| For Property Located at Zoning District in Which Property | llcant |
| Zoning District in Which Property is Located | |
| Conditionally Permissible Use | |
| Attached and as Part of this Application are: | |
| A. Plan Showing: | |
| 1. Boundaries and divisions of property | |
| 2. Abutting streets, properties and structu | res |
| Location of all improvements proposed, in parking, landscaping, etc. | ncluding structures, |
| Location of wells, sewers or other utility proposed | |
| Topography at an interval sufficient to separacteristics of the property | |
| B. Complete plans and specifications for all proconstruction. | posed Development and |
| C. Statements supporting evidence that the propo harmonious with, and in accordance with, the resolution and the land use and thoroughfare detrimental to existing of future uses in the the community as a whole. | ODJECtivos -c |
| FEE \$50.00 | · - |
| <u></u> | (Owner) |
| - | (Applicant) |

FOR SPECIAL PURPOSES

CONDITIONAL ZONING CERTIFICATE, PAGE 2

GENERAL CONDITIONS TO BE COMPLIED WITH:

- 1. Will be harmonious with and in accordance with the general objectives or with any specified objective of community's land use and thoroughfare or current adoption.
- 2. Will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such a use will not change the essential character of the same area.
- 3. Will not be hazardous or disturbing to existing or future neighboring uses.
- 4. Will not be detrimental to property in the immediate vicinity or to the Municipality as a whole.
- 5. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage, structures, refuse disposal and that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such service.
- 6. All structures, streets, and utilities shall be in compliance with the Municipality regulations, the Counties' Boards of Health Standards, and the County building code.
- 7. All vehicular approaches to the property shall be so designed as not to create an interference with traffic on surrounding public streets.

VILLAGE OF LUCAS Office of the Clerk-Treasurer

Lucas, Ohio 44843
Application for Subdivision for lots within Municipal
Corporation limit
County of Richland

| Name of Property Owner |
|---|
| Name of Applicant |
| Address of Applicant |
| Phone No. (Owner) |
| For Property Located at |
| Use Requested |
| Attached and as Part of this Application are: A. Plat Showing: |
| 1. Boundaries and division of property |
| 2. Abutting streets, properties and structures |
| Location of all improvements proposed, including structures, parking, landscaping, etc. |
| Location of wells, sewers or other utility features, existing or proposed |
| 5. Topography at an interval sufficient to show the slope characteristics of the property |
| 6. Data required by Chapter 711 Ohio Revised Code |
| B. Complete plans and specifications for all proposed Development and construction. |
| Statements supporting evidence that the proposed subdivision will be harmonious with, and in accordance with, the objectives of the zoning resolution and the land use and thoroughfare plan, and will not be detrimental to existing of future uses in the immediate vicinity or the community as a whole. |
| D. Surveyor Certificate |
| FEE \$50.00 E. Owner Acknowledgement(Owner) |

Application for Subdivision, Page Two

| | (Applicant) |
|--|-----------------|
| | |
| F. Date of Application | |
| 3. Planning and Zoning Commission Action | on: |
| Date Recommended Recommend | ded Disapproval |
| Date of Issuance of Subdivision Certific | cate |
| Date of Recording of Plat: | |
| Engineer Review: | |
| Solicitor Review: | |
| Village Council Action: Date: | _ Approval: |
| | Disapproval: |
| | |

FEE:

TO BE POSTED AT SITE OF CONSTRUCTION

LUCAS, OHIO

POOL PERMIT

| Date: | 19 | _ 1 | | |
|-------------------|---------------|-----------|---------------|----------------|
| THIS POOL PERMIT | AUTHORIZES | | | |
| | | · | TO (LOCA | TE, CONSTRUCT, |
| ERECT, RECONSTRUC | CT, ENLARGE O | R USE) TH | IE POOL AS DE | SCRIBED IN |
| APPLICATION | | | | |
| NO. | | DATE | | 19 |
| · | | | | |
| | | • | | |
| | | | CLERK-TREAS | URER |
| DATE: | 19 | | | |
| RECEIVED FROM | | | | |
| THE SUM OF \$ | IN PA | AYMENT OF | POOL PERMIT | NO. |
| | V | | | *** |
| | | | | |
| | | | CLERK-TREAS | URER |

BUILDING PERMIT ISSUED BY THE VILLAGE OF LUCAS TO BE POSTED AT SITE OF CONSTRUCTION

| PERMIT # |
|---|
| PERMIT ISSUED TO |
| ADDRESS |
| TELEPHONE DATE ISSUED |
| ISSUED BY |
| This building permit authorizes the above applicant to build structure in accordance with the plans and application for same of file in the Office of the Clerk. |
| LOCATION OF STRUCTURE |
| LOT # FIRE DIST |
| CLASSIFICATION OF USE |
| RESIDENCE BUSINESS INDUSTRY GARAGE DECK SIGN |
| Front Yard Set Back ft Rear Yard Set Back ft |
| Side Yards Set Back: Left ft Right ft |
| TYPE OF CONSTRUCTION |
| FRAME COMPOSITE MILL SLOW BURNING FIRE RESISTANT METAL |
| STRUCTURE DIMENSIONS |
| WIDTH FT IN LENGTH FT IN |
| HEIGHT FT IN NO. STORIES |
| CONTRACTOR PHONE # |
| COMMENTS: |
| THE ACCEPTANCE OF THIS PERMIT SHALL CONSTITUTES AN AGREEMENT ON M PART TO ABIDE BY ALL CONDITIONS HEREIN CONTAINED AND TO COMPLY WIT ALL ORDINANCES OF THE VILLAGE OF LUCAS, AND STATE OF OHIO. |
| Date |
| (Applicant's signature) |
| NOTE: THIS BUILDING PERMIT DOES NOT GIVE YOU THE AUTHORITY TO |

BEGIN BUILDING. PERMITS MUST BE OBTAINED FROM RICHLAND COUNTY

BEFORE ACTUAL CONSTRUCTION.

