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**ORDINANCE NO. 0-38-2020**

AN ORDINANCE ENACTING THE ZONING ORDINANCE OF THE VILLAGE OF STRASBURG, TUSCARAWAS COUNTY, OHIO: AND REPEALING ALL PRIOR ZONING ORDINANCES INCLUDING NO. 0-27-79 AND 0-11-2001.

AN ORDINANCE, for the purpose of promoting public health, safety, morals, comfort and general welfare; to conserve and protect property and property values; to secure the most appropriate use of land; and to facilitate adequate but economical provision of public improvements, all in accordance with the comprehensive plan, the Village of Strasburg, Franklin Township, Tuscarawas County, Ohio, finds it necessary and advisable to regulate the location, height, area, number and size of buildings and other structures, percentages of lot area which may be occupied, size of yards, courts and other open spaces, density of population, uses of buildings and other structures and the uses of land; and for such purposes dividing the area of the Village into districts and zones of such number, shape and area as are deemed best suited to carry out said purposes, providing a method of administration and prescribing penalties and proceedings for the administration and enforcement of this Ordinance;

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF STRASBURG, TUSCARAWAS COUNTY, STATE OF OHIO:

**ARTICLE I. TITLE AND ENACTMENT CLAUSE**

**SECTION 100. Authority**

The Village Council of Strasburg, Ohio, in accordance with enabling legislation for municipal zoning as provided in Chapter 713 of the Ohio Revised Code hereby provides as follows:

**SECTION 101. Title**

This Ordinance shall be known, cited, and referred to as the “Zoning Ordinance of 1974, as amended”, the “Zoning Ordinance of the Village of Strasburg”, or the “Zoning Code”.

**SECTION 102. Intent and Purpose**

This Ordinance is adopted for the purposes of protecting and promoting the public health, safety, morals, comfort and general welfare; conserving the values of property, facilitating the economical provision of water, sewage disposal, schools and other public requirements and lessening or avoiding congestion on public streets and highways.

## ARTICLE II. DISTRICTS AND GENERAL PROVISIONS

### SECTION 200. Districts

The municipality is hereby divided into districts under four (4) general categories which shall be known as: "OA" Open Area District, "R" Residential Districts, "B" Business Districts and "M" Manufacturing Districts.

### SECTION 201. Open Area District

"S-1" Special: Areas which are large public or semi-public holdings for recreational and conservation purposes, areas suitable for non-commercial recreation, and areas subject to periodic flooding.

### SECTION 202. Residential Districts

"R-R" Rural Residence: For very low density residential developments in the outlying areas of the Village, which are near unincorporated countryside, agriculture and open spaces.

"R-1" Very Low Density Residence: For very low-density residential development.

"R-2" Low Density Residence: For relatively low-density residential development.

"R-3" Medium Density Residence: For residential development of moderate density, including multiple dwellings as well as one- and two-family residences.

"R-4" Manufactured Housing Development: For residential development of moderate density, consisting of manufactured homes that are one family residences.

### SECTION 203. Business Districts

"B-1" Central Business: Areas of the existing central business district which contain structurally sound and functional buildings plus contiguous areas which provide for the logical expansion of a unified and compact commercial core.

"B-2" Neighborhood Business: Areas for local or neighborhood business providing principally convenience goods and personal services.

"B-3" Highway and General Business: Areas along major highways or thoroughfares which provide sales and services oriented to highway travelers; or general businesses including sale and services or automotive, farm machinery, building trades, etc..

### SECTION 204. Industrial Districts

"M-1" Restricted Industrial: Areas for light industries with restricted manufacturing operations, research facilities and offices of a restricted nature which will have little or no detrimental effects on neighboring land uses.



"M-2" General Industrial: Areas which, because of their access to transportation and community services, and relative isolation from other land uses, provide good sites for most types of general industry.

**SECTION 205. District Map**

- 205.1 Content and Location: The boundaries of the districts are shown upon the map which is made a part of this Ordinance, which map is designated as the "District Map". The district map and other information shown thereon are a part of this Ordinance. The original district map is properly attested and is on file with the Clerk in the Council Chambers.
- 205.2 Map Changes: No amendment to this Ordinance which involves matter portrayed on the Official District Map shall become effective until after such change and entry has been made on said map. No changes of any nature shall be made in the Official District Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. It shall be the responsibility of the Secretary of the Planning Commission to keep the Official District Map current.
- 205.3 Official District Map is Final Authority: The Official District Map, which shall be located in the Council Chambers shall be the final authority as to the current zoning status of land and water areas, buildings and other structures.

**SECTION 206. District Boundaries**

The district boundary lines on said map are intended to follow either centerlines of thoroughfares or railroads or lot lines. In the case of unsubdivided property, the district boundary lines shall be determined by the use of the scale appearing on the Zoning District Map or by dimensions.

**SECTION 207. Compliance with Regulations**

The regulations set forth by this Ordinance within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land. No building, structure or land shall hereafter be used or occupied and no building structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations herein specified for the district in which it is located.

- (a) No building or other structure shall hereafter be erected or altered to exceed the height, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, to have narrower or smaller rear yards, front yards, side yards or other spaces; or in any other manner contrary to the provisions of this Ordinance.
- (b) No yard or lot existing at the time of passage of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.

- (c) Exceptions and variances to these regulations in specific cases may be authorized by the Board of Zoning Appeals where there are practical difficulties or unnecessary hardships in carrying out the strict letter of this Ordinance providing such exception is in harmony with the general purpose and intent of the Ordinance and in accordance with the procedures and provisions specified in Article XII. Hardship shall be based on physical limitations of the land or structures and does not encompass financial considerations.

**SECTION 208.            Interpretation and Conflict**

In interpreting and applying the provisions of the Ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity and general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any Ordinance, rules, regulations or permits previously adopted or issued, and not in conflict with any of the provisions of this Ordinance, or which shall be adopted or issued, pursuant to law relating to the use of buildings or premises and likewise not in conflict with this Ordinance; nor is it intended by this Ordinance to interfere with or abrogate or annul any easements, covenants, or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces or larger lot areas than are imposed or required by such other Ordinances or agreements, the provisions of this Ordinance shall control.

**SECTION 209.            Uses Exempted from Provisions of Ordinance**

The location, erection, construction, reconstruction, change, alteration, maintenance, removal, use or enlargement of any building or structures of any public utility or railroad, whether publicly or privately owned, or the use of land by any public utility or railroad for the operation of its business or the use of land for essential services as herein defined shall be permitted in all districts established by this Ordinance and no zoning certificate shall be required for any building or structure or for the use of any land essential to the operations of a public utility or railroad.

**SECTION 210.            Authority to Enact Rules and Procedures**

Upon the recommendation of the Planning Commission, Council may promulgate, adopt, and issue such procedural rules, regulations, and forms as are necessary for the effective administration and enforcement of the provisions of this Ordinance. Such rules, regulations and forms shall be consistent with the express standards, purposes, and intent of this Ordinance.

## ARTICLE III.      DEFINITIONS

### SECTION 300.      Definitions

300.1 General Requirements: For the purpose of this Ordinance certain terms and words are defined as follows:

- a. The word "person" includes a firm, association, organization, partnership, trust, company or corporation as well as an individual.
- b. Words used in the present tense include the future, and the plural includes the singular, and the singular the plural.
- c. The word "shall" is mandatory, the word "may" is permissive.
- d. The words "occupies" or "used" shall be considered as though followed by the words "or intended, arranged, or designed to be used or occupied".
- e. The word "lot" includes the words "plot" or "parcel".

300.2 Interpretation: The definitions herein are established to promote consistency and precision in the interpretation of zoning regulations. Interpretation shall be guided by the following:

- a. In order to fulfill the intent and purpose of this code, the Zoning Inspector shall have the authority to define any word or interpret any definition contained herein.
- b. The meaning and construction of words and phrases defined in this chapter shall apply throughout this code, except where the context of such words or phrases clearly indicates a different meaning. Additional terms which are applicable to a particular chapter are defined in that chapter.
- c. When words are not defined, the generally accepted dictionary definitions shall prevail. If a term or word causes difficulties in interpretation and is not properly described, the Planning Commission shall define the term and recommend to Council its inclusion in this code as an appropriate definition.

300.3 Terms Defined:

Access Drive: A driveway on private property that provides access to, for example, parking spaces, parking lots, garages, loading spaces, or similar off street parking areas.

Accessory Building or Structure: A building or structure that is incidental and subordinate to the main use or the land or building, and on the same lot as the main use or building. Accessory buildings or structures may include garages, storage buildings, swimming pools, landscaping features and parking lots.

Accessory Use: A use that is incidental and subordinate to the main use of the land or building, and on the same lot as the main use or building.

Administrator: The Administrator of the Village of Strasburg, Ohio.

Adult Business:

1. Adult Bookstore, Adult Novelty Store, or Adult Video Store: A commercial establishment which, as one of its principal business purposes, offers for sale or rental any form printed or digital matter, or other visual representations that are characterized by the depiction of or description of sexual activities or anatomical genital areas, or paraphernalia that are designed for use in connection with sexual activities.
2. Adult Entertainment: A commercial establishment that regularly features live entertainment or motion pictures, videocassettes, videodisks, or other photographic or digital reproductions which is characterized by the depiction of or description of sexual activities or anatomical genital areas.

Animal Hospital or Clinic: A facility primarily for the purposes of the consultation, diagnosis and office treatment of household pets, in conjunction with which boarding may only be offered during the period of treatment.

Automotive Repair: The repair, rebuilding or reconditioning of motor vehicles or parts thereof, including collision service, painting and steam cleaning of vehicles.

Automotive and Trailer Sales: Display or sale of new and/or used automobiles, recreational vehicles, in an enclosed building and/or out of doors.

Automobile Wrecking Salvage and Storage: The dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts.

Basement: A story partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story where more than one-half of its height is above the average level of the adjoining ground.

Bed and Breakfast Operation: A single family dwelling within which individual guest rooms are available for meals and lodging for compensation and by prior arrangement, for not more than sixteen (16) transient guests for not ore than seventy-two (72) consecutive hours each.

Said use shall not generate traffic in greater volume than would normally be expected in a residential neighborhood and shall comply with all off-street parking requirements of the Strasburg Village Zoning Ordinance.

- a. Bed and Breakfast shall meet the following requirements:
1. The facility shall only be located in an R-2, R-3, B-1, B-2 zoning area as defined by Village Zoning and shall only be located upon the issuance of a Conditional Use Permit.
  2. One (1) on-site parking space shall be provided for each rental sleeping rooms.
  3. The facility shall not contain more than four (4) sleeping rooms for guest rental.
  4. No more than two (2) adults shall occupy each sleeping room. Children under twelve (12) years of age are permitted in the same occupancy, but under no circumstances shall there be more than four (4) persons occupying each room.

Board, Board of Zoning Appeals, BZA: The Board of Zoning Appeals of the Village of Strasburg, Ohio.

Boarding or Rooming House: A building or portion thereof, other than a hotel, which is accessory to a dwelling occupied by the owner or main leaseholder, where lodging for residents are provided by the owner or main leaseholder for compensation. The facility shall maintain a kitchen for the use of residents, and/or service of meals to residents. The total number of persons occupying the premises shall not exceed five (5).

Building: A structure designed or built for the shelter, support or enclosure of persons, animals, chattel or property of any kind. When separated by division walls from the ground up without interconnecting openings, each portion of such building shall be deemed a separate building. This term shall be used synonymously with "structure" unless otherwise noted, and shall be construed as if followed by the words "part or parts thereof."

Building, Height: The vertical distance measured from the established grade opposite the middle of the front of the building to the highest point of the roof for flat roofs, to the deck line for mansard roofs, and to the mean height level between eaves and ridges for gable, hip and gambrel roofs.

Building, Principal or Main: A building in which is conducted the main or principal use of the lot on which said building is situated. One and two family residential districts are limited to one main building per lot. In other districts, a grouping of main buildings held under unified ownership shall be considered the principal or main building.

Building Site: That portion of the lot or parcel of land upon which the principal and accessory uses are conducted, and a structure and appurtenance may exist or are to be placed, or are already existing, including adequate areas for sewage disposal, clearance, proper drainage, appropriate easements, parking, required yards, and all

other facilities required by the Zoning Ordinance and all other regulations of the Village. Also called ‘premises’.

Business Classifications:

- (a) Neighborhood Business: Retail and service establishments which cater to and can be located in close proximity to or within residential districts without creating undue vehicular congestion, excessive noise or other objectionable influence.
- (b) Highway Business: Includes commercial uses requiring locations on major thoroughfares and at their principal intersections.
- (c) Central Business: Retail and service establishments which, in addition to catering to the community residents' and workers' daily needs for convenience goods and services, also include establishments offering comparative type shopping facilities.

Child Care Facility: A facility where care, protection and supervision are provided to children on a regular basis for a fee and in accordance with applicable state laws pertaining to licensing and regulation.

Church, Place of Worship: A semi-public use for worship such as a church, temple, mosque, and similar establishments, which has a main hall for services. May include meeting rooms, offices, and other support facilities.

Clerk: The Clerk of the Village of Strasburg, Ohio.

Clinic: An establishment where patients who are not lodged overnight are admitted for examination and treatment by a group of physicians practicing medicine together.

Commercial Entertainment Facilities: Any activity conducted for gain which is generally related to entertainment, such as motion picture or other theaters; live performances of music, dancing and/or plays; billiard or pool room; bowling alley; video and games arcade; indoor skating rink; and similar types of entertainment. All activities shall be conducted indoors. Food and beverages may be served.

Commission: The Planning Commission of the Village of Strasburg, Ohio.

Conditional Use, Conditionally Permitted Use: A use that, owing to some special characteristics attendant to its operation or installation, is permitted in a district subject to approval by the Planning Commission, and further subject to special requirements, in addition to those usual requirements for the district in which the conditional use may be located. A conditional use may be granted by the Planning Commission only when there is a specified provision in this Ordinance. A conditional use is not considered to be a nonconforming use.

Council: The Council of the Village of Strasburg, Ohio.

Districts, Zoning Districts: Any designated area of the municipality for which the zoning regulations governing the use of buildings and premises, the height of structures, the size of yards and the intensity of use are uniform. Boundaries of the districts are shown on the district map, which is part of this ordinance.

Drive-in Commercial Use: Any use that by design of physical facilities encourages or permits customers to receive a service or pick up a product while remaining in a motor vehicle, such as drive-through restaurants, auto washes, bank tellers, pharmacies, and similar uses. Such drive-through areas are intended for brief use by customers and are distinct from parking areas.

Dwelling: A building or portion thereof designed exclusively for family residential occupancy, but not including hotels, or motels.

Dwelling Unit: One (1) or more rooms designed to create an independent housekeeping establishment with each unit having living, sleeping, cooking and toilet facilities for one family.

Dwelling, Attached Single Family: Two (2) or more dwelling units which are structurally attached to one another side-by-side, having property lines between each unit, combined with joint ownership of commonly used portions of the development, often known as condominiums or townhouses. Such units shall maintain separate utility connections and ground floor front and rear access. No unit shall be located above another unit.

Dwelling, Efficiency: A dwelling unit with a main area for both living and sleeping.

Dwelling, Single-family: A building consisting of one (1) dwelling unit.

Dwelling, Two-Family: A building consisting of two (2) dwelling units.

Dwelling, Manufactured: A dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code. The term “single-family dwelling” shall include manufactured dwellings when placed on permanent foundations. Manufactured homes are distinguished by two types as follows:

- (1) Residential Design Manufactured Homes (RDMH) are manufactured homes meeting residential design standards contained in this Ordinance.
- (2) Standard Design Manufactured Homes (SDMH) are manufactured homes certified as meeting the federal HUD code or certified as meeting the standards of prior construction codes, and found to be in excellent condition and safe for continued residential occupancy, but in both cases not meeting residential design standards contained in this Ordinance.

Dwelling, Multiple-Family: A building consisting of three (3) or more dwelling units arranged side by side or one above the other, and each having a separate entrance or an entrance connected to a common outside entrance.

Educational Institution: A public or semi-public use consisting of an elementary school, secondary school, college or university giving general academic instruction equivalent to the standards prescribed by the State Board of Education.

Engineer: The Engineer of the Village of Strasburg, Ohio.

Essential Services: The erection, construction, alteration, or maintenance, by public utilities or municipal or other governmental agencies, or underground gas, electrical or water transmission or distribution systems, collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, traffic signals, hydrants or other similar equipment and accessories in connection therewith; reasonably necessary for the furnishing of adequate service by such public utilities or municipal or other governmental agencies for the public health or safety or general welfare, but not including buildings.

Family: One (1) or more persons directly related by blood (father, mother, sister, brother, son, daughter, grandparents, or grandchildren), marriage, adoption or guardianship, or not more than three persons not so related, occupying a dwelling unit, as distinguished from a group occupying a boarding house, motel or hotel, as herein defined.

Farm Implement Sales and Service: Retail and wholesale sales of equipment and supplies for agriculture and wholesale horticulture and landscaping. Includes repairs and equipment rental. Excludes Grain Elevators and Feed Mills as defined in this Ordinance.

Floor Area: The gross floor area of all floors of a building or structure, including outdoor areas where the use is conducted, and all buildings measured from the outside surface of exterior walls.

Floor Area, Ground: The gross floor area of the ground floor of a building or structure, including outdoor areas where the use is conducted, and all buildings measured from the outside surface of exterior walls.

Floor Area, Residential: The interior floor area of a dwelling including stairways, halls and closets but not including basements, porches, garages, breezeways or carports.

Food Processing: The commercial processing or other preparation of food for eventual human or animal consumption, but not consumed on the premises. Excludes slaughterhouse activities such as the killing of animals, fish, birds, or other creatures.

Forestry: The growing and care of trees for commercial purposes, including the cutting and marketing of timber.



Frontage: All the property on one (1) side of a street between two (2) intersecting streets (crossing or terminating), measured at the setback building line--or if the street is dead-ended, then all of the property abutting on one (1) side between an intersecting street and the dead-end of the street.

Garage: A detached accessory building or portion of a main building for the parking or temporary storage of motor vehicles, recreational vehicles, trailers, commercial vehicles and similar vehicles by the occupants of the premises.

Gasoline Service Station: A premises where automobile fuels and other petroleum products are offered for retail sale, and where limited maintenance and minor repairs are may be conducted on automobiles. Excludes engine overhauls, body work and painting. Sales of beverages, packaged foods, and similar convenience goods may also be included as incidental to the principal use.

Grain Elevator and Feed Mill: Facilities for the bulk storage and processing of agricultural products such as grains and animal feeds.

Highway, Major: A street or road which continues into the surrounding township and is used primarily as a traffic artery.

Home Occupation, Limited: An accessory use of a professional or service character conducted entirely within a dwelling and only by the residents thereof, which is clearly secondary to the use of the dwelling for living purposes and does not change the character thereof or have any exterior evidence of such secondary use such as, for example, signs, additional parking, or additional traffic generation.

Home Occupation, Expanded: A conditionally permitted accessory use of a professional or service character conducted within a dwelling or in an accessory building or structure to a dwelling unit, conducted by the residents thereof and not more than one (1) employee, which may have a sign as permitted by this Ordinance and which shall provide parking as required by this Ordinance.

