

Introduced by _____

Councilman

Seconded by _____

Councilman

Form Approved _____

Director of Law

Publication _____

ORDINANCE NO. 9-01

VOTE	YEA			NAY		
Mr. Shaffer	✓	✓	✓			
Mr. Windle	✓	✓	✓			
Mr. Henry	✓	✓	✓			
Mrs. Anderson	✓	✓	✓			
Mr. Thomas	✓	✓	✓			
Mr. Hesseling	✓	✓	✓			
Mrs. Smith	A	✓	✓			
TOTAL	6	7	7	0	0	0

AN ORDINANCE:

TO ENACT

TITLE 3000 OF THE CODIFIED ORDINANCES OF THE VILLAGE OF FORT SHAWNEE, OHIO FOR A REVISED COMPREHENSIVE ZONING ORDINANCE, REPEALING ORDINANCE 22-66 AND OTHER INCONSISTENT LEGISLATION

WHEREAS: The Village Planning Commission has undertaken a year long study and revision of the zoning laws of the Village and;

WHEREAS: A public hearing was had by the Commission and the Commission has recommended and approved the said changes to Council, and;

WHEREAS: Council has reviewed the same and held a public hearing on the proposed ordinance and that the same has been open for public inspection with the Clerk.

BE IT THEREFORE ORDAINED BY THE COUNCIL OF THE VILLAGE OF FORT SHAWNEE, OHIO, THAT:

SECTION 1: That Title 3000, the Zoning Code for the Village of Fort Shawnee, Ohio as attached hereto is hereby enacted.

SECTION 2: That Ordinance 22-66 is hereby repealed along with all other inconsistent legislation.

SECTION 3: That all debate and discussions regarding this legislation were had in open session of Council in accordance with the laws of the State of Ohio and the Charter of the Village of Fort Shawnee.

Passed on third and final reading this _____ day of _____, 2001.

Attest:

Clerk

President of Council

Mayor

CERTIFICATE OF POSTING

I, DIANE BARNES, Clerk of Council of the Village of Fort Shawnee, State of Ohio, do hereby certify that the foregoing Resolution and/or Ordinance was duly pasted in the six most public places as determined by Ordinance NO. 21-89 for a period of 15 days.

Date of Posting from _____ to

—
Clerk of Council

TITLE 3000
OF THE CODIFIED ORDINANCES OF
THE VILLAGE OF FORT SHAWNEE, OHIO

ZONING CODE

PREAMBLE

This Title provides for a Comprehensive Zoning of the Village of Fort Shawnee, Ohio for the purpose of regulating, restricting and limited in the interests of the public health, safety, convenience, comfort, prosperity and general welfare of the Village, the uses and locations of buildings and other structures and of premises to be used for trade, industry, residence and other uses and the heights, bulk and location of buildings and other structures erected or altered, including minimum of lot areas and building set back lines, regulating and determining the area of yards, courts and other open space, requiring off street parking, regulating and dividing the Village of Fort Shawnee, Ohio into districts as best suited to carry out the purposes of this title, providing for the administration and enforcement of the same and amending certain previous inconsistent legislation.

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CHAPTER 3000: General Provisions

3000.01 TITLE: This title shall be known as the "Zoning Code for the Village of Fort Shawnee, Ohio" or the "Zoning Code"

3000.02 SAVING PROVISIONS: This title shall govern all property within the Village of Fort Shawnee, Ohio on and from the date of enactment herein and shall repeal, in its entirety, the 1966 Zoning Ordinance of the Village of Fort Shawnee, Ordinance No-22-66 as amended provided, however, that any right, or liability accrued prior to the date of the enactment of this Zoning Code shall not act as a bar to any action, right or prosecution under the 1966 Zoning Ordinance of the Village of Fort Shawnee, Ordinance No. 22-66 as amended

CHAPTER 3001: Definitions

3001.01 DEFINITIONS GENERALLY.

Certain words and phrases used in this Zoning Code are defined for the purpose thereof as follows:

Words used in the present tense include the future. The singular number includes the plural, and the plural the singular. The word "lot" includes the word "plot". The word "occupied" includes the word "designed or intended to be occupied". The word "used" includes the words "arranged", "designed" or "intended to be used". The word "shall" is a mandatory requirement, the word "may" is a permissive requirement and the word "should" is a preferred requirement.

Where possible, the gender neutral terms and pronouns shall be used and preferred herein. Where a term is not gender neutral he shall include she, him shall include her and the masculine shall include the feminine.

3001.02 ACCESSORY STRUCTURE AND USE.

"Accessory structure and use" means a structure or use subordinate to another structure or use located on the same lot and serving a purpose customarily incidental to such other structure or use.

3001.03 ALLEY.

"Alley" means a public right of way less than twenty-one feet in width between property lines, which provides only secondary means of vehicular access to abutting property.

3001.04 BASEMENT.

"Basement" means a story the floor of which is more than twelve inches but not more than

one-half its clear height below the average level of the adjoining ground A basement/when used as a dwelling, shall be counted as a half-story for purposes of height measurement and for purposes of minimum side yard determination.

3001.05 BEGINNING OF CONSTRUCTION.

"Beginning of construction" means the utilization of labor, equipment and materials for the purpose of erecting or altering a structure.

3001.06 BLOCK.

"Block" means a parcel of land bounded on all sides by a street or streets, railways or water routes.

3001.07 BLOCK FRONTAGE.

"Block frontage" means property having frontage on one side of a street and lying between the two nearest intersecting, intercepting or intercepting extended streets, or nearest intersecting or intercepting street and railroad right of way, waterway or other barrier.

3001.08 BOARD.

"Board" means the Zoning Board of Appeals of the Village of Fort Shawnee, Ohio.

3001.09 BOARDINGHOUSE.

"Boarding house" means a lodging house of a building or part thereof where lodging and/or meals are provided for compensation for three or more persons who are not transients.

3001.10 BUILDING.

"Building" means a structure having a continuous roof span, including the walls or columns enclosing or supporting the roof area. The enclosed or supporting walls are generally of a uniform architectural style but may contain interior separation walls.

3001.11 BUILDING AREA.

"Building area" means the maximum horizontal projected area of the principal and accessory building excluding open steps or terraces, unenclosed porches not exceeding one story in height or architectural appurtenances projecting not more than two feet.

3001.12 BUILDING, FRONT LINE OF.

"Front line of a building" means the line of that face of the building nearest the front lot line.

3001.13 BUILDING, HEIGHT OF.

"Height of a building" means the mean vertical distance from the established grade in front of the lot, or from the average natural grade at the building line, if higher, to the highest point in the coping of flat roofs, to the deck line of a mansard roof or to the mid-height of the highest gable or dormer in a pitched or hipped roof or, if there are no gables or dormers, to the mid-height of a pitched or hipped roof.

3001.14 BUILDING LINE AND BUILDING SETBACK LINE.

"Building line" and "building setback line" mean the line nearest the front of and across a lot establishing the minimum open space to be provided between the front line of a building or structure and the right of way.

3001.15 BUILDING PERMIT.

"Building permit" means a building permit approved by the Zoning Inspector or his designee stating that a proposed improvement complies with the provisions of this Zoning Code and the Building Code. The issuance of a Building Permit must also be accompanied by the issuance of a Zoning Permit where the Building Permit is for commercial or manufacturing uses.

3001.16 BUILDING, PRINCIPAL.

"Principal building" means a building in which is conducted the main or principal use of the lot on which such building is situated Where a substantial part of the wall of an accessory building is a part of the wall of the principal building, or where an accessory building is attached to the main building in a substantial manner, as by a roof such accessory building shall be counted as a part of the principal building.

3001.17 BUSINESS.

"Business" means engaging in the purchase, sale, barter or exchange of goods, wares, merchandise or services, in the maintenance or operation of offices, or in a recreational and amusement enterprise for profit.

3001.18 CAMP, PUBLIC.

"Public camp" means any lot designed to accommodate two or more camping parties, including cabins, tents, camping trailers or other camping outfits.

3001.19 CELLAR.

"Cellar" means a story the floor of which is more than one-half its clear height below the average level of the adjoining ground. A cellar when used as a dwelling shall be counted as a story for the purposes of height measurement.

3001.20 CEMETERY

"Cemetery" means land used for the burial of the dead and dedicated for cemetery purposes, including columbariums, mausoleums and mortuaries when operated in conjunction with and within the boundary of the cemetery.

3001.21 CERTIFICATE OF OCCUPANCY

"Certificate of occupancy" means a certificate approved by the Zoning Inspector stating that the occupancy and use of land or a building or structure referred to therein complies with the provisions of this Zoning Code. This may also be termed a Zoning Permit.

3001.22 RESERVED 3001.23 CLUB.

"Club" means buildings and facilities owned or operated by a person for a social, educational or recreational purpose, but not primarily for profit.

3001.24 COMMERCIAL.

See "Business."

3001.25 COMMISSION.

"Commission" means the Village of Fort Shawnee Planning Commission.

3001.26 COMPREHENSIVE PLAN.

"Comprehensive Plan" means any Development Plan of the Village of Fort Shawnee and any update or amendment thereto.

3001.27 CONDITIONAL USE.

"Conditional use" means a use that is permitted, but only by application to the Board in each specific instance, and after determination by the Board that all regulations and standards of this Zoning Code applying to the specific use in the particular location will be met, along with such additional conditions or safeguards as the Board may prescribe in the specific case and circumstances, in order to prevent harm or injury to adjacent uses and the neighborhood, and/or in order to improve the public health, safety, morals, convenience, order, prosperity and general welfare.

3001.28 COUNCIL.

"Council" means the Village Council of Fort Shawnee, Ohio, and may also be referred to as Council.

3001.29 COUNTY.

"County" means Allen County, Ohio.

3001.30 CULTURAL FACILITY, PUBLIC.

"Public cultural facility" means a building, open to the public, that is devoted to the cultural arts. This includes, but is not limited to, art galleries, museums, libraries and cultural exchange centers.

3001.31 DAY CARE CENTER, COMMERCIAL.

"Commercial day care center" means a building or structure not including a dwelling [3001.35] where care, protection and supervision are provided, on a regular schedule, at least twice a week to at least seven children, including the children of the adult provider. See 3012.01(T).

3001.32 DAY CARE CENTER, FAMILY HOME.

"Family home day care center" means a private residence where care, protection and supervision are provided, on a regular schedule, at least twice a week to no more than six children at one time, including the children of the adult provider.

3001.33 DEPARTMENT STORE.

"Department store" means a retail establishment offering three or more major categories of merchandise arranged in several departments.

3001.34 DISTRICT.

"District" means a section of the Village for which uniform regulations governing the use, height, area, size and intensity of use of buildings and land, and open spaces about buildings, are herein established.

3001.35 DWELLING.

"Dwelling" means a building, or portion thereof used primarily as a place of abode for one or more human beings, but does not include hotels, motels, motor hotels, boarding or lodging houses, tents or, except when located in an authorized mobile home park mobile homes.

3001.36 DWELLING, MULTI-FAMILY.

"Multi-family dwelling" means a building designed for or occupied by three or more families.

3001.37 DWELLING, SINGLE-FAMILY.

"Single-family dwelling" means a detached building designed for or occupied by one family exclusively.

3001.38 DWELLING, TWO-FAMILY.

"Two-family dwelling" means a detached building designed for or occupied by two families.

3001.39 DWELLING UNIT.

"Dwelling unit" means a dwelling or a portion of a dwelling used for one family for cooking, living and sleeping purposes.

3001.40 EDUCATIONAL INSTITUTION.

"Educational institution" means public or parochial pre-primary, primary, grade, high or preparatory school or academy, junior college or university, if public or founded or conducted by or under the sponsorship of a religious or charitable organization.

3001.41 EMERGENCY SHELTER.

"Emergency shelter" means a facility providing temporary emergency housing for one or more individuals who are otherwise homeless due to an urgent event such as a fire, natural disaster, incident of domestic violence or eviction, for a period not to exceed fourteen days.

3001.42 ESSENTIAL SERVICES.

"Essential services" means the erection, construction, alteration or maintenance by public utilities, municipal departments, commissions or common carriers of underground, surface or overhead gas, oil, electrical, steam or water transmission, distribution, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, emergency telephones, traffic signals, hydrants, towers and other similar equipment and accessories in connection therewith necessary for the furnishing of adequate service by such public utilities, municipal departments, commissions or common carriers for the public health, safety and general welfare, but does not include buildings, outdoor storage yards, towers or Antenna.

3001.43 FAMILY.

"Family" means a group of one or more persons occupying a dwelling unit and living as a single housekeeping unit, as distinguished from a group occupying a boarding or lodging house or a hotel.

3001.44 FLOOR AREA, NET.

"Net floor area" means the total area, computed on a horizontal plane, used for a particular business category, exclusive of entrances, hallways, stairs and other accessory areas used for ingress and egress.

3001.45 GARAGE, PRIVATE.

"Private garage" means an accessory building for storage only of
(a) Not more than three motor vehicles, not more than one of which may be a commercial vehicle of not more than three-ton rated capacity; or
(b) Not more than two automobiles per family housed in the building to which such garage is accessory.

3001.46 GARAGE, PUBLIC.

"Public garage" means any building or premises, except those defined herein as a private garage, used for the storage or care of motor vehicles, or where such vehicles are equipped for operation, repaired or kept for remuneration, hire or sale.

3001.47 GRADE, ESTABLISHED.

"Established grade" means the elevation of the sidewalk opposite the center of the wall of the building or structure facing such walk. Where no sidewalk has been constructed, the Village or its designee shall establish such sidewalk level or its equivalent for the purposes of these regulations.

3001.48 GROUND FLOOR AREA.

"Groundfloor area" means the square foot area of a residential building within its largest outside dimensions computed on a horizontal plane at the ground floor level exclusive of open porches, breeze ways, terraces and garages.

3001.49 GROUP HOME.

"Group home" means a residential facility, licensed and/or approved by the State of Ohio, which provides residential services to individuals who are mentally retarded, developmentally disabled or physically handicapped, who cannot otherwise care for themselves or who are convalescing or undergoing rehabilitation and/or treatment.

3001.50 HOME OCCUPATION.

"Home occupation" means an accessory use of a dwelling unit or detached private garage for gainful employment provided that such use does not interfere with or change the character of the residential use or neighboring uses and that the same complies with the terms and conditions of this title. See 3018 et seq.

3001.51 HOSPITAL.

"Hospital" means an institution licensed by the State Department of Health and providing health services primarily for in-patient medical or surgical care of the sick or injured and including related facilities, such as laboratories, out-patient departments, training facilities, central service facilities and staff offices, which are an integral part of the facility, provided such institution is operated by or treatment is given under direct supervision of a licensed physician. Types of hospitals include general, mental, chronic disease and allied special hospitals, such as cardiac, contagious disease, maternity, orthopedic, cancer and similar health care institutions.

3001.52 HOTEL.

"Hotel" means a building in which lodging is provided and offered to the public for compensation and which is open to transient guests, in contradistinction to a boarding or lodging house.

3001.53 JUNK YARD.

"Junk yard" means any place at which personal property is or may be salvaged for reuse, resale or reduction or similar disposition and is owned, possessed, collected, accumulated, dismantled or assorted, including, but not limited to, used or salvaged base metals, their compounds or combinations, used or salvaged rope, bags, paper, rags, glass, rubber, lumber, millwork, brick and similar property, except animal matter, and used motor vehicles, machinery or equipment which is used, owned or possessed for the purpose of wrecking or salvaging parts therefrom.

3001.54 KENNEL.

"Kennel" means any lot or premises on which four or more dogs, at least four months of age, are kept.

3001.55 LOADING AND UNLOADING BERTH.

"Loading and unloading berth" means the off-street area required for receiving or distributing materials or merchandise by vehicles. In this Zoning Code this area is a twelve foot by forty-five foot loading span with a fourteen foot height clearance. However, if more than one berth is provided, the minimum dimensions are ten feet by forty-five feet with a fourteen foot height clearance.

3001.56 LOT.

"Lot" means a parcel, tract or area of land occupied or intended to be occupied by a principal or conditional use and uses accessory thereto together with such open spaces as required by this Zoning Code and accessible by means of a street or place. A lot may be a single parcel separately described in a deed or plat which is recorded in the office of the Recorder of Allen County, or it may include parts of or a combination of such parcels when adjacent to one another and used as one. In determining lot area and boundary lines, no part thereof within the limits of a street or place shall be included.

3001.57 LOT, CORNER.

"Corner lot" means a lot abutting upon two or more streets at their intersection.

3001.58 LOT COVERAGE.

"Lot coverage" means the percentage of the lot area covered by the building area.

3001.59 LOT, DEPTH OF.

"Depth of lot" means the mean horizontal distance between the front line and the rear line of the lot, measured in the general direction of the side lot lines.

3001.60 LOT, GROUND LEVEL.

"Ground level of lot" means, for buildings having walls adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street; for buildings having walls adjoining more than one street, the average of the elevation of the sidewalk at the center of all walls adjoining the streets; for buildings having no wall adjoining the street, the average level of the ground adjacent to the exterior walls of the building. Any wall approximately parallel to and not more than five feet from a street is to be considered as adjoining the street.

3001.61 LOT, INTERIOR.

"Interior lot" means a lot other than a corner lot or through lot.

3001.62 LOT LINE, FRONT.

"Front lot line" means, in the case of an interior lot, a line separating the lot from the street or place, and in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street, except in cases where deed restrictions in effect specify another line as the front lot line.

3001.63 LOT LINE, REAR.

"Rear lot line" means a lot line which is opposite and most distant from the front lot line and, in case of an irregular or triangular shaped lot, a line ten feet in length within the lot, parallel to and at the maximum distance from the front line.

3001.64 LOT LINE, SIDE.

"Side lot line" means any lot boundary not a front lot line or a rear lot line.

3001.65 LOT, REVERSED INTERIOR.

"Reversed interior lot" means an interior lot, the front line of which is formed by a street, which street also forms the side lot line of an abutting corner lot. The corner lot is considered abutting even though separated from the interior lot line by an alley.