ZONING PERMIT ISSUED BY THE VILLAGE OF LUCAS TO BE POSTED AT SITE OF CONSTRUCTION

| PERMIT ISSUED TO _ | |
|---|--|
| ADDRESS | |
| TELEPHONE | DATE ISSUED |
| ISSUED BY | · · · · · · · · · · · · · · · · · · · |
| This zoning permit (locate, construct | authorizes the above applicant to t, erect, reconstruct, enlarge or use) th |
| (building, structed documentation. | ure or land) as described in the attache |
| (building, struct documentation. I have hereby read will abide by the | the rules above pertaining to zoning permits an |
| (building, structor documentation. I have hereby read will abide by the Ordinance. | the rules above pertaining to zoning permits an e guidelines set forth in the Village Zonin Date |
| (building, structor documentation. I have hereby read will abide by the Ordinance. (Applicant's signator) | the rules above pertaining to zoning permits an e guidelines set forth in the Village Zonin Date |
| (building, structordocumentation. I have hereby read will abide by the Ordinance. (Applicant's signative structordocumentation. | the rules above pertaining to zoning permits and guidelines set forth in the Village Zoning Date |

NOTE: This zoning permit does not give you the authority to begin building. Permits must be obtained from Richland County before actual construction.

LUCAS, OHIO SIGN PERMIT

| Date: | 19 | No. | |
|--------------------------------|--------------|---------------|-------------|
| | | | |
| THIS SIGN PERMIT AUTHORIZES: | | | |
| | | | |
| NAME: | | | |
| ADDRESS: | | | |
| PHONE NUMBER: | | | |
| | | | |
| TO (LOCATE, CONSTRUCT, ERECT, | RECONSTRUCT, | ENLARGE, OR | USE) THE |
| SIGN LOCATED ON THE (BUILDING, | STRUCTURE, C | R LAND) AS DE | SCRIBED IN |
| APPLICATION NO. | DAT | 'E | 19 |
| | | | |
| | | | |
| | | | REASURER |
| | | | |
| | • | | |
| DATE:19_ | _ | | |
| RECEIVED FROM: | | · | |
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| | | CLERK-TI | REASURER |

VILLAGE OF LUCAS Office of the Clerk-Treasurer Lucas, Ohio 44843

APPLICATION FOR VARIANCE

County of Richland

| Name of Property Owner |
|--|
| Name of Applicant |
| Address of Applicant |
| Phone No. (Owner) Applicant |
| For Property Located at |
| Zoning District in Which Property is Located |
| Use for Which Variance is Sought |
| Attached and as Part of this Application are: |
| A. Plan Showing: |
| 1. Boundaries and divisions of property |
| 2. Abutting streets, properties and structures |
| Location of all improvements proposed, including structures, parking, landscaping, etc. |
| Location of wells, sewers or other utility features existing of proposed |
| 5. Topography at an interval sufficient to show the slope characteristics of the property |
| B. Complete plans and specifications for all proposed Development and construction. |
| C. Statements supporting evidence that the proposed use will be harmonious with, and in accordance with, the objectives of the zoning resolution and the land use and thoroughfare plan, and will not be detrimental to existing of future uses in the immediate vicinity or the community as a whole. |
| FEE \$50.00 |
| (Owner) |
| |
| (Applicant) |
| Date |
| Board of Zoning Appeals Action: Approval Disapproval |
| Date of Issuance of Variance |
| Date by Which Work Must be Undertaken |
| Date by Which Work Must be Completed or Variance Will Lapse |

February 8th, 2002

<u>Village of Lucas</u> <u>Building and Zoning Fee summary</u>

| Zoning Permit: | \$10.00 |
|--|----------|
| Zoning Appeal: | \$200.00 |
| - | |
| Building Permits: | |
| Single or double family residence: | \$ 75.00 |
| 2. Multiple family residence: | \$100.00 |
| 3. Garage, carport, deck, room addition, | |
| porch or utility building: | \$ 15.00 |
| 4. Commercial Building: | \$150.00 |
| Variance application: | \$ 50.00 |
| Sign Permit: | \$15.00 |
| Pool Permits: above ground: | \$15.00 |
| In ground pool: | \$25.00 |
| | |
| Water Tap Fee: | \$750.00 |
| Sanitary Sewer Fee: | \$500.00 |
| Electric Hook-up: | \$150.00 |

Penalty for violation of any provision in the Village of Lucas Zoning Ordinance carries a penalty of not less than \$50.00 nor more than \$100.00 per occurance.