Hospital: A facility where patients are lodged overnight, and admitted for medical examination and treatment.

Hotel and Motel: A building or group of buildings offering transient lodging accommodation for compensation to the general public and may provide additional services such as restaurants, meeting rooms or central services.

Institution: A public or semi-public use consisting of buildings or land occupied by a non-profit corporation or a non-profit establishment for public use.

Interchange: A grade-separated, bridged system of access to and from highways where vehicles may move from one roadway to another without crossing streams of traffic.

Intersection: The location where two or more roadways cross at grade without a bridge.

Loading Space: An off-street space, in addition to required off-street parking spaces, on the same lot with a building for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials.

Lot: A designated parcel, tract, or area of land established by plat, subdivision or as otherwise permitted by law, to be separately owned, used, developed or built upon.

Lot Area: The total horizontal area within the lot lines of a lot exclusive of any right-of-way of a public or private street.

Lot, Corner: A lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than 135 degrees.

Lot Coverage: Percentage of lot coverage shall be the ratio of enclosed ground floor area of all buildings to the horizontally projected area of the lot, expressed as a percentage.

Lot Depth: The horizontal distance between the front and rear lot lines, measured along the median between the two (2) side lot lines.

Lot of Record: A lot whose existence, location and dimensions have been legally recorded or registered by the Recorder of Deeds for Tuscarawas County in a deed or on a plat, either individually or as part of a subdivision.

Lot Line: A line of record bounding a lot that divides one lot from another lot or from a public or private street, right of way, or any other public space.

Lot, Through: A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot.

Lot Width: The width of a lot at the building setback line measured at right angles to its depth. The width of lots fronting on a cul-de-sac shall be the chord distance between side lot lines for the curve coinciding with the required depth of the front yard.

Manufactured Home: A single-family dwelling unit fabricated in an off-site manufacturing facility for installation or assembly at the building site, bearing a label certifying that it is built in compliance with the Federal Manufactured Housing Construction and Safety Standards (24 CFR 3280) HUD Code. The term single-family dwelling shall include manufactured homes when placed on permanent foundations. Manufactured homes are distinguished by two types: Residential Design Manufactured Homes (RDMH) and Standard Design Manufactured Home (RDMH) as described in this Section. See Recreational Vehicles and Trailers.

- (a) Residential Design Manufactured Home (RDMH), is a manufactured, single-family dwelling meeting residential design standards contained in this Ordinance. An RDMH is similar in appearance to site-built housing.

- (b) Standard Design Manufactured Home (SDMH), is a manufactured, single-family dwelling certified as meeting HUD code or certified as meeting the standards of prior construction codes, and found to be in excellent condition and safe for continued residential occupancy, but in both cases not meeting residential design standards contained in this Ordinance. An SDMH is similar in appearance to a structure commonly referred to as a 'mobile home'.

Manufactured Housing Development: A land area planned and improved for the placement of manufactured homes, and which are not otherwise regulated by state law. Manufactured housing developments include RDMH Subdivisions and SDMH Mobile Home Parks, as described in this Section:

- (a) RDMH Subdivision: A parcel of land improved for the siting of Residential Design Manufactured Homes for use as single family residences on lots as defined herein, platted and all applicable improvements provided according to the Subdivision Regulations, offered for sale.
- (b) SDMH Mobile Home Park: A parcel of land under unified ownership or management utilized for the siting of Standard Design Manufactured Homes for use as single family residences, including any land, buildings or facilities used by residential occupants.

Manufacturing: Any production or industrial process, including food processing, which combines one (1) or more raw materials or components into a product, or which changes the nature of the materials entering the process

Manufacturing, General: The basic processing and manufacturing of materials or products predominantly from extracted or raw materials, or a use engaged in storage of, or manufacturing processes that potentially involve hazardous or commonly offensive conditions.

Manufacturing, Restricted: Any manufacturing or industrial production from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales and distribution of such products, but excluding General Manufacturing.

Mineral Extraction, Storage, and Processing: The removal of sand, gravel, earth, rock, stone or mineral bearing substance from the ground for the purpose of the sale or other commercial use of the excavated material, and, the storage and processing of the extracted materials.

Municipality: The Village of Strasburg, Ohio

Nonconforming Structure: A structure that does not conform with the use regulations of the district in which it is located.

Nonconforming Structure, Legal: A building or structure legally existing at the time of passage of this Ordinance, or subsequent amendments thereto, and which does not

comply with the dimensional or other building requirements of the district in which such structure is located.

Non-conforming Use: The use of land or a structure, or portion thereof, which does not conform with the use regulations of the district in which it is located.

Nonconforming Use, Legal: The use of land or a building, or a portion thereof, which existed legally at the time of passage of this Ordinance, or subsequent amendments thereto, and which does not conform with the use regulations of the district in which it is situated.

Nursing Home: A convalescent or extended care facility which specializes in providing necessary services to people unable to care for themselves, but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis, treatment or care of the sick or injured. Excludes correctional facilities. Such facilities shall meet all federal, state, and other standards.

Office: A room, group of rooms, or building used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment.

Parking Lot: An open area, other than a street, used for the parking of vehicles and available to the public, or as an accommodation to employees, clients, or customers. Excludes the storing of abandoned, impounded or wrecked vehicles.

Parking Space, Off-Street: Any parking space located wholly off any street, alley, or sidewalk, either in an enclosed building or on an open lot and where each parking space has an area as required in this Ordinance.

Personal Service: Any enterprise conducted for gain which primarily offers services to the general public such as shoe repair, watch repairing, barber shop, beauty parlors, dry cleaning service and/or self-service laundry and similar activities.

Plant Cultivation: The cultivation of crops, fruit trees, nursery stock, and similar plant materials outside of structures such as greenhouses, but exempting such plant cultivation as is conducted on residential properties for the primary benefit of the resident family.

Professional Activities: The use of offices and related spaces for such professional services as are provided by doctors, dentists, lawyers, architects, and engineers.

Public Service Facility: The erection, construction, alteration, operation or maintenance of buildings, power plants or substations, water treatment plants or pumping stations, sewage disposal or pumping plants and other similar public service structures by a public utility by a railroad, whether publicly or privately owned, or by a municipal or other governmental agency, including the furnishing of electrical, gas, rail transport, communication, public water and sewerage services.

Public Uses: Public parks, schools, and administrative, cultural and service buildings, not including public land or buildings devoted solely to the storage and maintenance of equipment and material.

Recreation Facilities:

- (1) Noncommercial Recreation Facilities: Private and semipublic recreational facilities which are not operated for commercial gain. Noncommercial recreational facilities may be leased to outside groups or organizations provided the fee for such purposes is limited to incidental maintenance and custodial expenses.
- (2) Commercial Recreation Facilities: Recreational facilities open to the public, established and operated for a profit.

Recreational Vehicle or Trailer: A vehicle of portable structure designed and constructed to be used as a temporary dwelling for travel, recreational and vacation uses, including but not limited to the following:

- (1) Travel trailer - a vehicular portable structure built on a chassis as a non-self-propelled vehicle, including tent-type fold-out trailer and designed to be used as a temporary dwelling.
- (2) Pick-up camper - a structure designed primarily to be mounted on a pick-up or truck chassis and with sufficient equipment to render it suitable for use as a temporary dwelling.
- (3) Motorized home - portable dwelling designed and constructed as an integral part of a self-propelled vehicle.
- (4) Boats and boat trailers - includes boats, floats, rafts, and the normal equipment to transport same.

Research and Testing Facility: A building or group of buildings in which are located facilities for scientific research, investigation, testing, or experimentation but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory. The keeping of animals on the premises for the purpose of testing or experimentation is specifically prohibited.

Restaurant: Establishments where food and beverages are prepared and served primarily within the premises. Includes, for example, bakeries, coffee and juice bars, sandwich shops, cafes, fine dining and similar businesses that offer dine-in facilities.

Retail Business: Premises where goods and merchandise are offered or kept for sale to the public, including storage of limited quantities of such goods and merchandise sufficient only to service such establishment. Includes banks, and stores which offer foods for carry-out only.

Right of Way: A duly recorded easement of a strip of land acquired by reservation, dedication, forced dedication, or condemnation and intended to be occupied by a road, crosswalk, railroad, electric transmission lines, oil or gas pipeline, water line, sanitary storm sewer, and other similar uses.

Setback: The minimum horizontal distance by which any building or structure will be separated from a lot line or right-of-way.

Setback Line: A line established by zoning, platting or other legal means on a lot a specified distance from and parallel to the lot line to restrict the encroachment of structures on the lot line. In measuring a required setback, the distance shall be measured from the lot line or right-of-way, whichever line creates the minimum lot dimension.

Semi-public Uses: Churches, Sunday schools, parochial schools, colleges, hospitals and other institutions of an educational, religious, charitable or philanthropic nature.

Sign: An identification, description, illustration or device which is affixed to or integrated into a building, structure, or land, and which directs attention to a product, place, activity, person, institution or business. Signs are considered to be structures. Different types of signs are defined and regulated in this Ordinance.

Social Activities: Any building and land used for private or semi-private club activities, including lodges, fraternities, and similar activities.

Solicitor: The Solicitor of the Village of Strasburg, Ohio.

Specialized Animal Raising and Care: The use of land and buildings for the raising and care of domestic animals which are not specifically prohibited by other restrictions by the Village or other government agencies. Examples of activities, facilities and animals include, but are not limited to, domestic pets; stables and riding arenas for horses; kennels for dogs or other animals; pigeon raising and raising of any other domestic animals or birds of a similar nature; birds, mammals, reptiles, and similar animals; boarding of animals. The keeping of exotic or wild animals is specifically prohibited. Determination of the classification of an animal as domestic, exotic or wild shall be at the sole discretion of the Village.

Specialty Store: A retail establishment primarily engaged in the merchandising of a particular type of commodity including those selling arts and crafts, jewelry, leather, antiques, gifts, and novelty items, but shall not include the storage of a quantity of goods in excess of that which is necessary to serve such establishment.

Story: That portion of a building other than a basement included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, then the space between the floor and the ceiling next above it. A basement shall be counted as a story if it is used for living quarters or if two-thirds (2/3) of its volume is above the average level of the adjacent ground.

Story, Half: An uppermost story lying under a sloping roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four (4) feet above the floor of such story and the height at the center is 7 feet 6 inches or more.

Street, Private: An improved vehicular passage within a right of way owned and maintained by the abutting property owners, or by an association of property owners, excluding off-street parking areas and driveways.

Street, Public: An improved vehicular passage within a right of way that affords the primary means of access to abutting lots, shown upon a plat, and accepted by the Village of Strasburg for perpetual maintenance.

Structural Alteration: Any change in either the supporting members of a building, such as bearing walls, columns, beams, and girders, or in the dimensions or configurations of the roof or exterior walls.

Structure: Anything constructed or erected with a fixed location on or in the ground or attached to something having a fixed location on or in the ground. Examples include, but are not limited to, a building, backstop, barn, deck, fence, garage, gazebo, landscaping wall, shed, porch, sign, storage building, swimming pool, tank, or tower. Excludes a sidewalk, steps, driveway, or similar paved area.

Swimming Pool: A permanent structure, above or in the ground, containing or capable of containing water for swimming, bathing and water play. Includes wading pools, hot tubs, Jacuzzis, and similar pools. Excludes landscaping features such as ponds, pools or fountains intended for decoration and not used for swimming, as determined by the Planning Commission.

Transport and Trucking Terminal: The use of land, buildings, or structures for the purpose of storing, servicing, repairing, or loading trucks, transport trailers, and/or buses, but does not include gas or service stations or vehicle sales or rental outlets.

Use: The purpose for which land or a structure is arranged, designed or intended, or for which either land or a building is or may be occupied or maintained.

Use, Principal: The permitted or conditionally permitted use or uses which are being, or are proposed to be, conducted on a premises, and excludes accessory uses.

Variance: A modification of the strict terms of the regulations in this Ordinance where such modification will not be contrary to the public interest and where owing to conditions peculiar to the property and not the result of the action of the applicant, a literal enforcement of the regulation would result in unnecessary hardship and/or an unnecessary practical difficulty. Hardship is based on physical limitations of the land and does not encompass financial considerations.

Village: The Village of Strasburg, Ohio.

Warehouse: A premises, lot, structure or portion thereof which is designed or appropriate for the storage of goods to be sold for wholesale, mail orders, or reshipment.

Waste Disposal: Disposition of garbage, combustible and non-combustible waste material.

Wholesale Business: An establishment primarily engaged in selling merchandise to retailers, to industrial, commercial, institutional, or professional business users, or to other wholesalers, or acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies.

Yard: An area of land at grade between a building and the adjoining lot lines unoccupied by any portion of a structure from the ground upward, except for accessory uses, projections and as otherwise provided herein. A yard includes the area of all required setbacks.

Yard, Front: A yard extending across the front of a lot between the side lot lines and being the minimum horizontal distance between the street right-of-way and the main building or any projection thereof, other than the projection of the usual uncovered steps, uncovered balconies, or uncovered porch. On corner lots, the front yard shall be considered as parallel to the street upon which the lot has its least dimension.

Yard, Rear: A yard extending across the rear of a lot and being the required minimum horizontal distance between the rear lot line and the rear of the main building or any projection thereof, other than the projections of uncovered steps or unenclosed porches.

Yard, Required: The minimum yard required between a lot line and a main building in order to comply with the regulations of the district in which the lot is located. Use of the word "yard" without the adjectives "required" or "minimum" connotes the term "yard" in its general sense as defined herein.

Yard, Side: A yard between the main building and the side line of the lot and extending from the required front yard to the required rear yard, and being the minimum horizontal distance between a side lot line and the side of the main building or any projections thereto.

Zoning Certificate: The document issued by the Village Zoning Inspector authorizing the use of the land or structures.

Zoning District Map: The Zoning District Map or maps of the Village together with all amendments subsequently adopted.

Zoning Inspector: The Zoning Inspector or his authorized representative appointed by the Village Council.



**ARTICLE IV - USE REGULATIONS**

**SECTION 400. Table of Permitted and Conditional Uses**

The permitted and conditional uses for each district are shown in the following table. The interpretation of uses shall be as defined in Article III. Uses not specifically listed or interpreted to be included under this Article and Article III shall not be permitted except by amendment to the ordinance; or by a determination of similar use made in accordance with Section 402.

**“S-1” SPECIAL**

Permitted Uses	Conditionally Permitted Uses
Parks	Semi-public uses
Public Uses	Public Service Facilities
Essential Services	Specialized Animal Raising and Care
Accessory Uses	Commercial Recreational Facilities
Non-commercial Recreational Facilities	Cemetery
Forestry	Airports
Plant Cultivation	Mineral Extraction, Storage and Processing

**“R-R” RURAL RESIDENCE**

Permitted Uses	Conditionally Permitted Uses
Single-family Dwelling	Public Service Facility
Residential Design Manufactured Housing (RDMH)	Non-commercial Recreation Facility
Public Uses	Semi-Public Uses
Home Occupations, Limited	Agriculture
Essential Services	Specialized Animal Raising and Care
Accessory Uses	Cemetery
	Cluster Development
	Similar Uses

**“R-1” VERY LOW DENSITY RESIDENCE**

Permitted Uses	Conditionally Permitted Uses
Single-family Dwelling	Public Service Facility
Residential Design Manufactured Housing (RDMH)	Non-commercial Recreation Facility
Public Uses	Semi-Public Uses
Home Occupations, Limited	Agriculture
Essential Services	Cemetery
Accessory Uses	Cluster Development
	Similar Uses

**“R-2” LOW DENSITY RESIDENCE**

Permitted Uses	Conditionally Permitted Uses
Single-family Dwelling Attached Single-family Dwelling Residential Design Manufactured Housing (RDMH) Two-family Dwelling Public Uses Home Occupations, Limited Essential Services Accessory Uses	Public Service Facility Semi-Public Uses Non-commercial Recreation Facility Home Occupations, Expanded Nursing Homes Cluster Development Similar Uses

**“R-3” MEDIUM DENSITY RESIDENCE**

Permitted Uses	Conditionally Permitted Uses
Single-family Dwelling Attached Single-family Dwellings Residential Design Manufactured Housing (RDMH) Two-family Dwelling Multiple-family Dwelling Home Occupations, Limited Public Uses Essential Services Accessory Uses	Public Service Facility Semi-Public Uses Non-Commercial Recreation Facility Home Occupations, Expanded Child Care Facilities Nursing Home Similar Uses

**“R-4” MANUFACTURED HOUSING DEVELOPMENT**

Permitted Uses	Conditionally Permitted Uses
Residential Design Manufactured Housing (RDMH) Standard Design Manufactured Housing (SDMH) Home Occupations, Limited Public Uses Essential Services Accessory Uses	Public Service Facility Non-Commercial Recreation Facility Similar Uses

**“B-1” CENTRAL BUSINESS**

Permitted Uses	Conditionally Permitted Uses
Grocery Stores Drugstores Hardware Stores Appliance Stores Furniture Stores Apparel Stores Footwear Stores Specialty Stores Personal Services Offices and Professional Activities Business Services Banks Restaurants and Taverns Hotels and Motels Social Activities Public Uses Semi-public Uses Essential Services Accessory Uses	Drive-in Commercial Uses Printing and Publishing Commercial Entertainment Facilities Public Service Facilities Similar Uses Any “Permitted Use” Allowed in any R-1, R-2, or R-3 Residential Zoning District

**“B-2” NEIGHBORHOOD BUSINESS**

Permitted Uses	Conditionally Permitted Uses
Drugstores Hardware stores Grocery stores Personal Services Offices and Professional Activities Banks Restaurants Accessory Uses	Drive-in Commercial Uses Gasoline Service Stations Public Service Facilities Bed and Breakfast Operation Permitted Uses in the B-1 District over 6,000 square feet ground floor area Similar Uses Any “Permitted Use” Allowed in any R-1, R-2, or R-3 Residential Zoning District

**“B-3” HIGHWAY & GENERAL BUSINESS**

Permitted Uses	Conditionally Permitted Uses
Permitted Uses In the B-1 and B-2 Districts Building Trades Gasoline Service Stations Automotive Repair Automotive and Trailer Sales Public Service Facilities	Agriculture Printing and Publishing Animal Hospitals and Clinics Wholesale Business Commercial Recreational Facilities Sales and Storage of Building Materials Farm Implement Sales and Service Transport and Trucking Terminals Billboards Drive-in Commercial Uses Similar Uses Any “Permitted Use” Allowed in any R-1, R-2, or R-3 Residential Zoning District

**“M-1” RESTRICTED INDUSTRIAL**

Permitted Uses	Conditionally Permitted Uses
Manufacture of Pharmaceutical Products Manufacture of Sporting Goods Processing and Assembly of Glass Products Manufacture of Small Household Appliances Manufacture of Electronics Products Manufacture of Parts for Production of Finished Equipment Offices Research and Testing Facilities Printing and Engraving Plants Adult Businesses Accessory Uses Public Service Facilities Essential Services	Restaurants Billboards Warehouses Food Processing Similar Uses Any “Permitted Use” Allowed in any R-1, R-2, or R-3 Residential Zoning District

**“M-2” GENERAL INDUSTRIAL**

Permitted Uses	Conditionally Permitted Uses
Permitted Uses In the M-1 District General Manufacturing Manufacturing, Sale and Storage of Building Materials Transport and Trucking Terminals Wholesale and Warehousing Facilities Food Processing Grain Elevators and Feed Mills	Restaurants Billboards Mineral Extraction, Storage and Processing Automobile Wrecking, Salvage and Storage Similar Uses Any “Permitted Use” Allowed in any R-1, R-2, or R-3 Residential Zoning District

**SECTION 401.        Conditional Uses**

Conditional uses are subject to approval in accordance with Section 1307 of this Ordinance.