3001.66 LOT, THROUGH.

"Through lot" means a lot having frontage on two streets at opposite ends of the lot and may also be known as a double frontage lot.

3001.67 LOT, WIDTH OF.

"Width of lot" means the distance between the side lot lines at the front line of the building measured at right angles to the depth of the lot.

3001.68 MANUFACTURED HOUSING.

"Manufactured housing" means a factory-built, single-family structure that is manufactured under the authority of 42 U.S.C. 5401, the National Manufactured Home Construction and Safety Standards Act, is transportable in one or more sections, is built on a permanent chassis and is used as a place of human habitation; but which is not constructed with a permanent hitch or other device allowing transport of the unit, other than delivery to a permanent site, and which does not have wheels or axles permanently attached to its body or frame.

3001.69 MOBILE HOME.

"Mobile home" means any vehicle either self-propelled or propelled by means of being attached to a motor vehicle, which may be used as a place of abode or sleeping place by one or more persons, and which has no foundation other than the wheels required for its movement from one place to another.

3001.70 MOBILE HOME PARK.

"Mobile home park" means a lot which is used or offered as a location for two or more mobile homes, and within which a mobile home may be supported either by its wheels or by a foundation of any sort.

3001.71 MODULAR HOUSING.

"Modular housing" means an assembly of materials or products comprising all or part of a total residential structure that, when constructed, is self-sufficient and contains plumbing, wiring and heating at the point of manufacture, and which, when installed, constitutes a dwelling unit, except for necessary on-site preparations for its placement.

3001.72 MOTEL.

"Motel" means a building or group of detached buildings containing units having bedroom, bathroom and closet space and each unit having convenient access to a parking space for the use

of the unit's occupants. The units, with the exception of the apartment of the manager or caretaker, are devoted to the use of automobile transients.

3001.73 MOTOR VEHICLE SERVICE STATION.

"Motor vehicle service station" means any premises where gasoline and other petroleum products are sold and/or light maintenance activities, such as engine tune-ups, lubrication and minor repairs, are conducted. Motor vehicle service station uses shall not include premises where heavy automobile maintenance activities, such as engine overhauls, automobile painting and/or body fender work, are conducted.

3001.74 NONCONFORMING USE.

"Nonconforming use" means a building or use of land legally existing at the time of the adoption of this Zoning Code, prior zoning ordinance, or any amendment thereto, and which does not conform with all of the regulations of the district in which such building or use of land is located.

3001.75 NURSING HOME.

"Nursing home" means a facility licensed by the State Board of Health, which:

- (a) Provides nursing services on a continuing basis;*
- (b) Admits the majority of the occupants upon the advice of physicians as ill or infirm persons requiring nursing services;*
- (c) Provides for licensed physicians' services or supervision; and*
- (d) Maintains medical records.*

Such facilities may also provide other and similar medical or health services. Examples of nursing home facilities that provide health services may include, if they comply with all the above criteria, nursing homes, convalescent homes, maternity homes, rest homes, homes for the aged and similar facilities.

3001.76 NURSING HOME CONVERSION.

"Nursing home conversion" means a dwelling which is converted for the use of a nursing home and licensed by the State Board of Health.

3001.77 PARKING LOT.

"Parking lot" means a parcel of land devoted to unenclosed parking space for five or more motor vehicles.

3001.78 PARKING SPACE.

"Parking space" means a space, other than on a street or alley, designed for use or used for the temporary parking of a motor vehicle, and being not less than nine feet wide and eighteen feet long exclusive of passageways.

3001.79 PERSON.

"Person" means a corporation, firm, partnership, association, cooperative organization or any other group acting as a unit, as well as a natural person.

3001.80 PLACE.

"Place" means an open, unoccupied space other than a street or alley, permanently reserved for use as the principal means of access to abutting property.

3001.81 PLANNED INDUSTRIAL CENTER.

"Planned industrial center" means a development of land with industrial uses that is under unified control and is planned and developed as a whole in a single development operation or programmed series of development stages.

3001.82 PLAT.

"Plat" means a map or chart indicating the subdivision or resubdivision of land, intended to be filed for record.

3001.83 PRIVATE BANQUET/RECEPTION FACILITY.

"Private banquet/reception facility" means a building owned and operated by an individual for social or recreational events such as weddings, receptions or banquets, and where the owner and/or operator also maintains an on-site residence.

3001.84 PRIVATE NONCOMMERCIAL RECREATION FACILITY.

"Private noncommercial recreation facility" means a facility that is not owned or operated by a governmental entity, but is owned or operated by a noncommercial interest. This use includes, but is not limited to, facilities such as the YMCA, YWCA, Salvation Army, Boy Scouts, Girl Scouts and Boys Club.

3001.85 PRIVATE SCHOOL.

"Private school" means a private pre-primary, primary, grade, high or preparatory school or academy or day nursery.

3001.86 PROFESSIONAL OFFICE.

"Professional office" means the office of a member or members of a recognized profession as defined by the United States Bureau of the Census.

3001.87 PROFESSIONAL OFFICE CENTER.

"Professional office center" means an architectural and functional grouping of professional offices and appropriate associated and accessory uses, which is the central feature of a site plan composed of building area, parking area, landscaped reservation and planting, and other land features appropriate for its use as a professional office enterprise, designed to serve residential neighborhoods, and which shall conform to the standards and requirements of this Zoning Code.

3001.88 RESERVED.

3001.89 RESTAURANT, DRIVE-IN.

"Drive-in restaurant" means an eating establishment where motor vehicles are parked and food that is ordered is delivered to the parked vehicle, either separately or in conjunction with an indoor sit-down dining area. Eating establishments that have drive-up, pick-up or carry-out windows shall not be considered as drive-in restaurants.

3001.90 SATELLITE DISH ANTENNA SYSTEMS.

"Satellite dish antenna systems" means dish-shaped antennas designed to receive microwave transmissions from satellites in Earth's orbit, primarily for television broadcast signals.

3001.91 SELF-SERVICE STORAGE FACILITY.

"Self-service storage facility" means a building consisting of small, individual, self-contained units that are leased or owned for the storage of business and household goods, but not used for warehousing purposes.

3001.92 SHOPPING CENTER.

"Shopping center" means an architectural and functional grouping of retail stores, generally oriented around a supermarket or department store, and appropriate associated and accessory uses, which is the central feature of a site plan or development plan composed of building areas, parking areas, access streets and circulatory ways for vehicles and pedestrians, landscape reservations and planting and other land features appropriate for its operation as a business enterprise, designed to serve residential neighborhoods of communities and which shall conform to the requirements of this Zoning Code.

3001.93 SITE PLAN.

"Site plan" means a plan, drawn to scale, showing accurately and with complete dimensioning, the boundaries of a site and the location of all buildings, structures, uses and principal site development features proposed for a specific parcel of land. A site plan shall include a drawing, including a legal or site description, of real estate which shows the location and size of the following, both existing and proposed: all buildings, structures and yards; locations and dimensions of building lines and easements; widths and lengths of all entrances and exits to and from such real estate; and the locations of all adjacent or adjoining streets, service facilities, topography, drainage plan and other improvements, such as planting areas.

3001.94 SPECIAL SCHOOL.

"Special school" means any school which has as its primary purpose the instruction, care and rehabilitation of atypical or exceptional children or adults such that the usual statutory educational requirements expressly or impliedly do not apply.

3001.95 STORY.

"Story" means that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be the story.

3001.96 STORY, HALF.

"Half story" means that portion of a building under a sloping, gable, hip or gambrel roof the wall plates on at least two opposite exterior walls of which are not more than three feet above the floor level of such half story.

3001.97 STREET.

"Street" means a public right of way, other than an alley, affording primary access by vehicles or pedestrians, or both, to abutting property.

3001.98 STRUCTURAL ALTERATION.

"Structural alteration" means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change in the exterior walls or the roof.

3001.99 STRUCTURE.

"Structure" means anything constructed or erected, the use of which requires more or less permanent location on the ground, or which is attached to something permanently located on the ground.

3001.100 SWIMMING POOL, PRIVATE.

"Private swimming pool" means a swimming pool used only by the owner of the pool and friends as an accessory use at a private residence.

3001.101 TELEVISION AND RADIO ANTENNA SYSTEMS.

"Television and radio antenna systems" mean antennas designed to transmit and/or receive television and/or radio transmissions.

3001.102 TOURIST HOME.

"Tourist home" means a dwelling in which overnight accommodations for not more than eight transient guests are offered for compensation, and is also known as a bed and breakfast.

3001.103 TRADE OR BUSINESS SCHOOL.

"Trade or business school" means:

- (a) A secretarial or business school or college that is neither publicly owned nor owned or conducted by or under the sponsorship of a religious, charitable or nonprofit organization; or*
- (b) A school conducted as a commercial enterprise for teaching instrumental music, dancing, barbering or hairdressing, drafting or industrial or technical arts.*

3001.104 USE.

"Use" means the employment or occupation of a building, structure or land for a person's service, benefit or enjoyment.

3001.105 VARIANCE.

"Variance" means a modification of the specific requirements of this Zoning Code granted by the Board in accordance with the terms of this Code for the purpose of assuring that no property, because of special circumstances applicable to it, shall be deprived of privileges commonly enjoyed by other properties in the same vicinity and zoning district. Such modification shall not include authorizing a use not among the uses specified by this Zoning Code as permitted in the district in which such property is located.

3001.106 VISION CLEARANCE ON CORNER LOTS.

"Vision clearance on corner lots" means a triangular space at the street corner of a corner lot, free from any kind of obstruction to vision between the heights of three and twelve feet above the established street grade. The street grade is measured at the intersection of the center lines of the intersecting street pavements, and the triangular space is determined by a diagonal line connecting two points measured fifteen feet along each of the street property lines equidistant from the intersection of the property lines or the property lines extended, at the corner of the lot.

3001.107 YARD.

"Yard" means a space on the same lot with a principal building, open, unoccupied and unobstructed by structures, except as otherwise provided in this Zoning Code.

3001.108 YARD, FRONT.

"Front yard" means the horizontal space extending across the full width of a lot, measured at ninety degrees to the front lot line, between the principal building and the front lot line, unoccupied other than by steps, walks and terraces and open, unenclosed porches, projecting not more than five feet from the building nor occupying more than thirty percent of the width of the building, or other architectural appurtenances projecting not more than twenty-four inches from the building.

3001.109 YARD, REAR.

"Rear yard" means the horizontal space extending across the full width of a lot, measured at ninety degrees to the rear lot line, between the principal building and the rear lot line, unoccupied other than by decks, occupying not more than thirty-five percent of the required rear yard nor more than thirty percent of the width of the building, vehicle parking space, architectural appurtenances or accessory buildings which do not occupy more than thirty percent of the required rear yard.

3001.110 YARD, SIDE.

"Side yard" means the horizontal space between the front and rear yards, measured at

ninety degrees to the side lot line, between the principal building and the adjacent side lot line, unoccupied other than by architectural appurtenances projecting not more than twenty-four inches, and open or lattice-enclosed fire escapes or fireproof outside stairways projecting not over four feet from the building.

3001.111 ZONE.

"Zone" means the same as "district".

3001.112 ZONING MAP.

"Zoning Map" means a map entitled "Fort Shawnee, Ohio, Zoning Map", and any amendments thereto.

3001.113 ZONING INSPECTOR.

"Zoning Inspector" means the person designated by the Mayor to administer and enforce zoning regulations and related ordinances.

3001.114 ZONING CODE.

"Zoning Code" means Ordinance _____, passed _____ 2000, as codified in Title Three Thousand of the Codified Ordinances of Fort Shawnee, Ohio.

3001. 115 ZONING PERMIT.

"Zoning permit" means the document issued by the Zoning Inspector authorizing the use of lots, structures, uses of land and structures, and the characteristics of the uses.

CHAPTER 3002: DISTRICTS

3002.01 DISTRICT NAMES: In order to classify, regulate and restrict the location of trades, and limit the height, bulk location and use of buildings and other structures hereafter erected or structurally altered; to regulate and limit the intensity of the use of the lot areas; to regulate and determine building setback lines, areas and dimensions of yards and other open spaces within and surrounding such buildings, the Village of Fort Shawnee is hereby divided into Use Districts known and hereinafter referred to as follows:

- A-1 Agricultural District*
- R-1 Residence District*
- R-2 Residence District*
- R-3 Residence District*
- R-4 Residence District*

- R-5 Residence District*
- C-1 Restricted Commercial District*
- C-2 Limited Commercial District*
- C-3 General Commercial District*
- M-1 Restricted Industrial District*
- M-2 Heavy Industrial District*
- H Highway Service District*
- MHP Mobile Home Park District (Chapter 3019)*

3002.02 REFERENCE TO ZONING MAP The location and boundaries of the districts are shown on the Official Zoning Map of the Village of Fort Shawnee, Ohio (hereinafter Map) as amended and permanently on file in the Office of the Director of Finance and made a part of this Title. Said Map and all the notations, references, and other information shown thereon are and shall be as much a part of this Title as if the same were all fully set forth and described herein.

3002.03 BOUNDARIES OF DISTRICTS The district boundary lines are intended to follow street, alley, lot or property lines as they exist at the time of the passage of Ordinance 22-66 or the time of the enactment of this title unless otherwise indicated by dimensions on the Map. In unsubdivided property, the District Boundary Lines on said Map shall be determined by the use of the scale contained on said map.

3002.04 ZONING OF VACATED STREETS AND ALLEYS Whenever any street, alley or other public way is vacated, the zoning district adjoining each side of such street, alley or public way shall be automatically extended to the center line thereof and such vacated area shall then and henceforth be subject to all appropriate regulations of the extended districts.

3002.05 SUBMERGED LANDS All areas within the corporate limits of the Village which are under water and not shown as included within any district shall be subject to all the regulations of the district which immediately adjoins the water area. If the water area adjoins two or more districts, the boundaries of each district shall be construed to extend the center of the water area.

CHAPTER 3003: GENERAL REGULATIONS

3003.01 USE MUST CONFORM WITH THE CODE Except as hereinafter provided, no building or structure shall hereafter be constructed, reconstructed, enlarged, converted, moved or structurally altered, nor shall any building, structure or land be used except for a purpose permitted in the Use District in which the building, structure or land is located.

3003.02 USE MUST COMPLY WITH ALL REGULATIONS OF THE CODE No building or structure shall be constructed, enlarged, converted, reconstructed, moved or structurally altered except in conformity with the bulk and area regulations, minimum yard requirements, locations requirements and minimum off-street parking and loading requirements of this Title for the Use District in which such building or structure is located.

3003.03 YARD AND REQUIRED AREAS APPLY TO ONLY ONE USE No part of a yard, parking space or other open space required about any building for the purpose of complying with the provisions of this Title shall be included as a part of the yard, parking space, or other open space

similarly required for another building.

3003.04 ONE PRINCIPAL BUILDING IN A AND R DISTRICTS In the "A" District or in any "R" District there shall not be more than one (1) main building on the lot unless otherwise provided in this Ordinance.

3003.05 LOT SPLITS RESTRICTED GENERALLY A parcel of land held under one ownership, with or without buildings, shall not be reduced or subdivided below the minimum lot width, depth and lot area required by this Title.

3003.06 LOT SPLITS BELOW 330 FEET IN WIDTH PROHIBITED No parcel of land less than three hundred thirty (330) feet in width shall hereafter be subdivided so as to have a depth greater than three and one -half (3-1/2) times its width.

3003.07 CONTIGUOUS PARCELS UNDER COMMON OWNERSHIP MAY BE CONSIDERED AS ONE LOT Two or more parcels or lots of record, when contiguous and when held in common ownership, may be treated together as a single lot for the purposes of this Title, provided such lots are located in the same Use District.

CHAPTER 3004: ZONING ON ANNEXATION

3004.01 PRELIMINARY ZONING UPON ANNEXATION Whenever any areas are annexed to the Village of Fort Shawnee and until permanently zoned in accordance with Section 3004.02 of this Section:

(a) All lots, tracts, or land within such annexed area shall be classified in whichever district of this Title most closely conforms to the zoning that existed in the annexed area, such classification to be recommended by the Planning Commission to the Village Council and approved by resolution of the Council.

(b) If any such lots, tracts, or land are not subject to zoning at the time of annexation they shall be classified as R-1 Single Family Residence whenever the land is vacant and otherwise into whatever Use District of this Title most closely conforms to the existing use of the annexed area. Such classifications shall be approved in the same manner as provided in (a) above.

3004.02 PROCEDURE FOR FINAL ZONING UPON ANNEXATION In all cases, within a reasonable time after annexation, there shall be a public hearing on the question of a permanent zoning classification. Such hearing and the action shall be upon the recommendation of the Planning Commission and action by Council.

CHAPTER 3005: NON-CONFORMING USES

3005.01 CONTINUATION OF A NON CONFORMING USE; RESTRICTIONS Except as hereinafter provided in this Title, the lawful use of a building or structure or of any land or premises existing at the time of the effective date of Ordinance 22-66 as amended; or the enactment of this title if and only if the enactment of this title alters or changes the District or a specific use in

that district; or an amendment hereof or at the time of a change in the Map may be continued although such use does not thereafter conform to the provisions hereof or to an amendment hereto or to a change in the Map.

3005.02 EXCEPTIONS FOR ONGOING CONSTRUCTION; RESTRICTED Any non-conforming structure that was ready for or under construction whenever Ordinance 22-66 was adopted or amended or a change made in the Map may be completed and occupied in accordance with the requirements of a valid building permit issued prior to such date.

3005.03 CONTINUATION TO OTHER, MORE RESTRICTIVE NON CONFORMING USE If no structural alterations are made, a non-conforming use of building may be changed to another nonconforming use of the same or a more restrictive classification but shall not thereafter be changed to a less restrictive use.

3005.04 REVERSION OF NON CONFORMING USE AFTER DISCONTINUED USE In the event that a non-conforming use of any building structure or land is voluntarily discontinued for a period of six months, the use of the same shall thereafter conform to the use permitted in the district in which it is located.