AN ORDINANCE ESTABLISHING REQUIREMENTS FOR APPROVAL OF SUBDIVISION PLATS

(Amending and Updating Ordinance 256 of July 1, 1957, and Superseding Same)

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LUCAS, STATE OF OHIO:

WHEREAS, the Village of Lucas, Ohio, has recently enacted a comprehensive zoning code for the Village of Lucas; and

WHEREAS, certain portions of the subdivision ordinance of 1957 require amendments in light of the zoning ordinance of 1993:

NOW, THEREFORE, be it ordained by the Council and Administration of the Village of Lucas, Ohio, as follows:

SECTION 1: Subdivisions may be established in any zoning district with the requirement that the subdivision coincide and comply with zoning requirements pertaining to the district in which the subdivision is intended to be established.

SECTION 2: No plat of any subdivision shall be approved by the council or any officer of the Village unless said plat and subdivision meet the following requirements:

- (a) all lots in any subdivision shall comply with the area and setback requirements for front yard, side yard and rear yard setbacks pertaining to the zoning district in which the subdivision is intended to be established,
- (b) no street within or abutting the subdivision shall be less than 60 feet wide,
- (c) no street of the Village may be blocked by the subdivision unless the Village Engineer or the street committee of the council shall have certified that the continuation of said street is not in the public interest,
- (d) if a street within or abutting the subdivision is

a continuation or extension of a major street of the Village, said street within or abutting the subdivision shall be continued or extended with the same width, provided, however, that street extensions shall be at the minimum width provided hereinbelow,

- (e) grades shall be furnished (as part of the plat or accompanying it) for all streets including sidewalks and curbs and shall have been approved by the Village Engineer or the street committee of the council,
- (f) the minimum curb to curb width of streets shall be twenty-four (24) feet,
- (g) alleys shall be at least twenty (20) feet wide,
- (h) all streets and alleys shall have been graded to conform to the grade approved as provided in (e) above and shall have been surfaced with at least four (4) inches of asphalt or other material approved by the Village Engineer or the street committee of the council or the owner of the subdivision shall enter into a contract binding him to do such grading and surfacing and shall furnish a surety bond securing the performance of such work, said bond shall be in a sum equal to twice the Engineer and the surety or sureties thereon shall be satisfactory to the Clerk of the Village,
- (i) the owner of the subdivision shall agree to maintain all streets and alleys within the subdivision at his expense for two years and shall furnish a surety bond securing the performance of such maintenance in a sum equal to twice the cost of such maintenance as estimated by the Village Engineer and the surety clerk of the Village,
- (j) a concrete surveying monument or marker shall have been erected to accurately indicate the property line intersection on at least one corner of each street intersection,
- (k) the owner of the subdivision prior to the construction of any structures on any of the subdivision lots shall install at his own cost sanitary sewers, storm sewers, water lines which shall conform to regulations of all lawful authorities concerning the same and shall conform to specifications submitted to and approved by the Village Engineer in advance of the development

of the subdivision project,

- all water mains shall be at least (4) inches in (1)
- gas lines and electric lines shall be in conformity with the rules and regulations of the servicing company and shall conform to specifications approved by the servicing company,
- the owner of the subdivision shall agree to maintain all utility lines within the subdivision at his expense for two years and shall furnish a surety bond securing the performance of such maintenance in a sum equal to twice the cost of such maintenance as estimated by the Village Engineer and the surety or sureties thereon shall be satisfactory to the Clerk of the Village,
- two plats must be submitted and must show all lots, streets, and alleys as well as the grades provided by sub-paragraph (e) above and the location of sanitary and storm sewers, gas lines and water
- provided however that if there are five or less parcels and if they are all on an existing street the Clerk of the Village may approve the same for recording without a plat

Section 3: That any provisions of any ordinance inconsistent with the provisions of this ordinance be and the same

Attached to this ordinance is a Sub-Division Section 4: Application. There will be a charge of \$50.00 for application.

Section 5: That this ordinance shall take effect and be in force at the earliest date allowed by law. ADOPTED:

Date: November 16, 1993

APPROVED AS TO FORM:

Edward C. Baran

Village Solicitor

Mayor

BY:

ORDINANCE AMENDING ZONING CODE

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LUCAS, STATE OF OHIO:

WHEREAS, by Ordinance #0-09-93, effective in early 1993, the Village adopted a comprehensive zoning code; and

WHEREAS, certain errors of omission and certain grammatical and spelling errors have been discovered therein; and

WHEREAS, it is the intention of this ordinance to correct those certain errors.

NOW, THEREFORE, be it ordained by the Council and Administration of the Village of Lucas, Ohio, as follows:

1. Adding District A-1: AGRICULTURAL

An Agricultural District within the Village having been intended as indicated on the zoning map delineated such district areas within the Village and said category having been inadvertently omitted from Article III of the zoning ordinance, said Agricultural District as indicated on the zoning map is hereby established.

ARTICLE VIII.

A-1: AGRICULTURAL DISTRICTS

8(A)-1 USES PERMITTED:

Such land as is within the Agricultural District may be used for agricultural purposes.

8(A)-2 As defined herein, agricultural shall include agriculture, farming, dairying, pasturage, apiculture, horticulture, floriculture, viticulture and animal and poultry husbandry and forestry.