**SECTION 402.        Similar Uses**

Upon application for a permit for a building or use not specifically permitted in a district, or upon its own initiative, the Planning Commission may recommend to Council additions or clarifications based on the following standards:

- (a)     Such a use is not listed in any other classification of permitted uses;
- (b)     Such a use is appropriate to and conforms closely to the basic characteristics of the district to which it is added;
- (c)     Such a use does not create dangers to health and safety, and does not create objectionable influences to an extent greater than other uses permitted in the district to which the use is to be added; and,
- (d)     Such a use does not generate traffic to an extent greater than other uses permitted in the district to which the use is to be added.

**SECTION 403.        Special Provisions**

For special provisions regulating residential, commercial, and industrial uses, refer to Article VII and Article VIII.

## ARTICLE V - MINIMUM DIMENSIONAL REQUIREMENTS

### SECTION 500. Basic Yard, Area and Height Requirements for Dwellings

The following schedule establishes minimum yard area and height requirements for dwellings by district:

District	Min.Lot Width (ft.)	Min.Lot Area (sq.ft./unit)	Minimum Yard (ft.)			Maximum Building Height	
			Front	Rear	Each Side	Stories	Feet
R-R	100	20,000	30	40	15	2-1/2	35
R-1	90	13,500	30	40	10	2-1/2	35
R-2 1-Family	85	12,000	30	30	9	2-1/2	35
2-Family	100	7,500	30	30	9	2-1/2	35
ASF (more than 2 family)	100	7,000	30	30	9	2-1/2	35
R-3 1-Family	70	7,000	25	25	8	2-1/2	35
2-Family	90	6,000	25	25	8	2-1/2	35
ASF (more than 2 family)	100	6,000	25	25	8	2-1/2	35
MF (more than 2 family)	100	5,000	30	30	1 story: 8 2 story: 10 3 story: 12	3	40
R-4 Manufactured Housing	60	6,000	**	**	**	**	**

\*Attached Single Family (ASF) and Multifamily (MF) units shall be further regulated by Section 705.

\*\*Manufactured homes shall be further regulated by Section 700.

**SECTION 501. Floor Area Requirements for Dwellings.**

The residential floor area per family in dwellings erected on any lot shall not be less than that established by the following table:

Districts	Single Family	Two Family	Multifamily Dwellings				Average of All Units in Project
			Efficiency	1 Bedroom	2 Bedrooms	3 or more Bedrooms	
"R-R"							
(a) One story	1,200	----	----	----	----	----	----
(b) More than one story	1,500	----	----	----	----	----	----
"R-1"							
(a) One story	1,100	----	----	----	----	----	----
(b) More than one story	1,400	----	----	----	----	----	----
"R-2"							
(a) One story	1,000	800	----	----	----	----	----
(b) More than one story	1,100	1,000	----	----	----	----	----
(d) ASF	----	----	----	540	700	900	750
(c) Multifamily	----	----	400	540	700	900	750
"R-3"							
(a) One story	1,000	800	----	----	----	----	----
(b) More than one story	1,100	1,000	----	----	----	----	----
(d) ASF	1,000	----	----	480	600	720	650
(c) Multifamily	----	----	320	480	600	720	650
"R-4"							
(a) RDMH	600	----	----	----	----	----	----
(b) SDMH	600	----	----	----	----	----	----

**SECTION 502. Basic Yard, Area, Lot Coverage and Height Requirements for All Buildings Other than Dwellings**

The following table establishes the yard, area, lot coverage and height requirements for all buildings except dwellings and structures accessory to dwellings by districts:

District	Minimum Lot Width (feet)	Minimum Lot Area (square feet)	Minimum Depth (feet)		Minimum Width Each Side (feet) (See 503.1)	Maximum Percent Lot Coverage	Maximum Height of Buildings	
			Front Yard	Rear Yard			Stories	Feet
S-1	250	3 acres	60	60	50	20	3	45
R-R	200	2 acres	60	60	50	20	3	35
R-1	200	2 acres	60	60	50	20	2	35
R-2	150	1 acre	50	50	30	30	2	35
R-3	150	1 acre	50	50	30	30	2	35
R-4	150	1 acre	50	50	30	30	2	35
B-1	None	None	None*	20	None	80	3**	45
B-2	80	10,000	40	20	None	50	2	35
B-3	120	20,000	60	40	30	50	3	45
M-1	200	1 acre	50	40	30	50	3	45
M-2	200	1 acre	50	40	30	50	3	45

\* A minimum of 75% of the front wall shall be built to the edge of the front sidewalk or front property line.  
 \*\* The minimum height of buildings shall be two stories.

**SECTION 503. Requirements for Non-residential Uses**

503.1 Side Yard Requirements: In the "B-1" and "B-2" Districts, when there is no vehicular access to the rear yard from a public road, alley, or from an adjacent lot with such access, at least one (1) side yard no less than twelve (12) feet shall be required. The Zoning Inspector may, under advisement by public safety or emergency forces, require additional fire lanes or setbacks to facilitate public safety and emergency access.

503.2 Minimum Yard Requirements: Business and industrial uses shall not be located nor conducted closer to any lot line of an "R" district than the distance specified in the following schedule:

- (a) Business uses adjacent to residentially zoned property shall be setback a minimum of thirty (30) feet from the residentially zoned property. The area in the setback shall be buffered in accordance with the requirements of Section 503.3.
- (b) In all industrial districts, industrial uses located adjacent to residentially zoned property shall be setback a minimum of (forty) 40 feet from the adjacent residential property line. The area in the setback shall be buffered in accordance with the requirements of Section 503.3.



- (c) The required setback may not be used for storage or other operations associated with the business or industrial operation.

503.3 Landscaping or Screening Provisions: Any unpaved area of a site in “B” and “M” Districts shall be landscaped or maintained in a dust-free condition and separated from the paved areas by a curb or other barrier. Landscaping or screening for nonresidential uses not separated from a right of way from "S" and "R" Districts shall be installed as follows:

- (a) Screening when used to buffer adjacent residential property shall consist of landscaping, mounding, fencing or any combination. Screening shall be maintained in good condition. Plant material shall be replaced when necessary to maintain the minimum requirements of screening.
- (b) Landscaping shall consist of a strip of land within the buffer of no less than fifteen (15) feet in width planted with at least seventy-five (75%) percent evergreen material not less than six (6) feet in height when full grown which shall provide a minimum four (4) foot opaque appearance. The evergreen material may be supplemented by deciduous plants and trees.
- (c) Mounding shall be a minimum of four (4) feet in height and graded at a slope that can be maintained. All mounds shall be planted to prevent erosion.
- (d) Fencing shall consist of a masonry or solid fence between four (4) and six (6) feet in height, maintained in good condition and free of all advertising or other signs.
- (e) The Zoning Inspector may permit deviation from the screening requirements and may either require more intensive or allow less intensive screening whenever it is determined that such deviations satisfy the need for appropriate screening.
- (f) No certificate of occupancy shall be issued until the landscaping or screening is installed.

**SECTION 504.        Exceptions to Height Restrictions**

The height regulations prescribed herein shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, silos and similar structures, elevator bulkheads, smokestacks, conveyors and flagpoles, except where the height of such structures will constitute a hazard to the safe landing and take-off of aircraft at an established airport.

**SECTION 505.        Existing Lots of Record**

Any lot of seventy (70) feet in width or less existing at the effective date of this Ordinance in any “R” District may be used for the erection of a single-family dwelling even though its area and width are less than the minimum requirements set forth herein. Each side yard shall be a

minimum of five (5) feet. The prevailing front setback shall be met. Where two (2) adjacent lots of record with less than the required area and width are held by one (1) owner, the lots shall be combined and used for one main building. Where three (3) or more contiguous unimproved lots of record with less than the required area and width are held by one (1) owner, the Planning Commission may require re-platting to fewer lots to permit compliance with minimum yard requirements.

**SECTION 506. Architectural Projections**

Open structures such as porches, balconies, platforms, carports, and covered patios, and similar architectural projections shall be considered a part of the building to which attached and shall not project into the required minimum front, side or rear yard. Ordinary projections of sills, belt courses, roof eaves, cornices and similar structural and ornamental features may extend to a distance not to exceed eighteen (18) inches into a required yard.

**SECTION 507. Lot Reduction Prohibited**

No existing lot without a dwelling shall be reduced in dimension or area below the minimum requirements herein. Lots created after the effective date of this ordinance shall meet at least the minimum requirements established by this ordinance

**SECTION 508. Multiple Frontage Lots**

Lots having frontage on more than one (1) street shall provide the required front yard along the major traveled street, as determined by the Village, and meet the side setback requirements on the other street except that no accessory building shall be closer than 25 ft from the curb of a public street.

**SECTION 509. Accessory Uses and Buildings**

No accessory buildings shall be located in any front or side yard, and shall not exceed the floor area of the primary structure, or exceed fifteen (15) feet in height. Accessory buildings such as garages may be located in the rear yard provided such buildings are set back at least six (6) feet from the side lot lines and six (6) feet from the rear lot lines. No accessory uses or structures, off-street parking facilities or material or equipment storage shall be located in any front yard.

**SECTION 510. Traffic Visibility Across Corner Lots**

In any district on any corner lot, no fence, structure or planting shall be erected or maintained within thirty (30) feet of the “corner” at a height between two and one-half (2-1/2) and (10) feet above curb or street grade, or so as to interfere with traffic visibility across the corner. The “corner” shall be the point of intersection of the two (2) right-of-way lines.

**SECTION 511. Planning Commission Lot Split Decisions**

When the square foot requirements provided by the Strasburg Subdivision Regulations and Strasburg Zoning Ordinance are met, and the lots under consideration provide satisfactory building sites, innovative lot designs may be approved for lot splits by the Planning

Commission. However, in no case shall the front setbacks for said lot be less than that specified in either the Subdivision Regulations or Zoning Ordinances for the Village of Strasburg, and it is specifically understood that all proposed lots must meet or exceed the lot width for their zoning district by the provisions of either the Strasburg Subdivisions Regulations or the Strasburg Zoning Ordinance except those defined in Section 505.

When the area and set-back requirements provided by this Zoning Ordinance are unable to be met because a lot has more than one existing dwelling and/or building, the lot split under consideration may be approved by the Planning Commission if the split itself will not create additional building sites.

**SECTION 512.        Conversion of Dwellings**

The conversion of any building into a dwelling unit or the conversion of any dwelling so as to accommodate an increased number of dwelling units or families, shall be permitted only within a district in which a new building for similar occupancy would be permitted under this ordinance, and only when the resulting occupancy will comply with the requirements governing new construction in such district, with respect to minimum lot size, lot area per dwelling unit, dimensions of yards and other open spaces and off-street parking.

## ARTICLE VI - OFF-STREET PARKING AND LOADING REQUIREMENTS

### SECTION 600. Off-Street Parking Requirements

The purpose of this Section is to encourage sufficient off-street parking for the convenience of property owners, occupants and visitors; to provide sufficient off-street parking for peak times, peak seasons, etc.; to minimize conflicts between on-street parking and traffic; to discourage unauthorized parking on nearby property or use of parking spaces intended for other establishments; and to provide visual buffers between parking areas and nearby residential uses. It is not the intention of this Section to require more parking than is necessary, which could use land inefficiently and create an undesirable appearance of excessive parking areas.

- 600.1 General Requirements: In all districts, in connection with every industrial business, institutional, recreational, residential, or other use, there shall be provided, at any time any building or structure is erected or is enlarged or increased in capacity, off-street parking spaces for automobiles in accordance with the following requirements:
- (a) Dimensions of Parking Spaces. Each off-street parking space shall have an area of not less than one hundred eighty (180) square feet exclusive of access drives or aisles, and shall be of usable shape and condition.
  - (b) Access to Parking Spaces. There shall be adequate provision for ingress and egress to all parking spaces. Where a lot does abut on a public or private alley or easement of access, there shall be provided an access drive not less than eight (8) feet in width in the case for a dwelling. In all other cases there shall be provided an access drive not less than twenty (20) or greater than twenty-eight (28) feet in width, leading to the parking or storage or loading or unloading spaces required hereunder.
  - (c) Location of Access Drives. Access drives shall be located such that they are a safe distance from any street intersection as determined by the Zoning Inspector under advisement from emergency and safety forces.
  - (d) Access Drives Near Residential Districts. Access to commercial or industrially zoned property shall not be located in any residential zoning district.

600.2 Number of Spaces Required: In all Districts, except for the B-1, Central Business District, the number of off-street parking spaces to be provided shall not be less than the following (“sq ft” means “square feet.”):

Use	Required Number of Off-Street Parking Spaces
<b>GROUP ACTIVITY-TYPE USES</b>	
Assembly room, meeting room, classroom (not in a school)	1 space for each 4 seats in the principal assembly room with fixed seats, or 1 space per each 100 sq ft in the principal assembly room without fixed seats
Child care facility	1 space per each 300 square feet.
Church, place of worship	1 space per each 5 seats in main auditorium
Clinic	1 space per each 200 sq ft of floor area
Community center, library, museum, or art gallery,	1 space per each 300 sq ft of floor area
Hospital	1 space per each 3 in-patient beds, plus 1 space per each 200 sq ft of outpatient treatment areas. Plus, 1 space per each 400 sq ft of office space
Nursing home	1 space per each 3 licensed beds
School, primary	1 space per each 5 seats or bench seats in auditorium or main assembly room, or 1.5 for each classroom, whichever is greater. Plus, 1 space per each 400 sq ft of administrative office space
School, secondary or adult	1 space per each 5 seats or bench seats in main auditorium, or 4 spaces per each classroom, whichever is greater. Plus, 1 space per each 400 sq ft of administrative office space
<b>OFFICE-TYPE USES</b>	
Medical, dental office; clinic	1 space per each 200 sq ft of floor area
Public and community office	1 space per each 200 sq ft of floor area
All other professional offices	1 space per each 300 sq ft of floor area
<b>BUSINESS-TYPE USES</b>	
Automotive repair	2 spaces per each service bay
Business service, personal service, retail business under 10,000 sq. ft.	1 space per each 250 sq ft of floor area
Business service, personal service, retail business, over 10,000 sq. ft.	1 space per each 500 sq ft of floor area. Plus, 1 space per each 1,000 feet of warehouse area
Drive-through use	1 space per 300 sq ft of floor area. Plus, 100 percent of spaces required for other uses associated with the establishment
Gasoline service station	1 space per each gasoline pump plus 2 spaces per each service bay. Plus, spaces required for other uses associated with the establishment
Mortuary or funeral home	1 space per each 50 sq ft of floor space in public rooms
Motel, hotel	1 space per each guest suite. Plus, 50 percent of spaces otherwise required for other uses associated with the establishment such as administrative offices, meeting rooms, and restaurants
Restaurant, tavern	1 space per each 100 sq ft of floor area

<b>MANUFACTURING-TYPE USES</b>	
Food processing, general manufacturing, research and testing facility, restricted manufacturing, wholesale business	1 space per each 500 sq ft of floor area
Warehouse	2 spaces, plus 1 space per each 2,000 sq ft of floor area
<b>RECREATION-TYPE USES</b>	
Auditorium (not on the same site as a school), theater, arena, stadium	1 space per each 5 seats or bench seats
Bowling alley	Five (5) for each alley, plus 50 percent of spaces otherwise required for other uses associated with the establishment
Golf course	4 spaces per each green. Plus, 50 percent of the spaces otherwise required for other uses associated with the establishment
Other entertainment facilities	1 space per each 150 sq ft of floor area. Plus, 50 percent of the spaces otherwise required for other uses associated with the establishment
<b>DWELLINGS</b>	
Dwelling unit, all types	3 spaces per unit
Boarding and rooming house	2 spaces per principal dwelling, plus 1 space per each boarder suite. In all cases, all vehicles parked by residents of the boarding house shall be parked on the site.
<b>LARGE AREA-TYPE USES</b>	
Agriculture, airport, automotive/recreational vehicle/trailer sales, cemetery, farm implement sales and service, farm vacation enterprise, forestry, grain elevators and feed mill, homemade sales, mineral extraction-storage-processing, oil and gas extraction, park, plant cultivation, recreation facility, recycling center or salvage operation, specialized animal raising and care, tourist camp, transportation and trucking terminal, and similar uses.	Because such uses generally involve large areas of land which is physically suitable for parking, all vehicles associated with the establishment must be parked on-site at all times and shall be subject to the setback requirements of this chapter.

600.3 Interpretation of Requirements: The following rules shall govern the determination of spaces required:

- (a) Parking Requirement Based on Floor Area. "Floor Area" shall mean the gross floor area of the specified use, including outdoor areas where the use is conducted, and all buildings.
- (b) Required Parking for Fractions. Fractional numbers of the total number of required parking spaces shall be increased to the next whole number.
- (c) Parking Required for Multiple Uses. Unless described differently in this Article, where more than one use is present in one establishment, and the floor area devoted to each use may be separately determined, the total number

of spaces required shall be the sum of the individual requirements. Where multiple uses are combined in an establishment in such a way that separate floor areas cannot be calculated, the standard for the use requiring a greater number of spaces shall apply.

- (d) Parking Required for Outdoor Sales and Outdoor Storage. Areas for Outdoor Sales and Outdoor Storage shall be counted in total floor area and for purposes of determining required off-street parking.
- (e) Parking Required for Bench Seating. The number of seats on benches shall be calculated as one (1) seat per each 30 inches of bench length.
- (f) Parking Required for Uses Not Specifically Mentioned. The parking space requirement for a use not specifically mentioned herein shall be the same as required for a use of similar nature as determined by the Planning Commission.

**SECTION 601.           Special Parking Provisions**

Every parcel of land hereafter used as a public, commercial or private parking lot shall be developed and maintained in accordance with the following requirements.

601.1 Setbacks for Off-Street Parking: Off-Street parking areas shall be subject to the following distance and setback requirements:

- (a) Buffers Between Parking and Dwellings or Other Uses. No part of any parking area for more than ten (10) vehicles shall be closer than twenty (20) feet to any dwelling, school, hospital or other institution for human care located on an adjoining lot, unless screened in accordance with the provisions of this Ordinance.
- (b) No Parking in Front Yard. If on the same lot with a main building in a “B” or “M” District, the parking area shall not be located within the front yard setback required for such building. For existing lots, the Planning Commission may modify this requirement upon a determination that there is no other suitable off-street parking area available which will allow the requirements of this code to be met. Such modification shall be limited to the minimum required to comply with the parking requirements and Subsection (c) herein.
- (c) Parking Setback from Street. In no case shall any part of a parking area be closer than five (5) feet to any established street or alley right-of-way.