3005.05 EXTENSION OF NON CONFORMING USE AND LIMITATION ON ENLARGEMENT OF NON CONFORMING USE A non-conforming use may be extended throughout that portion of a structure that was obviously designed and intended for such use and a non-conforming structure may be extended or enlarged by not more than twenty (20) percent of the original nonconforming floor area, provided however, that no such extension shall encroach upon any minimum yard or height requirements or any required off-street parking.

3005.06 EXPANSION OF A NON CONFORMING USE RESTRICTED TO 20 PERCENT A nonconforming use of land may be enlarged or extended by an amount of not more than twenty (20) percent of the original non-conforming use area provided that no such extension shall encroach upon any minimum yard of off-street parking requirements.

3005.07 RESTORATION OF NON CONFORMING USE AFTER DISASTER, LIMITATIONS Any non-conforming building or structure damaged by fire, flood, explosion, war, riot or act of God, may be restored or reconstructed and used as before such happening provided that the floor area and height of the building, when restored or reconstructed, shall be not greater than before such damage occurred Provided, further, any building so reconstructed shall occupy the same position on the premises or lot as the original building, unless approval of a change in location on said premises or lot is given by the Board of Zoning Appeals.

Reconstruction or restoration shall be started within six (6) months of the date of damage completed within twelve (12) months from the date of damage unless an extension of time is granted by the Board of Zoning Appeals. If such reconstruction or restoration is not started within six (6) months and completed within twelve (12) months from the date of damage (unless time officially extended) then the use of the premises and building shall be in conformity with the regulations of the district in which it is located.

3005.08 SAVINGS PROVISION FOR NON CONFORMING USES use in violation of the provisions of the Zoning Ordinance and Regulations which this Ordinance replaces, or of a zoning

ordinance covering an area of a village or township subsequently annexed to the Village of Fort Shawnee shall not be validated by the adoption of this Title.

CHAPTER 3006: REGULATIONS IN THE A-1

3006.01 PERMITTED USES: The following are uses permitted in the A-1 Agricultural District of the Village of Fort Shawnee, Ohio and a building or premises shall be erected or used only for the following purposes:

A. A building or premises may be erected or used for Agricultural purposes which shall include but are not limited to the following: nurseries, truck gardening and feeding and care of livestock, and all buildings and equipment incidental thereto provided that no livestock, poultry or other animal kept, harbored or raised on said property, whether for profit or otherwise without exception shall not be maintained housed, pastured or suffered to remain within one hundred (100) feet of a non-farm residence building located on any adjacent property regardless of location.

B. A Church or other place of worship.

C. Home occupations.

D. Pipe lines and underground systems for the transportation, transmission or distribution of petroleum, petroleum products, petrochemicals and similar or kindred products, materials and substances.

E. Above ground buildings, structures and appurtenances customarily used in connection with any underground system for the transportation, transmission or distribution of petroleum, petroleum products, petrochemicals and similar or kindred products, materials and substances.

F. Rail Road tracks, switches, signals, control and communication installations within railroad rights of way existing prior to December 5, 1966 but not including terminal facilities, team tracks, yards or storage tracks.

G. Roadside stands for the display or sale of produce raised on the premises of the owner or tenant thereof.

H. Single Family Dwellings.

I. Accessory buildings conforming to the provisions of this title.

J. Essential Services.

3006.02 CONDITIONAL USES: The following uses may be permitted in any (A-1) Agricultural district of the Village provided that their location and development are first approved in writing by the methods and provisions of this title:

- A. *Airports or aircraft landing fields.*
- B. *Animal Hospitals and Kennels.*
- C. *Cemeteries, crematories and mausoleums.*
- E. *Country clubs with or with out attached golf courses and or swimming pools.*
- F. *Development of natural resources including the extraction of sand, gravel, fill dirt, or top soil provided that this use will require a permit issued by the Council of the Village of Fort Shawnee, Ohio upon application to the Council separate and after approval by the Planning Commission.*
- G. *Educational institutions including public, elementary, and high schools, colleges and private schools having a curriculum similar to a public elementary or high school and nursery or special schools.*
- H. *Greenhouse.*
- I. *Golf courses, driving ranges, and miniature golf courses. Hospitals and sanitariums.*
- K. *Public libraries.*
- L. *Parks, playgrounds and community buildings owned by or operated by public agencies or by non-profit groups or organizations.*
- M. *Public service Facilities.*
- N. *Radio and television stations or transmitters and towers of any kind.*
- O. *Roadside stands for the display or sale of produce not produced by the owner or tenant of the property.*
- P. *Family Day Care Center in a Dwelling.*

3006.03. LOT AREA AND OTHER REQUIREMENTS: Minimum lot area, minimum floor area, minimum yard requirements, maximum heights and off street parking shall conform with the provisions of this title.

CHAPTER 3007: REGULATIONS FOR R-1 RESIDENTIAL DISTRICTS

3007.01 PERMITTED USES: The following are uses permitted in the R-1 Residential District of the Village of Fort Shawnee, Ohio and a building or premises shall be erected or used only for the following purposes:

- A. *Single Family Dwellings.*

B. Home Occupations.

C. Essential Services.

3007.02 CONDITIONAL USES: The following uses may be permitted in the R-1 District provided that their location and development are first approved in writing by the methods and provisions of this title:

A. Churches and other places of worship.

B. Educational institutions including public elementary and high schools, colleges and private schools having a curriculum similar to a public elementary or high school and nursery or special schools.

C. Parks, Playgrounds and community buildings owned by or operated by public agencies or by non-profit groups or organizations.

D. Roadside stands for the display or sale of produce raised on the premises of the owner or tenant thereof.

E. Two-family Dwellings provided that all of the requirements of this titled are complied with.

F. Family Day Care Center in a Dwelling.

3007.03 LOT AREA AND OTHER REQUIREMENTS: Minimum lot area, minimum floor area, minimum yard requirements, maximum heights and off street parking shall conform with the provisions of this title.

CHAPTER 3008: REGULATIONS FOR R-2RESIDENTIAL DISTRICTS

3008.01 PERMITTED USES: The following are uses permitted in R-2 Residential Districts in the Village of Fort Shawnee, Ohio and a building or premises shall be erected or used only for the following purposes:

A. Single Family Dwellings.

B. Home Occupations.

C. Essential Services.

3008.02 CONDITIONAL USES: The following uses may be permitted in the R-2 District provided that their location and development are first approved in writing by the methods and the provisions of this title.

A. Churches and other places of worship.

B. Educational institutions including public elementary and high schools, colleges and

private schools having a curriculum similar to a public elementary or high school and nursery or special schools.

C. Parks, playgrounds and community buildings owned by or operated by public agencies or by non-profit groups or organizations.

D. Roadside stands for the display or sale of produce raised on the premises of the owner or tenant thereof.

E. Two-family Dwellings provided that all of the requirements of this title are complied with.

F. Family Day Care Center in a Dwelling.

3008.03 LOT AREA AND OTHER REQUIREMENTS: Minimum lot area, minimum floor area, minimum yard requirements, maximum heights and off street parking shall conform with the provisions of this title.

CHAPTER 3009: REGULATIONS IN R-3 RESIDENTIAL DISTRICTS

3009.01 PERMITTED USES: The following are permitted uses in R-3 Residential Districts of the Village of Fort Shawnee, Ohio and a building or premises shall be erected or used only for the following:

A. Single Family Dwellings.

B. Home Occupations.

C. Essential Services.

D. Two-family dwellings.

3008.02 CONDITIONAL USES: The following uses may be permitted in the R-3 Residence District provided their location and development are first approved in writing by the methods and provisions of this title:

A. Churches and other places of worship.

B. Educational institutions including public elementary and high schools, colleges and private schools having a curriculum similar to a public elementary or high school and nursery or special schools.

C. Parks, playgrounds and community buildings owned by or operated by public agencies or by non-profit groups or organizations.

D. Roadside stands for the display or sale of produce raised on the premises of the owner or tenant thereof.

E. Two-family Dwellings provided that all of the requirements of this title are complied with.

F. Family Day Care Center in a Dwelling.

3009.03 LOT AREA AND OTHER REQUIREMENTS: Minimum lot area, minimum floor area, minimum yard requirements and maximum heights shall conform with the provision of this title.

CHAPTER 3010: REGULATIONS IN THE R-4 RESIDENTIAL DISTRICT

3010.01 PERMITTED USES: The following uses are permitted in R-4 Residential District of the Village of Fort Shawnee, Ohio and a building or premises shall be erected or used only for the following purposes:

A. Single Family Dwellings.

B. Home Occupations.

C. Essential Services.

D. Two-family dwellings.

3010.02 CONDITIONAL USES. The following uses maybe permitted in the R-4 Residential Districts provided their location and development are first approved in writing by the methods and provisions of this title.

A. Churches and other places of worship.

B. Educational institutions including public elementary and high schools, colleges and private schools having a curriculum similar to a public elementary or high school and nursery or special schools.

C. Parks, playgrounds and community buildings owned by or operated by public agencies or by non-profit groups or organizations.

D. Roadside stands for the display or sale of produce raised on the premises of the owner or tenant thereof.

E. Two-family Dwellings provided that all of the requirements of this title are complied with.

F. Family Day Care Center in a Dwelling.

3010.03 LOT AREA AND OTHER REQUIREMENTS: Minimum lot area, minimum floor area, minimum yard requirements , maximum heights and off street parking shall conform with the

provisions of this title.

CHAPTER 3011: REGULATIONS IN R-5 RESIDENTIAL DISTRICTS

3011.01 PERMITTED USES The following are uses permitted in the R-5 Residential District of the Village of Fort Shawnee, Ohio and a building or premises shall be erected or used only for the following purposes:

- A. Single Family Dwellings.*
- B. Home Occupations.*
- C. Essential Services.*
- D. Two-family Dwellings.*
- E. Multi-family Dwellings and apartments. Except for apartments or living quarters located in a building primarily designed for and principally devoted for a business use.*
- F. Family Day Care Center in a Dwelling.*

3001.02 CONDITIONAL USES The following uses may be permitted in R-5 residential Districts provided that their location and development are first approved in writing by the methods and provisions of this title.

- A. Churches and other places of worship.*
- B. Educational institutions including public elementary and high schools, colleges and private schools having a curriculum similar to a public elementary or high school and nursery or special schools.*
- C. Parks, playgrounds and community buildings owned by or operated by public agencies or by non-profit groups or organizations.*
- D. Roadside stands for the display or sale of produce raised on the premises of the owner or tenant thereof.*
- E. Two-family Dwellings provided that all of the requirements of this titled are complied with.*

3011.03 LOT AREA AND OTHER REQUIREMENTS: Minimum lot area, minimum floor area, minimum yard requirements ,maximum heights and off street parking shall conform with the provisions of this title.

CHAPTER 3012 REGULATIONS IN C- I RESTRICTED COMMERCIAL DISTRICT

3012.01 PERMITTED USES: The following are permitted uses in the C-1 Restricted Commercial District of the Village of Fort Shawnee, Ohio and a building or premises shall be erected or used only for the following purposes:

- A. Essential Services.*
- B. Multi-family Dwellings.*
- C. Club or Fraternity.*
- D. Nursery and nursery School.*
- E. Lodging and room houses.*
- F. Nursing homes.*
- G. Automobile service stations.*
- H. Automatic laundries.*
- I. Banks.*
- J. Florist-retail only.*
- K. Fraternities, lodges, and private clubs not operated primarily for profit. See Clubs.*
- L. Medical and dental offices and clinics.*
- M. Mortuaries or funeral homes.*
- N. Offices, business, or professional.*
- O. Public parking areas when located and developed as required in Section 12.*
- P. Restaurants or coffee shops provided all food and beverages are served inside buildings.*
- Q. Retail stores and retail businesses not involving any fabrication or processing of products.*
- R. Studios of art, photography, dance music and the like.*
- S. Accessory buildings and uses customarily incident to the above listed uses including signs as provided in this code.*
- T. Commercial Day Care Center.*

3012.02 CONDITIONAL USES: The following uses may be permitted in the C- I

Restricted Commercial District provided their location and development are first approved in writing by the methods and provisions of this title:

- A. Hospitals and sanitariums.*
- B. Public service facilities.*
- C. Radio and Television stations but not transmitters or towers.*
- D. Shopping centers as set forth in Section 3012.04.*
- E. Laundry or dry cleaning processing plants in conjunction with a retail service outlet and having no more than five (5) employees.*
- F. Self Storage Facilities.*

3012.03 LOT AREA AND OTHER REQUIREMENTS: Except as otherwise provided in this Section, minimum lot area, minimum floor area, minimum yard requirements, maximum heights and off-street parking and loading provisions shall conform with this title.

3012.04: INTEGRATED SHOPPING CENTERS.

A. Before any use permitted by Section 3012.02(D) above may be made, the owner or owners of the tract of land proposed to be so used shall submit to the Board a plan for the use and development of such tract for such purposes meeting the requirements hereinafter set forth, Said plan shall be accompanied by evidence concerning the feasibility of the project and its effect on surrounding property and other physical conditions, which plan and supporting evidence shall include each of the following:

- a. A site plan defining:*
 - 1. The areas to be developed for building.*
 - 2. The areas to be developed for parking.*
 - 3. The location of ways for pedestrian and vehicular circulation.*
 - 4. The points of ingress and egress, including access streets where required*
 - 5. Provisions for loading spaces.*
 - 6. Location, size and number of signs.*
 - 7. Adjustments to be made in relation to abutting land uses and zoning districts.*

b. A traffic survey prepared by qualified experts indicating the effect of the proposed Shopping center on adjacent streets and also indicating the anticipated points of origin and direction and the amount of traffic flow to and from the shopping center.

B. Before any action thereon, the proposed shopping center plan together with the plans, survey, and information required by this Section shall be referred to the Board for study and report and further proceedings thereon shall be in accordance with this Title as in the case of applications for conditional uses.

C. Off-street parking space in such shopping center shall be provided. Maximum heights in excess of the restrictions for the district may be authorized by the Board but not in excess of the maximum heights permitted in the C-2 Commercial District.

D. In the event the construction of any proposed shopping center is not started within eighteen (18) months after the date of final approval thereof such approval and any permit issued therefor which have Not otherwise expired shall expire and thereafter be null and void, and any zoning reclassification made specifically for such proposed use shall revert to the same zoning classification as existed prior to such reclassification.

CHAPTER 3013: RESTRICTIONS IN C-2 GENERAL, COMMERCIAL, DISTRICT

3013.01 PERMITTED USES Within the C-2 Limited Commercial District a building or premises shall be erected or used only for the following purposes:

A. Any permitted use or conditional use permissible in C-1 Restricted Commercial District provided the building is primarily designed for and devoted to a business use or uses, except that apartments or living quarters may be provided in that portion of a building not primarily designed for or devoted to a business use or uses.

B. Amusement enterprises including billiard or pool halls, bowling alley, miniature golf courses, and similar places of amusement or recreation.

C. Catering establishments.

D. Cleaning, dyeing, and laundry establishments having a retail outlet on the premises.

E. Offices and display rooms of home repair contractors such as heating, painting, roofing and decorating contractors provided the business is entirely within a completely enclosed building there is no storage of supplies or equipment on the premises outside the building, unless the same are suitably screened and fenced, and no more than fifty (50) percent if the gross floor area is used for processing and/or fabricating. Such storage shall not be conducted in a required yard.

F. Drive-in establishments offering food, beverages, goods and services to customers in parked automobiles.

G. Frozen food lockers.

H. Hotels.

I. Pet shops if within a completely enclosed building.

J. Printing lithographing or publishing including newspapers.

K. Public garages and auto, truck trailer and boat sales, service, storage, parts, repair, washing and/or painting shops provided that any outdoor storage of parts, materials, or damaged autos, trucks, trailers or boats shall be suitably screened and fenced and such shall not be conducted within a required yard.

L. Radio or television broadcasting stations, studios and offices but not transmitters or towers.

M. Sale and repair shops including hobby, bicycle, furniture repair, upholstery, sign painting cabinet and plumbing shops if conducted within a completely enclosed building and having adequate dust and fume control.

N. Theaters.

O. Trade or commercial schools.

P. Wholesale and warehousing establishments involving no processing Fabrication or assembly operations.

Q. Accessory buildings and uses customarily incident to permitted uses. T. Commercial Day Care Center.

3013.02 CONDITIONAL USES: The following uses may be permitted in the C-2 Limited Commercial District provided their location and development are first approved by the Board and Commission as provided in Section 15 hereof:

A. Dance halls, game of skill, penny arcades, shooting galleries and amusement enterprises not contained within a completely enclosed building.

B. Animal hospitals and kennels.

C. Auditoriums, sports arenas, stadiums and the like.

D. Hospitals and sanitariums.

E. Motels.

F. Integrated shopping centers upon compliance with Section 3012.04 hereof.

G. Public Service Facilities.

3013.03 LOT AREA AND OTHER REQUIREMENTS: Except as otherwise provided in this Section, minimum lot area, minimum floor area, minimum yard requirements , maximum heights and off-street parking and loading provisions shall conform with this title.

CHAPTER 3014: REGULATIONS IN C-3 GENERAL COMMERCIAL DISTRICT

3014.01. PERMITTED USES: Within the C-3 General Commercial District a building or premises shall be erected or used only for the following purposes:

A. Bars, taverns, cocktail lounges, nightclubs and similar establishments are ONLY permitted in C-3.

B. Any retail sale of Alcoholic Beverages for off site consumption that occupies five percent (5%) or more of the retail sale area of any retail establishment is ONLY permitted in C-3.

C. Any permitted use within the C-2 Commercial Districts.

3014.02 CONDITIONAL USES: The following uses may be permitted in the C-2 Limited Commercial District provided their location and development are first approved by the Board and Commission as provided in Section 15 hereof.

A. Dance halls, game of skill, penny arcades, shooting galleries and amusement enterprises not contained within a completely enclosed building.