- Land may be used for agricultural purposes. No zoning certificate shall be required for the construction of buildings inclement to the use of agricultural purposes of the land on which such building shall be located. Residential buildings shall conform to the regulations contained in this ordinance under R-1 Residential
- 2. Article VII. Commercial Districts hereunder is designated as C-1 shall hereafter be designated as B-1 Business/Commercial Districts.

All of the paragraphs numbered 7-1 through 7.1-8 are restated as if fully rewritten at length herein.

3. To Article VIII., Industrial Districts are added the following provisions:

8-9 BITE PLAN REVIEW AND CONFORMANCE

All industrial uses specified under Sections 8-1 and 8-2 shall be permitted only after the review and the approval of the site plans by the Planning Commission and upon finding by the Commission that the specific standards set forth in this Article and the requirements of Article IV will be met.

8-10 INDUSTRIAL PARK

The Industrial parks approach to the development of industrially zoned areas is greatly encouraged. The regulations of the Village Zoning Ordinance may be modified by the degree of necessity to accomplish the objectives and guidelines required for industrial parks (see Design Guidelines for the Lucas Industrial Park). Nothing, however, shall exempt the developer from the requirements of subdivision plat approval as specified in Section 3 of the Village of Lucas Subdivision Regulations, Ordinance No.

- 4. Article XI. (A) PLANNING & ZONING COMMISSION
- 11(A)-1 AUTHORITY: The Planning & Zoning Commission is hereby created and authorized to act in accordance with the provisions of this ordinance.
- 11(A)-2 COMPOSITION AND APPOINTMENT: The Planning and Zoning Commission shall consist of the five (5) members qualified and acting as the Board of Zoning Appeals. Vacancies shall be filled in the same manner as provided in Article XI. herein dealing with the Board of Zoning Appeals.

- 11(A)-3 **POWERS AND DUTIES:** The Planning and Zoning Commission shall have the powers and duties as specified in the zoning ordinance.
- 11(A)-4 MEETINGS: The Planning and Zoning Commission shall meet at the call of its chairman or two other members, and at such other times as it may by resolution determine or shall be called to meeting by the mayor whenever required.
- 11(A)-5 QUORUM: The Planning and Zoning Commission shall require a quorum of three (3) members at all its meetings and the concurring vote of three (3) members shall be necessary to effect any order.
- 11(A)-6 ORGANIZATION: The Planning and Zoning Commission shall elect a chairman from its membership, shall appoint a clerk and shall prescribe rules for the conduct of its affairs.

This ordinance is hereby designated and adopted by the Village of Lucas and shall go into effect at the earliest time permitted by law.

ADOPTED:

Date: November 16, 1993

APPROVED AS TO FORM:

Edward C. Baran Village Solicitor Opent Hom

cil President

Clerk/Treasurer

1. 12116

Mayor

Vote

AN ORDINANCE ESTABLISHING STDEWALK UNIFORMITY

WHEREAS; the Lucas Village Council has determined that there should be uniformity amongst sidewalks installed within the Village; and,

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LUCAS, OHIO AS FOLLOWS:

SECTION 1. Ordinance No. 0-233-87 is hereby repealed and this updated Ordinance setting policies and procedures for the construction of sidewalks shall be adopted as follows:

- 1. Sidewalks shall be constructed of concrete.
- 2. All sidewalks shall be 5 feet in width.
- 3. All sidewalks installed shall be equidistant from the curb to those sidewalks adjacent and all sidewalks which abut the sidewalk on either side of the newly installed sidewalks.
- 4. No sidewalk shall be installed without first obtaining a sidewalk installation permit from the Village Administrator.

Passed: May 2, 1995

APPROVED AS TO

FORM:

Alana S. Vail

President of Council

Edward C. Baran Village Solicitor

AN ORDINANCE AMENDING THE COMPREHENSIVE ZONING CODE

WHEREAS; the Lucas Village Council has heretofore by Ordinance No. 0-273-58, as amended from time to time, enacted a comprehensive zoning code for the Village of Lucas; and,

WHEREAS; in light of current economic circumstances, the Village Council and Administrator have deemed it appropriate and necessary to add certain permits specified under the comprehensive zoning code.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LUCAS, OHIO AS FOLLOWS:

SECTION 1. From and after the earliest date permitted by law municipal permits shall be charged at the rates set forth herein below:

- A. For a single or double family residence ----- \$ 75.00.
- B. Multiple family residence of more than 2 units -- \$100.00.
- C. For a single or double carport ----- \$ 15.00.
- D. For a porch, deck, breezeway, room addition, or utility building (20'x 20' or less) ----- \$ 15.00.
- E. For commercial buildings ----- \$150.00.

SECTION 2. Because the integrity of the Village Zoning Code is dependent upon a consistent and efficient permit policy, this ordinance is hereby declared to be an emergency, and as such, will take effect as soon as permitted by law.