601.2 Joint Use: A structure or premises containing two or more uses which have different off-street parking requirements shall provide spaces for not less than the sum of the spaces required for each use. Two (2) or more non-residential uses may jointly provide and use parking spaces when their hours or operation do not normally overlap, provided that a written agreement, approved by the Village Solicitor and accepted by the Planning Commission shall be filed with the application for a zoning certificate.

- 601.3 Providing Off-Street Parking on Another Site: In any non-residential district, parking spaces may be located on a separate lot within three hundred (300) feet walking distance to any customer entrance of the principal building, provided a written agreement, approved by the Village Solicitor and accepted by the Planning Commission shall be filed with the application for a zoning certificate. The Planning Commission shall permit such facilities only if it determines that the pedestrian route between the parking area and the subject use is safe and does not necessitate unlawful trespassing. Any subsequent alteration or amendment to such agreement shall be subject to further review and approval.
- 601.4 Surfacing for Off-Street Parking: Any off-street parking area for more than ten (10) vehicles shall be graded for proper drainage and drained as to dispose of all surface water accumulated within the area, and surfaced so as to provide a durable and dustless surface, and shall be so arranged and marked as to provide for orderly and safe loading and unloading, parking and storage of vehicles.
- 601.5 Lighting for Off-Street Parking: Any lot intended to be used during non-daylight hours shall be illuminated. Such lighting shall be so arranged as to reflect direct light away from adjoining premises and the public right-of-way.
- 601.6 Parking Disabled Vehicles: The parking of an unlicensed and/or disabled vehicle within any district for a period of more than two (2) weeks shall be prohibited, except that such vehicle may be stored in an enclosed garage or other accessory building,
- 601.7 Commercial Vehicles Parked in Residential Districts:
- (a) Not more than one (1) commercial truck may be parked on the premises of any dwelling unit in any “R” zoning district, provided that the gross vehicle weight of said commercial truck shall not exceed 22,000 pounds, and further provided that the ownership and use of this commercial truck is necessarily related to the occupation of the resident of such dwelling unit.
  - (b) No commercial truck or other truck with a gross vehicle weight in excess of 22,000 pounds, no commercial tractor, and no semitrailer shall be permitted to park on the premises of any dwelling unit in any “R” zoning district, nor shall any of the above be permitted to park on any street, alley, or public right-of-way in any “R” zoning district, nor shall any of the above be permitted to park on any public property or other public right-of-way within the Village of Strasburg, Ohio.
  - (c) Commercial tractor, semitrailer and truck shall be defined as set forth at Section 70.01 of the Strasburg Village Code of Ordinances.
- 601.8 Drive-through Uses: Drive-through facilities shall be subject to the following:
- (a) Drive-through facilities shall not be located at the front of the main building.



- (b) Drive-through facilities shall not be located on any side of the main building which abuts an "R" District.
- (c) No drive-through traffic shall be permitted to queue off the site or in a public or private street.
- (d) Drive-through facilities shall be so arranged and marked to ensure that there is no interference with circulation or visibility for traffic either on or off-site.

**SECTION 602.           Handicapped Parking Regulations**

Handicapped parking spaces shall be provided as required by the American With Disabilities Act. Such requirements shall be enforced on behalf of the Village by the Zoning Inspector. In no case may federal requirements for handicapped parking facilities be decreased by any official of the Village of Strasburg.

**SECTION 603.           Off-Street Loading Requirements**

- (a) Uses Requiring Loading Spaces: In any district, in connection with every building or part thereof, hereafter erected and having a gross floor area of ten thousand (10,000) square feet or less, which is to be occupied by uses requiring the receipt or distribution by vehicle of material or merchandise, there shall be provided and maintained on the same lot with such building at least one (1) off-street loading space, plus one (1) additional such loading space for each additional twenty thousand (20,000) square feet of major fraction thereof of gross floor area.
- (b) Dimension of Loading Spaces: Each loading space shall be not less than twelve (12) feet in width, thirty-five (35) feet in length and fourteen (14) feet in height.
- (c) Loading Spaces in Side and Rear Yards: Loading spaces may occupy all or any part of any required side or rear yard, except as required by this Article.
- (d) Loading Spaces Near Residential Districts: No such space shall be located closer than fifty (50) feet to any other lot in any "R" District, unless wholly within a completely enclosed building or unless enclosed on all sides facing lots in any "R" District by a wall or fence not less than six (6) feet in height.

## ARTICLE VII - SPECIAL PROVISIONS FOR RESIDENTIAL USES

### SECTION 700. Manufactured Housing Development

700.1 Requirements for RDMH: Manufactured homes approved as Residential Design Manufactured Homes (RDMH) shall be permitted in residential districts subject to requirements and limitations applying generally to such residential use in the districts, including minimum lot, yard and building spacing, floor area requirements, off-street parking requirements and approved foundations as described in this ordinance. The following standards shall be used in determinations of similarity in appearance between RDMH homes and site-built housing which has been constructed in adjacent or nearby locations.

- (a) The minimum width of the main body of the RDMH as located on the site shall not be less than twenty (20) feet, as measured across the narrowest portion, excluding any offsetting of portions of the home.
- (b) The minimum pitch of the main roof shall be not less than one foot of rise for each four (4) feet of horizontal run and minimum roof overhang shall be one (1) foot. In cases where site-built housing generally has been constructed in adjacent or nearby locations with roof pitches less than 1:4 and/or roof overhangs are less than one (1) foot, then the RDMH may have less roof pitch and overhang similar to the site-built houses. Roofing material may be used which is generally used for site-built houses in adjacent or nearby locations.
- (c) Any material may be used for exterior finish which is generally acceptable for site-built housing which has been constructed in adjacent or nearby locations, provided however that reflection for such exterior shall not be greater than from siding coated with clean white gloss exterior enamel.
- (d) No RDMH shall be placed or occupied for residential use on a site in a residential district until such foundation plans have been approved by the Zoning Inspector as to the appearance and durability of the proposed foundation and being acceptable, similar, or compatible in appearance to foundations of residences built on adjacent or nearby sites.
- (e) RDMH shall be placed on lots in such a manner as to be compatible with and reasonably similar in orientation to the site-built housing which has been constructed in adjacent or nearby locations.
- (f) In residential neighborhoods where adjacent or nearby site-built homes include garages and/or carports, a RDMH shall be required to be provided with a garage and/or carport compatible with the RDMH and the site-built garages and/or carports constructed in adjacent or nearby locations.
- (g) All manufactured homes, trailers, or similar portable residential structures approved prior to the adoption of this ordinance, and not located in a manufactured housing development or similar development, shall be declared conforming. When permits are requested for replacement of existing units, the

replacement unit shall be an RDMH as defined in this Ordinance. The Zoning Inspector may authorize modifications of minimum lot size, lot area, lot width and minimum side and rear setbacks, provided that such modification is the minimum necessary to accommodate the replacement unit. In no case shall the side yard setback be less than five (5) feet and the prevailing front setback shall be met.

700.2 Requirements for SDMH Development: Standard Design Manufactured Homes (SDMH) shall be permitted in a Manufactured Housing Development in an “R-4” Residence District only. Standard Design Manufactured Housing Developments shall conform to the following requirements:

- (a) It shall contain a minimum of four (4) acres.
- (b) It shall provide water to each lot through connection with the Village water system.
- (c) It shall provide sewage disposal through the Village sewage system, with a separate connection available to each lot.
- (d) It shall provide a clearly defined minimum lot area of six thousand (6,000) square feet with a minimum lot width of sixty (60) feet and a minimum of six hundred (600) square feet of floor area for each unit.
- (e) It shall provide a minimum of twenty (20) feet clearance between the sides of units, fifteen (15) feet between the ends of units, and a fifty (50) foot setback from any property line bounding the development. In computing these distance requirements, any lean-to’s auxiliary rooms and similar accessories connected to the unit shall be considered as part of the unit.
- (f) Direct vehicular access to the development by means of an abutting improved public street shall be provided. Each development shall be provided with thoroughfares for complete and uninterrupted traffic circulation within its boundaries. No manufactured home shall be located closer than 15 feet to such internal thoroughfares. All such streets and thoroughfares shall comply with the Subdivision Regulations of the Village of Strasburg.
- (g) Two (2) off-street parking spaces shall be provided for each manufactured home. One such parking space shall be provided at each site. The second space may be located in off-street parking areas located on the site so as to be no more than 150 feet from the unit for which the space is designed. In addition to the required resident parking, a minimum of one-half (0.5) off-street parking space per unit shall be provided in common parking areas distributed throughout the development in a manner which provides access to all units.
- (h) Each Manufactured Housing Development shall set aside a safe, usable area of not less than ten (10) percent of the gross area which shall be devoted to open space or recreational facilities, including space for community buildings and community use facilities, such as adult recreation and child play areas and

swimming pool. Where practical, recreational facilities shall be centrally located. Land set aside for such open space or recreation purposes shall be subject to legally enforceable reservation and restrictions that will ensure the preservation of the land in perpetuity and absolutely prohibit development of such land except for permitted recreational use by the owners and residents without profit. No area to be computed as recreation space shall have a dimension less than 20 feet, measured in any direction. Required front yards, side yards and buffer areas shall be excluded in the computation of open space. Said area shall be conveniently located for use by the residents and shall conform to all state and local requirements.

- (i) Boats and recreation vehicles shall not be stored on the individual manufactured home lots for forty-eight (48) hours or a longer period of time. An area for such storage shall be designated when the Manufactured Home Development plan is submitted.
- (j) All manufactured homes shall be erected on concrete pads or piers and have tie-downs and skirting. Such tie-downs and skirting shall be in place within thirty (30) days after placing of the unit on the lot. The Zoning Inspector may approve alternative means for securing the manufactured home provided that the intent of this Section is met.
- (k) The Manufactured Housing Development shall be landscaped with lawns, plantings and appropriate trees as approved by the Planning Commission.
- (l) Manufactured Housing Developments shall be effectively screened on all sides by walls, fences or plantings except where the area is sufficiently removed from other residential and other uses as determined by the Planning Commission. Walls or fences shall be a minimum of six (6) feet in height with no advertising thereon. In lieu of such wall or fence, a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than ten (10) feet in height when fully grown may be substituted.
- (m) Not more than one (1) freestanding accessory building may be placed on any manufactured home lot. Any such building shall be at least five (5) feet from units on other lots.
- (n) Each lot shall be provided with a suitably surfaced patio of at least one hundred (100) square feet and suitably surfaced walkways at least two (2) feet in width from the manufactured home door to the parking area, patio and adjacent street. Such surfaces shall be approved by the Planning Commission.
- (o) Manufactured Housing Development applications shall include at least the following:
  - (1) Flood plain information.

- (2) Proof of insurability of the development and of each unit, based on flood plain information.
- (3) Verification by the local Fire Department of a suitable street layout for fire protection purposes.
- (4) Fire hydrants located in consultation with the Village Council in accordance with regulations of said Council.
- (5) Area lighting plan.
- (6) Specifications for support of anchorage of manufactured homes, including foundations.
- (7) Evidence of compliance with all Jurisdictional Health Department requirements.

700.3 Prior Approved Developments: All manufactured housing developments approved prior to the adoption of this Ordinance shall be declared conforming. When permits are requested for replacement of existing units, the replacement units shall be an RDMH or SDMH as defined in this Ordinance. The Zoning Inspector may authorize modifications of minimum lot size, lot area, lot width and minimum side and rear setbacks, provided that such modification is the minimum necessary to accommodate the replacement unit. In no case shall the side yard setback be less than five (5) feet and the prevailing front setback shall be met.

700.4 Previously Approved SDMHs: SDMHs approved prior to the adoption of this ordinance, and not located in a manufacturing housing development or similar development, shall be declared conforming. When permits are requested and approved for replacement of these existing units, the replacement unit shall meet the following criteria before being permitted to be located on the site and in order to remain conforming.

- (a) must be 5 years old or newer
- (b) must be in good habitable condition
- (c) must be in place and set up within 2 months of the removal of the unit being replaced
- (d) must meet zoning setback requirements or otherwise be approved by the zoning inspector
- (e) must be the same square footage as the replaced unit or bigger
- (f) must have separation utility hook-ups

- (g) must be erected on concrete pads or piers and have tie-downs and skirting which shall be in place within thirty (30) days after placing of the unit on the lot
- (h) must be appropriately landscaped
- (i) must not have more than one (1) freestanding accessory building on the lot, and
- (j) must have a suitably surfaced patio of at least one hundred (100) square feet

The Zoning Inspector may authorize modifications of minimum lot size, lot area, lot width and minimum side and rear setbacks, provided that such modification is the minimum necessary to accommodate the replacement unit. In no case shall the side yard setback be less than five (5) feet and the prevailing front setback shall be met.

**SECTION 701. Parking or Storage of Recreational Vehicles, Trailers and Boats**

Unless otherwise authorized by Strasburg Village Council in accordance with this section, no recreational vehicle or other vehicle, and no boat trailer, utility trailer, travel trailer, camping trailer, or trailer incapable of being self-propelled and designed to be towed or pulled behind a motor vehicle, shall be prohibited in any residential district for forty-eight hours or a longer period of time except that such vehicles, trailers, and boats may be stored in an enclosed garage or other accessory building or parked in the rear yard of a residential property, provided:

- (a) That in all cases no living quarters shall be maintained or any business conducted in the recreational vehicle, trailer or boat while it is stored or parked.
- (b) The recreational vehicle, trailer or boat is intended and used for the sole use and enjoyment of the resident occupants of the property on which it is stored or parked.
- (c) The recreational vehicle, trailer or boat shall not be parked closer than five (5) feet to the side or rear lot lines of the property on which it is stored or parked.

Upon written application to the Strasburg Village Council, parking of such recreational vehicle(s), boat trailer, utility trailer, travel trailer, camping trailer, or any other trailer incapable of being self-propelled and designed to be towed or pulled being a motor vehicle, may be permitted in a location in a residential district other than the rear yard, provided that the rear yard is insufficient or incapable of having such vehicle(s) or trailer(s) parked therein, and all of the adjacent of having such vehicle(s) or trailer(s) parked therein, and all of the adjacent neighbors consent to the parking of said vehicle(s), trailer(s) and boat(s) in a location designated for the same, by Council.

**SECTION 702.        Swimming Pools**

702.1 Private Swimming Pools: Private swimming pools shall be allowed in any “B” or “R” district as an accessory use and shall comply with the following conditions and requirements:

- (a) The pool is intended and is to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located.
- (b) The pool or any accessory structure shall be located in the side or rear yard no closer than ten (10) feet to any property line of the property on which it is located.
- (c) The swimming pool, or the entire property on which it is located, shall be so walled, fenced or covered so as to prevent uncontrolled access from the street or from adjacent properties. Such fence or wall shall not less than five (5) feet in height. All walls, fences or covers shall be maintained in good condition and be secured with a lock.

702.2 Community or Club Swimming Pools: A community or club swimming pool shall be any pool constructed by an association of property owners or by a private club. Community and club swimming pools are permitted in all districts, but shall comply with the following conditions and requirements:

- (a) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdictions the pool is operated.
- (b) The pool and accessory structures thereto, including the areas used by the bathers, shall not be closer than one hundred (100) feet to any property line of the property on which it is located.
- (c) The swimming pool and all of the area used by the bathers shall be so walled or fenced or covered as to prevent uncontrolled access from the street or adjacent properties. The said fence or wall shall not be less than six (6) feet in height and maintained in good condition. All walls, fences or covers shall be maintained in good condition and be secured with a lock.

**SECTION 703.        Fences and Planting Screens**

For residential uses in any “R” district, fences, plant material and similar screening devices up to three (3) feet in height are permitted in yards fronting onto and facing a public street. These same screening devices up to six (6) feet in height are permitted in remaining yards, except that for visibility purposes, no such screening device shall be permitted over three (3) feet in height on side yards until the front yard building setback distances established by Section 500 of this Ordinance have been met.

Screening devices on corner lots in all districts shall only be permitted as set forth in Section 510 of this Ordinance.

**SECTION 704. Home Occupations**

704.1 Types of Home Occupations: Home Occupations shall be classified as either a Limited Home Occupation or an Expanded Home Occupation.

704.2 Limited Home Occupation: The following shall apply to Limited Home Occupations in any district.

- (a) No person other than a resident of the dwelling unit shall be engaged in such operation.
- (b) The Limited Home Occupation shall be conducted wholly within the dwelling unit. The use of the dwelling unit for the Limited Home Occupation shall be clearly incidental to the use for residential purposes by the dwelling unit occupants, and not more than twenty-five percent (25%) of floor area of the dwelling unit shall be used in the conduct of the Limited Home Occupation.
- (c) No mechanical equipment is to be utilized except that which is necessarily, customarily, or ordinarily used for household and leisure purposes.
- (d) There shall be no change in the outside appearance of the building or premises, including a sign, or other visible evidence or the conduct of such Limited Home Occupation.
- (e) No direct sales are permitted.
- (f) No traffic shall be generated by such Limited Home Occupation in greater volume than would normally be expected in residential neighborhoods.

704.3 Expanded Home Occupation: The following shall apply to Expanded Home Occupations in any district:

- (a) At least one (1) resident shall be engaged in such occupation, and not more than one (1) person other than a resident of the dwelling unit may be engaged in such occupation.
- (b) The use of the dwelling unit or accessory building or structure for the Expanded Home Occupation shall be clearly incidental and subordinate to the use for residential purposes by the dwelling unit residents, and not more than twenty-five percent (25%) of the dwelling unit or accessory building or structure shall be used in the conduct of the expanded home occupation.
- (c) No mechanical equipment is to be utilized except that which is necessarily, customarily, or ordinarily used for household and leisure purposes.



- (d) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such Expanded Home Occupation other than one sign, meeting the requirements of this Code.
- (e) Sales clearly incidental to the Expanded Home Occupation are permitted.
- (f) No traffic shall be generated by such home occupation in greater volume than would normally be expected in residential neighborhoods, and any need for parking generated by the Expanded Home Occupation shall meet the off-street parking requirements of this ordinance, and shall not be located in a required front yard.

**SECTION 705. Multi-family, Attached Single Family, and Cluster Development**

Multi-family, Attached Single Family, and Cluster Development shall be approved by the Planning Commission and regulated by the following special provisions. Standards in this Section shall apply to projects with more than four (4) units. Where strict application of these standards would serve no significant purpose, the Planning Commission shall have the authority to waive or modify these standards so long as the convenience and general welfare of neighboring uses is maintained.

705.1 Circulation and Access: Proposals for Multi-family, Attached Single Family, and Cluster Development shall include a circulation plan in accordance with the following:

- (a) Direct vehicular access to the development by means of an abutting improved public street shall be provided. Each development shall be provided with thoroughfares for complete and uninterrupted traffic circulation within its boundaries. The Planning Commission shall evaluate a proposed circulation plan to assure that it meets the following objectives:
  - (1) Residents and emergency services have an alternative access point to the development in the event that one access point is blocked or otherwise impassable.
  - (2) Interference with the free and convenient flow of traffic in abutting or surrounding streets is minimized.
- (b) Private streets proposed for a development shall be clearly delineated on the development plan together with the descriptive data as to the compliance with the Subdivision Regulations and the methods proposed for maintaining the private streets. In those cases where no request for public dedication is likely to be made, the Planning Commission may authorize modifications to the requirements of the Subdivision Regulations. Such authorization may include input from the Administrator, Village Engineer and other Village officials as applicable.
- (c) All private streets shown on the development plan shall be subject to legally enforceable reservations and restrictions acceptable to the Village, which will ensure the preservation of the private street in perpetuity.