B. Animal hospitals and kennels.

C. Auditoriums, sports arenas, stadiums and the like.

D. Hospitals and sanitariums.

E. Motels.

F. Integrated shopping centers upon compliance with Section 3012.04 hereof.

G. Public Service Facilities.

3014.03 LOT AREA AND OTHER REQUIREMENTS: Except as otherwise provided in this Section, minimum lot area, minimum floor area, minimum yard requirements , maximum heights and off-street parking and loading provisions shall conform with this title.

CHAPTER 3015. REGULATIONS IN THE M-1 RESTRICTED INDUSTRIAL DISTRICT

3015.01 PERMITTED USES: Within the M-1 Restricted Industrial District a building or premises may be erected or used only for the following purposes.

A. Any permitted use or conditional use permissible in the C-2 Commercial except that new dwelling units may be built only on a street whose frontage is at least forty (40) percent developed with dwellings on the basis of one hundred (100) feet frontage per dwelling.

B. Animal hospitals and kennels.

C. Aircraft landing field.

- D. Bakeries and bottling works.*
- E. Bulk plants and storage facilities for petroleum products.*
- F. Carting, express, hauling or storage yards and transport terminals located more than two hundred (200) feet from an A or R District.*
- G. Cleaning and dyeing plants.*
- H. Wood/Lumber yards.*
- I. Building materials sales yards including the sale of rock, sand, gravel and the like.*
- J. General Contractors, Construction Contractors, Road Contractors, Hauling Contractors, Truck lines and the like and their related equipment and storage provided, however, that offices of the same may be located in the appropriate commercial district provided that at no time is any equipment, supplies or storage maintained at that office.*
- K. Public Service Facilities.*
- L. Public utilities substations.*
- M. Outdoor display or storage of new or used cars or boats provided that such storage or display is not carried on in a required yard.*
- N. Warehouses.*
- O. Wholesale establishments.*
- P. Manufacturing plants and uses having performance characteristics similar to those listed in this paragraph in that they emit a minimum of noise, vibration, dust, smoke or odor, included but not limited to plants manufacturing or assembling the following:*
 - a. Boats (vessels) less than five (5) tons.*
 - b. Bolts, nuts, screws, washers, rivets, nails, brads, tacks, spikes and similar staples.*
 - c. Clothing.*
 - d. Clocks.*
 - e. Cosmetics.*
 - f. Drugs and medicines.*
 - g. Die and gauge manufacturing.*
 - h. Electrical and electronic equipment assembly.*

- i. Fur goods manufacture but not including tanning or dyeing.*
- j. Glass products from previously manufactured glass.*
- k. Hand tools and hardware 1. Furniture and Wood products.*
- m. Ice.*
- n. Musical instrument assembly and manufacture.*
- o. Pencils.*
- p. Office machines.*
- q. Optical goods.*
- r. Plastic products for assembly into finished equipment or products.*
- s. Sign manufacture or repair.*
- t. Silverware and plating of utensils.*
- u. Sporting goods manufacture.*

Q. Accessory buildings and uses customarily incident to the above uses.

3015.03 REFERENCE TO THE BOARD.

A. The Zoning Inspector shall refer to the Board for review any application for a building permit or for a Certificate of occupancy for any use for which any doubt exist as to probable conformance with the performance characteristics listed for the M-1 District.

B. The Board may require a written report on the expected performance of the subject use by a qualified engineer appointed by the applicant or the Board. Fees for such services shall be paid by the applicant.

3015.04. CONDITIONAL USES: *The following uses may be permitted in the M-1 Restricted Industrial District provided their location and development are first approved in writing by the methods and provisions of this title.*

A. Radio and television towers and transmitters. The same shall include any tower, structure, addition to an existing structure or the like for whatever purpose and including towers that are used or may be adapted for use as a means of communications by transmission or reception of any wave broadcast from any source whatsoever.

B. Railroads and railroad facilities except terminal facilities team tracks or storage yards Located within two hundred (100) feet of a Residence District.

3015.05. LOT AREA AND OTHER REQUIREMENTS: Minimum lot areas, minimum floor areas, minimum yards and maximum heights shall conform with the provisions of this title.

CHAPTER 3016. REGULATIONS IN THE M-2 HEAVY INDUSTRIAL DISTRICT.

3016.01 PERMITTED USES: Within the M-2 Heavy Industrial District a building or premises may be used for the following purposes:

- A. Any permitted use or conditional use permissible in the M-1 Restricted Industrial District provided that after the passage of this Ordinance no dwelling School, institution or hospital shall be built or enlarged within the M-2 Industrial District except in accordance with the provisions of this Ordinance.*
- B. Any manufacturer or refining process, assembly process.*
- C. Uses listed in the C-2 Commercial District and not otherwise excluded by this Title may be permitted within the M-2 Industrial District only when the lot to be occupied by such commercial use is located on a street the frontage of which is at least forty (40) percent occupied by lots containing uses listed as permitted in the C-2 Commercial District including dwellings and parking uses accessory to commercial use.*
- D. Railroads and railroad facilities.*
- E. Accessory buildings and uses customarily incident to the above uses.*

3016.02. CONDITIONAL USES: The following uses may be permitted in the M-2 Heavy Industrial District provided their location, development and proposed performance characteristics are first approved by the Board as provided in this Title:

In considering such location, development and performance characteristics, the Board may accept written or oral testimony from experts on behalf of the applicant or any Public Board or Agency. The Board shall consider the effect that the proposed use will have on neighboring property, other industries and persons using the public streets due to the emission by the proposed used of vibration, noise, radiation, light, smoke, odor, dust or gas.

- A. Ammonia, bleach powder or chlorine manufacture, celluloid or pyroxylin manufacture or explosive or inflammable cellulose or pyroxylin products manufacture.*
- B. Atomic power plant or reactor.*
- C. Cement, lime, gypsum, plaster or plaster of paris manufacture.*
- D. Dyestuff manufacture.*
- E. Explosive or fireworks manufacture or the storage of loading of explosive in bulk.*

F. Fat rendering or tallow, grease or lard refining or manufacture of products from fats.

G. Fertilizer manufacture from organic materials or bone distillation on a commercial scale, provided however, that this provision shall have no application to the compounding or manufacturing of fertilizers from previously processed materials which have no noxious odors or fumes, and which produce no noxious odors or fumes in the compounding or manufacturing thereof.

H. Fish curing smoking packing and storing.

I. Gelatin or glue manufacture or process involving recovery from fish or animal offal.

J. Incineration, reduction or dumping or offal, dead animals, garbage or refuse on a commercial basis, and including loading and transfer platforms subject to restrictions, regulations and control by Ordinance of the Village or by other duly constituted authority having the power to restrict, regulate or control the same.

K. Junkyard, salvage yard or recycling facility of any kind.

L. Match manufacture.

M. Sulphurous, sulfuric, nitric, picric, hydrochloric or other corrosive acid or Chemical manufacture or their use or storage except as accessory to a permitted industry.

N. Stockyards and/or slaughter houses.

O. Turpentine, varnish or the like manufacture or refining.

P. Power generation facilities of a non-nuclear type except where the same are under the jurisdiction of the Ohio Power Siting Commission or its successors, then in that case, such power generation facilities shall not require a conditional use permit from the Village, provided however, the Village Officials are to use best efforts to insure that placement of such facilities occurs only in designated M-2 Districts.

3016.03. LOT AREA AND OTHER REQUIREMENTS: Minimum lot areas, minimum floor areas, minimum yards and maximum heights shall conform with the provisions of this title.

CHAPTER 3017: REGULATIONS IN H HIGHWAY SERVICE DISTRICTS

3017.01 PERMITTED USES Within the H Highway Service District a building or premises shall be erected or used only for the following purposes:

A. Those uses which provide for sales and services oriented to highway travelers or general businesses including the sales and services for automotive, farm machinery and the like.

B. Any permitted use in C-2 Commercial Districts.

3017.02 CONDITIONAL USES: The following uses may be permitted in the H Highway Service District provided their location and development are first approved in writing by the methods and provisions of this title:

A. Hospitals and sanitariums.

B. Public service facilities.

C. Radio and Television stations but not transmitters or towers.

D. Shopping centers as set forth in Section 3012.04.

E. Laundry or dry cleaning processing plants in conjunction with a retail service outlet and having no more than five (5) employees.

F. Self Storage Facilities.

3017.03 LOT AREA AND OTHER REQUIREMENTS: Minimum lot areas, minimum floor areas, minimum yards and maximum heights shall conform with the provisions of this title.

CHAPTER 3018 HOME OCCUPATIONS

3018.01 GENERAL PROVISIONS A home occupation may be conducted in any residential dwelling unit within the Village of Fort Shawnee, Ohio by those persons who live in the particular dwelling, provided that the same is conducted wholly within the dwelling building and otherwise complies with the terms and conditions of this Chapter.

3018.02 TWENTY FIVE PERCENT RESTRICTION No home occupation shall occupy more than 25% of the total ground area occupied by any building or buildings on the lot.

3018.03 INTERFERENCE WITH ADJACENT PROPERTY Such uses shall not, by reason of noise, hours of operation, traffic generated, or other condition be of such a nature as to disturb or adversely affect the adjacent property to an extent greater than by the normal uses within the district where the particular home occupation is carried on.

3018.04 APPLICATION REQUIRED Prior to the commencement of any home occupation, an application must be made to the Zoning Inspector along with a fee of \$ 100.00. Upon examination of the application, the Zoning Inspector shall forward the same to the Board along with his recommendations and findings. The Board may, at its discretion, hold a public hearing on the matter as if the same were an application for conditional use in any district. Review of the Board's decision may be had as with the appeal of any conditional use as set forth in this title.

CHAPTER 3019 MHP MOBILE HOME PARK DISTRICT

3019.01 PURPOSE:

The purpose of the MHP Mobile Home Park District is to accomplish the following:

(A) Provide a zoning district for Mobile Homes;

(B) Establish standards governing the location and development of mobile home parks;

(C) Encourage the development of mobile home parks to provide additional housing at a reasonable cost; and

(D) Promote mobile home park designs that will provide good interior circulation and a maximum of privacy for individuals who are residing therein, will reflect and take advantage of natural topographic features to result in an interesting and varied pattern, and will include facilities for a wide range of amenities and leisure time activities.

3019.02 DENSITY:

The density of any mobile home park shall be no more than six (6) mobile homes per acre without a specific variance granted by the Zoning Board of Appeals.

3019.03 PERMITTED USES:

Within an MHP Mobile Home Park District, a mobile home park shall be the permitted use and therein the following uses shall be permitted:

(A) Mobile home;

(B) Accessory storage structure to be used in conjunction with the mobile homes provided such structure is attached to a permanent foundation in accordance with the Building Code;

(C) Building or permanent structure used exclusively to provide accessory services for occupants of the park such as a recreation facility, laundry room or mobile home park office;

(D) Accessory building or structure clearly incidental to a mobile home and attached thereto such as a carport. Any accessory building shall be attached to a permanent foundation and constructed in accordance with the Building Code.

3019.04 SIZE OF MOBILE HOME PARK:

Each mobile home park shall have an area of no less than ten (10) acres and no more than one hundred (100) acres.

3019.05 PARK FRONTAGE:

Each mobile home park shall have frontage of no less than one hundredfifty (150) continuous feet on a public street.

3019.06 MOBILE HOME PARK PERIMETER YARD:

A perimeter yard is required for each mobile home park. All parking, buildings, structures, and mobile homes shall be sited so as to provide a setback of at least twenty-five (25) feet from all lot lines. This twenty-five (25) foot perimeter yard shall be landscaped and cannot be used for anything other than passive open space or a required roadway entrance into the mobile home park. Whenever a mobile home park is bounded by land which is both zoned and used for any residential use, the common border between the mobile home park and the existing residential use shall be buffered by either a continuous fence, shrubbery or mounding in accordance with the following:

(A) A fence shall be no less than four (4) feet in height and shall be maintained in a neat, clean and orderly manner.

(B) Shrubby shall be of such type and maturity and planted in such manner that the shrubs will reach a height of no less than four (4) feet within one year and will grow towards each other so as to result in a solid hedge within one year. Such hedge shall be kept trimmed and maintained in a neat, clean and orderly manner. Shrubs shall be replaced as necessary.

(C) The fence or shrubbery shall be seventy-five percent (75%) or more opaque.

(D) A mound shall be no less than four (4) feet in height, planted with grass or other suitable ground cover and maintained in a neat, clean and orderly manner. Vegetation shall be replaced as necessary.

3019.07 BUILDING LINES:

In an MHP Mobile Home Park District the minimum building and parking setback from any public street shall be not less than twenty-five (25) feet.

3019.08 BUILDING LINES ON PRIVATE ROADWAYS:

The minimum building and parking setback from any private roadway within a mobile home park shall be fifteen (15) feet from the edge of the pavement.

3019.09 STORAGE FACILITY:

The storage of items and any storage facility within a mobile home park shall be in accordance with all of the following:

(A) Open storage of yard maintenance equipment, household effects, garbage and trash cans, and other similar items is prohibited.

(B) Enclosed storage facilities for household or personal effects of park residents only shall be provided, designed so as to provide storage space on each mobile home site. Such storage facilities shall be permanently anchored.

(C) A storage area for boats and recreational vehicles shall be in accordance with the terms of this Zoning Code for storage in residential districts.

3019.10 COMMON OPEN SPACE AND RECREATIONAL AREAS:

Each mobile home park shall provide common open space and recreational areas within the boundaries of the park subject to the following provisions:

(A) The common open space or recreational area may be composed of more than one specific area; and

(B) The total amount of land set aside for common open space or recreational area shall be no less than eight percent (8%) of the total area of the mobile home park. Land used for the required perimeter yard, required storage areas, private roadways and parking shall not be considered as part of this required eight percent (8%) open space.

3019.11 ROADWAYS.

Each mobile home site in a mobile home park or section thereof shall abut on a paved roadway within the mobile home park which has a clear, unobstructed, paved width to accommodate the contemplated parking and traffic load. The design, installation and subsequent improvement of all roadways shall be subject to the Subdivision Regulations of the Village of Fort Shawnee, Ohio as amended.

3019.12 ACCESS TO THE MOBILE HOME PARK.

(A) Access to a mobile home park from an adjacent public street shall be by means of a roadway, the width and location of which shall be determined by the Planning Commission of the Village of Fort Shawnee, Ohio and comply with requirements of the Subdivision Regulations of the Village of Fort Shawnee, Ohio as amended.

(B) No mobile home site shall have direct vehicular access to a public street. Any mobile home site which is adjacent to a public street shall be separated from such street by either a natural or an artificial barrier.

3019.13 UTILITY SERVICE.

At the time a Mobile home park is developed, all utility lines shall be designed and installed in accordance with the regulations and requirements of the respective utility companies involved. Whenever the developer or operator of a mobile home park intends to charge or does charge an individual occupant of the park a fee for any utility's service, including but not limited to electricity, gas or water, a separate meter for that type of utility for which a charge will be or is made shall be installed at the mobile home site being serviced and charged.

3019.14 STORM DRAINS.

Within each mobile home park storm drainage shall be provided in accordance with the following minimum requirements in addition to any requirements imposed by the Village of Fort

Shawnee, Ohio:

(A) All mobile home sites, roadways, and other areas shall be graded in such a manner that storm water will drain from them. There shall be no undrained depressions. Grading shall be accomplished so as not to obstruct the natural drainage of adjoining and adjacent properties.

(B) No open drainage ditch shall be permitted and all drainage ways shall be enclosed.

(C) Drainage lines necessary to carry storm water from the mobile home park property to the nearest approved facility for the disposition of storm water shall be installed.

(D) All storm drainage plans shall be approved by the Planning Commission.

3019.15 WATER:

Within each mobile home park the source of water supply shall be from the Village water system under contract with the City of Lima, Ohio. The installation of water lines shall be in accordance with the City of Lima, Ohio's regulations and the contracts between the City of Lima and the Village of Fort Shawnee, Ohio.

3019.16 HEATING SYSTEMS:

Each mobile home park site shall have an approved connection to a centralized natural gas or other fuel system. The design of this system shall be approved by the appropriate utility. No individual propane, butane, or other type of individual fuel system shall be allowed in a manufactured home park.

3019.17 FIRE PROTECTION:

Within each mobile home park adequate water mains, fire hydrants, gated connections, and other fire prevention and fire safety features shall be installed and approved by the Planning Commission with consultation with the Shawnee Township Fire Department.

3019.18 SANITARY WASTE DISPOSAL:

All mobile home sites, buildings and structures with running water shall be connected to the sanitary waste disposal system. Within each mobile home park sanitary waste disposal shall be accomplished by means of a sanitary sewage system. Installation of sewer lines shall be in accordance with the standards of the Allen County Sanitary Engineer. No private sanitary system shall be permitted in a Mobile Home Park.

3019.19 MOBILE HOME SITE ACCESS:

Each mobile home site designed for a single-wide unit shall have continuous frontage of not less than that required for an R-5 dwelling on an approved roadway located within the boundaries of the mobile home park. Each mobile home site designed for a double-wide unit shall have continuous frontage of not less than that required for an R-4 dwelling on an approved

roadway or street located within the boundaries of the mobile home park.

3019.20 MOBILE HOME SITE YARD AND AREA REQUIREMENTS:

Site yard and area requirements for each manufactured home shall be the same as those requirements for the R-5 district.

3019.21 INDIVIDUAL PATIO REQUIRED:

Each mobile home site shall contain a patio area of no less than two hundred (200) square feet. Such patio shall be constructed of Portland cement concrete, brick, tile or similar material, so as to result in a dust-free and well-drained hard surface. A deck of the same size will suffice for the patio requirement.

3019.22 MOBILE HOME PADS AND ANCHORING:

Each mobile home shall be placed on and anchored securely to a mobile home pad constructed of suitable materials.

3019.23 ENCLOSURE AROUND BOTTOM OF MOBILE HOME:

No later than thirty (30) days after a mobile home has been placed upon a mobile home site the area between the bottom of the sides and ends of the mobile home and the ground upon which it is located shall be enclosed by walls made of a visibly impervious material.