Passed: <u>June 6, 1995</u>

Janet E. Hladener

APPROVED AS TO

FORM:

Edward C. Baran

Village Solicitor

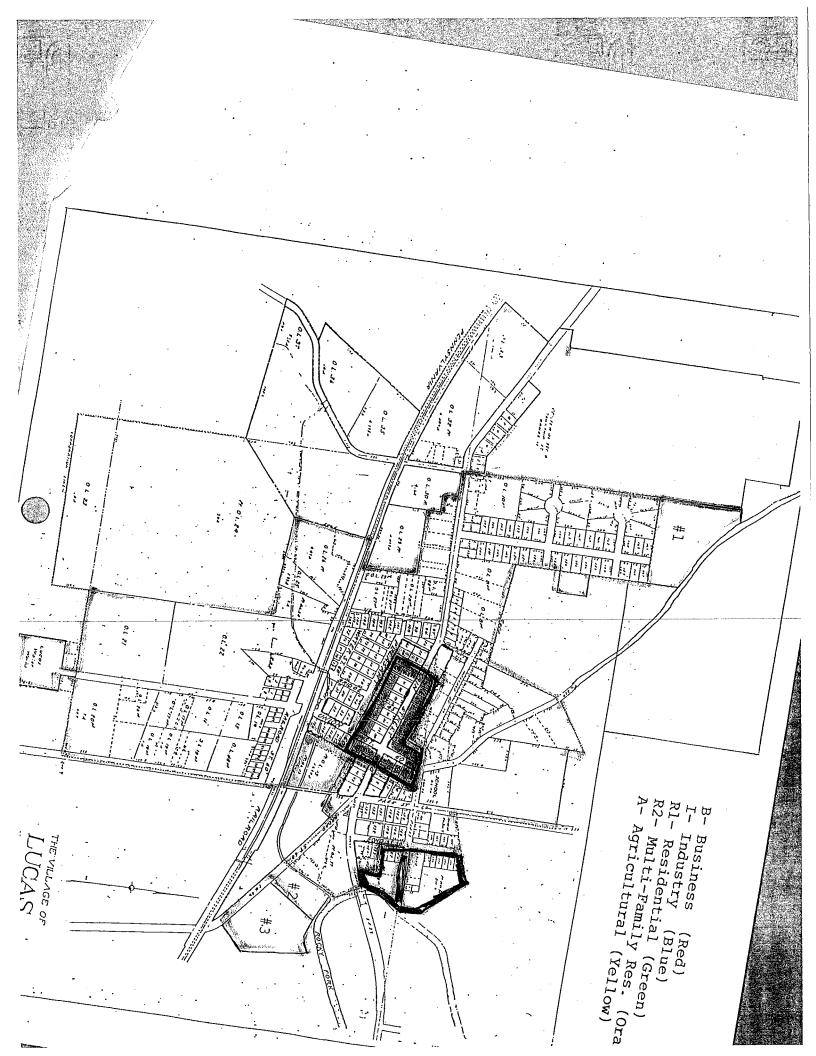
RICHLAND COUNTY BUILDING DEPARTMENT 99 PARK AVENUE EAST MANSFIELD, OHIO 44902 419-774-5517 FAX 419-774-6317

BUSINESS HOURS MONDAY-FRIDAY 8AM-4PM 8AM-3:30PM (FOR BLDG. APPL.)

RESIDENTIAL CHECK LIST

- 1. AN APPROVED ZONING APPLICATION/PERMIT, IF AREA IS ZONED.
- 2. STORM WATER MANAGEMENT/SEDIMENT CONTROL REGULATION PERMIT IS REQUIRED. OBTAIN FROM RICHLAND COUNTY SOIL AND WATER CONSERVATION SERVICES, 1495 WEST LONGVIEW AVENUE, MANSFIELD, OHIO 44906, 419-747 8686.
- 3. FLOOD PLAIN (IF APPLICABLE)
- 4. PLOT PLAN OF BUILDING SITE SHOWING ALL EXISTING STRUCTURES AND NEW STRUCTURE OR ADDITIONS. SHOW THE DISTANCES BETWEEN THE BUILDINGS AND THE LOT LINE. SHOW THE LENGTH AND THE WIDTH OF DRIVEWAY AND THE DISTANCE TO NEAREST INTERSECTING ROAD.
- 5. TWO (2) SETS OF PLANS FOR STRUCTURE SHOWING NORTH, SOUTH, EAST, AND WEST SIDE ELEVATIONS. THESE PLANS MUST BE DRAWN TO SCALE (EXAMPLE 1/4"=1"), IDENTIFYING USE OF ROOMS.
- 6. TWO COPIES EACH OF TRUSS DIAGRAMS, CROSS SECTION OF FRAMEWORK AND FOUNDATION AND INDICATE TYPE OF MATERIALS TO BE USED.
- 7. ELECTRICAL DIAGRAMS MUST SHOW ALL WIRING, OUTLETS, SWITCHES, LIGHTS, SERVICE LOCATION, AND NAME OF THE ELECTRIC COMPANY.
- 8. SEPTIC PERMIT FOR INSTALLATION FOR A SINGLE FAMILY DWELLING IS REQUIRED AT THE TIME OF APPLICATION. OBTAIN FROM RICHLAND COUNTY HEALTH DEPARTMENT, 555 LEXINGTON AVENUE AT STERKEL BLVD., MANSFIELD, OHIO 44907, 419-774-4500.
- 9. FEES MUST ACCOMPANY PLANS, PRIOR TO REVIEW.
- 10. AFTER BUILDING PERMIT IS ISSUED, PLUMBING PERMIT IS REQUIRED FROM RICHLAND COUNTY HEALTH DEPARTMENT, PLUMBING DIVISION 419-774-4525.