- (d) Each development shall be served by a comprehensive walkway system, adequately separated from vehicular circulation.

705.2 Density and Usage: Density and usage of a development shall comply with the requirements of Sections 400 and 500 for the Zoning District in which the development is proposed to be located.

705.3 Dimensional Requirements:

- (a) The minimum setback from any private street shall be 20 feet. Such setback shall be measured from the edge of pavement or back of curb.
- (b) Required yards shall be excluded in the computation of common open space.
- (c) To screen and lessen the impact of the development on surrounding properties, a buffer shall be required around any boundary of a development that does not abut a public right of way. The buffer shall consist of a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than ten (10) feet in height when fully grown. The buffer shall be landscaped in accordance with an approved landscape plan and shall be maintained as open space which may be included as part of the required common open space.
- (d) In proposed cluster developments, for each square foot of land gained through the reduction of the minimum lot area per unit, equal amounts of land shall be set aside as permanent common open space within the cluster development. However, the minimum lot area per unit shall not be reduced to less than fifty percent (50%) of that which is required in Section 500.

705.4 Common Open Space:

- (a) Each development shall provide an area or areas devoted to open space or recreational facilities, including space for community buildings and community use facilities, such as adult recreation and child play areas and swimming pool with such areas indicated on a map submitted by the applicant. Such areas shall contain no structure other than those related to recreational use and shall not include drives and roads, parking areas or private open space. Open space shall not be separated from the development by existing roads. The amount of required common open space is based on the type of development as follows:
  - (1) For Multi-family and Attached Single Family Developments, an area not less than ten (10) percent of the gross area shall be devoted to open space and comply with the requirements of this Ordinance.
  - (2) For Cluster Developments, an area equal to or greater than the amount of land gained through the reduction of the minimum lot area per unit for each dwelling unit in the development shall be devoted to open space and comply with the requirements of this Ordinance.

- (b) To the extent possible, designated open space shall be contiguous acreage. Except areas that by their nature have a linear configuration, such as buffers, waterbodies, or trail links, the length to width ratio of any parcel of open space shall not exceed 4:1.
- (c) Required common open space shall not be depleted, reduced in size or converted to any other use.
- (d) Stormwater management ponds or basins may be included as part of the minimum required open space.
- (e) Land set aside for such open space or recreation purposes shall be subject to legally enforceable reservations and restrictions that will ensure the preservation of the land in perpetuity and absolutely prohibit development of such land except for permitted recreational use by the owners and residents without profit. Copies of the proposed documents that provide for the permanent preservation of open space shall be submitted with the application. No such application shall be approved until such documents are acceptable to the Village in form and content.

705.5 Private Open Space: In addition to the required common open space, there shall be a minimum of one hundred twenty (120) square feet of private open space provided adjacent to each dwelling unit and differentiated from common areas by means of such approved features as plantings, fences, walls, screens, patios, or decks.

705.6 Design Standards: Multi-family, Attached Single Family, and Cluster developments shall be developed and maintained in accordance with the following design standards:

- (a) Attractive variations in facade, width, color, exterior materials and rooflines shall be deemed desirable. Furthermore, parallel arrangements of buildings shall be avoided.
- (b) In developments of multiple buildings, other than single family detached dwellings, the minimum separation between buildings shall be no less than twenty (20) feet. Buildings may be attached if the Planning Commission determines that site design will be improved as a result. However, attached buildings shall be designed with visible offsets or with substantial variations in alignment.
- (c) Attached single family dwellings shall be in groups of not less than two (2) and not more than six (6) dwelling units.
- (d) Development shall be landscaped with lawns, plantings and appropriate trees as approved by the Planning Commission.

705.7 Parking: As a component of the parking required in Article VI, the Planning Commission may require that one-half (0.5) off-street parking space per dwelling unit be provided in common parking areas distributed throughout the development in a manner providing convenient access to all dwelling units.

**ARTICLE VIII –  
SPECIAL PROVISIONS FOR COMMERCIAL AND INDUSTRIAL USES**

**SECTION 800.        Performance Requirements**

In order to preserve and conserve the natural resources of the Village of Strasburg for the present and future use of the residents of the Village of Strasburg and in the interest of protecting the public health, safety and welfare of said residents, performance requirements for Commercial and Industrial uses shall apply.

800.1 Requirements: No proposed use in a "B" or "M" District shall be permitted that will create any dangerous, injurious, noxious or otherwise objectionable element or condition so as to adversely effect the surrounding area or adjoining premises. The following performance requirements shall apply to all proposed uses in the "B" and "M" Districts:

- (a) Fire Hazards: Any activity involving the use or storage of flammable or explosive materials shall be protected by adequate fire-fighting and fire suppression equipment and such safety devices as are normally used in the handling of any such material.
- (b) Radioactivity or Electrical Disturbance: No activity shall emit dangerous radioactivity at any point or electrical disturbance adversely affecting the operation at any point of any equipment other than that of the creator of such disturbance.
- (c) Noise and Vibration: No activity shall emit noise or vibration which is objectionable because of intermittence, beat, frequency or shrillness. Noise or vibration may equal but shall not exceed average street traffic noise or vibration on the nearest street bordering a non-commercial or non-industrial use. Noise or vibration resulting from temporary construction activity that occurs between 7 a.m. and 7 p.m. shall be exempt from the requirements of this Section.
- (d) Smoke and Air Pollution: No establishment shall be permitted to emit into the air smoke, fly ash, dust, fumes, vapors, gases and other forms of air pollution except as permitted and approved by the Ohio EPA Division of Air Pollution Control.
- (e) Odors: No malodorous gas or matter shall be permitted which is offensive or as to produce a public nuisance or hazard on any adjoining lot or property.
- (f) Glare: No direct or reflected glare shall be permitted which is visible from any property outside a "B" or "M" District or from any public street, road or highway.
- (g) Erosion: No erosion, by either wind or water, shall be permitted which will carry objectionable substances onto neighboring properties.

- (h) Surface Water and Ground Water Pollution: No use or construction of any improvement upon any premises shall be commenced or altered without first notifying the Planning Commission of the intended use, construction or alteration of use or construction, and without first obtaining the necessary permits of the exceptions from the State of Ohio, Environmental Protection Agency, or other state or federal regulatory authority, including but not limited to, industrial waste water discharge permits to install under the Federal Water Pollution Control Act, as amended; the Atomic Energy Act of 1954, as amended; the Solid Waste Disposal Act, as amended; and other federal or state laws as they may affect surface water and groundwater resources. Notwithstanding the fact that all permits have been obtained and all notification has been given pursuant to the immediately preceding paragraph, any commercial or industrial entity shall further be prohibited from engaging in any or all of the following activities:
- (1) On-site disposal and/or containment of domestic, industrial, commercial, and animal wastes, not treated in accordance with EPA standards;
  - (2) The operation of animal feedlots, breeding, and rearing pens;
  - (3) Burial of storage tanks;
  - (4) Drilling of gas or oil or water wells, except those water wells required by federal, state or local governing bodies, including but not limited to EPA.
- (i) Other Hazards: Other hazards not specifically addressed by the performance standards established herein shall be made known to the Zoning Inspector by any establishment proposing to locate in a "B" or "M" district. Regulations for such hazards shall be as determined by the Planning Commission.

#### 800.2 Administration and Enforcement Provisions

- (a) All applications for zoning certificates shall be accompanied by certification from a professional engineer registered in the state of Ohio that the proposed use can meet the performance standards set forth in Section 800.1. The Zoning Inspector may waive all or part of this requirement when it is determined that the proposed use is not relevant to the performance standards.
- (b) Methods and procedures for the determination of the existence of any dangerous and/or objectionable elements shall conform to the measurement standards of the Ohio EPA or other regulatory agency applicable to the situation being considered.
- (c) The Zoning Inspector shall investigate any reported violation of the performance requirements. If the Zoning Inspector finds that a professional determination of the existence and nature of the violation is necessary, the services of an engineer or qualified professional may be authorized by the

Village Council. The cost of such services incurred by the Village in establishing a violation shall be paid by the violator if such violation is established. If no violation is established, the cost shall be borne by the Village.

**SECTION 801. Mineral Extraction, Storage and Processing**

Extraction, storage and processing of minerals shall be permitted only in those Districts specified in the Use Regulations of Article IV, in accordance with the performance requirements of Section 800, and the following requirements:

- (a) Mineral extraction, storage or processing shall not be conducted closer than five hundred (500) feet from any "R" District, nor closer than two hundred (200) feet from any structure used for human occupancy in any other district.
- (b) Buildings and structures associated with mineral extraction, storage or processing, for which no future use is documented by the operator shall be demolished and removed.
- (c) Prior to the issuance of a zoning certificate, the operator of the proposed use shall file with the Zoning Inspector a plan providing the items required by Section 1102 and the following:
  - (1) A location map which clearly shows areas to be mined and the location of adjacent properties, roads and natural features;
  - (2) Information on the anticipated depth of excavations and probable effect on the existing water table, public utilities, roads and surface drainage; and,
  - (3) A detailed plan for the restoration of the area to be mined which shall include the anticipated future use of the restored land, the proposed final topography indicated by contour lines of no greater interval than five (5) feet, the type and number per acre of trees or shrubs to be planted, and the location of future roads, drives, drainage courses, or other improvements contemplated.
- (d) The operator shall file with the Council a bond payable to the Village and conditioned on the faithful performance of all requirements contained in the approved restoration plan. The rate, per acre of property to be mined, of the required bond shall be as fixed by ordinance of the Council. The bond shall be released upon written certification of the Zoning Inspector that the restoration is complete and in compliance with the restoration plan.
- (e) When determined to be necessary for the protection of public safety, the Planning Commission may require fencing to be erected and maintained around the entire site or portions thereof.

**SECTION 802. Automobile Wrecking and Metal Salvaging**

- (a) The dismantling, wrecking, or salvaging of materials, including but not limited to, automobiles, trucks, motor vehicles or heavy equipment for the sale or storage of the salvaged parts or material shall be permitted only in an "M-2" District in accordance with Section 400 and properly screened in accordance with this section.
- (b) The dismantling, wrecking, or salvaging operation shall be effectively screened from public view on all sides by means of walls, fences or plantings. Walls or fences shall be a minimum of eight (8) feet in height with no advertising thereon. In lieu of such wall or fence, a strip of land not less than fifteen (15) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than eight (8) feet in height may be substituted. Storage of materials shall not exceed the height of the screening.

**SECTION 803. Temporary Buildings**

Temporary buildings and construction trailers used in conjunction with construction work only may be permitted in any district during the period of construction work is in progress. Such temporary buildings shall be removed at such time that active construction ceases.

**SECTION 804. Open Storage and Display of Material and Equipment**

- (a) Screening Required: The open storage and display of material and equipment incident to permitted or conditional uses in "B" or "M" Districts shall be permitted provided the area used for open storage and display shall be effectively screened from all adjoining properties in any "R" District by means of walls, fences, or plantings. Walls or fences shall be a minimum of four (4) feet in height without advertising thereon. In lieu of such wall or fence a strip of land not less than ten (10) feet in width and planted and maintained with an evergreen hedge or dense planting of evergreen shrubs not less than four (4) feet in height at the time of planting may be substituted.
- (b) Temporary Storage: The temporary open storage of contractor's equipment and material shall be permitted on the site upon which buildings or structures are being erected or installed and shall be removed at such time that active construction ceases.

**SECTION 805. Site Plan Review for Commercial and Industrial Developments**

805.1 Planning Commission Review Required: Site plans for the development of commercial and industrial projects that include new construction as well as structural alterations as defined in this Ordinance, shall be submitted to the Commission for review and approval prior to the issuance of a zoning certificate. Submission of site plans for the development of commercial and industrial projects shall be acted upon within sixty (60) days of the date of a complete submission to the Commission.

805.2 Review Criteria: The site plan review process is intended to help ensure that newly developed properties or redeveloped properties are compatible with adjacent development, and that safety, traffic and environmental impacts are minimized to the greatest extent possible, The Planning Commission shall use the following standards when reviewing the site plan:

- (a) Commercial and industrial uses shall be designed to:
  - (1) Shift drive-up windows, loading docks and overhead doors on the opposite side from residential property.
  - (2) Locate parking facilities adjacent to residential property.
  - (3) Locate trash bins, dumpsters and storage areas away from residential property.
  - (4) Locate office portions of a facility nearest to residential property.
- (b) When multiple buildings are proposed for a coordinated development, required setbacks shall be maintained around the perimeter of the group of main buildings and the boundary of the parcel. No minimum distance between the group of main buildings is required; however, such intervening space shall allow for adequate circulation and emergency access around each building.
- (c) Points of access or other means of vehicular ingress and egress shall be situated so as not to interfere with traffic flow and to provide safe and convenient access and to maintain adequate sight distances.
- (d) Landscaping shall be designed to:
  - (1) Maintain existing mature trees and shrubs to the maximum extent possible.
  - (2) Screen unsightly activities from public view.
  - (3) Break up large expanses of pavement with plant material.
  - (4) Provide an aesthetically pleasing landscaping design.

**SECTION 806. Adult Businesses.**

806.1 Location: Subject to all other local and state laws, an adult business may be located only in accordance with the following restrictions:

- (a) An adult business may only be located in an “M” District.
- (b) No such business shall be located on any lot fronting on Wooster Avenue.



- (c) No such business shall be located within one thousand (1,000) feet of any residentially-zoned district or any residentially-used lot, public library, private or public elementary or secondary school, public park or place of worship.
  - (d) No such business shall be located within one thousand (1,000) feet of another adult business.
- 806.2 Measurement to Property Lines: For the purpose of this Section, measurement shall be made in a straight line, without regard to intervening structures or objects, from the nearest portion of the building or structure used as part of the premises where an adult business is conducted, to the nearest property line of the premises of a use set forth in Section (c) above.
- 806.3 Measurement to Other Adult Business: For the purpose of this Section, measurement between two (2) adult businesses shall be made in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which each business is located.
- 806.4 Nonconforming Status: An adult business lawfully operating as a conforming use is not rendered a non-conforming use by the subsequent location of a residentially-zoned district or any residentially-used lot, public library, private or public elementary or secondary school, public park or place of worship within one thousand (1,000) feet of the adult business.
- 806.5 Hours of Operation: No adult business shall be open between the hours of 12:00 a.m. and 8:00 a.m.
- 806.6 Signs and Advertising: Advertising, signs, or any other exhibit depicting adult entertainment activities shall be arranged or screened to prevent public viewing from outside the building or premises. No outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to an adult use is permitted.
- 806.7 Limitations: Nothing in this section shall be construed to prohibit or limit the display, sale rental of descriptive, printed, film, or video material or any live performance which, taken as a whole, contains serious literary, artistic, political, medical, educational, or scientific value.

## ARTICLE IX - SIGNS

### SECTION 901. Purpose

No sign shall be constructed, erected, moved, enlarged, illuminated, substantially altered or permitted in any district except as hereinafter provided. All signs shall be considered permanent, temporary, exempt or prohibited.

### SECTION 902. Intent

The purposes of these sign regulations are:

- (a) To effectively communicate information while maintaining pedestrian and traffic safety;
- (b) To protect and enhance the unique character of the community by encouraging signs to be compatible with their surroundings;
- (c) To maintain the community's ability to attract sources of economic development and growth;
- (d) To minimize the possible adverse effect of signs on adjoining properties;
- (e) To fairly and consistently enforce the sign regulations.

### SECTION 903. Types and Standards of Signs Allowed With Permits

The types of signs described below are allowed with a Sign Permit, subject to the regulations of this Ordinance. Except as provided for in Section (a) below, no sign shall be used for display of advertising except that pertaining to the use carried on within such building.

- (a) Billboard Sign. A free-standing sign to be permitted only if it is located adjacent to the interchange of a controlled access highway, primarily designed to convey information which is not related to the principal use of the land on which such sign is located. Such sign shall be considered the main use of the property on which it is located and shall conform to the following:
  - (1) No billboard shall be located within one thousand (1,000) feet of another billboard abutting either side of the same street;
  - (2) The height of such signs shall not exceed one hundred (100) feet;
  - (3) The maximum area of any face of such signs shall not exceed two hundred (200) square feet;
  - (4) Such signs shall be unmovable and, if illuminated, must maintain constant illumination and not flash;
- (b) Bulletin Board Sign. A sign erected by a charitable, educational or religious institution for purposes of providing general information or announcing events that are held on the premises. Bulletin boards for a church, school, community or similar institutional use shall be permitted provided the area for such bulletin board or sign shall not exceed thirty-two (32) square feet in area per sign face. Such signs may be erected not less than ten (10) feet from the established right-of-way line of any street. Bulletin board signs are not permitted for dwellings.

- (c) Canopy Sign. A sign that is displayed and affixed flat on the surface of a canopy and does not extend beyond the limits of the canopy. Such sign is permitted as part of an awning, canopy, or other fabric, plastic, or structural protective cover over a door, entrance or window. The lowest point of a canopy shall be at least nine (9) feet above a sidewalk or other walkway and at least seventeen (17) feet above a driveway or road. One (1) such sign is permitted on a premises, and conveying information about activities conducted on the premises. If any portion of the sign projects above a public sidewalk or right of way, the owner shall maintain in force liability insurance in such form and such amount as the Village may determine.
- (d) Home Occupation Sign. A sign on the premises of a home occupation. Only one (1) such sign is permitted, which shall be no more than two (2) square feet in size and shall be limited to a wall sign. Illumination of such signs is prohibited.
- (e) Monument Sign. A sign permitted in lieu of a pole sign and mounted on a base which is set firmly in the ground, of which the top of the sign is not more than four and a half (4-1/2) feet high. Such sign shall not exceed twenty (25) square feet in area per sign face. Such signs may be erected not less than ten (10) feet from the established right-of-way .
- (f) Pole Sign. A sign which is attached to or a part of a self supporting structure. A free standing sign may be erected to serve a business or a group of business establishments. Such sign shall be a maximum of thirty (30) feet in height, having a maximum total sign area of one hundred (100) square feet with no portion of the sign located closer than ten (10) feet to any street right-of-way line. The supporting structure of a pole sign shall be set firmly in or below the ground not closer than five (5) feet to any street right-of-way line. There shall be only one (1) pole sign for each building, regardless of the number of businesses conducted in said building. No part of such sign shall project into the right-of-way of any street. In the case of a lot occupied or intended to be occupied by a group of businesses, the sign permit shall be issued in the name of the lot owner or agent rather than in the name of individual businesses. The Village shall not be responsible for enforcing the provisions of any allocation formula, lease or other private restriction.
- (g) Projecting Sign. A sign attached at an angle or perpendicularly to a wall of a building or structure. Only one (1) such sign is permitted, which shall be no more than eight (8) square feet per sign face. Such signs shall not project further than four (4) feet measured from the face of the main wall of the building provided that no part of the projecting sign shall extend nearer than one (1) foot to a curb line. The lowest point of a projecting sign or any part thereof shall be at least nine (9) feet above a sidewalk or other walkway and at least seventeen (17) feet above a driveway or road. If any portion of the sign projects above a public sidewalk or right of way, the owner shall maintain in force liability insurance in such form and such amount as the Village may determine.