CHAPTER 3020 SPECIAL REGULATIONS RELATED TO CERTAIN BUSINESSES

3020.01 PURPOSE: The purpose of this chapter is to promote the public health, safety and welfare through the regulation of Adult Entertainment Businesses. It is the intent of these sections to regulate entertainment businesses within close proximity to existing churches, parks, playgrounds, schools, social service facilities, neighborhood centers, residential areas and other areas that may be accessible to children within the Village of Fort Shawnee, Ohio. The following shall be the regulations applicable to Adult Entertainment Businesses:

3020.02 DEFINITIONS: The following definitions shall apply to this chapter:

02.01 ADULT ENTERTAINMENT BUSINESS, means any adult book store, adult motion picture theater, adult drive in motion picture theater or any adult only entertainment establishment as further defined herein.

02.02 ADULT BOOK STORE means any establishment which utilizes 15% or more of its retail selling area for the purpose of retail sale or rental or for the purpose of display of coin, slug or token operated, or electronically, electrically or mechanically controlled still or motion picture machines, projectors, VCR's DVD's or other image producing devices, books, magazines, other periodicals, films, tapes, DVD's cassette and the like that contain adult material as defined herein.

02.03 ADULT MOTION PICTURE THEATER means any enclosed motion picture theater which is regularly used or utilizes 15% or more of its total viewing time for presenting, depicting, describing or relating to adult material as defined herein.

02.04 ADULT ONLY ENTERTAINMENT ESTABLISHMENT means any establishment where a patron directly or indirectly is charged a fee where the establishment features entertainment or services which constitute adult material as defined herein or which feature exhibitions, dance routines or choreography of persons totally nude, topless, bottomless or strippers (male, female or female impersonators) or similar entertainment or services which constitute adult material as defined herein.

02.05 ADULT MATERIAL means any book magazine, newspaper, pamphlet, poster, print, picture, slide, transparency, figure, image, description, motion picture, film, tape, DVD, CD, audio recording, CD ROM, or other tangible thing or any service capable or arousing sexual interest and;

a. Which material is distinguished and/or characterized by an emphasis on matter displaying, describing or representing sexual activity, masturbation, sexual excitement nudity, bestiality or human bodily functions of elimination; or,

b. Which service is distinguished and/or characterized by any emphasis on sexual activity, masturbation, sexual excitement, nudity, bestiality or human bodily functions or elimination.

02.06 BOTTOMLESS means less than full opaque covering of male or female genitals, pubic area or buttocks.

02.07 NUDE AND OR NUDITY means the showing or representation or depiction of human male or female genitals, pubic area or buttocks with less than full opaque covering of any portion thereof or the female breast with less than a full opaque covering of any portion thereof below the top of the nipple or of the covered male genitals in a discernibly turgid state.

02.08 TOPLESS means the showing of the female breast with less than a full opaque covering of any portion thereof below the top of the nipple.

02.09 SEXUAL ACTIVITY means sexual conduct and sexual contact of any kind or both as defined in Title 29 of the Ohio Revised Code or herein.

02.10 SEXUAL CONDUCT and SEXUAL ACTIVITY means any touching of any erogenous zone including, without limitation, the thigh, genitals, buttocks, breast, pubic region for the purpose of sexual arousal or gratification of the self or others.

02.11 SEXUAL EXCITEMENT means the condition of the human male or female genitals when in a state of sexual stimulation or arousal.

3020.03 CONDITIONAL USE PERMIT REQUIRED: No building shall be erected, constructed or developed and no building or premises shall be reconstructed, remodeled

arranged or used for any adult entertainment business unless specifically authorized by the Village of Fort Shawnee by the granting of a conditional use permit as set forth in this title and shall comply with ALL of the following:

03.01 Adult entertainment businesses shall comply with the district regulations applicable to all properties in any district in which they are located.

03.02 No adult entertainment business shall be permitted in a location that is within 2000 feet of any other adult entertainment business.

03.03 No adult entertainment business shall located within 2000 feet of any church, public or private school, day care center, park playground social service agency, or neighborhood center.

03.04 No adult entertainment business shall be located within 2000 feet of any Massage Establishment permitted under chapter 3021 of this Title.

03.05 No adult entertainment business shall be located within 2000 feet of any boundary of any residential district of a local unit of government abutting the Village of Fort Shawnee, Ohio.

03.06 No adult entertainment business shall be located within 2000 feet of any Highway service District as designated by the Zoning Ordinance of this Village.

3020.04 REQUIRED LOT AREA AND WIDTH: No adult entertainment business shall be allowed unless the same has a minimum lot area of 25,000 sq. ft. and a minimum lot width of 200 feet for the same notwithstanding any other lot area and width requirements.

3020.05 BUILDING HEIGHT REGULATION: No adult entertainment business shall be in any structure that exceeds one story in height notwithstanding any other height requirements.

3020.06 REQUIRED YARDS: Any adult entertainment business shall conform to the following:

06.01 Front Yard shall be 100 feet from the right of way of the roadway.

06.02 Side Yard shall be one and one half times those in the required district. 06.03 Rear Yard shall be 80 feet from the rear property line of the lot.

3020.07 LANDSCAPING AND SCREENING PROVISIONS: Any adult entertainment business shall be screened and landscaped in a manner approved by the Village of Fort Shawnee at the time that a conditional use permit is granted Such screening and landscaping shall be opaque to the public view, shall be 10 feet high, maintained in good condition and free of all advertising and other signs. Landscaping may be provided in lieu of screening if such landscaping is not less than 15 feet in width, planted with hedge or dense planting not less that 6 feet high at the time of planting to provide an opaque screen to the public view.

3020.08 OTHER CONDITIONS: Any adult entertainment business shall be clean, quiet,

free of all hazardous and objectionable elements by reason of noise, dust, smoke refuse or the like and shall in all respects comply with the laws of the State of Ohio, Village of Fort Shawnee, and the Allen County Combined General Health District at all times.

CHAPTER 3021 REGULATION OF MASSAGE ESTABLISHMENTS

3021.01 PURPOSE: The purpose of this chapter is to promote the public health, safety and welfare through the regulation of Massage Establishments. It is the intent of these sections to regulate Massage Establishments within close proximity to existing churches, parks, playgrounds, schools, social service facilities, neighborhood centers, residential areas and other areas that may be accessible to children within the Village of Fort Shawnee, Ohio. The following shall be the regulations applicable to Massage Establishments:

3021.02 DEFINITIONS: The following shall be definitions for interpretation of this chapter on Massage Establishments:

02.01 MASSAGE means any method of exerting pressure on, stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating the external soft tissue of the body with the hands or with the aid of any mechanical or electrical apparatus or appliance.

02.02 MASSAGE ESTABLISHMENT means any fixed place where a person offers massage services in exchange for anything of value or in the connection with the provision of any other service.

02.03 MASSEUR OR MASSEUSE means any individual who preforms massage at the Massage Establishments.

02.04 OUT CALL MASSAGE SERVICE means any business the function of which is to engage in or carry on massages at a location designated by the customer or the client rather than at the Massage Establishments.

02.05 EMPLOYEE means any and all persons other than the Masseur or Masseuse that render any service to the Massage Establishment and who receive any compensation directly or indirectly from the operator.

02.06 OPERATOR means the person named on the permit that is issued for a Massage Establishment.

02.07 SEXUAL OR GENITAL AREA means the male or female genitals, pubic area, buttocks, anus or perineum of any person or the vulva or breasts of any person.

3021.03 EXEMPTION This Chapter shall not be construed to regulate the practice of any limited branch of medicine or surgery in accordance with Section 4731.15 and 4731.16 of the Ohio Revised Code by an individual licensed or certified by the State of Ohio.

3021.04 CONDITIONAL USE PERMIT REQUIRED: No building shall be erected, constructed or developed and no building or premises shall be reconstructed, remodeled arranged

or used for any Massage Establishment unless specifically authorized by the Village of Fort Shawnee by the granting of a conditional use permit as set forth in this title and shall comply with ALL of the following:

04.01 The operator provide a report of an inspection of the premises within 30 days of the application to determine the compliance with health and safety codes from the Allen County Combined General Health District.

04.02 Massage Establishments shall comply with the district regulations applicable to all properties in any district in which they are located.

04.03 No Massage Establishment shall be permitted in a location that is within 2000 feet of any other Massage Establishment.

04.04 No Massage Establishment shall be located within 2000 feet of any church, public or private school, day care center, park, playground social service agency, or neighborhood center.

04.05 No Massage Establishment shall be located within 2000 feet of any boundary of any residence in the Village of Fort Shawnee or the boundary of any residential district of a local unit of government abutting the Village of Fort Shawnee, Ohio.

04.06 No Massage Establishment shall be located within 2000 feet of any Highway service District as designated by the Zoning Ordinance of this Village.

3021.05 REQUIRED LOT AREA AND WIDTH: No Massage Establishment shall be allowed unless the same has a minimum lot area of 25,000 sq. ft. and a minimum lot width of 200 feet for the same notwithstanding any other lot area and width requirements.

3021.06 BUILDING HEIGHT REGULATION: No Massage Establishment shall be in any structure that exceeds one story in height notwithstanding any other height requirements.

3021.07 REQUIRED YARDS: Any Massage Establishment shall conform to the following:

07.01 Front Yard shall be 100 feet from the right of way of the roadway.

07.02 Side Yard shall be one and one half times those in the required district.

07.03 Rear Yard shall be 80 feet from the rear property line of the lot.

3021.08 LANDSCAPING AND SCREENING PROVISIONS: Any Massage Establishment shall be screened and landscaped in a manner approved by the Village of Fort Shawnee at the time that a conditional use permit is granted. Such screening and landscaping shall be opaque to the public view, shall be 10 feet high, maintained in good condition and free of all advertising and other signs. Landscaping may be provided in lieu of screening if such landscaping is not less than 15 feet in width, planted with hedge or dense planting not less than 6 feet high at the time of planting to provide an opaque screen to the public view.

3021.09 OTHER CONDITIONS: Any Massage Establishment shall be clean, quiet, free of all hazardous and objectionable elements by reason of noise, dust, smoke refuse or the like and shall in all respects comply with the laws of the State of Ohio, Village of Fort Shawnee, and the Allen County Combined General Health District at all times.

CHAPTER 3022 SIGN REGULATIONS IN RESIDENTIAL DISTRICTS

3022.01 GENERAL PROVISIONS for on-premises signs in residential districts.

The following general provisions shall apply to on premises signs in residential districts:

A. A permanent on-premises sign may be displayed on a lot in a residentially zoned district primarily for the purposes of identification and orientation pertaining to the established use, and shall be consistent with the development standards contained in the Zoning Code. A permanent on premises sign shall be displayed only by a residentially zoned use specified in this chapter.

B. A temporary on premises sign may be displayed on a lot in a residentially zoned district for such purposes as announcement of projects under construction; the marketing of property and new development projects; and the sale, leasing or renting of individual units. In addition, provision is made for temporary signs displayed in conjunction with a temporary use allowed by Zoning Code.

C. A sign permit shall be required for the installation or refacing of any permanent sign or home occupation sign, except signs that designate house numbers only. A sign permit shall be required for the installation of any temporary sign with an area larger than five (5) square feet.

D. No person shall install any sign allowed by this chapter within any public right-of-way.

E. A sign required by law shall be no larger than the minimum requirement or, when the size of said sign is not regulated, shall be no larger than necessary to perform the intended function.

F. A ground sign installed in a residentially zoned district shall allow clear vision at street intersections, in front yards, and driveways.

G. A ground sign installed perpendicular to the street to which it is directed may be double-faced In lieu of two (2) or more allowed ground signs, one (1) double-faced or multi-faced ground sign may be installed at the intersection of two (2) streets abutting a use in a residentially zoned district and arranged so as to be directed to both streets.

H. Street Address Requirements. All residences within the Village of Fort Shawnee are required to have a sign that the street address shall be displayed so as to be readable from the street fronting the use and unobstructed Where that requirement is to be met by displaying the house number on a wall sign or ground sign serving a residential use, the following size standards shall be utilized:

1. *Where the speed limit of the fronting street is greater than thirty-five (35) miles per hour, the numeral size shall be no less than four (4) inches placed on a sign of green background and said numbers shall be of light reflecting material so as to allow the same to be seen from the passing roadway by any vehicle at night.*

2. *Where the speed limit of the fronting street is thirty-five (35) miles per hour or less, the numeral size shall be no less than four (4) inches.*

3022.02 ILLUMINATION IN RESIDENTIAL DISTRICTS.

Sign illumination is NOT permitted in any residential district.

3022.03 NAMEPLATES.

A. Nameplates. A dwelling unit in a one- or two-family dwelling, a townhouse or rowhouse shall display no more than one (1) nonilluminated nameplate on each dwelling, subject to the following provisions:

1. Sign copy shall be limited to the street address of the dwelling and the occupant's name.

2. The graphic area of each such sign shall not exceed two (2) square feet.

3. A nameplate shall be wall-mounted, or ground-mounted, adjacent to the entrance to said dwelling unit.

3022.04 TEMPORARY ON PREMISES SIGNS--General provisions.

A temporary on premises sign may be displayed on a lot in a residentially zoned district for the purposes specified in this section. A temporary sign shall be subject to the following general provisions:

A. A temporary permit shall be required to authorize the installation of any temporary sign allowed by this chapter with a graphic area larger than five (5) square feet unless a permit is obtained and then no larger than fifteen (15) square feet.

B. A temporary sign shall be displayed for no more than six (6) months, except where otherwise specified by law. Such sign shall be removed from the lot at the end of the allowable display period, or within seven (7) calendar days of the completion of the project, sale of the property or leasing of available units, whichever occurs first.

C. No temporary sign allowed by this chapter shall be illuminated.

D. A temporary sign allowed by this chapter shall be a ground sign only, except in a situation where no conforming location for a ground sign exists. No temporary projecting sign or roof sign shall be permitted.

E. A temporary ground sign shall be set back at least two (2) feet from the right-of-way line

of any abutting street, or the setback required by this chapter, whichever is greater, and no less than two (2) feet from any public sidewalk. Where wall-mounted, allowable setback shall be that of the wall to which said sign is attached.

3022.05 TEMPORARY CONSTRUCTION SIGNS.

A. A residential complex, a platted residential subdivision or an institutional use under construction shall display no more than one (1) temporary construction sign directed to each street abutting the subject site, subject to the following additional provisions:

- 1. Such sign shall be displayed for no more than eighteen (18) months.*
- 2. Sign copy may be modified during the allowable life of the sign without additional permit, provided that all messages are on-premises and pertain to the project with which each sign was originally associated.*
- 3. No temporary construction sign shall exceed five (5) square feet without a permit and with a permit no more than twenty (20) square feet.*

B. A project under construction which does not qualify for a temporary construction sign shall display no more than one (1) temporary construction sign directed to the fronting street abutting the lot, subject to the following additional provisions:

- 1. Such sign shall be displayed only during the period of actual construction, or for one hundred eighty (180) days, whichever is less.*
- 2. Graphic area shall not exceed twenty (20) square feet.*
- 3. Sign height shall not exceed six (6) feet.*

3022.06 TEMPORARY REAL ESTATE SIGNS.

A. A residential complex, a platted residential subdivision, institutional use, or undeveloped land in excess of two (2) acres shall display no more than one (1) temporary real estate sign directed to each street abutting the subject site to advertise the availability of the entire property for sale, lease or rent, subject to the following additional provisions:

- 1. Such sign shall be displayed for no more than eighteen (18) months.*
- 2. Graphic area shall not exceed twenty (20) square feet.*
- 3. Sign height shall not exceed six (6) feet.*

B. Subsequent to the removal of said temporary real estate sign, a residential complex or institutional use shall display no more than one (1) temporary real estate sign directed to each street abutting said complex to advertise the availability of one (1) or more dwelling units for sale, lease or rent.

1. *Such sign shall be displayed only during the actual period of availability of one (1) or more units, or for one hundred eighty (180) days, whichever is less.*
2. *Graphic area shall not exceed twenty (20) square feet.*
3. *Sign height shall not exceed six (6) feet.*

C. A lot in a residentially zoned district which is not otherwise allowed a temporary real estate sign shall display no more than one (1) temporary real estate sign directed to each street abutting the property.

1. *Such sign shall be displayed only during the actual period of availability of the lot or unit, or for one hundred eighty (180) days, whichever is less.*
2. *Graphic area shall not exceed eight (8) square feet.*
3. *Sign height shall not exceed six (6) feet.*

3022.07 OTHER ALLOWED TEMPORARY SIGNS.

A. Temporary Use Sign.

1. *No more than one (1) temporary sign, in compliance with the Garage Sale Ordinance of the Village of Fort Shawnee, Ohio be displayed on a lot in a residentially zoned district to advertise a garage sale or yard sale.*

B. Political Sign. A political sign, where utilized, shall be displayed in compliance with this Chapter.

C. Public Service Announcement. A public service announcement, where utilized, shall be displayed in compliance with this Chapter.

CHAPTER 3023 ON-PREMISES SIGNS IN ALL NON RESIDENTIAL DISTRICTS

3023.01 GENERAL PROVISIONS for on-premises signs.

The following general provisions shall apply to on-premises signs in any non residential districts:

- A. A permanent on premises sign may be displayed on a lot in a manufacturing district for such purposes as identification, orientation and promotion pertaining to the established use, and shall be consistent with the development standards contained in the Zoning Code.*
- B. A temporary on premises sign may be displayed on a lot in a manufacturing district for such purposes as announcement of projects under construction; the marketing of property and new development projects; and the sale, leasing or renting of individual units. In addition, provision is made for temporary signs displayed in conjunction with a temporary*

use allowed by the Zoning Code.

C. A sign permit shall be required for the installation or refacing of any permanent sign. A sign permit shall be required for the installation of any temporary sign with an area larger than five (5) square feet.

D. A sign required by law shall be no larger than the minimum requirement or, when the size of said sign is not regulated, shall be no larger than necessary to perform the intended function.