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ORDINANCE TO AUTHORIZE THE VILLAGE ADMINISTRATOR TO ORDER THE REPAIR, VACATION, OR DEMOLITION OF UNSAFE STRUCTURES WITHIN THE VILLAGE OF LUCAS

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LUCAS, STATE OF OHIO:

WHEREAS, the Village of Lucas desires to promote neighborhood improvement through nuisance abatement and code compliance, and to eliminate the existence of unsafe and dangerous structures within the Village; and

WHEREAS, Village Council desires to encourage timely repair and/or demolition or elimination of such structures by clarifying and strengthening the process for notification and completion of such work.

NOW, THEREFORE, be it ordained by the Council of the Village of Lucas, Ohio, as follows:

Section 1. PURPOSE AND AUTHORITY

This Ordinance is enacted pursuant to authority granted by Section 3, Article XVIII of the Ohio Constitution, and Ohio Revised Code Sections 715.26, 715.26.1, 715.29, and 715.44 for the purpose of safeguarding life, property and health and for the promotion of the peace, health, safety and welfare of the Village and its inhabitants

Section 2. DEFINITIONS

As used in this Ordinance, words and phrases are defined as follows:

- (a) "Dangerous building" means any building, wall, shed, fence, party wall, or other manmade structure that is, in whole or part: Insecure, unsafe, structurally defective and unsafe to health, life and other property from any cause;
 - (1) Unsafe to the public health because of any condition which may cause or aid in the inception or spread of disease, or injury to the health of the occupants thereof or its neighboring structures.
 - (2) Especially liable to fire, or maintains or creates a fire hazard to the premises or to adjoining property for any cause. "Administrator" means the Village Administrator.
- (b) "Demolish" or "demolition" means the tearing down and removal, so as to require reassembly as new construction if rebuilt, of any Dangerous building, shed, fence or other man-made structure permanently affixed to the soil whose Original construction cost was five hundred dollars (\$500.00) or more.
- (c) "Order" means any lawful order issued by the Village Administrator.
- (d) "Original construction cost" means the fair market value of the building or structure at the time of its original construction.
- (e) "Party wall" means a wall, part of a building or fence constructed upon and straddling the common lot line between two adjoining properties under different ownership and serving both of the adjoining properties.





(f) "Permanently affixed to the soil" means construction or erection designed so as to not anticipate removal from the original site during the reasonable life of the building or structure.

(g) "Person" includes individual, partnership, firm, association, corporation or other legal

entity.

Section 3. ADMINISTRATION AND ENFORCEMENTAdministration and enforcement of this Ordinance shall be the duty and responsibility of the Village Administrator.

Section 4. INSPECTION AUTHORITY.

The Administrator is hereby authorized and directed to make inspections to determine the condition of buildings or other structures in order that the Administrator may perform the duty of safeguarding life and property within the Village. For the purpose of making any inspections, the personnel, upon showing appropriate identification, are hereby authorized to enter, examine and survey at any reasonable hour any building, structure or premises. The owner, occupant or person in charge of the building, structure or premises shall give the personnel free access to the building, structure or premises at any reasonable hour for the purpose of the inspection, examination and survey. Provided the owner, occupant or person in charge may demand forty-eight hours written notice of the inspection. Upon refusal of a right of entry, the Administrator is authorized to seek a search warrant or other appropriate court order in order to obtain access to any building within the Village.

Section 5. NOTICE AND ORDER; CONTENTS.

When, from an inspection of a building, structure or premises, the Administrator has determined that a building, structure or premises is insecure, unsafe, structurally defective, especially liable to fire, or endangers life, health or other buildings or property, he shall issue a notice and order to the owner or the person in charge and to the occupant of the building, structure or premises which shall be substantially in the following form:

- (a) Designation of the property to whom the notice and order is directed and the status of the party in relation to the structure, building or premises.
- (b) A clear and accurate description of the building, structure or premises to which the notice and order is applicable, including the number and street address of the same when so identifiable.
- (c) A recitation that the premises, building or structure described in subsection (b) hereof was inspected, the date of the inspection, and the names of the person or persons that conducted the inspection.
- (d) A recitation that the building, structure or premises described in subsection (b) hereof has been determined, upon and after inspection thereof, to be insecure, unsafe, structurally defective, or especially liable to fire, or endangers life, health or other buildings or property.
- (e) A specific itemization of the defects and conditions in the building, structure or premises which required the determination made in subsection (d) hereof.
- (f) An order to the owner, person in charge or occupant that the building, structure or premises described in subsection (b) hereof be vacated, repaired, torn down, demolished or removed, or that all dangerous conditions be remedied as the determination made in subsection (d) hereof may require. When the order requires repairs or the remedying of dangerous conditions, the specific repairs and remedies shall be enumerated.
- (g) State the date by which time the owner, occupant or person in charge of the building, structure or other premises must comply with the order.

- (h) Advise the owner, occupant or person in charge that the order may be appealed under the provisions of Section 7.
- (i) A recitation that upon failure to comply with the order within the time stated, or with the order as affirmed or modified upon appeal, the Administrator will cause the order to be executed through the use of Village forces, materials and equipment or by contract for labor, materials and equipment or both, all at the expense of the owner, person in charge or occupant and that those costs and expenses may be certified to the County Auditor as a lien or special charge against the real estate and collected as are other taxes.