- (h) Roof Sign. A sign erected or constructed as an integral part of a normal roof structure. Such signs may be erected provided that no part of the sign extends vertically above the highest portion of the roof and such that no part of the sign is separated from the rest of the roof by a space of more than six (6) inches.
- (i) Sidewalk Sign. A free-standing sign, not fixed to the sidewalk, which is placed on the sidewalk abutting the wall near the public entrance of a business only during those hours in which the establishment is open to the public. Examples include, but are not limited to, messages about special sales, daily menus, or regular merchandise. A sidewalk sign may be designed as, for example, a small pole-type sign or A-frame sign. Such signs shall have no illumination, and no elements that move or give the illusion of movement. The height of such sign shall be a minimum of three (3) feet and a maximum of four (4) feet. The maximum width shall be two (2) feet. The base of such sign shall not exceed (six) 6 square feet. The purpose of these requirements is to provide safety for pedestrians, including ability for most people to see over the sign, sturdiness so that signs are not easily moved or tipped over, and to maintain space for pedestrian traffic. Not more than one (1) sidewalk sign is permitted per establishment. The owner shall accept all liability for such sign. No sidewalk sign may obstruct a fire escape, door or other entrance or exit. The Zoning Inspector may prohibit those sidewalk signs where safety and emergency forces have determined that a hazardous condition will result from the location of such signs.
- (j) Street Banner Sign. A temporary banner suspended across a street, which is authorized by Village Council related to noncommercial special events, and which is intended for a limited period of display as determined by Village Council. The minimum clearance beneath the banner shall be sixteen (16) feet.
- (k) Subdivision or Multi-family Development Signs. A sign located at the entrance of a unified residential development for identification purposes. Such signs may be erected at any entrance to a residential subdivision or multi-family development, provided that there may be not more than two (2) signs identifying such subdivision or development. The total surface area of all such signs located at a single entrance may not exceed thirty-two (32) square feet.
- (l) Temporary Sign. A sign, or other advertising device, with or without a structural frame, in which the characters, letters, illustrations, or embellishments are applied to non-rigid plastic, vinyl, paper, or fabric of any kind. Such signs shall be related to special events, and are intended for a limited period of display. Temporary signs may be erected for a maximum period of thirty (30) days per event. Any such sign posted or utilized for a longer period than thirty (30) days must meet the requirements for permanent signs set forth in this Ordinance. The area of temporary signs shall be considered as part of the total square footage allowed for all signs and the total area of temporary signs shall not exceed a combined total of fifty (50) square feet.

- (m) Temporary Construction Sign. A temporary sign placed upon property for the purpose of advertising the sale or development of said property, and/or to identify the sponsors and agencies involved in the development. A temporary construction sign may not be illuminated, shall be erected only on the property for sale or being developed, and shall not be in excess of fifty (50) square feet. Additional signs may be requested or required by the Village to direct construction traffic.
- (n) Wall Sign. A sign attached parallel to, or painted on the wall or window surface, that is confined within the limits of an outside wall and displays only one sign surface. Such signs shall be attached directly to a wall, or painted on the wall or window surface, with the face of the sign parallel to the building wall. Projections of wall signs shall not exceed two (2) feet measured from the face of the main wall of the building.

**SECTION 904. Exempt Signs**

A permit is not required for the types of signs listed below. Exempt signs shall conform to all provisions of this Ordinance.

- (a) Public Signs. Notices by government agencies, including traffic control signs and other official signs and notices, but excluding signs posted by private individuals and organizations and which are intended to be seen by the public.
- (b) Sales or Rental of Premises. Signs not exceeding twelve (12) square feet in area, and advertising the sale, rental, lease or auction of the premises on which the sign is located.
- (c) Customary Residential Signs. Non-illuminated signs not exceeding a total of four (4) square feet in area that are customarily associated with residential use and that are not of a commercial nature, including, but not limited to:
  - (1) Signs giving property identification names or numbers or names of occupants;
  - (2) Signs on mailboxes or newspaper tubes;
  - (3) Signs posted on private property warning the public against trespassing, danger from animals or other noncommercial message.
- (d) Integral decorative or architectural features of buildings or works of art.
- (e) Incidental signs directing and guiding traffic on private property that do not exceed four (4) square feet and contain no advertising matter. Not more than one (1) such sign shall be erected in each two hundred (200) feet of street frontage.

**SECTION 905. Prohibited Signs**

The following signs are prohibited in all districts:

- (a) Signs Imitating Warning Signals. No sign shall display intermittent lights resembling the flashing lights customarily used in traffic signals or in police,

fire, ambulance, or rescue vehicles, nor shall any sign use the words "stop", "danger", or any other word, phrase, symbol, or character in a manner that might mislead or confuse an automobile or other vehicle driver.

- (b) Illegal Signs. No sign is permitted which does not meet the requirements of this ordinance or which cannot be demonstrated by the owner to have legal non-conforming status to the satisfaction of the Village.
- (c) Signs Within Street Rights-Of-Way. Except as herein provided, no sign shall be placed in any public right-of-way except publicly-owned signs, including but not limited to traffic control signs and directional signs. Signs shall not be erected or otherwise fixed to any utility pole, tree, stone, fence, building, structure or other object within any right-of-way.

**SECTION 906            Permitted Signs by Type and Zoning District**

Signs are permitted in accordance with all requirements of this Ordinance and the table set forth below. Signs not exempt or specifically permitted in a particular district are expressly prohibited in that district. "P" means "permitted with permit".

Sign Type	Zoning District										
	S-1	R-R	R-1	R-2	R-3	R-4	B-1	B-2	B-3	M-1	M-2
Billboard								P		P	P
Bulletin Board	P	P	P	P	P	P	P	P	P	P	P
Canopy							P	P	P	P	P
Home Occupations		P	P	P	P	P					
Monument	P							P	P	P	P
Pole								P	P	P	P
Projecting							P	P	P		
Roof								P	P	P	P
Sidewalk							P				
Street Banners							P				
Subdivision		P	P	P	P	P					
Temporary	P	P	P	P	P	P	P	P	P	P	P
Temporary Construction	P	P	P	P	P	P	P	P	P	P	P
Wall	P	P	P	P	P	P	P	P	P	P	P

**SECTION 907            General Provisions for All Types of Signs**

907.1 Maximum Allowable Sign Area. The area of all permanent and temporary advertising signs for any single business enterprise may have an area equivalent to one and one-half (1 1/2) square feet of sign area for each lineal foot of width of a building, or part of a building, occupied by such enterprise, but shall not exceed a maximum area of one hundred (100) square feet. For the purposes of this Ordinance, width shall be measured along the building face nearest parallel to the street line. In the case of a corner lot, either frontage may be used in determining maximum area of the sign

- 907.2 Determination of Sign Surface Area. The area of a sign shall be measured by the following method:
- (a) Areas Excluded from Calculation. Sign area shall not include foundations, supports or a base which contains no sign related elements.
  - (b) Frame or Cabinet. The area of sign faces enclosed in frames or cabinets shall be based on the outer dimensions of the frame or cabinet surrounding the sign face.
  - (c) Base Material. When a sign is on a base material, such as a wood board or plexiglass panel, and attached without a frame, the sign area shall be the dimensions of the base material
  - (d) Faces Containing Advertising. In computing the area of signs, all faces on which advertising is displayed are considered sign area.
  - (e) Area Within A Rectangle. When signs consist of individual elements attached or painted on a wall, window or canopy, the sign area is determined by a rectangle drawn around all the elements.
- 907.3 Sign Bonus. The Planning Commission may, but is not required to, grant a sign bonus if in its determination a proposed sign is produced with outstanding artistry and craftsmanship. The purpose of the Sign Bonus is to protect the unique, small town identity of Strasburg by encouraging one-of-a-kind signs of exceptional design and quality.
- (a) Applicability of Sign Bonus. The Sign Bonus may be applied to the following types of signs:
    - (1) Canopy
    - (2) Monument
    - (3) Pole
    - (4) Roof
    - (5) Wall
  - (b) Outstanding Design and Craftsmanship. A sign bonus may be granted if the proposed design is one-of-a-kind, is especially creative, crafted with exceptional skill, or uses unusually beautiful materials. Creative elements to be considered should include lettering, pictures and patterns, framing, poles and mountings, colors, shape and placement. A design that is used at other establishments in or outside of the community, even if it is of exceptional quality, does not qualify for the bonus.
  - (c) Bonus Dimensions. For applicable signs, the following bonuses may be granted;
    - (1) Up to fifteen percent (15%) increase of maximum sign area allowed.
    - (2) Up to fifteen percent (15%) increase in maximum height allowed.
- 907.4 Illumination of Signs. The following provisions shall be observed in the illumination of signs and advertising structures:

- (a) Internal or Reflected Light Permitted. All signs and advertising structures, except as otherwise restricted, may be illuminated internally or by reflected light provided the source of light is not directly visible and is so arranged as to reflect away from the adjoining premises and provided that such illumination shall not be so placed as to cause confusion or a hazard to traffic or conflict with traffic control signs or lights.
- (b) No Appearance of Flashing Lights. No illumination involving flashing, movement or causing the illusion of movement by reason of the lighting arrangement or other devices shall be permitted except that portion of a sign indicating the time, date or weather conditions.

907.5 Setbacks for Signs. Except as provided elsewhere in this Ordinance, signs shall conform to setbacks requirements as follows:

- (a) Near Intersections. At intersection of any streets, the setback of any billboard shall not be less than one hundred (100) feet from the established right-of-way of each street;
- (b) Signs Facing an "R" District. No sign shall be permitted which faces the front lot line of any lot in any "R" District within one hundred (100) feet of such lot line,
- (c) Side and Rear Setbacks. Signs shall be erected or placed in conformity with the side and rear yard requirements of the district in which located, except no sign shall be erected or placed closer than within fifty (50) feet to a side or rear lot line in a "B" or "M" district which is adjacent to an "R" District.
- (d) Maintain Traffic Visibility. No sign shall be erected which obstructs existing traffic visibility on any public right-of-way, public property or private property

907.6 Materials, Construction and Maintenance Standards.

- (a) No permanent sign other than a canopy shall be fabricated from fabric, flexible vinyl or non-rigid plastic.
- (b) All signs, canopies, including all supporting framework, shall be kept and maintained in a safe, clean, and orderly condition and appearance, and shall be repainted or otherwise maintained periodically by the owner to prevent deterioration caused by weather, age or any other conditions
- (c) All letters, figures, characters, and embellishments on a sign shall be safely and securely attached to the sign structure.
- (d) Materials used in sign fabrication that will be exposed to the weather when the sign is displayed shall be rated for exterior exposure.

## **SECTION 908. Abandoned Signs**

In the event a business ceases operation for a period of time in excess of ninety (90) days, any associated signs shall be considered abandoned and subsequently removed. Signs that pertain to a time event or purpose that no longer applies shall also be deemed abandoned and subsequently removed. All abandoned signs are prohibited and shall be removed by the owners of the signs or the owners of the premises at such owner's expense. For the purpose of this Ordinance, removal of the sign shall mean the sign face and any associated supporting



structures, or, the painting over of any wall sign in such a manner to completely cover the sign and restore the wall appearance to match the existing facade.

**SECTION 909. Legal Non-conforming Sign**

A Legal Non-conforming Sign does not conform to the requirements of this ordinance, but can be demonstrated by the owner to have been lawfully erected but made non-conforming by adoption of subsequent amendments of Village ordinances. Such signs must be maintained and repaired to ensure safe and attractive conditions. Legal non-conforming signs shall not be otherwise altered or moved unless made to comply with the regulations of this Section. Further, any sign or parts thereof which is removed or requires repairs which exceed sixty percent (60%) of its reproduction value, shall not be rebuilt or relocated unless made to comply with all regulations of this Section. The message of a legal non-conforming sign may be changed provided that such a change does not increase the nonconformity.

**SECTION 910. Sign Permits**

910.1 Separate Permits for Different Signs. A separate sign permit shall be required for the erection or substantial alteration, as determined by the Zoning Inspector, of each sign regulated in this Ordinance, provided however, that all signs erected within the first thirty (30) days of the initial establishment of a business may be obtained with a single permit. Repainting or changing the message of a sign for the same business shall not, in and of itself, be considered a substantial alteration.

910.2 Contents of Application for Sign Permit. A sign permit application shall be submitted by the applicant to the Zoning Inspector who shall review the application for completeness. The application shall contain the following:

- (a) A letter containing the name, address, telephone number and contact person for the applicant; a statement signed by the property owner to authorize the applicant to submit the application. The letter may, but is not required to, contain a written description of the proposed sign, a statement describing how the sign complies with the regulations of this Ordinance.
- (b) Drawings to scale of the sign, including the maximum sign area, height, color scheme, lettering or graphic style, lighting, and materials;
- (c) A plot plan of the proposed site showing the location of the proposed sign, location of buildings, parking lots, driveways, existing signs and landscaped areas on and adjacent to the proposed site; and zoning of adjacent properties;
- (d) A fee as determined by the Village.
- (e) The scale of drawings submitted with the application shall be sufficient to adequately evaluate whether the proposed signs comply with the regulations of this Ordinance.
- (f) The Zoning Inspector may waive any of the above requirements when, in his opinion, such detail is not required.

910.3 Sign Permit Expiration.

- (a) Permits for Street Banner Signs shall expire according to the determination of the Village Council.

- (b) Permits for Temporary Signs shall expire after the thirtieth day of display, or after one (1) year, whichever is first.
- (c) Permits for Temporary Construction Signs shall expire one (1) year after the date of approval and may be extended by the Zoning Inspector for good cause provided that substantial progress is being made on the development.
- (d) Permits for the erection, construction or alteration of all other signs shall expire one (1) year after the date of approval and may be extended by the Zoning Inspector for good cause provided that substantial progress is being made on work authorized by the permit. If the erection, construction or alteration has not begun within the one (1) year period, the permit shall be null and void after which time a new permit must be obtained subject to the regulations in effect at the time of submission of the new permit application.

**SECTION 911.        Violation of the Sign Regulations**

Violation of any of the provisions of this Ordinance pertaining to signs shall constitute a misdemeanor. Each day shall constitute a separate violation and shall be punished by a fine in the amount of \$100.00 per day. (Ordinance O-17-2005 and Ordinance O-13-2008)

## ARTICLE X - NON-CONFORMING USES

### SECTION 1000. Intent

It is the intent of this Article to accomplish the following:

- (a) To protect the legal status of uses and structures that were legal and conforming to laws that were in effect prior to adoption of this ordinance and subsequent amendments.
- (b) To permit the reasonable replacement of a legal, non-conforming use or structure which is destroyed by a catastrophe.
- (c) To encourage the reasonable and eventual conversion of a legal, non-conforming use or structure to conformance with the standards of this Ordinance.

### SECTION 1001. Restrictions On Legal Non-Conforming Uses

1001.1 Use or Structure May Continue After Amendments: Any lawful uses of buildings or land existing as of August 20, 1996 may be continued, even though such use does not conform to the provisions hereof, but subject to the requirements of this Ordinance. Whenever the use of a building or land becomes non-conforming through a change in the amended zoning ordinance or in the district boundaries, such use may be continued, or structure may continue to be used, subject to the provisions in the amended Ordinance.

1001.2 Discontinuance of Use: A non-conforming use which is discontinued for a period of one (1) year shall not again be used except in conformity with the regulations of the district in which it is located.

1001.3 Uses or Structures Partially Destroyed by Catastrophe: A legal, non-conforming use or structure which has been damaged by fire, explosion, act of God or a public enemy to the extent of sixty percent (60%) or more of its restoration value at the time of damage shall not be restored except in conformity with the regulations of the district in which it is located. When damaged by less than sixty percent (60%) of its restoration value, a non-conforming use may be replaced, repaired or reconstructed, and used only as before the time of damage, provided such repairs or reconstruction are started within six (6) months of the date of such damage., and provided that public health, safety and welfare are not jeopardized. The Zoning Inspector may require the property owner to remedy any public nuisance or safety hazard resulting from the damage to the structure. Such remedies shall be subject to review and approval of emergency and safety forces. If repairs or reconstruction or not completed within two (2) years of the date of such damage, the property and any structures shall not be used except in conformance with all provisions of this Ordinance. In the event that the owner and the Village do not concur on the reproduction value, a determination of reproduction value shall be made by three (3) practicing building construction contractors, one to be appointed by the owner, one to be appointed by the Municipality, and the third selected by the mutual consent of the two parties. Costs for the services of the building construction contractors shall be borne by the applicant.

1001.4 Conditional Uses Are Not Made Legal, Non-conforming Uses: It is not the intention herein to classify as non-conforming a use or building allowed in a district as a conditional use under the regulations of this ordinance.

- 1001.5 Uses and Structures Approved But Not Yet Existing: Any building arranged, intended or designed for a non-conforming use, or which would be a non-conforming structure, and which has been granted final approval of a zoning certificate, conditional use permit, variance, and all other permits or approvals, excluding the Zoning Compliance Inspection, prior to the adoption of this Ordinance may be completed as a legal, non-conforming use or structure and/or used for such legal, non-conforming use. provided it is completed within one (1) year after this ordinance or any subsequent applicable amendment takes effect.
- 1001.6 Determination of Legal, Non-conforming Status: Any person or corporation claiming the right of operation or use as a pre-existing legal non-conforming use as described in this ordinance shall make and preserve reasonable records and other proofs of the existence and extent of such use at the time it becomes non-conforming when this ordinance or any subsequent amendment takes effect. In those circumstances where the Village and the property owner do not agree on the status of a particular use, the Board of Zoning Appeals shall make any final determination on the status of a non-conforming use. Any property owner, tenant or lessee may apply to the Board of Zoning Appeals for a determination of the status of a non-conforming use. Such application may be made even if there is no proposed alteration of a structure or use.
- 1001.7 Use May be Extended in a Structure: The legal, non-conforming use of a building may be extended throughout those existing parts of the building which were arranged or designed for such use, provided, however, that no non-conforming use shall be extended to displace a conforming use.
- 1001.8 Expansion of Legal, Non-conforming Use: No such non-conforming use shall be enlarged or increased, nor extended to occupy more than ten (10) percent more than the ground area devoted to the use which existed at the time such use became non-conforming.
- 1001.9 Replacement of a Legal Non-conforming Use: When any non-conforming use is replaced by a permitted use, the use shall thereafter conform to the regulations for the district, and no non-conforming use shall thereafter be resumed. No non-conforming use shall be changed to another non-conforming use.
- 1001.10 Alteration of Dilapidated Structures: If a non-conforming structure becomes physically unsafe or unlawful due to lack of repairs and maintenance, and is declared by any duly authorized official to be unsafe or unlawful by reason of physical condition, it shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the district in which it is located.
- 1001.11 Structures May be Repaired for Wear: Nothing in this Article shall prevent the reconstructing, repairing or rebuilding of a non-conforming building, structure or part thereof rendered necessary by wear and tear, deterioration or depreciation, provided that the cost of such work done in any period of twelve (12) consecutive months does not exceed twenty (20) percent of the replacement value of such building or structure at the time such work is done.