E. A ground sign installed in a manufacturing district, shall allow clear vision clearance to all roads, intersections, driveways and parking lots.

F. A ground sign installed perpendicular to the street to which it is directed may be double-faced. In lieu of two (2) or more allowed ground signs, one (1) double-faced or multi-faced ground sign may be installed at the intersection of two (2) streets bordering a use in a manufacturing district, and arranged so as to be directed to both streets. The allowable graphic area shall not exceed the size permitted for either street.

3023.02 SPECIAL AREAS.

Provisions of this chapter may be modified by the Planning Commission for special needs provided that such modification does not interfere with the rights of other property owners in the area and complies with the spirit of this chapter.

3023.03 PERMANENT ON PREMISES SIGNS.

Each manufacturing or business use may display one (1) or all of the following types of permanent on premises signs, provided that each sign shall be in compliance with the provisions of this Chapter:

A. Either a ground sign or projecting sign serving the use and directed to any street which abuts the subject property.

B. One (1) or more wall signs, including window signs, serving the use, or each tenant, or activity comprising said use, and directed to each street abutting the subject property and which faces a wall enclosing the activity.

C. Ingress/egress signs serving the use and located adjacent to each driveway or other approved vehicular access to the subject property.

3023.04 GRAPHIC AREA, SIGN HEIGHT AND SETBACK.

A. The maximum graphic area for a ground sign to be erected within the first one hundred (100) feet of setback from the abutting street right-of-way shall be three hundred (300) square feet.

B. Where not otherwise required by this chapter, the maximum allowable

height, and setback of a ground sign, projecting sign or wall sign shall be the same as that allowable in the district in which the sign is located.

3023.05 SPECIAL EFFECTS.

A. Sign Illumination.

- 1. A sign illuminated directly, indirectly, internally or by neon tubes bent in the form of letters or shapes is permitted for any use or activity, unless specifically prohibited by this chapter.*
- 2. External illumination for a permanent on premises sign displayed in a manufacturing district that abuts a residential district shall not illuminate any part of the residential district at any time. The background of all illuminated signs shall be opaque.*
- 3. The light source, including fixture, of any sign utilizing external illumination shall be shielded from view from any public right-of-way and from any residential dwelling unit.*
- 4. Flashing signs and bare bulb illumination shall be prohibited.*
- 5. The use of open flame as a source of illumination shall be prohibited.*

B. CHANGEABLE COPY SIGNS.

A manual changeable copy sign may be utilized in a manufacturing pursuant to the following restrictions:

- 1. At least fifty (50) percent of the graphic area of a ground sign or projecting sign which utilizes changeable copy shall be used for identification of the use which it serves.*
- 2. A changeable copy sign shall not be permitted within any public right-of-way.*

C. Mechanical Movement.

- 1. A sign that physically revolves or moves up, down, or sideways; or any sign that contains mechanical movement or gives the appearance of movement through animation within the copy area shall be displayed only in a manufacturing district.*
- 2. A revolving sign shall be limited to a maximum of eight (8) revolutions per minute.*

CHAPTER 3024 BILLBOARDS AND OTHER OFF-PREMISES SIGNS

3024.01 GENERAL PROVISIONS Each billboard shall be considered a permanent sign subject to all the provisions of this chapter and all other applicable codes. Where a conflict exists,

the most restrictive provision shall apply.

3024.02 BILLBOARD USE AS ON PREMISES SIGN PROHIBITED No person shall utilize any billboard as an on-premises sign.

3024.03 RESTRICTED PLACEMENT OF OFF PREMISES SIGNS No person shall utilize any trash can, telephone booth, seat bench bus shelter, vending machine, recycling container or trailer graphic for or in support of a billboard, or any off-premises sign.

3024.04 SPECIAL PERMITS REQUIRED A special sign permit shall be required to allow installation of any permanent or temporary off-premises sign including, but not limited to, any off-premises directional sign.

3024.05 SIZE AND INTENSITY STANDARDS.

This section establishes generally more restrictive standards for any billboard larger than three hundred (300) square feet in area than those that apply to any billboard which is three hundred (300) square feet or less. The following standards, pertaining to size and intensity shall apply:

- A. A billboard structure shall be of the ground sign or wall sign type only. Projecting and roof-mounted billboards shall be prohibited.*
- B. The maximum size for each allowable facing of a billboard shall be six hundred seventy-two (672) square feet.*
- C. Each billboard shall be comprised of a maximum of two (2) facings which shall be installed back-to-back, parallel to each other and no more than ten (10) degrees from perpendicular to the street to which the billboard is directed. Where the street design, natural topography, buildings or other permanent objects will screen or obscure one of the facings, that facing may be omitted.*
- D. A maximum of two (2) sign faces facing in the same direction shall be permitted on the same billboard, provided that they are equal in size and separated by one and one-half (1.5) feet. Their total combined area shall not exceed six hundred (600) square feet or the graphic area allowed at that location, whichever is less.*
- E. A billboard display may utilize embellishments, subject to the following limitations:*
 - 1. For a billboard larger than four hundred (400) square feet, the total area of all embellishments on each facing shall not exceed twenty-five (25) percent of the approved graphic area and shall not extend beyond the top of the approved sign face by more than six (6) feet, nor extend beyond the sides and bottom of the approved sign face by more than two (2) feet.*
 - 2. For a billboard four hundred (400) square feet or less, the total area of all embellishments on each facing shall not exceed fifteen (15) percent of the approved graphic area and shall not extend beyond the top of the approved sign face by more*

than four (4) feet, nor beyond the sides and bottom of the approved sign face by more than one and one-half (1.5) feet.

3024.06 LOCATION REQUIREMENTS.

This section establishes that billboards may be located on property zoned for more intense commercial and manufacturing uses, and establishes setback and separation standards to limit billboard locations relative to streets and to certain sensitive uses.

A. A billboard shall be permitted only in the following districts: M-1 and M-2.

B. A billboard shall not be located inside of or within five hundred (500) feet of any historic site, historic district or public park. A billboard shall not be located inside of or within one hundred twenty (120) feet of any green way.

C. The required sign setback for a billboard shall be the greater of the following: Twenty-five (25) feet from the right-of-way line of each abutting street or fifty (50) percent of the designated right-of-way width of each abutting street. The required sign setback for a billboard directed to a freeway shall be fifty (50) feet from the limited-access right-of-way line, except where the provisions of The Interstate System are applicable.

D. Each billboard, or any portion thereof shall be located a minimum of two hundred (200) feet from a property zoned for institutional or residential uses located along either side of any street adjacent to the billboard location, measured along the centerline of said street; and shall be located a minimum of sixty (60) feet from a property zoned for residential or institutional uses and which fronts on a street other than the one to which the billboard is directed.

E. A billboard larger than three hundred (300) square feet in area shall not be allowed along that portion of any street which has a right-of-way width of less than eighty (80) feet, regardless of the number of through traffic lanes.

3024.07 SPACING REQUIREMENTS.

This section regulates the minimum separation between billboards to control the frequency which they appear in the urban landscape, as well as to optimize the effectiveness of each individual billboard. The spacing requirements contained herein are divided into two (2) levels: A radial spacing between all billboards, regardless of size, and a lineal spacing between billboards larger than three hundred (300) square feet in area.

These spacing requirements shall be measured from all existing, approved billboard locations, whether built or unbuilt, or from the proposed location, whichever is most restrictive and regardless of the political jurisdiction within which any other billboard may be located.

The street to which a billboard is directed shall be that street which is most nearly perpendicular to the sign faces.

A. Each billboard shall be separated from every other billboard by no less than five

hundred (500) feet, measured along the radius beginning at the center of the proposed billboard and extending to a point nearest to center of every other approved billboard.

B. Each billboard designed and constructed with a graphic area greater than three hundred (300) square feet shall be separated from every other billboard along the street to which the display is directed by no less than thirteen hundred twenty (1,320) feet. This spacing requirement shall be measured linearly along the center line of the street to which the billboard is directed and the measurement shall apply to both sides of the street.

C. In addition, there shall be no more than three (3) billboards larger than three hundred (300) square feet in graphic area situated in any one (1) measured mile along the street to which the billboards are directed.

3024.09 HEIGHT REQUIREMENTS.

The height limitations for billboards contained in this section are designed to be consistent with the height limitations of the Zoning Code, and to limit the overall height of a billboard in proportion to the graphic area. Overall height of any billboard, excluding embellishments where allowed, shall be subject to the following limitations:

A. A billboard up to one hundred (100) square feet in area shall not exceed twenty (20) feet in height.

B. A billboard greater than one hundred (100) square feet in area shall not exceed thirty-five (35) feet in height, except where said billboard is directed to an elevated street.

Where a billboard is directed to an elevated street the top of the sign faces shall be twenty (20) feet above the centerline of the street pavement, measured along the shortest horizontal line drawn between the centerline and the leading edge of the sign faces of said billboard, provided that the overall height of said billboard shall not exceed fifty (50) feet.

C. A billboard more than one hundred (100) square feet in area, but not more than Three hundred (300) square feet in area shall not exceed thirty-five (35) feet in height unless blockage is determined to exist. The Zoning Inspector shall determine that blockage exists when the line-of-sight visibility of the billboard display is blocked by an existing building or structure from a vantage point, on the street to which the billboard is directed, from the billboard location to a point not to exceed three hundred (300) feet preceding the billboard location. Where blockage has been determined to exist, a height not to exceed fifty (50) feet may be approved.

3024.10 ILLUMINATION AND SPECIAL EFFECTS.

A. Illumination of a billboard shall be limited to the hours between dusk and 11:00 p.m., except where the billboard is located more than five hundred (500) feet from any residential use or institutional district.

B. No part of a billboard display shall project perpendicularly more than twelve (12)

inches from the plane of the sign face, except where the billboard is located more than five hundred (500) feet from a residential use or institutional district.

C. Where a billboard is located more than five hundred (500) feet from a residential use or institutional district, illumination and special effects in compliance with the provisions of this section may be utilized with no time restriction.

1. Allowed special effects shall be limited to the following visual effects: Flashing lights, bare bulb illumination, a time and temperature device and/or message center, a three-dimensional display, and any display that utilizes movement or gives the appearance of movement.

2. All parts of a billboard special effect display shall be contained within the boundaries of the sign faces, including any allowed embellishment.

3. A billboard utilizing a copy change procedure shall display each individual change a minimum of seven (7) seconds.

4. No part of a three-dimensional billboard display shall project perpendicularly more than thirty-six (36) inches from the plane of the sign face.

5. A revolving or rotating billboard shall not be permitted, except that elements forming a sign face may rotate as part of a copy change procedure.

6. Auditory effects, including music, shall not be permitted as part of any billboard display.

CHAPTER 3025 SIGN PERMITS

3025.01 PERMITS REQUIRED Where required by the Zoning Regulation, a sign permit shall be obtained before the erection of construction or refacing of any sign, billboard or other structure upon which there is a graphic display of any kind.

3025.02 COMPLIANCE WITH ALL REGULATIONS REQUIRED BEFORE ISSUANCE The Zoning Inspector shall review all sign permit applications and grant those permits only where in the same are in compliance with the Zoning Code and laws of this Village.

3025.03 FORM OF PERMIT The application for a sign permit shall be in a form substantially as follows:

APPLICATION FOR SIGN PERMIT

Name: _____

Phone: _____

Address of Owner of Sign: _____

Address/Location of Sign: _____

This will be an On premises Off premiss sign.

DESCRIPTION OF THE SIGN:

Total Sq. Ft. _____ Total Height _____

Fee: \$ _____

I have inspected this application and the location of the proposed sign. Based upon that inspection, the said application is:

Approved Denied

Date

Zoning Inspector

3025.04 FEES Fees for the sign permit application shall be as follows:

- A. Less than 20 sq. feet \$ 10.00
- B. 20 but less than 100 sq. feet \$ 50.00
- C. 100 but less than 300 sq. feet \$ 100.00
- D. Greater than 300 sq. feet \$ 200.00

CHAPTER 3026: Exceptions and Modifications to Yard, Area and Height

Requirements:

3026.01 **YARD AND HEIGHT EXCEPTIONS** Buildings and structures over twenty-five (25) feet in height but not over thirty-five (35) feet in height shall have side yards of at least eight (8) feet, Buildings and structures over thirty-five (35) feet but not over forty-five (45) feet in height shall have side yards not less than twelve (12) feet in width. For buildings and structures over forty-five (45) feet in height, all yards shall be increased one (1) foot of building height above forty-five (45) feet.

3026.02 *CERTAIN SPECIAL STRUCTURES EXCEPTED FROM HEIGHT REGULATIONS* The height regulations of this Title shall not apply to television and radio towers, public service distribution facilities, church spires, belfries, monuments, tanks, water and fire towers, stage towers, outdoor theater screens, or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator bulkheads, smoke stacks, industrial structures other than buildings, conveyors and flag poles, except where such structures will constitute a hazard as defined in Federal Aviation Authority Regulations, to the safe landing and take off of military, public, commercial and private aircraft at an established airport owned and/or operated by a political subdivision.

3026.03 *ABUTTING SIDE YARDS* In all C ,M and H districts a side yard shall be required only if the side of a lot or tract abuts an A or R District.

3026.04 *ABUTTING REAR YARDS* In all C, M and H Districts a rear yard shall be required only upon that portion of a lot or tract abutting an A or R District.

3026.05 *SETBACK FROM CERTAIN STREETS* No building or structure shall be erected or structurally altered to be nearer than seventy-five (75) feet from the center line of the following streets and roadways:

	<i>Breese</i>	<i>Shawnee</i>
	<i>Hume</i>	<i>S. Dixie Hwy.</i>
<i>Buckeye</i>		<i>U.S. Rte 25</i>
<i>Zurmehly</i>	<i>Yoakam</i>	<i>McClain</i>
<i>Reed</i>	<i>Beeler</i>	<i>Delong</i>

3026.06 *LOTS WITH FRONTAGE ON MORE THAN ONE STREET* A lot having frontage on more than one street shall conform to the front yard requirements on each street, except that on lots of record on the effective date of this Title, one (1) yard may be reduced to five (5) feet less than the average established front yard for the street in question.

3026.07 *GAS/SERVICE STATIONS* Filling station pumps and pump islands which are more than fifty (50) feet from boundary of a zoned residence district may be located within a required yard provided that the same are within ten (10) feet of the established building line.

3026.08 *LOTS OF RECORD* A lot of record at the time of adoption of this Ordinance may be occupied by any of the uses permitted in the District in which it is located even though it may have less width and/or area than required for the District in which it is located, provided that all yard requirements are met.

3026.09 Except as provided in 3026.06, in A and R Districts when forty (40) percent or more of the frontage on the same side of a street between two (2) intersecting streets or for a distance of six hundred sixty (660) feet in each direction, whichever is the lesser, is developed with buildings that have a front yard greater or lesser in depth than otherwise required by this Title, new buildings shall be erected no closer to the street than the average front yard so established.

3026.10 *MINING, EXCAVATION AND SOIL REMOVAL* Notwithstanding anything else where contained in this Ordinance, no permanent excavation for the purposes of mining or

removing top soil, gravel, sand, bottom pits, etc, may be commenced until application is made to the Council of Fort Shawnee pursuant to the requirements of Section 4153.11 of the Revised Code of Ohio, and a permit thereunder is issued by said Council.

CHAPTER 3027 ADMINISTRATION AND ENFORCEMENT OF THE ZONING CODE

3027.01 ENFORCEMENT.

A. It shall be the duty of the Zoning Inspector to enforce this Title. Any decision of the Zoning Inspector is subject to Appeal to the Board of Zoning Appeals as provided in this Code.

B. It shall also be the duty of all officers and employees of the Village and especially of all members of the Police Department shall assist the Zoning Inspector by reporting to him new construction, reconstruction or land uses and apparent violations of this Title.

C. In case any building or structure is erected, constructed, reconstructed, relocated, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Title, the Village in addition to any other remedies provided for herein, may institute such action or proceedings as are authorized by law and equity to prevent and enjoin such unlawful erection, construction, reconstruction, relocation, alteration, conversion, maintenance or use, or to correct or abate such violation, or to prevent the occupancy of said building, structure or land.

D. Any person aggrieved by the requirements or enforcement of this Title shall have an appeal to the Court of Common Pleas of Allen County, Ohio but only after such person has exhausted all appeals and remedies provided by this Title.

3027.02 CERTIFICATE OF COMPLIANCE WITH ZONING (ZONING PERMITS):

A. A Certificate of Compliance with Zoning shall be required for any of the following:

- 1. Occupancy or use of any newly constructed building or structure.*
- 2. Alteration of or change in use of an existing building to a use of a different character.*
- 3. Any substantial change in height, area or location of an existing structure or change in use to use of a different character.*
- 4. Any alteration, extension, enlargement or change in use of a nonconforming land.*
- 5. Use of vacant land or change in use of land to use of a different character.*
- 6. Construction or use of any outbuilding.*

B. An application for a Certificate of Compliance with Zoning shall accompany each application for a building permit. An application for a Certificate of Compliance with

Zoning shall be in writing and shall include the following information:

- 1. The size and location of the lot.*
- 2. The exact size and location of all buildings and structures proposed or existing on the lot.*
- 3. The dimensions of all yards and open spaces.*
- 4. The present and proposed use of the buildings and land.*
- 4. Such other information as may be necessary to provide for the enforcement of these regulations.*

C. Before issuance of a Certificate of Compliance with Zoning, the Zoning Inspector shall cause an inspection to be made of the premises for compliance with all building, health and zoning laws, ordinances and regulations, and shall require compliance with all such laws, ordinances and regulations.

D. The Certificate of Compliance with Zoning shall state that the building or land complies with all applicable building and zoning laws, ordinances and regulations, and shall be issued within ten (10) days after full compliance by the owner and/or tenant with all requirements of this Ordinance or other applicable ordinances, laws or regulations. If the use is lawfully nonconforming, the certificate shall so state.

3027.03 RECORDS A record of all certificates shall be kept on file in the office of the Zoning Inspector and copies shall be furnished on request to any person having a proprietary or tenancy interest.