Section 6. SERVICE OF NOTICE AND ORDER.

The notice and order provided in Section 5 shall be made against, and served personally or by certified mail, return receipt requested, upon the owner, person in charge, operator and occupant of the building, structure or premises to which the order relates. When the notice and order provided in Section 5 cannot be served personally and certified mail service is returned because of inability to deliver, the notice required shall be published once a week for three consecutive weeks in a newspaper of general circulation in the Village. A copy of the newspaper, with the publication of the notice marked, shall be mailed to the party at his last known address within the county where the premises are situated to which the order and notice relate, and also to the owner's last known address elsewhere, if known, and the notice shall be deemed received as of the date of the last publication.

Section 7. APPEALS

Any owner, person in charge or occupant of a building, other structure or premises aggrieved by an order issued pursuant to the provisions of this Ordinance may appeal the order to Council by filing a notice of appeal within ten days of the service of the order upon the person with the Administrator. The Administrator shall transmit the file relating to the order to Council, which order shall be defended by the Administrator. The Administrator shall serve written notice, by personal service or by certified mail, upon the appellant of the time, place and date of the hearing upon appeal. Council shall proceed to hear the appeal at any regular or special meeting of Council within thirty days after notice of appeal has been filed, providing that notice of the date of hearing shall be served upon the appellant not less than five days prior to the time the hearing is to be held. Failure of the appellant to appear at the time and place set for the hearing shall be deemed to be a withdrawal of the appeal and Council shall affirm the order of the Administrator.

Section 8. PROCEEDINGS AND AUTHORITY OF COUNCIL.

- (a) The proceedings of Council upon the hearing of an appeal, including their findings and their decision and their reasons therefor, shall be summarized and reduced to writing and entered as a matter of public record in the office of the Administrator. A copy of the summarization shall be served upon the appellant personally or by certified mail. The findings, decision and reasons of Council may incorporate by reference the notice and order of the Administrator and the record of Council upon the appeal and shall include a copy of every notice and order issued in connection with the matter.
- (b) Council, upon completion of the hearing of the appeal, may affirm, modify, revoke or vacate the order appealed, and unless revoked or vacated, the appellant shall comply with the order as affirmed or modified within a time to be set by Council.

Section 9. EXECUTION OF ORDER.

If the Person to whom an order has been issued under the provisions of this Ordinance from which no appeal has been taken, or with the order as finally affirmed or modified upon completion of any appeal, fails to comply with the order within the time fixed in the order or order of affirmance or modification, then the Administrator may cause any building, other structure or premises that is the subject of the order to be repaired, torn down, demolished, removed or the dangerous conditions remedied through the use of Village employees, equipment and material in accordance and consonance with the order, order of affirmance or modified order, if notice has been given as required by Ohio R.C. 715.26. The Administrator may execute the order under a contract for labor, materials and equipment awarded by the Administrator for the purpose, or by a combination of Village forces and such contract.

Section 10. PHOTOGRAPHS

- (a) Prior to execution of an order under the provisions of Section 9, the Administrator shall cause not less than three photographs to be taken and processed which shall accurately identify the building, structure or premises to be repaired, torn down, demolished or removed and the geographic location of the same. The photographs shall be taken on or about the date upon which the Administrator issued his notice and order under Section 5, and shall accurately portray the defects and conditions of the building, structure or premises which render the same to be insecure, unsafe, structurally defective or especially liable to fire, or which endanger health, life or other buildings or property.
- (b) The Administrator shall cause accurate records to be maintained which will enable identification to be made of the photographs referred to in subsection (a) hereof, the date and time taken, the person taking the same, witnesses to the taking, weather conditions and other pertinent data.
- (c) In lieu of photographs, the Administrator is authorized to utilize other visual means with a record thereof, which will permanently and accurately portray the condition and defects of the building, structure or premises.
- (d) The photographs or other visual means referred to in this section shall be submitted to Council prior to execution of any order to tear down, demolish or remove under the provisions of this Ordinance.

Section 11. SUSPENSION OF ORDER.

The filing of any notice of appeal under the provisions of this Ordinance shall suspend the operation of the order from which appeal is taken during the pendency of the appeal.

Section 12. EXPENSES OF NOTICE

When the order referred to in Section 9 is executed through the use of Village employees, equipment and materials, the Administrator shall keep an accurate record of the expenses and costs of executing the order. Costs include the expense of service of notices, publication of notices and requests for bids and all other costs and expenses arising and necessary in execution of the order. Upon completion of the execution of the order, whether through Village forces, equipment and materials, or by contract, or by both, the Administrator shall make written demand upon the owner, person in charge or occupant to whom the order was directed, for payment within thirty days of the total costs involved in executing the order.

The demand shall itemize the expenses and costs to the Village if the order was executed through the use of Village employees, equipment and materials, or shall recite the contract price, if so executed, or both, if executed by combination, and shall be served upon the owner, person in charge or occupant by certified mail.