**SECTION 1002.      Expiration Of Approval Of Changes**

Any approval by the Board of Zoning Appeals of a change in a legal, non-conforming use and/or structure shall expire if the use is not conducted as approved, or if construction of approved changes is not commenced within six (6) months of the date of approval.

## ARTICLE XI - ENFORCEMENT

### SECTION 1100. Zoning Inspector

- 1100.1 Duties of Zoning Inspector: It shall be the duty of the Village Zoning Inspector, who shall be appointed by the Village Council, to enforce this ordinance. It shall also be the duty of all officials and employees of the municipality to assist the Zoning Inspector by reporting to the Inspector or his designee upon new construction, reconstruction, or land uses or upon seeming violations. The Zoning Inspector shall make no change in this Ordinance nor vary the terms of this Ordinance in carrying out the duties of the position of Zoning Inspector.
- 1100.2 Appeal of Zoning Inspector Decisions: Appeal from the decision of the Zoning Inspector may be made to the Zoning Board of Appeals, as provided in Article XII.
- 1100.3 Zoning Inspector Maintains Records: The Zoning Inspector shall maintain records of applications for action by the Zoning Inspector, Planning Commission and Board of Zoning Appeals, all actions of Council pertaining to this Ordinance, all Zoning Certificates and inspection reports, and all approved and rejected applications. Copies shall be furnished upon request to any person having proprietary or tenancy interest in the building or land affected. A fee for copies may be charged as determined by Council.

### SECTION 1101. Zoning Permission for a Structure or Use

- 1101.1 Zoning Certificate Required: It shall be unlawful for an owner to construct, create, erect, change, convert, enlarge or otherwise alter any structure, building or land, or part thereof, until a Zoning Certificate shall have been issued by the Zoning Inspector. No property or part thereof shall be used for the operation of a business without a Zoning Permit.
- 1101.2 Zoning Certificates Are Issued by Zoning Inspector: It shall be the duty of the Zoning Inspector to issue the Zoning Certificate, provided he is satisfied that the structure, building or premises and the proposed use thereof conform with all the requirements of this Ordinance. The Zoning Inspector shall issue no such permits unless the plans, specifications and the intended use conform to the provisions of this Ordinance.
- 1101.3 Projects Requiring Zoning Permission: A Zoning Certificate shall be required for any use or structure which is regulated by the Zoning Ordinance, including all of the following:
- (a) Construction or structural alteration of any building or structure;
  - (b) Construction or structural alteration of accessory structures, including, for example, garages, barns, gardening sheds, gazebos, storage buildings, swimming pools, landscaping structures, driveways, parking and sidewalks.

- (c) Change in use of land, an existing structure, or an existing accessory structure to a use of a different use which shall include another permitted use within the same Zoning District.
- (d) Any change in the use of a legal, non-conforming use or structure.
- (e) Restoration of a legal, non-conforming use or structure to repair damage done by a catastrophe as described in Article X.
- (f) Demolition or removal of an existing structure.
- (g) Using the property or any structure on the property for the operation of a business.

1101.4 Projects Which Do Not Require Zoning Permission: Zoning permission is not required for projects involving the maintenance or repair of a structure and/or site improvements which are necessary to maintain such structure in good condition.

**SECTION 1102. Application for Zoning Certificate**

1102.1 Submittal Requirements: Zoning Certificates are issued on the basis of plans and specifications submitted to and approved by the Zoning Inspector. An application for a Zoning Certificate shall contain two (2) original, collated sets of the information listed below. Applicants are encouraged, but not required, to contact the Zoning Inspector to review the requirements for applications prior to submittal.

- (a) An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owner(s).
- (b) A site and building plan as described in this Section.
- (c) A fee as required in this Ordinance.
- (d) A description of any business to be operated on the property

1102.2 Contents of Site and Building Plan: The site and building plan shall show the information listed below. The scale of plans shall be sufficient to adequately evaluate whether the proposed site and building plan complies with the regulations of this Ordinance.

- (a) Project name, location and address, if available.
- (b) Applicant's name.
- (c) Map showing the general location of the project, including scale and north arrow.
- (d) Location and names of street(s) providing access to the project, and exact location of the project in relation to the nearest cross street.
- (e) Lot, parcel numbers and zoning district of the project and all adjacent properties, including across streets.

- (f) Dimensions of the lot(s), and location and use of existing structures and water bodies.
- (g) Required setback lines.
- (h) Location, height, size and use of proposed and existing structures and yards, according to all dimensions that are regulated in this Ordinance.
- (i) Location, width and names of existing streets, railroad rights-of-way, and easements.
- (j) Existing sewers, water lines, culverts and other underground structures, and power transmission poles and lines, within and adjacent to the site.
- (k) Location and sites of proposed easements and municipal utilities.
- (l) Location and dimensions of all vehicular and pedestrian facilities within and adjoining the site.
- (m) Location and dimensions of all off-street parking areas, including entrance driveways, maneuvering lanes, service lanes, loading areas, and similar areas.
- (n) Location, dimensions and proposed uses of all on-site recreation areas.
- (o) Locations of fire lanes.
- (p) Locations of refuse disposal, storage and removal areas.
- (q) Locations, type and size of plant material or fences for any required buffers.
- (r) Statement that no part of the land involved in the application has been previously used to provide required yard space or lot area for another structure.
- (s) Statistical data on all relevant characteristics of the proposed development, including number and size of dwelling units, percentage of lot coverage, total gross and net acreage, numbers and dimensions of parking spaces including handicapped accessible spaces.
- (t) The names of the building or paving contractor and the sewer and water contractor.
- (u) Survey by a registered engineer or surveyor.
- (v) Any other information which in the judgment of the Zoning Inspector may be necessary to provide for the administration of this Ordinance.

1102.3 Zoning Inspector May Require Additional Data or Waive Some Data: The Zoning Inspector shall have the authority to require additional data in an application if it is



necessary to determine if the proposed project conforms to the requirements of this Ordinance. The cost of additional information shall be borne by the applicant. Additionally, the Zoning Inspector shall have the authority to waive some data required in the application if he/she determines that it is not needed to evaluate whether the application complies with the provisions of this Ordinance. The intent of this provision is to provide sufficient data and to avoid unnecessary delay or expense to the applicant and Village in the preparation and review of applications for Zoning Certificates. It is not the intent of this Section to waive all requirements for a site and building plan, because such documentation is necessary to verify conformance with, for example, setbacks, buffers, use of primary and accessory structures, and parking requirements.

**SECTION 1103. Application Review and Issuance**

1103.1 Application Review: An application for a Zoning Certificate shall be processed as follows:

- (a) The applicant shall submit the application to the Zoning Inspector who shall determine whether the application is complete. If the application is deemed to be incomplete, the Zoning Inspector shall promptly inform the applicant. It shall be the responsibility of the applicant to prepare a complete application if consideration is to be given to such application.
- (b) If the application is determined to be complete, the Zoning Inspector shall evaluate the proposed project for conformance with this Ordinance within a reasonable time period. If the proposed project is determined to be in conformance, the Zoning Inspector shall promptly issue a Zoning Certificate. If the proposed project is determined to be not in conformance with this Ordinance, the Zoning Inspector shall promptly inform the applicant in writing of the refusal and the reasons for the determination.
- (c) The Zoning Inspector shall mark all sets of the application and plans as “approved” or “disapproved” and shall sign the documents. The Zoning Inspector shall maintain one set of the approved or disapproved application, and the approved Zoning Certificate on file in the Village offices. One set of the approved or disapproved documents shall be transmitted to the applicant.

1103.2 Zoning Certificate is Issued After Approvals: The Zoning Inspector shall not issue a Zoning Certificate for any application requiring a determination by the Village Council, Planning Commission or Board of Zoning Appeals unless the proposed project has been granted all final approvals by all such authorities.

- (a) When such approvals are final, and the applicant has not been required to submit revised plans, the Zoning Inspector shall promptly issue the Zoning Certificate.
- (b) When all necessary approvals by the Council, Planning Commission or Board of Zoning Appeals are final, and the applicant has been required to submit revised plans, the Zoning Inspector shall determine whether the revised plans

are in conformance with the approval by such authorities. If the Zoning Inspector determines that the revised plans are in conformance, he shall promptly issue the Zoning Certificate. If the Zoning Inspector determines that the revised plans are not in conformance, the Zoning Inspector shall promptly notify the applicant in writing, and state the reasons for the refusal of the Zoning Certificate. Further revised plans may be submitted by the applicant for determination of compliance by the Zoning Inspector.

- (c) If revised plans are a condition of approval of the Planning Commission and/or Council, the approval of the Village Council, Planning Commission or Board of Zoning Appeals shall expire in sixty (60) days after such final approval if the applicant fails to submit revised plans which are determined to be in conformance by the Zoning Inspector.

1103.3 Expiration of Zoning Certificate: The Zoning Certificate shall expire if the use, as approved, has not been conducted, or if the structure, as approved, has not been occupied after one (1) year of the date of approval. After the expiration date, the application for such Zoning Certificate shall be considered null and void.

1103.4 Extensions: The expirations set forth in this Section may be extended by the Zoning Inspector in the event of a change in circumstances and good cause shown by the applicant.

#### **SECTION 1104. Supplemental Regulations**

1104.1 Adequacy of Utilities: A Zoning Certificate or Certificate of Occupancy may be denied by the Zoning Inspector if he determines that the sanitary sewer system or public water system is not adequate to service the additional improvement(s). Such determination shall be made upon the consultation with and recommendation of other Village officials, including but not limited to the Village Engineer, water and sewer departments and Village Council. In no case shall the Village be required or obligated to provide new systems to service the proposed improvement.

1104.2 Drainage Requirements: A Zoning Certificate may be denied by the Zoning Inspector if he determines that the overland or concentrated drainage will be affected in such a manner that it will cause public health problems or will have a detrimental effect on the public drainage system or the public street or alleys. Such determination shall be made upon the consultation with and recommendation of other Village officials, including but not limited to the Village Engineer, water and sewer departments and Village Council. The Inspector may require the applicant to provide detailed information regarding the draining problem or solution thereof from a Registered Professional Engineer at the applicant's own expense.

1104.3 Building Locations to be Staked: Where construction or physical improvement of land is involved, the lot and location of the buildings to be erected thereon shall be staked out on the ground before construction is started and all dimensions shown on the filed plans shall be subject to inspection by the Zoning Inspector. The applicant must notify the Inspector when staking is completed. The Inspector shall check the stakes within a reasonable time and the stakes shall not be removed until the Inspector gives permission.

- 1104.4 Curbs and Sidewalks: All new curbs and sidewalks shall be approved by the Village Street Superintendent prior to construction of such and, at that time, the Village Street Superintendent shall inform the applicant of the final curb height or shall make available other pertinent information regarding the curb or walks. Determination as to whether a sidewalk or curb should be staked rests with the Village Street Superintendent after review of the situation.
- 1104.5 Inspection of Curbs and Sidewalks: All curbs and sidewalks within the Village right-of-way shall be built to Village Standards as established by the Village authorities. On completion of installation of forms for sidewalks or curbing, the applicant must notify the Inspector to schedule an inspection which he should complete within a reasonable time after being notified.
- 1104.6 Deed Restrictions: The Village does not assume any responsibility for the enforcement of restrictions previously set forth in the deed to the property for which application is made. Any plat restriction or variance governed by existing or new subdivisions shall take precedence over these rules and regulations. The provisions of this Section shall not apply to any restriction to which the Village has been made a party.
- 1104.7 Safety Requirements: At all times during construction, each owner or agent shall provide for the prevention of any public nuisance or safety hazard on site, including, but not limited to, securing exposed foundations and areas of excavation, and, prompt removal of debris.

**SECTION 1105.        Certificate of Occupancy**

- 1105.1 Compliance Inspection Required: Approval of a Zoning Certificate shall not be final until the premises have been inspected by the Zoning Inspector and issued a Certificate of Occupancy. A Certificate of Occupancy shall be issued if the Zoning Inspector determines that the structure and/or use permitted in the Zoning Certificate has been constructed and/or operated in compliance with the Zoning Certificate.
- 1105.2 Occupancy May Not Commence Without Certificate of Occupancy: Initial occupancy of a building or land, completion of an activity requiring a Zoning Certificate, and for non-residential uses, occupancy which commences with a change of use, tenancy, business ownership or termination of a vacancy of six months or more shall require a Certificate of Occupancy.
- 1105.3 Application for Certificate of Occupancy: A Certificate of Occupancy shall be applied for coincident with the application for a Zoning Certificate. The applicant shall provide access to all areas of the property as needed to make a complete check of all features regulated by the provisions of this Zoning Ordinance. The applicant is encouraged, but not required, to contact the Zoning Inspector to review the requirements for application prior to submittal.
- 1105.4 Process for Issuance of Certificate of Occupancy: An application for a Certificate of Occupancy shall be processed as follows:

- (a) The applicant shall notify the Zoning Inspector of the completion of the work authorized by the Zoning Certificate and request an inspection of the premises. If the applicant declines to make the premises available for inspection according to the provisions of this Section, the Certificate of Occupancy shall not be issued.
- (b) The Zoning Inspector shall make a physical inspection of the premises. It is strongly recommended, but not required, that the applicant or the applicant's representative attend the inspection.
- (c) The Zoning Inspector shall determine if the premises are in conformance with this Ordinance. If the premises are determined to be in conformance, the Zoning Inspector shall issue a Certificate of Occupancy. If the premises are not in conformance, the Zoning Inspector shall promptly notify the applicant of the actions to be completed in order for the Certificate of Occupancy to be issued.
- (d) The Zoning Inspector shall mark the application materials as "approved" or "disapproved" and shall sign the documents. The Zoning Inspector shall maintain one set of the approved or disapproved application, and the approved Zoning Certificate if applicable, on file in the Village offices. One set of the approved documents shall be transmitted to the applicant.

1105.5 Expiration of Certificate of Occupancy: The Certificate of Occupancy shall expire in sixty (60) days if the structure or use is not occupied or conducted as approved.

1105.6 Extensions: The expirations set forth in this Section may be extended by the Zoning Inspector in the event of a change in circumstances and good cause shown by the applicant.

1105.7 Certificate of Occupancy for an Existing Use or Structure: A property owner, tenant or lessee may make a written request to the Zoning Inspector for a Certificate of Occupancy for any building or premises existing at the time of enactment of this Ordinance. After reviewing the application and inspecting the premises, the Zoning Inspector shall document the extent and kind of uses made of the building or premises and issue a written determination as to compliance with this Ordinance. There shall be no fee for a Certificate of Occupancy issued in accordance with this Section.

**SECTION 1106.      Fees**

1106.1. Fees Charged: Fees shall be charged which are sufficient to cover the costs of administration. No application shall be officially accepted until all required fees have been paid. A fee, in accordance with the following schedule of amounts, shall accompany each application for a Zoning Certificate or Certificate of Occupancy:

- (a) Zoning Certificate (includes accompanying Certificate of Occupancy)  
Dwelling , per unit, including manufactured homes ..... \$ 50.00

Commercial, Industrial or Institutional .....	\$100.00
(plus) each additional five thousand (5,000) square feet of Commercial or Industrial building floor space or fraction thereof in excess of ten thousand (10,000) square feet of floor space .....	\$ 25.00
Accessory Building, Structure or Fences .....	\$ 25.00
Residential addition or alteration, or demolition .....	\$ 25.00
Nonresidential addition or alteration, or demolition .....	\$ 25.00
Expanded Home Occupation .....	\$ 25.00
A request for the operation of any business activity on-premises.....	\$ 25.00
Sign, on-premises .....	\$ 25.00
Sign, Billboard .....	\$100.00
 (b) <u>Certificate of Occupancy:</u>	
The fee for the application for a Certificate of Occupancy as set forth in Section 1105 .....	\$ 25.00
 (c) <u>Application to Board of Zoning Appeals:</u> .....	
	\$100.00
 (d) <u>Application to Planning Commission:</u>	
Change in Zoning District	
Change of one lot or parcel .....	\$100.00
(plus) Each additional lot or parcel.....	\$ 25.00
Text Amendment .....	\$100.00
Conditional Use Permit .....	\$ 50.00
Temporary Use .....	\$ 25.00

1106.2. Deposit of Fees: The Zoning Inspector shall forthwith deposit all fees with the Village Clerk.

1106.3. Zoning Inspector May Double Fee Charged: In the event that development is undertaken or a use commenced before a Zoning Certificate has been obtained, the Zoning Inspector may double the fee charged for the Zoning Certificate.

**SECTION 1107. Violations, Remedies, and Penalties**

1107.1 Fines for Violations: It shall be unlawful to locate, erect, construct, reconstruct, enlarge, change, maintain or use any building, structure, or land in violation of any regulation in or any provisions of this Zoning Ordinance, or any amendment or supplement thereto adopted by the Council. Any person, firm or corporation violating any regulation in or any provision of this Zoning Ordinance, or any amendment or supplement thereto, shall be deemed guilty of a minor misdemeanor. Each and every day during which such illegal location, erection, construction, reconstruction, enlargement, change, maintenance or use continues may be deemed a separate offense.

1107.2. Remedies: Any Certificate, including approvals and permissions by any authority of the Village, issued upon a false statement of any fact, whether or not given intentionally, which is material to the issuance thereof, shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Village Council, the Certificate shall be revoked.

1107.3 Complaints: Any person may file a complaint in regard to an alleged violation of this Ordinance. All such complaints shall be in writing and shall be filed with the Zoning Inspector, who shall promptly record and investigate such complaint. If the Village investigates an alleged violation, and the premises are found to be in compliance with the Zoning Ordinance, the Village Council may, but is not required to, charge reasonable costs of investigation to the complainant. Such charge may be made if, for example:

- (a) An individual or entity makes repeated complaints of alleged and disproved violations of the same type, or against the same or different premises; or
- (b) There is no obvious or reasonable observation of a violation; or
- (b) Similar circumstances.

It is the intent of this provision that the cost of reasonable complaints shall be borne by the Village, whether or not a violation is found to exist. Further, the intent of this provision is to discourage harassment of occupants and property owners who are in compliance with the Zoning Ordinance, and improper use of Village resources.

1107.4 Notice of Violation: If the Zoning Inspector finds that any provisions of this Ordinance are being violated, he shall proceed as follows:

- (a) The Zoning Inspector shall notify in writing the owner of record or authorized agent in violation. The notice shall indicate the nature of the violation, order the action necessary to correct the violation, and advise that the order may be appealed to the Board of Zoning Appeals.
- (b) Such notice shall be served by the Zoning Inspector to the property owner and the occupant of such premises in writing. Further, the Zoning Inspector shall post such notice in a conspicuous place upon the premises of the violation. Such notice shall remain as posted until removed by the Zoning Inspector who shall do so only when all corrections are complete.
- (c) After such an order is served or posted on the premises, no work, except to secure the property or correct such violation and comply with this Ordinance, shall be permitted on any building or tract of land included in the violation. Corrections shall be made only after all necessary permits have been approved.
- (d) If the owner or authorized agent fails to comply with such order within sixty (60) days after notice has been served, the Village Solicitor may be authorized by Village Council to institute appropriate action to prevent enjoin, abate or eliminate such violation.