3027.04 FEES A fee in accordance with the following schedule of amounts shall accompany each application for a Certificate of Compliance with Zoning.

<i>Land Only</i>	<i>\$50.00</i>
<i>Residential Building (no construction involved)</i>	<i>\$100.00</i>
<i>Commercial or Industrial Building (no construction involved)</i>	<i>\$200.00</i>

3027.05 REVOCATION OF CERTIFICATE OR PERMIT: The Zoning Inspector shall revoke a certificate of compliance with zoning for fraud or misrepresentation in the application thereof or failure to conform with the use or condition of the premises required by existing law, ordinance or regulation. Notice of such revocation shall be served personally or by certified mail upon the owner of the property. Such revocation shall be upon service of such notice or at the time stated therein if subsequent to such service.

CHAPTER 3028 BOARD OF ZONING APPEALS

3028.01 ORGANIZATION APPOINTMENT AND REMOVAL:

A. Appointment and Terms- A Board of Zoning Appeals is hereby established Such Board consist offive (5) members, electors of the Village of Fort Shawnee. No member of Council, administrative officer or employee of the Village shall be eligible for appointment to the Board.

B. The members shall be appointed by the Mayor and confirmed by Council and shall serve without compensation. The terms of all members shall be five (5) years except that of those first appointed. Vacancies shall be filled for the unexpired term only.

C. Members may be removed for cause by the Mayor with the concurrence of Council upon written charges and after a public hearing.

3028.02 OPERATION AND PROCEDURES:

A. The Board shall organize and adopt its own rules and procedures and the same shall be in writing.

B. The Board shall keep a record of proceedings before it, showing the action of the Board and the vote of each member upon each question considered.

C. Three members of the Board shall constitute a quorum.

D. There must be a concurring vote of three (3) members of the Board to reverse, overrule, amend or alter any order or determination by the Zoning Inspector or to decide any matter which the Board has original jurisdiction.

E. Meetings: Meetings of the Board shall be held at the call of the Chairman, Mayor, Director of Law or Council or at such other times as the Board shall determine. There shall be a fixed place of meeting and all meetings shall be open to the public. The Chairman, or in his absence, the Acting Chairman may administer oaths and the Board may compel the attendance of witnesses by use of the subpoena power.

F. Department Assistance: The Board may call upon the various departments of the Village for assistance in the performance of its duties, and it shall be the duty of such department to render such assistance to the Board as may reasonably be required.

3028.03 JURISDICTION: The Board shall have the following powers:

A. Appeals: To hear and decide appeals from any action, refusal, Interpretation, order, requirement, decision or determination by the Zoning Inspector in the administration and enforcement of the provisions of this Ordinance upon written request of an aggrieved party filed in writing with the Clerk of the Village of Fort Shawnee, Ohio in accordance with the procedures set forth in this Title.

1. All Appeals shall be in writing stating the specific relief sought.

2. All Appeals shall be accompanied by a copy of the order of the Zoning Inspector appealed from or a copy of the Zoning Code to which the appellant seeks review or

interpretation.

3. All Appeals shall be accompanied by a list of property owners (along with the names, addresses and locations) within 500 feet of the property to which the appeal applies.

D. Specific Variances: To authorize where by reason of exceptional narrowness, shallowness or shape or exceptional topographic conditions or other extraordinary situation or condition of a lot, the strict application of the terms of this Title would result in peculiar and exceptional practical difficulties or undue hardship upon the owner thereof a variance from such strict application to relieve such difficulties or hardship, provided said relief may be granted without substantial detriment to the public good and without substantially impairing the intent of this Title, and provided further that no variance shall be granted unless the Board finds that all the following conditions exist:

1. The special circumstances or conditions applying to the building or land in question are peculiar to such lot or property and do not apply generally to other land or buildings in the vicinity.

2. The granting of the application is necessary for the preservation and enjoyment of a substantial property right and not merely to serve as a convenience to the applicant.

3. That the condition from which relief or a variance is sought did not result from action by the applicant.

4. The authorizing of the variance will not impair an adequate supply of light and air to the adjacent property or unreasonably increase the congestion in public streets, or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding area, or in any other respect impair the health, safety, convenience or general welfare of the inhabitants of the Village of Fort Shawnee, Ohio.

C. Granting of Conditional Uses: Upon Application permit the conditional uses in all districts as designated in this Zoning Code and impose such safeguards and controls as it deems necessary to protect the public interest and surrounding property and in furtherance of the intent and purpose of this Title.

D. Granting of the Following Exceptions to the Zoning Code:

1. In the A or R Districts, public parking areas adjacent to any Existing or proposed use in the commercial or industrial district.

2. Parking and loading arrangements differing from the requirements of this Title whenever it has been clearly demonstrated that the full parking or loading requirements herein are unnecessary or where such requirements would impose an unreasonable hardship upon the use of the lot, as contrasted with merely granting an advantage or a convenience.

3. *The enlargement of a non-conforming building or structure or use of land beyond the limitations of this Title.*

4. *.Temporary buildings, structures and uses.*

5. *In the M Districts, the temporary use of areas or portions thereof for dwelling purposes in demountable or other temporary buildings under appropriate condition and safeguards.*

6. *The extension of a district for a distance of not more than twenty-five (25) feet where the boundary line of a district divides a lot or lots in single ownership at the time of the adoption of this Title.*

7. *The extension of an existing or proposed building into a more restricted district under such conditions as will safeguard the character of the more restricted district.*

8. *Permit the erection, enlargement and use of a building or structure or the use of premises in any location for railroad or other public utility purposes which the Board deems reasonably necessary for the public convenience or welfare.*

9. *Location of an industry within an M-1 Controlled Industrial or M-2 Industrial District after consideration of the performance characteristics and methods of its operation and its effect upon uses within surrounding Districts.*

10. *Hardship Variances: Where practical difficulties or unnecessary hardships result from the carrying out of the strict letter of the provisions of this Ordinance, to vary any such provision in harmony with the general purpose and intent hereof so that the public health, safety and general welfare may be secured and substantial justice done, providing that the Board shall have no power to allow a change of use to one not permissible in the District involved.*

G. *Conditions: In granting a permit under any of the powers conferred above, the Board may stipulate the manner in which the variance or exception shall be carried out, or may require other improvements and safeguards for the protection of the health, safety and welfare of owners and occupants of surrounding lots or the public. Specifically, the Board in such cases may attach conditions dealing with:*

1. *Paving, shrubbery, ornamental or screening fence or wall.*

2. *Control or elimination of smoke, dust, radiation, vibration, gas, noise or odor,*

3. *Hours of operation,*

4. *Location of exits or show windows,*

5. *Cleaning and painting,*

6. *Elimination of non-conforming uses of land or non-conforming signs before the*

standard period given for their elimination has,

- 7. Direction and intensity of outdoor illumination,*
- 8. Amount and location of off-street parking, loading and signs-,*
- 9. A period of time after which the permitted variation or exception shall expire.*

3028.04 HEARINGS:

E. Any application for a conditional use or a permit for any variance or modification of the requirements of this Title or for reversal of any action, refusal, order, requirement, decision or determination of the Zoning Inspector shall be considered an appeal.

- 1. An application for appeal shall be in writing, shall be signed by the owner of the property involved or his duly authorized agent or attorney shall specify the grounds thereof and shall be filed with the Clerk of the Village of Fort Shawnee, Ohio.*
- 2. An appeal from any action, refusal, or ruling of the Zoning Inspector shall be filed within twenty (20) days after such action or refusal or the announcement of such ruling. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action or ruling appealed from was taken. Failure to appeal within the twenty days shall be deemed a waiver of any and all rights to appeal as not timely filed.*
- 3. Application for Conditional Uses or Variance: Every application for a conditional use or variance shall be in writing and state the specific use or variance requested from the Board. No application for Conditional Use or Variance for the same property shall be accepted where a similar application for the property has been heard by the Board within two years of the Application.*
- 4. Each application for appeal shall be accompanied by payment of a fee in accordance with the following schedule:*

<i>Application where advertisement is not required:</i>	<i>\$100.00</i>
<i>Application where advertisement is required:</i>	<i>\$500.00</i>
- 5. The Board shall hold a hearing on each appeal after notice of the time and place thereof in accordance with Section 8.11 of the Village Charter to the parties in interest and shall make its findings and determination in writing within thirty (30) days from the date of the hearing of the appeal, application for a conditional use or request for a variance.*

A copy of the findings and determination of the Board shall be transmitted to the applicant within five (5) days thereafter.

- 6. The Board shall conduct all hearings in public. The applicant or the applicant's representative may present evidence, documents or other testimony. The Zoning Inspector shall present any statement, evidence documents or other testimony as he*

deems necessary to inform the Board of the nature of the appeal or application and his position on the same. The Board may then hear testimony and evidence from any party in interest. At the close of the evidence, the Board may act as follows:

- a. Move to ask questions and gather evidence upon request of any Board Member;*
- b. Refer specific questions of law to the Director of Law;*
- c. Debate the question.*

For this purpose, the Board may recess the hearing and reconvene on a date and time to conclude the hearing and render a decision.

3028.05 APPEAL TO COUNCIL: An applicant that disagrees with the decision of the Board, the Mayor, Director of Public Service or the Director of Law disagreeing with the action of the Board may appeal to Council. Such appeal to Council shall be in writing filed with the Clerk of the Village within thirty (30) days after final Board action and must be accompanied by a payment of Twenty-five dollars (\$ 100,00) to pay the expenses incurred by the Board in preparing the record. If the appeal is by any of the foregoing offices of the Village, such payment shall be waived. Upon notification by said Clerk of such appeal, the Board shall transmit to the said Clerk all the papers and testimony constituting and record upon which the action appealed from was taken. The Clerk shall present such appeal to Council at its next regular meeting.

The affirmative vote of five (5) members elected to Council shall be required to overrule the decision of the Board.

CHAPTER 3029 CHANGES AND AMENDMENTS

3029.01 GENERAL No Amendment or Change to the Zoning Code shall be effective unless in compliance with this Chapter.

3029.02 AMENDMENT BY PROPOSAL OF COUNCIL The Council on its motion may request a change or amendment to the Zoning Code.

3029.03 AMENDMENT BY PROPOSAL OF PLANNING COMMISSION The Planning Commission, from time to time, may propose and debate any change or amendment to the Zoning Code.

3029.04 AMENDMENT BY APPLICATION OF A PERSON Any person may petition for a change or amendment of the Zoning Code.

3029.05 PROCEDURE:

A. Any and all proposed changes or amendments to the Zoning Code must be made in writing and referred to the Planning Commission.

B. The Planning Commission shall cause public notice to be made and set a public hearing on any amendment, supplement or change the district boundaries or regulations herein or subsequently established. If said change or amendment is at the direction of council such motion shall be certified by the Clerk to the Planning Commission for its public hearing, report and recommendation within sixty (60) days after such certification from Council. The failure of the Planning Commission to report within such sixty (60) days period shall be construed as an approval of the proposed amendment, supplement or change.

C. A petition for change of district boundaries, amendment or change in the Zoning Code shall be made on forms prescribed by and obtainable at the office of the Zoning Inspector and shall be accompanied by information or data indicating the necessity for or desirability of the change requested.

D. Except at the instance of Council or the Planning Commission no action shall be taken upon a petition for a change of the zoning classification of any property or change of district boundaries unless and until the parties proposing the same shall have deposited with -the Zoning Inspector the sum of one hundred dollars (\$100.00) to cover the costs connected therewith. In the event the actual costs exceed said deposit, the person or persons petitioning for such change shall pay the excess over the amount deposited before final action is taken on such petition by the Planning Commission.

E. Consideration of such petition by the Planning Commission shall be at a public meeting thereof Written notice of the time and place of such meeting shall be mailed to the applicant and owner or owners of the property involved within five hundred (500) feet or such property not less than five (5) days prior to such meeting. The failure of delivery of said written notice shall not invalidate any action of the Commission on such petition.

F. Should the Planning Commission find, by majority vote, that the proposed change or amendment is of a general nature and not affecting specific property, or properties, then, a public advertisement for two consecutive weeks at least 14 days prior to the hearing shall be sufficient notice.

G. A public hearing shall be held by Council on all proposed amendments to or changes in the district map or the text of this Ordinance. Notice of the time and place of such hearing shall be published in accordance with Section 2.13 of the Village Charter at least thirty (30) days in advance of such hearing, During such thirty (30) day period, the text, or copy of the text of the proposed ordinance or measure amending, supplementing or changing the boundaries or regulations herein established, together with maps or plans, or copies thereof forming part of or referred to in such ordinance or measure, and maps, plans and reports submitted by the Commission with reference thereto shall be on file for public examination in the office of the Clerk of the Village, The failure of delivery of such notice shall not invalidate any such Ordinance or measure.

H. No ordinance or measure which differs or departs from the plan or report submitted by, the Commission shall take effect unless passed or approved by not less than five (5) votes of the members elected to Council.

CHAPTER 3030: PERMITS FOR LIMITED NON-CONFORMING USES

3030.01. STATEMENT OF INTENTION: There shall be allowed under this section a permit for a limited non-conforming use within the Village of Fort Shawnee, Ohio.

3030.02. DISTRICTS WHERE PERMITS ARE ALLOWABLE: That a Permit for Limited Non-Conforming Use may be granted in the following districts of the Village of Fort Shawnee, Ohio:

- A. In M-1 Manufacturing Districts, uses ordinarily permitted in M-2 Manufacturing Districts.*
- B. In C-2 Commercial Districts, uses ordinarily permitted in M-1 Manufacturing Districts.*
- C. In C-1 Commercial Districts, uses ordinarily permitted in C-2 Commercial Districts except that under no circumstance may a permit be granted under this section for the sale or consumption of any beer, liquor or intoxicating spirits by the drink for on premises consumption.*

3030.03. That no Permit for Limited Non-Conforming Use may be granted in any Agricultural or residential district within the Village of Fort Shawnee.

3030.04. APPLICATION AND FEES: Any interested owner, or that owner's agent or legal representative may make application for a Permit for Limited Non-Conforming Use by submitting an application to the Planning Commission of the Village of Fort Shawnee, Ohio and said application shall include all of the following information:

- A. The name, mailing address and telephone number of the Owner of the property that is seeking the permit.*
- B. The name, mailing address and telephone number of the Agent or Legal Representative of the owner.*
- C. The names and mailing addresses of all property owners within 500 feet of the property in question as reflected on the current tax duplicate of Allen County, Ohio.*
- D. A complete legal description and street addresses of the property.*
- E. An accurate map of the property indicating any and all existing structures on the property to proper scale.*
- F. A complete description of the current use of the property.*
- G. A complete and detailed description of the proposed use of the property including any and all new structures, alterations of existing structures, parking requirements, traffic expectation to the property, the product or service that the property supports, the number of persons on average, that will be employed or on premises to perform the use*

contemplated.

H. A complete and detailed description of the measures and efforts that the owner will use to reduce noise, traffic and other disturbances to adjoining properties.

I. Any other information that the owner wishes the Planning Commission to consider in it's request.

J. A one time non-refundable application fee of \$250.00.

3030.05. NOTICE OF HEARING BY THE PLANNING COMMISSION: *Upon receipt of a completed application and application fee, the Clerk of the Village shall cause notice to be sent by U.S. Mail, Certified with Return Receipt Requested upon all persons named by the Applicant that are within 500 feet of the property. Notice shall also be provided by regular mail to the Zoning Inspector, the Mayor, the Law Director and each member of the Council of the Village of Fort Shawnee, Ohio.*

The Notice shall state, generally, the nature of the request in the application, the street address of the property, the name of the owner of the property, the date and time of the public hearing on the matter and a statement that any interested person may present a statement in writing to the Planning Commission or speak at the public hearing.

Notice shall be mailed not less than 14 days prior to the scheduled public hearing by the Planning Commission.

3030.06. STANDARDS FOR GRANTING PERMITS FOR LIMITED NONCONFORMING USES: *The Planning Commission may, but is not required to grant Permits for Limited Non-Conforming Uses as set forth in this section. In consideration of its decision, the Planning commission shall be guided by the following standards:*

A. That the use allowed will not be offensive by reason of emission of odor, dust, gas, noise or vibration.

B. That the use will not cause an unreasonable degree of disturbance in the area by means of unreasonable traffic, unsightliness, or otherwise objectionable nature.

C. That the use will not cause substantial and documented diminution in value of the surrounding properties.

D. That the use will not violate or substantially impair the continued growth and development of the area.

E. That the granting of the permit will create, maintain or enhance employment within the Village of Fort Shawnee.

F. Other factors that the Planning Commission, in its discretion deems appropriate.

3030.07. PERMIT TERMS: *That the Permit for Limited Non-Conforming Use shall contain all*

of the following:

- A. The complete legal description and street address of the property.*
- B. The specific use granted by the Planning Commission.*
- C. A full statement of any and all reasonable conditions imposed by the Planning Commission. Said conditions shall include but are not limited to the following:*
 - i. That the premises will be open to inspection by the Village of Fort Shawnee at all reasonable times to insure compliance with the permit.*
 - ii. That the permit holder shall advise the Village of Fort Shawnee of a current mailing address and telephone number where the holder or agent may be contacted.*
- D. A statement of the Term of the Permit said term not to exceed five years.*
- E. A statement that the Permit is non-transferable and is limited to the uses of the permit holder only.*
- F. That the Permit may be revoked upon the demonstration by authorized persons that the permit holder has failed to comply with the terms of the permit. Any revocation of the permit shall be made only after a hearing as set forth herein.*
 - i. For purposes of this section, authorized persons are any of the following:*
 - 1. The Mayor*
 - 2. The Zoning Inspector*
 - 3. Any person owning property within 500 feet of the permit holder's Property.*
 - ii. For purposes of this section, such a demonstration shall be made at a hearing conducted by the Planning Commission at a regular session thereof. Notice of the hearing shall be given in writing by certified mail, return receipt requested, to the person claiming the failure to comply and upon the permit holder by the same method. Provided, however, that notice may be had by personal service upon these parties.*
 - iii. For purposes of this section, a permit holder shall be deemed to have failed to comply with the terms of a permit when, after a full hearing and opportunity to be heard, a majority of the Planning Commission finds one of the following:*
 - 1. That the use maintained by the permit holder is not in strict compliance with the use stated in the permit and is not otherwise in compliance with the Zoning for the property had no permit been issued, or;*
 - 2. The permit holder has transferred or attempted to transfer the permit without applying for a new permit as required by this chapter, or;*

3. *The permit holder or agent of the permit holder has withheld inspection of the premises by the Village of Fort Shawnee without demonstrating good cause, or;*

4. *The permit holder has failed to comply with any term of condition of the permit in any manner whatsoever.*

3030.08. RENEWAL: Any permit granted under this section may be renewed by the permit holder upon written notice to the Planning Commission along with a Renewal Application fee of \$250.00 payable to the Village of Fort Shawnee, Ohio. The Planning Commission shall hold a hearing on the renewal request after notice published for two consecutive weeks in a newspaper of general circulation not less than 14 days prior to the said renewal hearing.