If the person to whom the demand for payment is directed fails, neglects or refuses to make the full payment within the time stated, the Administrator may direct that (i) a civil action be commenced to recover the total costs and expenses from the owner of the property; or (ii) direct the Village Clerk or its agent to certify the total costs, together with a proper description of the lands, to the county auditor, within one year from the date the costs were incurred, wherein the costs are a lien upon the lands from and after the date the costs were incurred in accordance with the provisions of Ohio Revised Code Section 715.26.1, for entry upon the tax duplicate pertaining to the premises.

| Date: May 5, 2009 | |
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| APPROVED AS TO FORM: | Mayor |
| Village Solicitor | Chief Fiscal Officer |

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Reductions in traffic volume can be the result. of providing good alternatives routes and by spreading out peak traffic volumes (ie: staggered work hours). Traffic can be kept moving with good operations management, which may include intersection improvements and optimal signal timings.

Projects such as these have been a part of the Richland County Regional Planning Commission Transportation Planning Program since the mid 1970's.

IS IT A MOBILE HOME, MANUFACTURED HOME, OR AN INDUSTRIALIZED UNIT?

At the top of the list of frequently asked zoning questions in Richland County, are the questions that have to do with "mobile homes." The questions range from "Where are they permitted?" to "Do we have to permit them?" However, the question that is the most common, is "How do we determine whether a unit is a mobile home, manufactured home or an industrialized unit?" Relative to the zoning resolutions and zoning ordinances in Richland County this question is generally addressed in the following manner.

There are basically four types of single family residential structures. They are:

- 1. STICK BUILT (Conventional Construction): A structure that is built completely on site, meeting the local building codes.
- 2.INDUSTRIALIZED UNITS: A structure that is built completely or partially off site, meeting the basic building codes of the State of Ohio. This type of structure will include an Industrialized Unit Insignia Number on each unit.
- 3. MANUFACTURED HOMES: A structure that is built completely or partially off site, which may not comply with either local or State building code. This type of structure will bear a label certifying that it is built in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, established and administered by the U. S. Department of Housing and Urban Development (HUD), for manufactured homes, which became effective June 15, 1976.
- 4. MOBILE HOMES: A transportable, factory-built single family structure, designed to be used as a year-around residential dwelling and built prior to the enactment of the National Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

Another term that is often used is "modular home". This is a generic term that is often used to describe both an industrialized unit and/or a manufactured home. As a result, the term can not be used to describe a particular type of residential structure.

Most of the zoning resolutions and zoning ordinances in Richland County have a definition of a dwelling and a definition for a manufactured home. Many still include a definition for a mobile home.

Courts have generally upheld the fact that industrialized units and stick built structures are basically the same and where one is permitted you must permit the other. Courts have also generally upheld that manufactured homes and mobile homes are different from conventional dwelling types, and do not need to be permitted in the same zoning districts if the resolutions and ordinances reasonably relates the exclusion to community health, safety and welfare.

By relating any distinctions between dwellings and manufactured homes and mobile homes to the building code, cities, villages and townships are addressing the issue of community health, safety and welfare.

As a result, the definitions in the zoning resolutions and zoning ordinances address the building codes to differentiate between the various types of residential structures.

Generally the zoning resolutions and zoning ordinances in Richland County include a definition of Dwelling that reads as follows:

A. DWELLING: Is a building (except a manufactured home as defined in this resolution) which is wholly or partly used or intended to be used for living or sleeping by one or more human occupants and built on a site complying with the local building codes or built completely or partially off site complying with the basic building codes of the State of Ohio for Industrialized Units.

As you will notice, relative to the building codes, this definition includes the stick built homes and the industrialized units, recognizing them as similar type residential structures. They would then be permitted under the term "dwelling" under the Permitted Use sections of the zoning resolutions and zoning ordinances.

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Also included in the zoning resolutions and zoning ordinances would be separate definitions for manufactured homes and mobile homes which read as follows:

A. MANUFACTURED HOMES: A structure that is built completely or partially off site, which may not comply with either local or State building code. This type of structure will bear a label certifying that it is built in compliance with the National Manufactured Housing Construction and Safety Standards Act of 1974, established and administered by the U. S. Department of Housing and Urban Development (HUD), for manufactured homes, which became effective June 15, 1976. The removal of wheels, frame, and/or other equipment used in transporting said manufactured home, and or placement on a permanent foundation such as blocks, poured concrete or other materials used in permanent foundations, shall not be cause for reclassification to that of a permanent or immobile home or dwelling.

Again, notice that this definition relates to the building code.

B. MOBILE HOME: A transportable, factory-built single family structure, designed to be used as a year-around residential dwelling and built prior to the enactment of the National Manufactured Housing Construction and Safety Standards Act of 1974, which became effective June 15, 1976.

The difference between the Manufactured Homes and Mobile Homes being that the Mobile Homes were built before there were any national building standards. As a result the Mobile Homes would not have the label of HUD approval.

By definition Manufactured Homes and Mobile Homes do not fall under the definition of the term "dwelling" in the zoning resolutions and zoning ordinances, therefore they are only permitted in the sections where they are specifically mentioned.

Please note that the Richland County Regional Planning Commission has a new telephone number.

(419) 774-5684

The Commission is now also accessible by fax. That number is:

FAX (419) 774-5685

PLANNING COMMISSION STAFF

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