1107.5 Legal Action Against Violators: In any case where any building is or is proposed to be located, erected, constructed, reconstructed, enlarged, changed, maintained or used or any land is or is proposed to be used in violation of this Ordinance or any amendment or supplement thereto, the Zoning Inspector, Solicitor, or any adjacent or neighboring property owner who would be specially damaged by such violation, in addition to other remedies provided by law, may institute injunction, mandamus, abatement, or any other appropriate action, actions, proceeding or proceedings to

prevent, enjoin, abate or remove such unlawful location, erection, construction, reconstruction, enlargement, change, maintenance or use.

## ARTICLE XII - BOARD OF ZONING APPEALS

### SECTION 1200. Purpose, Organization and Procedures

- 1200.1. Purpose: The purpose of the Board of Zoning Appeals (Board) is to hear appeals of decisions made by the Zoning Inspector; consider variances where there are unnecessary physical hardships in carrying out the strict interpretation of this Ordinance, providing such exception is in harmony with the general purpose and intent of the Ordinance and in accordance with the procedures and provisions specified in this Article; and to perform other duties as determined by the Village Council. The Board shall have the powers and duties as described in this Ordinance.
- 1200.2. Appointment: There is hereby established a Board of Zoning Appeals which shall consist of five (5) electors appointed by the Village Council. The Council shall choose a successor to fill any vacancy. The five (5) electors first appointed shall serve for terms of one (1), two (2), three (3), four (4), and five (5) years, respectively; thereafter appointments shall be for five (5) year terms, beginning January 1st. Each member shall serve until his successor is appointed and qualified. Vacancies shall be filled by the Council and shall be for the respective unexpired term. The members of the Board of Zoning Appeals may receive such compensation as the Council provides.
- 1200.3 Organization: Meetings shall be held at the call of the Chairman and at such other times as the Board may determine. The hearings of the Board of Zoning Appeals shall be public. However, the Board may go into executive session for discussion but not for vote on any case before it. The Board shall organize annually and elect a President, Vice-President, and Secretary. The Board shall adopt from time to time such rules and regulations, as it may deem necessary to carry into effect the provisions of this ordinance.
- 1200.4 Quorum: Three (3) members of the Board shall constitute a quorum. The concurring vote of three (3) members of the Board shall be necessary to reverse any order or determination of the Zoning Inspector, to decide in favor of an application in any matter in which the Board has original jurisdiction under this zoning Ordinance, or to grant any variance from the requirements stipulated in this Ordinance.
- 1200.5 Minutes and Records: The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or, if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed with the office of the Clerk and shall be a public record.
- 1200.6 Witnesses and Oaths: The Board shall have the power to subpoena witnesses, administer oaths, and punish for contempt, and may require the production of documents under such regulations as it may establish.
- 1200.7 Department and Planning Commission Assistance: The Board may call upon the various officials and employees of the Village for assistance in the performance of its duties and it shall be the duty of such departments to render such assistance to the Board as may reasonably be required. The Planning Commission may provide such reports, information and recommendations prior to the Board's consideration of any case.



**SECTION 1201.      Applications**

An application, in cases in which the Board has original jurisdiction under the provisions of this ordinance, may be taken by any person aggrieved, including a tenant, or by a governmental officer, department, board or bureau. Such application shall be filed with the Zoning Inspector who shall transmit same to the Board. An application to the Board shall contain two (2) original, collated sets of the information listed below. Applicants are encouraged, but not required, to contact the Zoning Inspector to review the requirements for applications prior to submittal. No hearing will be scheduled until a complete application is filed which contains the following:

- (a) An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owner(s).
- (b) A site and building plan as described in Sections 1102.1 and 1102.2.
- (c) Names and addresses of owners of properties within two hundred (200) feet of the subject property.
- (d) A fee as required in this Ordinance.

**SECTION 1202.      Hearings**

1202.1 Notices Required: The Board shall fix a reasonable time for the hearing of an appeal, give at least ten (10) days public notice thereof in a newspaper of general circulation in the Village and at least ten (10) days notice to owners of property within two hundred (200) feet of the subject property. It shall be the responsibility of the applicant to provide names and addresses of property owners. The applicant shall be advised of the date, time and place of the hearing and further, that he or a representative must appear to have the application or appeal heard. The Chairman of the Planning Commission shall be given at least ten (10) days notice of a scheduled hearing

1202.2 Public Hearings: The hearings of the Board shall be public. However, the Board may go into executive session for discussion but not vote on any case before it.

1202.3 Adjourned Hearings: Upon the day for hearing any application or appeal, the Board may adjourn the hearing in order to permit the obtaining of additional information or to cause such further notice as it deems proper to be served upon such other property owners as it decides may be substantially interested in said application or appeal. In the case of an adjourned hearing, persons previously notified and persons already heard need not be notified of the time of resumption of said hearing unless the Board so decides.

**SECTION 1203.      Actions of the Board**

1203.1 Decision of the Board: The Board shall decide all appeals and variances within thirty (30) days after the final hearing thereon.

- 1203.2 Transmittal of Board Decision to Applicant: A certified copy of the Board's decision shall be transmitted to the applicant and property owner which was the subject of the appeal. Such decision shall be binding upon the Zoning Inspector and observed by him, and he shall incorporate the terms and conditions of the same in the permit to the applicant or appellant, whenever a permit is authorized by the Board.
- 1203.3 Date Decision of the Board Becomes Final: A decision of the Board shall not become final until the expiration of five (5) business days from the date such decision is made, unless the Board shall find the immediate taking effect of such decision is necessary for the preservation of property or personal rights and shall so certify on the record.
- 1203.4 Board Action and Appeal of Board Decision: The Board may reverse or affirm, wholly or partly, or may modify the order, requirements, decision, or determination appealed from and shall make such order, requirement, decision or determination as in its opinion ought to be made in the premises and to that end shall have all powers of the Zoning Inspector from whom the appeal is taken. Any party adversely affected by a decision of the Board may appeal to the Court of Common Pleas of the County on the ground that the decision was unreasonable or unlawful.

#### **SECTION 1204. Appeals**

- 1204.1 Purpose: The purpose of an application for appeal is to give the Board the opportunity to ensure that Village Ordinances have been properly interpreted and enforced by the Zoning Inspector. It is not intended to permit the Board to override the purpose and intent of Village Ordinances which may only be done through legislative action by the Village Council.
- 1204.2 Deadline for Filing Appeal: An appeal to the Board may be taken by any person aggrieved or by an officer of the Village affected by any decision of the Zoning Inspector. Such appeal shall be taken within twenty (20) days after the initial decision by the Zoning Inspector, by filing with the Zoning Inspector and with the Board a notice of appeal specifying the grounds thereof. The Zoning Inspector shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. The appeal shall include application materials as required in Section 1201.
- 1204.3 Appeal Stays Further Proceedings: An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Inspector shall certify to the Board of Zoning Appeals after the notice of appeal shall have been filed with it that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board or by a court of equity after notice to the officer from whom the appeal is taken and on due cause shown.

#### **SECTION 1205. Variances**

- 1205.1 Criteria for Variances: The Board shall have the power to hear and decide appeals and authorize such variances from the provisions or requirements of this ordinance as will

not be contrary to the public interest, but only in such cases where, owing to special conditions pertaining to a specific piece of property, the literal enforcement of the provisions or requirements of this ordinance would cause undue and unnecessary hardship. In authorizing a variance, the Board may attach such conditions and require such guarantee or bond as it may be necessary to assure compliance with the objectives of this ordinance. When considering a request for a variance, the Board may grant a variance in the application of the provisions of the zoning ordinance only if all of the following required findings are made:

- (a) That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions of the property generally created by the provisions of the zoning Ordinance in the neighborhood or district in which the property is located, and not by an action or actions of the property owner or the applicant.
- (b) That because of such conditions or physical circumstances there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- (c) That the granting of the variance will not adversely affect the rights of the adjacent property owners or residents;
- (d) That the strict application of the Zoning Code of which the variance is requested will constitute unnecessary hardship upon the property owner or the applicant, and that such unnecessary hardship has not been created by the appellant.
- (e) That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located.
- (f) That the variance desired will not adversely affect the public health, safety, morals or general welfare
- (g) That the variance will not adversely affect the delivery of emergency, safety or government services
- (h) That the variance, if authorized, will represent the minimum use or area variance that will afford relief and will represent the least modification possible of the regulation and issue.

1205.2 Board May Recommend Zone Change: The Board may determine that the requested use or structure is not eligible for a variance, but may form the opinion that the proposed project is otherwise acceptable. The Board may make a recommendation to the Council for an amendment to the Zoning Ordinance. Notwithstanding the action of the Board, the applicant may apply for a zone change according to the Ordinances of the Village.

**ARTICLE XIII. PLANNING COMMISSION; DISTRICT CHANGES  
AND ORDINANCE AMENDMENTS**

**SECTION 1300.      Purpose**

The purpose of the Planning Commission is to review and make recommendations regarding zoning-related matters such as regulations and policies, to review and authorize projects which conform to the provisions of this Ordinance, and to perform other duties as determined by the Village Council. The Planning Commission shall have the powers and duties as described in this Ordinance.

**SECTION 1301.      Organization and Procedures**

1301.1 Appointment: The Planning Commission has been established by Council pursuant to Ohio Revised Code 713.01 and consists of five (5) voting members including the mayor, one (1) member of the legislative authority to be elected thereby for the remainder of his term as such member of the legislative authority, and three (3) citizens to be appointed by the mayor for terms of six (6) years each. All such members shall serve without compensation. Any member may hold any other public office.

1301.2 Officers and Rules: The Planning Commission shall organize annually and elect a Chairman, Vice-chairman and Secretary. The Commission shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Ordinance, provided, however, that such rules are consistent with all other Ordinances of the municipality.

1301.3 Quorum: Three (3) members of the Commission shall constitute a quorum. A simple majority of the Planning Commission, if in attendance, shall be necessary to take any action in which the Commission has jurisdiction.

1301.4 Meetings: Meetings shall be held at the call of the chairman and at such other times as the Commission may determine. All meetings of the Planning Commission shall be public.

1301.5 Minutes and Records: The Planning Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Clerk and shall be a public record.

1301.6 Officials and Employees Shall Assist Commission: The Planning Commission may call upon the various officials and employees of the Village for assistance in the performance of its duties and it shall be the duty of such officers and departments to render such assistance to the Planning Commission as may reasonably be required.

**SECTION 1302.      Applications to Planning Commission**

Any person, firm or corporation owning or leasing land and/or a structure or portion of a structure may file an application with the Zoning Inspector who shall transmit same to the Planning Commission. An application to the Planning Commission, shall contain two (2) original collated sets of the information listed below. Applicants are encouraged, but not required, to contact the Zoning Inspector to review the requirements for applications prior to submittal.

- (a) An application form, available from the Zoning Inspector, to be completed and signed by the applicant and property owner(s).
- (b) A site and building plan as described in Sections 1102.2 and 1102.3.
- (c) Names and addresses of property owners and occupants of properties within two hundred (200) feet of the subject property.
- (d) A fee as required in this Ordinance.

**SECTION 1303.      Notices and Hearings**

1303.1 Date for Public Hearing: Upon the filing of an application, the Commission shall, when required, set a date for a public hearing thereon, which date shall not be less than twenty (20) nor more than forty (40) days from the date of the filing of a complete application.

1303.2 Public Hearing by Commission: Before submitting its recommendation on a proposed amendment to the Village Council, the Commission shall hold a public hearing, notice of which shall be given by publication in a newspaper of general circulation in the municipality at least twenty (20) days before the date of the hearing. The notice shall state the place or places and times at which the proposed amendment to the ordinance, including text and maps, may be examined.

1303.3 Notice to Property Owners: If the proposed amendment or supplement intends to rezone or redistrict ten (10) or less parcels of land, as listed on the tax duplicate, written notice of the hearing shall be mailed by first-class mail at least twenty (20) days before the date of the public hearing to all owners of property within and contiguous to and directly across the street from such area proposed to be rezoned to the address of such owners appearing on the county auditor's current tax list or the treasurer's mailing list and to such other list or lists that may be specified by the Commission. The notice shall state the place or places and times at which the proposed amendment to the ordinance, including text and maps, may be examined. The failure to notify, as provided in this Section, shall not invalidate any recommendations adopted hereunder, it being the intention of this Section to provide, so far as may be possible, due notice to persons substantially interested in the proposed change that an application is pending before the Commission, proposing to make a change in the zoning district map or the regulations set forth in this ordinance.

**SECTION 1304. Action by the Planning Commission; Council**

1304.1 Action of Commission: The Planning Commission shall make a recommendation on the proposed amendment to the Village Council. The Commission may recommend that the application be approved as requested, it may recommend a modification of the zoning amendment requested in the application or it may recommend that the application be not approved. The Planning Commission shall make its recommendation within thirty (30) days after the public hearing

1304.2 Public Hearing and Action by the Village Council: The recommendation of the Commission along with any necessary supporting documents shall be forwarded to City Council for their review. After receiving said recommendation and before adoption of such amendment, the Village Council shall hold a public hearing thereon, at least thirty (30) days notice of the time and place of which shall be given by publication in a newspaper of general circulation in the municipality. The notice may run concurrently with the notice of the Planning Commission hearing required by Section 1303.2 and shall state the place or places and times at which the proposed amendment to the ordinance including text and maps may be examined and other notices as required by state statutes. Within twenty (20) days after holding the public hearing, the Village Council shall consider such recommendations and vote on the amendment. No such ordinance, which differs from or departs from the recommendation of the Commission, shall take effect unless passed or approved by not less than three-fourths (3/4) of the membership of the Council.

**SECTION 1305. District Changes and Ordinance Amendments**

1305.1 Procedure for Change in Zoning Ordinance: Amendments or supplements to the zoning ordinance may be initiated by motion of the Planning Commission, by the passage of an ordinance therefor by the Village Council, or by the filing of an application therefor by one (1) or more of the owners or lessees of property within the area proposed to be changed or affected by the proposed amendment or supplement with the Planning Commission. Additionally, any resident, property owner or official of the community may suggest an amendment to the Zoning Ordinance, which the Council and/or the Planning Commission may decide to study.

Whenever a lot split, or creation of a new lot, results in one of the new lots being subject to 2 different zoning districts, the Commission, by motion and majority vote, may zone that lot to become wholly the district representing the majority of the lot. Absent that action, zoning would need to be established for the multi-zoned lot as defined in section 1303 and 1304 of this ordinance or otherwise stay as a multi-zoned lot.

1305.2 Criteria for Amendments: Amendments to the Zoning Ordinance and District Map may be approved if all of the following criteria are met:

- a) The amendment is consistent with the purpose of the district.
- b) The property to be rezoned is similar in character to other areas of the community that which are in the same zoning district.

- c) The amendment will not create a case of “spot zoning”, i.e., assign a property to a zoning district where it does not conform to the purpose.

**SECTION 1306. Land Annexed to the Village**

All land annexed to the Village subsequent to the adoption of this ordinance shall remain subject to the previous County or Township zoning district until such time as the official district map is amended according to the provisions of this Article. All land annexed to the Village which, prior to annexation, is not subject to County or Township zoning shall remain unzoned until the official district map is amended according to the provisions of this Article. The Planning Commission shall recommend an appropriate zoning classification for newly annexed land to Council. This classification will be determined through the amendment procedures as set forth in this Article, in conjunction with the annexation request. In order for an annexation request to be considered, the applicant must submit an application requesting the determination of zoning classification in accordance with Section 1302 of this Article.

**SECTION 1307. Conditional Use Requires Planning Commission Approval**

Conditional use approval from the Planning Commission shall be required prior to the issuance of Zoning Certificates for certain types of uses, so classified because of their uncommon or unique characteristics, infrequency of occurrence, large area requirements or special nature relative to size, design, location and mode of operation that each use be considered individually. Such use shall not be permitted by right. Uses which are conditionally permitted in Article IV must conform to all requirements of the zoning district, and may be permitted only if they conform to standards provided in this Article.

1307.1 Criteria for Conditional Use: The Planning Commission shall review an application for a Conditional Use in terms of the following standards and shall find adequate evidence that such use at the proposed location shall conform to the following standards:

- (a) Harmony with Neighborhood Character. Will be in harmony with the existing or intended character of the neighborhood and that such use will not change the essential character of the area; and
- (b) No Adverse Impacts on Neighbors. Will not adversely affect the use of the adjacent property; and
- (c) No Hazard to Health, Safety and Welfare. Will not adversely affect the health, safety, or welfare of persons residing or working in the neighborhood; and
- (d) Adequate Public Facilities. Will be served adequately by public facilities and services such as, but not limited to, streets, police and fire protection, drainage facilities, water, sewer or schools; and

- (e) Conforms with Intent of Zoning Ordinance. Will be in accordance with the general or specific objectives, and the purpose and intent of the Zoning Ordinance.

1307.2 Action by the Planning Commission: If after review of the information available, the Commission finds that in its opinion a request does not meet the above criteria, the request shall be denied. In granting any conditional use permit, the Planning Commission may impose such conditions in connection therewith as it may deem necessary to protect the public welfare and convenience, preserve the purpose and intent of this Article, and protect the character of the neighboring properties. Such conditions may include, but shall not be limited to, the regulation of:

- screening and buffers
- noise
- hours of operation
- access and traffic
- location of parking
- glare
- vibration
- odors
- dust
- smoke
- hazardous materials
- waste disposal

1307.3 Terms of Approval of Conditional Uses:

- (a) If a Conditional Use approved by the Commission is sold, leased or transferred, the successor or assigns shall be bound by the same conditions as approved by the Planning Commission. Any alteration of the conditionally permitted use by the successor or assign shall require approval by the Planning Commission of a new, separate conditional use permit.
- (b) Conditional use approval shall become null and void if within six (6) months of the date of issuance, the property owner or agent does not apply for a Zoning Certificate, or if the use shall cease for a period of one (1) year after it has been established.

1307.4 Revocation of Conditional Use Permit: A conditional use permit may be revoked if the established conditions for approval are violated. The Zoning Inspector shall advise the Planning Commission of any violations, and the Planning Commission may then revoke the Conditional Use Permit in accordance with Section 1107.



**ARTICLE XIV - VALIDITY AND SEPARABILITY**

If any article, section, sub-section, paragraph, sentence or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

**ARTICLE XV - REPEAL OF EXISTING LEGISLATION**

This ordinance repeals all existing legislation inconsistent with this Ordinance including all previous zoning ordinances.

**ARTICLE XVI - EFFECTIVE DATE**

This ordinance shall become effective from and after the date of its approval and adoption, as provided by law.

PASSED:

December 14, 2020  
(Date)

Attest:

/s/ Jennifer Van de Vusse  
Fiscal Officer

/s/ Steve Smith  
Mayor, Village of Strasburg

/s/ Richard L. Fox  
Legal Counsel