Renewal may, but is not required to be granted by the Planning Commission upon such terms or modifications as the Planning Commission shall deem appropriate applying the standards as set forth in this section.

Should the Planning Commission deny renewal of the Permit, the Permit holder shall have 180 days to bring the property into compliance with the Zoning Laws of the Village of Fort Shawnee, Ohio, said time running from the date that the appeal to Council has been decided as set forth herein.

3030.09. APPEAL TO COUNCIL: The applicant, the Mayor, the Zoning Inspector, the Director of Law or any person owing property within 500 feet of the property in question may appeal the granting of or denial of an original permit or the granting of or denial of a renewal of any permit under this section to the Council of the Village of Fort Shawnee, Ohio.

Council shall place the matter on its agenda and give notice, by regular mail, to the appellant, of the date of the meeting when such matter will be considered by Council. Council shall take action on the appeal by motion and a recorded vote on the same. The action of the Planning Commission shall not be overturned on appeal unless five or more of the members elected to the council shall vote to overturn the actions of the Planning Commission.

CHAPTER 3031 BUILDING PROJECTIONS

3031.01 NO OBSTRUCTION ALLOWED IN A REQUIRED YARD; EXCEPTIONS Every part of a required yard shall be open to the sky, unobstructed by a building except for accessory buildings in a rear yard and except as follows:

A. A porte cochere over a driveway may be extended into a side yard provided such structure is not more than one (1) story in height and twenty-six (26) feet in depth, and entirely open on at least three (3) sides, except for the necessary supporting columns and customary architectural features and provided that every part of the structure is at least five (5) feet from the lot line.

B. Cornices, eaves, belt courses, sills or other similar architectural features (not including

bay windows or vertical projections) may extend or project into a required side yard not more than two (2) inches for each one (1) foot of width of such side yard and the same including bay windows and vertical projections' may extend or project into a required front or rear yard not more than three (3) feet.

C. Chimneys may project into a required front, rear or side yard not more than thirty (30) inches provided such yard is not reduced thereby to less than four (4) feet.

D. Open or lattice-enclosed fire escapes may extend or project only into a rear-required yard not to exceed four (4) feet in an A or R District.

E. Open, unenclosed terraces, steps, uncovered porches and ornamental features which do not extend more than three (3) feet above the ground and railings not more than five (5) feet above the ground may project ten (10) feet into a required front yard, and into a required side or rear yard provided that these projections shall be at least two (2) feet from any lot line.

E. A porch or balcony open on three (3) sides, except for a railing and covered by a roof canopy or metal awning may project into a required front yard not more than six (6) feet, and into a required rear yard not more than ten (10) feet. A porch which is screened or has jalousies shall be considered an enclosed porch.

CHAPTER 3032 REGULATIONS ON CERTAIN ACCESSORY BUILDINGS

3032.01 ACCESSORY BUILDINGS IN R DISTRICTS An accessory building in any R District shall not exceed the height of the main building and in any event shall not exceed twenty (20) feet in height and may occupy not to exceed thirty (30) percent of the area of a required rear yard.

3032.02 PROJECTION BEYOND FRONT YARD LINE PROHIBITED No accessory building shall project beyond a required front yard line along any street.

3032.03 ACCESSORY BUILDINGS ON CORNER LOTS On a corner lot, the rear of which abuts the side of an adjoining lot, no accessory building shall be placed closer than five (5) feet to the side lot line of any adjoining lot in any A or R District.

3032.04 LOCATION OF ACCESSORY BUILDINGS Accessory buildings shall be in the rear of the main building and shall be at least ten (10) feet from the main building and at least two (2) feet from any lot line.

CHAPTER 3033 SWIMMING POOLS AND PONDS

3033.01 DEFINITION As used in this Title, a swimming pool is any body of water of artificial construction used for swimming or recreational bathing which is over eighteen (18) inches deep at any point and has more than 150 square feet of water surface area when filled to capacity.

3033.02 LOCATION RESTRICTIONS A pond or swimming pool capable of containing water in the depth of eighteen (18) inches or more located within an R-1, R-2, R3, R-4 or R-5 residential district shall not be located nearer than five (5) feet from any lot line.

3033.03 FENCING REGULATIONS Every swimming pool, including existing pools, shall be completely enclosed by a fence of sturdy construction not less than forty-five (45') inches in height measured from ground level, which shall be of such design and construction as to effectively prevent a child from crawling, or otherwise passing through or under the fence. Each gate in the fence shall be provided with a secure lock and shall be kept locked at all times, when the depth of the water in the pool equals eighteen (18") inches or more, unless the pool is in use under the immediate observation of a responsible person, No part of any fence shall be located between the building set-back line fixed by zoning ordinance in the street and the street on which the parcel or lot abuts.

The Planning Commission is in power to make exceptions and modifications to the above requirements for a fence as to existing pools, in cases which in the Commissioner's opinion such requirements are not essential to the safety or enforcement thereon would work hardship to the owners.

This restriction shall not apply to any pool or pond outside of a residential district in the Village of Fort Shawnee.

CHAPTER 3034 OFF-STREET PARKING AND LOADING REQUIREMENTS

3034.01 PARKING REGULATIONS: In all districts there shall be provided at the time any building is erected or structurally altered (except as otherwise provided) minimum off-street parking space as defined herein, with adequate provisions for ingress and egress as follows:

- 1. Single arid two-family dwellings. One (1) per dwelling unit except that two (2) spaces shall be required for each dwelling unit in A-1 or R-1 Residence Districts, one (1) or which may be provided by a driveway area.*
- 2. Three or- more Family Dwellings arid Apartments. One (1) per dwelling unit.*
- 3. Auditoriums, Theaters, Churches, arid Temples, Stadiums arid Other Similar Places of Assembly. One (1) for every five (5) seats provided therein except as otherwise provided in 6 and 18 hereof.*
- 4. Boat docks or- Places Docking Boats: One for each boat space provided.*
- 5. Bowling Alleys: Four (4) for each alley.*
- 6. Colleges and Schools. One (1) For each eight (8) seats in the main auditorium or similar place of assembly of three (3) spaces for each classroom, whichever is greater. Schools having a stadium shall meet these requirements or those of 3 above, whichever is greater.*

7. *Dance Halls, Roller Rinks, Assembly or Exhibition Halls Without Fixed Seats. One (1) seat for each one hundred (100) square feet of floor- space.*
8. *Hospitals and Welfare Institutions: One (1) for each three (3) hospital beds or for each four hundred (400) square feet of floor space, whichever is greater.*
9. *Hotels and Apartment Hotels, One (1) for every two (2) guest rooms or suites for the first twenty (20) and one (1) for every four (4) guest rooms or suites in excess of twenty (20).*
10. *Industrial or Non-retail Shops-, One (1) for each two (2) employees on the maximum working shift, plus such additional parking facilities as shall be required for the accommodation of visitors and other vehicles incidental to the operation of the business.*
11. *Integrated Shopping Centers: One (1) for each one-hundred fifty (150) square feet of floor space.*
12. *Mortuaries or Funeral Homes: Five (5) for each room used as a chapel, slumber room or parlor or one (1) parking space for each fifty (50) square feet of floor area of assembly rooms used for service, whichever is greater.*
13. *Motels, Tourist Homes or Cabins: One (1) for each sleeping room or suite.*
14. *Private Clubs or Lodges: One (1) for every five (5) members.*
15. *Rest Homes, Sanitariums, Convalescent Homes, Nursing Homes, Homes for the Aged or Similar Institutions, One (1) for each six (6) beds.*
16. *Retail Commercial: One (1) for each two-hundred (200) square feet of floor space.*
17. *Rooming, Lodging, or Boarding Houses: One (1) for each two (2) sleeping rooms.*
18. *Restaurants, Night Clubs, Bars, Cafes, or Similar Recreation or Amusement Establishments: One (1) for each one hundred (100) square feet of floor space.*
19. *Schools (except High Schools and Colleges) and Public Buildings: Two (2) for each office and classroom and one (1) for each five (5) seats in the auditorium or similar places of assembly. Schools having a stadium shall meet these requirements or those of 3 above, whichever is greater.*
20. *Business or Professional Offices and Banks: One (1) for each three hundred (300) square feet of floor area.*
21. *In computing the number of such parking spaces required, the following rules shall govern:*
 - a. *In the case of mixed uses, the parking space required shall equal the sum of the*

requirements of the various uses computed separately.

b. Where fractional spaces result, the parking spaces required shall be the nearest whole number.

c. The parking space requirement for uses not specifically mentioned herein shall be the same as required for a use of similar nature.

d. No building shall be enlarged, rebuilt or structurally altered to the extent of more than twenty-five (25) percent addition in floor area unless there shall be provided the total number of off-street parking spaces required for the original use and its enlargement.

3034.02 LOCATION: Parking facilities shall be located as follows:

1. On the same lot with the building or use served except that for non-residential uses parking space may be provided within three-hundred (300) feet of the lot and two (2) or more uses may provide a common parking lot meeting the requirements of this Section.

2. For residential uses, in a required side yard or rear yard but not in a front yard, except for corner lots, then tile location shall be determined by the Board of Appeals.

3. No parking space in an area providing parking for more than five (5) vehicles shall be closer than ten (10) feet to any dwelling school, public right-of-way, hospital or other institution for human care located on an adjoining lot.

3034.03 OFF STREET TRUCK LOADING SPACES:

1. Off-street truck loading spaces as defined in Section 2 hereof shall be provided as accessory to retail, wholesale, office and industrial buildings as prescribed in this Section.

2. Each such space shall be easily accessible from a street or alley without Substantial Interference with traffic.

3. The surface of each such space shall be of all weather dustless material.

4. Areas allocated to required off-street loading spaces may not be included in required off-street parking area, nor shall the off-street loading space be used for normal vehicle repair or service work.

5. All required loading spaces shall be on the same lot as the use served, but if such space abut a residential district they shall be suitably screened or fenced.

6. Every building of the type described below which is hereafter built, relocated or structurally altered to the extent of more than fifty (50) percent addition in floor area, shall provide off-street truck loading spaces in accordance with the following schedule.

a. A building whose dominant use is handling and selling goods at retail shall provide

such spaces in relation to the floor area used for retail purposes as follows:

<i>Area</i>	<i>Loading Spaces Required</i>
<i>5,000- 1 0,000 sq. ft.</i>	<i>One (1)</i>
<i>10,000-20,000 sq. ft.</i>	<i>Two (2)</i>
<i>20,000-30,000 sq. ft.</i>	<i>Three (3)</i>
<i>over 30,000 sq. ft.</i>	<i>Four (4)</i>

b. Manufacturing, repair, wholesale, trucking terminal or warehouse uses shall provide such spaces in relation to total floor area as follows:

<i>Area</i>	<i>Loading Spaces Required</i>
<i>5,000-40,000 sq. ft.</i>	<i>One (1)</i>
<i>40,000-100,000 sq. ft</i>	<i>Two (2)</i>
<i>Over- 100,000 sq. ft</i>	<i>Three (3)</i>

c. Other buildings not listed above but having over ten thousand (10,000) square feet in floor area shall provide one (1) such space. This includes offices, hotels and mortuaries.

3034.04 IMPROVEMENTS: Every off-street parking area shall be improved to meet the following minimum requirements:

- 1. Any parking area for more than five (5) vehicles shall be graded and surfaced to provide a durable dust free surface or have adequate treatment if within two hundred (200) feet of any A or R District.*
- 2. Drainage facilities and structures shall be constructed or provided to connect with a public street drain, storm sewer or drainage ditch.*
- 3. Lighting use to illuminate the parking area shall be so arranged as to reflect the light away from any adjoining premises.*
- 4. Every parking area shall have access from a public street or alley not less than eight (8) feet or more than twenty (20) feet in width in the case of a dwelling and not less than sixteen (16) feet or more than thirty (30) feet in all other case.*
- 5. No driveway aprons or curb cuts shall exceed thirty (30) feet in width unless prior approval for a larger apron or cut is obtained from the Board of Appeals.*
- 6. Plans and specifications for any parking area for more than ten (10) vehicles shall be submitted for the approval of the Director of Public Service as to grading and drainage, and of the Zoning Inspector for compliance with the requirements of this Ordinance.*
- 7. A parking area for more than ten (10) vehicles which abuts a residence district shall be suitably screened and fenced (See Section 2, Paragraph 82). Such protection shall not extend into the front yard required on the lot on which the parking area is located.*

CHAPTER 3035 MISCELLANEOUS REGULATIONS

3035.01 TRAFFIC VISIBILITY: No fence, structure or planting which obstructs clear visibility of approaching traffic on an intersecting street or way shall be erected or maintained in any district within twenty (20) feet of the curb or pavement line.

3035.02 RECREATIONAL VEHICLES, BOATS AND TRAILERS, LOCATION OF: In any residence district (R-Districts) a recreational vehicle, boat or utility trailer may not be stored or parked in any front yard and must be at least two (2) feet from any lot line if legally parked or stored in any yard. At no time will said vehicle be used for a habitation unless approved pursuant to this title and by the Zoning Inspector.

3035.03 FENCES Subject to the provisions of this Section and excluding agricultural, industrial and school uses.

- a. No fence higher than four (4) feet shall be erected within a required front yard.*
- b. Solid fences, including masonry or wood fences, shall be placed one (1) foot from the property line for each foot of height in excess of four (4) feet in side and rear yards unless the owner or owners of abutting property shall consent in writing thereto, but in no case shall fence exceed six (6) feet in height.*

3035.04 PARKING AND STORING OF MOTOR VEHICLES IN R DISTRICTS Subject to the provisions of this section, all parking of motor vehicles shall at all times comply with the traffic code of the Village of Fort Shawnee, Ohio as amended.

- a. No vehicle shall be parked or stored in a residential district that is a semi tractor, semi trailer, commercial bus, school bus, dump truck, garbage truck, or other motor vehicle of any description that is primarily used for the transportation, delivery or temporary storage of equipment, tools, freight, products for sale.*
- b. Subsection (a) shall not apply to a motor vehicle operated by a resident of the home or dwelling where it is parked provided that the same is not a semi tractor, semi trailer, commercial bus, school bus, dump truck garbage truck.*
- c. No unlicensed vehicle or motor vehicle which is inoperable shall be stored or parked in an R Districts unless stored or parked at all times in a complete enclosure that meets the requirements of the district.*

**APPENDIX ONE: BASIC SETBACK, YARD SIZE, LOT SIZE AND
DIMENSION CHART**

District	Building Set Back from centerline of roadway' (ft.)	Building Set Back from Rear Property Line (ft.) ²	Building Set Back from one side Property Line (ft.) ³	Building Set Back from other side Property Line (ft.)	Minimum Lot Width (ft.)	Minimum Lot Depth (ft.)	Minimum Lot Area Per Family (sq.ft.) ⁴	Maximum Building Height (ft.)	Minimum Floor Area of Living Space Per Family (sq.ft.)
A-1	50	40	10	10	200	200	1 Acre	35	1500
R-1	50	40	10	10	100	150	20,000	35	1500
R-2	50	30	10	10	75	100	12,000	35	1500
R-3 Single Family	45	30	5	5	70	IOU	9,600	35	1100
R-3 Two Family	45	30	5	5	70	100	4,800	35	700
R-4 Single Family	45	30	5	5	60	100	7,200	35	900
R-4 Two Family	45	30	5	5	60	100	3,600	35	700
R-5 Single Family	45	30	5	5	60	100	7,200	35	900
R-5 Two Family	45	30	5	5	60	100	3,600	35	700
R-5 Three Family	45	30	10	10	60	100	3,000	35	700
R-5 More than Three Family	45	30	10	10	60	100	2,500	35	700

C-1	45	20	10	10	60	n/a	n/a	35	700
C-2	45	20	10	10	60	n/a	n/a	45	700
C-3	45	20	10	10	60	n/a	n/a	45	700
H	45	20	10	10	60	n/a	n/a	45	700

M-1	45	25	25	25	n/a	n/a	n/a	n/a	700
M-2	70	50	50	50	n/a	n/a	n/a	n/a	n/a

1. *No Building or Structure shall be erected or structurally altered to be nearer than 75 feet from the center line of the following streets: Lima-Spencerville, Breese, Shawnee, Fort Amanda, Hume, Dixie Hwy., Buckeye, Sellers, US Rt. 25, Zurmehly, Yoakam, McClain, Reed, Beeler, Delong and Wonderlick.*
2. *In all C and M Districts a rear yard shall only be required upon that portion of a lot or tract that abuts an A or R District.*
3. *In all C and M Districts, a side yard shall only be required upon that portion of a lot or tract that abuts an A or R District*
4. *If any requirements of the Board of Health regarding water and/or sewage facilities are in conflict with any of the requirements of this section, and if such Board of Health requirements are in Excess of those stated herein, then and in that event, the Board of Health requirements shall be met. Furthermore, any new or permit for zoning Must have attached a certification that there is public sanitary sewer service or the approval of a private sanitary system from the Board of Health.*